

Judges in the Community

Part 4 - Choosing Judges

by Tim Kelley

To serve as judge for the people of God is a tremendous responsibility, one that most believers would rather not accept. Some who might be willing to take on the responsibility will often hold back out of fear that others in the congregation may assume that the person simply seeks power and authority. Others may refuse the calling because they are concerned they may make an incorrect decision. But if we are to ever to become a people who can work together to further the Kingdom, there will need to be a system of judges in place who can help His people work through the problems that invariably arise when two or more are walking together.

In this series we have discussed why there needs to be judges and that a system of judges was one of the first things YHVH wanted to have established when Israel entered the land. We also saw what a person should do if he wanted to serve as a judge, as well as how he should go about performing the service of judging the people of God. In this final installment, we'll discuss the things a congregation should consider when they set out to choose judges. We'll cover these three points:

- the Biblical qualifications for a judge
- how to choose judges
- how to commission the ones you've chosen

Before we begin, we need to determine whether the judges and the elders were in fact the same. If so, we must consider the qualifications of both when compiling the qualifications of the judges. So before moving into the qualifications, let's answer that question.

The Exodus story reveals that even before YHVH delivered Israel from Egypt, there was a system of elders in the community of Israel.

NKJ **Exodus 3:14-16** ¹⁴ And God said to Moses . . . ¹⁶ "Go and gather the elders of Israel together, and say to them, 'The LORD God of your fathers, the God of Abraham, of Isaac, and of Jacob, appeared to me, saying, "I have surely visited you and seen what is done to you in Egypt;

These elders were apparently the leaders of small clans and were probably the patriarchs of the extended families. It's obvious that they were not chosen by Moses since he was just barely on the scene at the time. Though there were elders when Israel left Egypt, it would not be until the Israelites left Mount Sinai that 70 of the elders would be chosen to form the first "Sanhedrin".

Numbers 11:16 So the LORD said to Moses: "Gather to Me seventy men of the elders of Israel, whom you know to be the elders of the people and officers over them; bring them to the tabernacle of meeting, that they may stand there with you.

On the other hand, the system of judges in ancient Israel was established at Mount Sinai just before Israel entered into covenant with YHVH, and from that point on we see the judges and the elders mentioned at various places throughout the Torah, but never in the same context except in rare cases such as an unattended death.

NKJ **Deuteronomy 21:1** "If *anyone* is found slain, lying in the field in the land which the LORD your God is giving you to possess, *and* it is not known who killed him, ² "then your elders and your judges shall go out and measure *the distance* from the slain man to the surrounding cities.

In this case it appears judges and elders both play a part in determining where the man had been slain, but after that, the elders and the priests have the responsibility of performing the ceremony that brings atonement to the situation. The judges don't seem to have a role in that process.



Years later Joshua called the elders and the judges together on Mount Ebal where he wrote the Torah on the stones of the altar.

NKJ **Joshua 8:33** Then all Israel, with their elders and officers and judges, stood on either side of the ark before the priests, the Levites, who bore the ark of the covenant of the LORD, the stranger as well as he who was born among them.

And again, just before his death, Joshua called the elders and judges together, this time charging them, along with all Israel, to serve YHVH and stay clear of the gods of the Canaanites.

NKJ **Joshua 24:1** Then Joshua gathered all the tribes of Israel to Shechem and called for the elders of Israel, for their heads, for their judges, and for their officers; and they presented themselves before God.

In all of these cases it's clear that the elders and the judges are two different groups of people. The division of responsibilities appears to continue for the next 800 years, past the Babylonian captivity, even to the return of the Jewish people to the land of Israel where in Ezra 10:14 we have the example of the leaders of Israel, along with each city's elders and judges, being called to discuss the problem of intermarriage with the people of the land.

Moving on to the 1st century we see Messiah Yeshua making a statement that seems to indicate that the judges and the elders were still two distinct groups.

Matthew 5:22 "But I say to you that whoever is angry with his brother without a cause shall be in danger of the judgment (2920 – *krisis*). And whoever says to his brother, 'Raca!' shall be in danger of the council (4892 - *sunedrion*). But whoever says, 'You fool!' shall be in danger of hell fire.

In this passage, Yeshua is saying that a person who is angry without cause could be in danger of having to appear before the judges. On the other hand, a person who refers to his brother as "racal" – a derogatory term for "empty (headed)" - may have to face the "council", which in Greek is "sunedrion" (Strong's 4892) - obviously the Sanhedrin, the 70 member body of elders based on the events of Numbers 11.

Now that we see that the elders and the judges are two distinct groups, we can now discover the Biblical qualifications of those who would become judges as separate from those of elders.

The first place we actually see someone being called a judge is when that judge is YHVH himself -

NKJ **Genesis 18:25** "Far be it from You to do such a thing as this, to slay the righteous with the wicked, so that the righteous should be as the wicked; far be it from You! Shall not the Judge of all the earth do right?"

This is quite fitting because YHVH has – from the beginning – established Himself as the supreme judge, the "Judge of judges" you might say. All other judges serve at His pleasure and under Him, thus He is the clearest example of a righteous judge.

Moses is the first human judge of the Israelites. We see him judging the people from morning until evening, helping them understand the ways of God.¹ When his father-in-law arrives and sees that Moses has taken on a role much too big for himself, he offers this solution –

NKJ **Exodus 18:21** "... you shall select from all the people able men, such as fear God, men of truth, hating covetousness; and place *such* over them *to be* rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens.

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¹ Ex. 18:15



From this passage we see four distinct qualifications for judges: 1) able men, 2) who fear God, 3) men of truth, and 4) men who hate covetousness.

In the first chapter of Deuteronomy, Moses recalled this event, mixing in some of the details of the calling of the 70 elders in Numbers 11, but never-the-less clearly showing that he's talking about the judges.²

NKJ **Deuteronomy 1:13** 'Choose wise, understanding, and knowledgeable men from among your tribes, and I will make them heads over you.'

This passage provides three additional qualifications: 5) wise men, 6) with understanding, and 7) who are knowledgeable. Let's take all seven of the qualifications and see what they require of a candidate for judge of God's people.

Qualification #1 - Able Men

The Hebrew word from which we get "able" is "chayil" (7. ☐ – Strong's 2428). This word is used in various ways throughout the Tnakh, but in most cases implies a person of strength in character. An early example of "chayil" is where Pharaoh instructed Joseph to make the "chayil" men of his family the chief herdsmen of Pharaoh's livestock.

NKJ **Genesis 47:6** "The land of Egypt *is* before you. Have your father and brothers dwell in the best of the land; let them dwell in the land of Goshen. And if you know *any* competent (*chayil*) men among them, then make them chief herdsmen over my livestock."

Another example is that of Boaz, the husband of Ruth.

NKJ Ruth 2:1 There was a relative of Naomi's husband, a man of great wealth (*chayil*), of the family of Elimelech. His name was Boaz.

In this passage, "chayil" is translated "wealthy". Boaz was indeed wealthy, but he was also a God fearing man who knew and understood the Torah. In his efforts to obtain Ruth as his wife, he worked his way through the inheritance issues posed by the Torah even if meant that another man might have her.

Probably the best example of a "chayil" person is that of the Proverbs 31 woman.

Proverbs 31:10 Who can find a virtuous (chavil) wife? For her worth is far above rubies.

This proverb brings out many attributes of the "chayil" person including that of being industrious, an early riser, and one who provides good things for her family yet reaches out to the poor. In addition, she uses wisdom when she speaks, and most importantly – she fears YHVH.

Qualification #2 - Men who Fear God

What does it mean to "fear God"? In Exodus 18:21 passage, "fear" is translated from the Hebrew word "yarae" (እግ – Strong's 3373). According to Strong's, the word means "fearing, reverent, afraid".

It most cases where "yarae" or its root word "yarah" (Strong's 3372) is used, it indicates that the person is actually afraid of a person or their situation, but does God want us to be afraid of Him, or are we to have a healthy respect for Him? I tend to believe the later.

² Some believe that because Moses seems to be placing this event after Israel left Mt. Sinai, it has to be referencing the Numbers 11 passage, but Deut. 1:19 shows that the event took place while still at Horeb (Mount Sinai).



One of the Bible's men who "feared God" is Abraham.

NKJ **Genesis 22:12** And He said, "Do not lay your hand on the lad, or do anything to him; for now I know that you fear God, since you have not withheld your son, your only *son*, from Me."

Though Abraham "feared God", he was not afraid to ask questions of Him or to bargain with Him as in the example of the destruction of Sodom. Here we see Abraham saying to YHVH -

NKJ **Genesis 18:25** "Far be it from You to do such a thing as this, to slay the righteous with the wicked, so that the righteous should be as the wicked; far be it from You! Shall not the Judge of all the earth do right?"

You'll recall that in this story, Abraham dickered back and forth with God in regards to how many righteous men it would take to spare the city. Obviously, YHVH knew that there would not be even five righteous men, and thus humored Abraham with this challenge.

Throughout Israel's history, there were many other "God fearing" men such as Moses who, though he feared God, questioned Him as to why He was afflicting him with all those people? Then there is David, a man who wrote many Psalms about the fear of God, yet when he was asked if he wanted to face the wrath of men or of God, he chose the wrath of God saying –

NKJ **2 Samuel 24:14** . . . Please let us fall into the hand of the LORD, for His mercies *are* great; but do not let me fall into the hand of man."

David did indeed "fear God", but it was a healthy fear mixed with the understanding that YHVH loved His people, had mercy on those who turn to Him, and desired a good relationship with them.

Qualification #3 - Men of Truth

As we found in the second installment in this series, the standard for all judgment is the Torah, and the Torah is truth³. "Truth" is translated from the Hebrew word "emet" (カウス – Strong's 571), which

itself is derived from the root word "aman" () — Strong's 539) which is most often translated "believe". Thus it could be said that a "man of truth" is someone you can believe in. It's important for a person who is being accused of a crime to believe that his judge understands and applies the laws of the land, for if a person makes judgments based on his own whims, there is no justice.

Judges must also be able to discern if a person is or is not speaking truth, and if it's the whole truth. He must be someone who desires and diligently searches for truth and is not willing to simply take the witness at his word.

Yeshua is a good example of one who searched for the truth. Though He was not in the position to make a judgment, when the Pharisees brought Him a woman caught in adultery, He perceived that they were revealing a truth, but it was only half the truth. Knowing the Torah like the back of His hand, He noticed that they had failed to bring the man who was - obviously – also caught in adultery. He then began to write on the ground. Though we don't know what He wrote, could it be that He was writing the name or names of the men who had been with her . . . and could it be that one of those names could be theirs?

Like Yeshua, a man of truth can be trusted to follow the Torah in all his judgments.

Qualification #4 - Men who Hate Covetousness

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³ Psalm 119:142



The Hebrew word translated "covetousness" is "betsa" (ソビュー Strong's 1215). In the ESV⁴ it's translated "bribe". "Betsa" is the word that's used to describe the actions of the sons of Samuel –

^{NKJ} **1 Samuel 8:1-3** Now it came to pass when Samuel was old that he made his sons judges over Israel . . . ³ But his sons did not walk in his ways; they turned aside after dishonest gain (*betsa*), took bribes, and perverted justice.

Like their father, Samuel's sons were called to be judges, but unlike their father, they let that authority "go to their head" and began to sell their decisions. Thus many of the people were judged incorrectly. Instead of following the Torah in judgment, they were in open violation of it.

NKJ **Deuteronomy 16:19** "You shall not pervert justice; you shall not show partiality, nor take a bribe, for a bribe blinds the eyes of the wise and twists the words of the righteous.

It's interesting to note that it was the perversion of justice at the hands of Samuel's sons that caused the elders of Israel to call for a king. Continuing on with the next verse in the 1 Samuel passage –

^{NKJ} **1 Samuel 8:4-5** ⁴ Then all the elders of Israel gathered together and came to Samuel at Ramah, ⁵ and said to him, "Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations."

Perversion of justice through the taking of bribes was the reason the elders gave for wanting to replace their former king – YHVH – with a human king; and in spite of Samuel's warnings about the problems a human king would bring, the people could not be deterred.

The next three points come from Deuteronomy 1:13 where Moses is rehearsing the events of Exodus 18 and thus the first two points are similar to those in the book of Exodus.

Qualification #5 - Wise Men

Like the "chayil" man of qualification #1 above, the "wise" or "chakam" (¬¬¬¬ – Strong's 2450) man is one who is prudent and ethical. Wisdom, and how to be wise, is the theme of the book of Proverbs. In it, Solomon presented a number of points on wisdom, one of which is that we can learn how to be wise by observing the ant.

Proverbs 6:6 Go to the ant, you sluggard! Consider her ways and be wise . . .

In that proverb he showed that a wise person will "make hay while the sun shines" so as to provide for himself and his family and to prepare for hard times. This is a good point in regard to judges because if they do work hard and prepare, they will be much less likely to participate in the "betsa" described in qualification #4.

Like the Proverbs 31 woman, a judge who is endowed with wisdom will be organized in his job, his house, and his thoughts.

Qualification #6 - A Man with Understanding

"Understanding" is translated from the Hebrew word "biyn" (ユニー Strong's 995) and it means to "discern", "perceive", "consider". It is most commonly translated as "understanding". "Biyn" shares the same three letter root as does the word "beyn" (Strong's 996) which is most often translated "between". Thus a part of understanding is finding the meaning of what you see or hear. Today we would call it "reading between the lines". Many people can hear the facts, but fewer can combine the facts to see a message or point that is not clearly shown by the words or sights themselves. A good

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⁴ English Standard Version of the Bible



criminal detective is able to take what looks like a number of unrelated pieces of evidence and put them together to create a crime scene and thus obtain a conviction.

A judge is required to perform a "careful inquiry" to see whether the testimony of a witness is true.

Deuteronomy 19:16-18 "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

They must take what is said, combine it with what they see, and come up with a decision using understanding to draw all the pieces of information together.

Qualification #7 - Knowledgeable Men

This last requirement is probably not a character trait, but rather a requirement that the candidate must be known by his constituents to possess the six attributes listed above. The Hebrew word for

"knowledgeable" is "yada" (") – Strong's 3045) which means "to know", "perceive", "to know by experience", along with a number of other meanings. The ESV⁵ translates the passage as "... experienced men" while the YLT⁶ translates it "... known to your tribes". Most other translations follow one of these two examples.

If "experience" is the correct understanding then it could imply that the candidate had already been acting as a judge in his family or clan. If "known to your tribes" is correct, then it could imply that the candidate has for some time been exhibiting the above attributes to those he comes in contact with. This would have a bearing when we get to the second point in our study – choosing judges.

As far as I've been able to determine, these seven qualifications are all that the Tnakh gives for one to look for when choosing judges; but what about the New Testament? Since it's clear that there were judges in the first century, did Yeshua or any of the apostles change the requirements for judges? Apparently not. Though the judges are mentioned often in the New Testament accounts, any mention of qualifications for judges is simply not there, though there are qualifications for other responsibilities such as that of deacons, elders and bishops. Strangely enough, there appears to be no qualifications for apostles either. The omission of qualifications would indicate that these roles were already firmly established in the 1st century Jewish culture and thus there was no need for further clarification.

Now that we see the Biblical qualifications for being a judge, how then were the judges chosen?

The scripture tells us that when Israel finally did enter the Promised Land, one of their first duties was to establish judges . . .

Deuteronomy 16:18 "You shall appoint judges and officers in all your towns that the LORD your God is giving you, according to your tribes, and they shall judge the people with righteous judgment.

and when Messiah Yeshua returns, He will reinstitute the system of judges that began with Moses at Mount Sinai.

ESV Isaiah 1:26 And I will restore your judges as at the first, and your counselors as at the beginning. Afterward you shall be called the city of righteousness, the faithful city."

Thus it's incumbent upon us to try to determine how they were chosen.

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⁵ English Standard Version

⁶ Young's Literal Translation



There are the two passages in the Torah where Moses discusses the selection of judges. We'll look at each one separately.

Exodus 18 is the first mention of a system of judges in the Torah. In this chapter there are two verses that shed light on this question. Speaking to Moses, Jethro said -

NKJ **Exodus 18:21** "Moreover you shall select from all the people able men, such as fear God, men of truth, hating covetousness; and place *such* over them *to be* rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens.

After hearing Jethro's instructions, Moses complied.

NKJ **Exodus 18:25** And Moses chose able men out of all Israel, and made them heads over the people: rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens.

In verse 21, the Hebrew word for "select" is "chazah" (תְּבָוֹתָ – Strong's 2372). The Strong's definition is "to see, perceive, look, behold, prophesy, provide". "Chazah" is a root word from which we get other words pertaining to sight such as "choseh" (Strong's 2374), a seer or prophet; "chezev" (Strong's 2376), a vision; and "chazown" (Strong's 2377), a vision. Keeping in mind that Moses was instructed to choose men with certain character traits; all these words imply a perception of something but without really seeing it. On the other hand, if Moses wanted to convey the thought that he actually saw men with the required traits, he could have used another Hebrew word that does mean that you actually see something, and that word is "ra'ah" (תְּלֶבֶוֹ – Strong's 7200).

In verse 25, the Hebrew word for "choose" is "bachar" (¬¬¬¬ – Strong's 977) which means "to choose"," elect", or "decide for". This word is quite clear throughout the scripture, so it's understood that Moses did indeed choose, or at least made the final decision as to who would become a ruler - a judge of Israel.

But how did he go about choosing? Did he interview every single candidate?

Jethro's instruction was for Moses to choose men that possessed at least the first four qualifications we've listed above: 1) able men, 2) who fear God, 3) men of truth, and 4) men who hate covetousness. In order for Moses to recognize these attributes, he would have needed to work, walk, and talk with them . . . basically – get to know them. But for the most part, Moses only knew these men for probably no more than eight to twelve months – hardly enough time to judge a man's character, especially if limited to only brief encounters. Then there's another problem – the numbers. How many judges would Moses have to choose. To get some kind of idea, let's do some math.

According to Exodus 12, there were 600,000 Israelite men who came out of Egypt, and we can assume that most of them survived the 50-day journey to Mount Sinai. Moses was supposed to choose rulers of 1000's, 100's, 50's, and 10's. Assuming that these groups were not groups of individuals, but were at least families or clans, let's see how many rulers Moses was expected to choose. For the sake of this scenario, let's assume Moses is choosing rulers for clans and that each clan is made up of 10 families, thus there are 10 men in each clan. Thus a captain of 10 would rule over 10 clans of 10 men, or 100 men. Doing the math, there would be:

- 6,000 rulers of 10
- 1200 rulers of 50
- 600 rulers of 100
- and 60 rulers of 1000.

Thus Moses would have had to choose 7,860 rulers. That's a lot of men to get to know in 12 months . . . and they didn't even have Facebook! A more likely scenario would be that Moses had the people select candidates from among their clan leaders and then present a pool of them to Moses so he could make



the final selection. After all, the individual clan members were in the best position to determine the character of their leaders and would have been foolish to choose men without the proper qualifications. In this scenario, Moses would not have to know each individual candidate, but could rely of the input of those who were presenting the candidates. He could perceive (*chazah*) that the individuals met the qualifications without actually seeing (*ra'ah*) it. If indeed this was the way the initial selection was made, then the people would have a say in who would be their leaders, but Moses would make the final decision.

This scenario is supported in Moses' retelling of these events in Deuteronomy 1.

Deuteronomy 1:9-15 " And I spoke to you at that time, saying: 'I alone am not able to bear you . . . ¹³ 'Choose wise, understanding, and knowledgeable men from among your tribes, and I will make them heads over you . . . ¹⁵ "So I took the heads of your tribes, wise and knowledgeable men, and made them heads over you, leaders of thousands, leaders of hundreds, leaders of fifties, leaders of tens, and officers for your tribes.

In this passage Moses recalls talking to the people telling them to "choose" the men who would become the rulers, or in this case, the "heads". In verse 13, the Hebrew word for "choose" is "yahab" (ユュナー Strong's 3051), and it means "to give", "provide", "ascribe". This word is translated in Joshua 18:1 as "pick out".

NKJ **Joshua 18:4** "Pick out from among you three men for *each* tribe, and I will send them; they shall rise and go through the land, survey it according to their inheritance, and come *back* to me.

In this use of "yahab", the people are picking three men from each tribe and presenting them to Joshua who in turn sends them out. If "Yahab" means the same in Deuteronomy, then the people are to chose the candidates and present them. From that pool of candidates Moses will select and then appointed to the service those he believes will do the best job.

This, I believe, is the scenario God used for choosing judges up until Joshua died. After that time, Israel fell into idolatry and after she cried out to YHVH, He would raise up a judge to lead them. When Israel finally rejected YHVH as their King, the system of judges seems to have fallen into disuse until after the Babylonian captivity.

After the judges were chosen, they had to then be made "official". Going back to Exodus 18:21, Jethro told Moses to "place" those who were chosen over the people as rulers. The word "place" is translated from the Hebrew word "suwm" (그 'V' – Strong's 7760), and means "to put", "place", "appoint". "Suwm" is a word that is often used when something is being established as when Jephthah was made judge over Israel.

NKJ **Judges 11:11** Then Jephthah went with the elders of Gilead, and the people made (suwm) him head and commander over them . . .

Even though the Torah gives no instructions in regards to making the judges "official", it appears that whenever YHVH raises a person to a position of responsibility He at least has that person stand before the congregation. An example of this is the inauguration of the priests.

NKJ **Leviticus 8:1** And the LORD spoke to Moses, saying: ² "Take Aaron and his sons with him, and the garments, the anointing oil, a bull as the sin offering, two rams, and a basket of unleavened bread; ³ "and gather all the congregation together at the door of the tabernacle of meeting." ⁴ So Moses did as the LORD commanded him. And the congregation was gathered

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⁷ It's interesting to note that the Hebrew word for "sent out" is "shalach" (Strong's 7971) which is the Hebrew equivalent of "apostle". Thus the people choose the "apostles" and Joshua sent them out.



together at the door of the tabernacle of meeting. ⁵ And Moses said to the congregation, "This *is* what the LORD commanded to be done."

Moses had the priests stand before the people and then explained to them that Aaron and his sons would now be the priests of Israel, and that it was God's will. In the same manner, Moses stood Joshua before the people to make him Israel's new leader.

NKJ **Deuteronomy 31:7** Then Moses called Joshua and said to him in the sight of all Israel, "Be strong and of good courage, for you must go with this people to the land which the LORD has sworn to their fathers to give them, and you shall cause them to inherit it.

Standing before the people the one who is to be given a new responsibility seems to be a pattern in scripture, This makes perfect sense. The people need to be able to witness a peaceful transfer of authority so as to eliminate any doubt of what took place.

This concludes our study on the judges of Israel. We've seen that the judges were an important part of ancient Israel, being responsible for resolving differences between people in regards to the Torah. Their job was to bring a conflict back into balance by deciding how the Torah applied in each case. Because the Torah is the foundation of justice, we saw how important it is for a judge to be well educated in it, and finally we saw that there are certain character traits that a candidate for judge must exhibit in his life.

How can we apply what we've seen in our own congregations and fellowships? Like everything else in this walk, we do so by attempting to emulate the positive examples in scripture as much as possible. No fellowship has a leader equal to Moses – a man called by God to lead the people and confirmed by the signs⁸ he was given to perform. Yet most fellowships do have leaders – either self appointed or chosen by the congregation. In these cases, the congregation would nominate those they believe are qualified and who would do a good job as a judge. They would submit their pool of nominees to the leader who would interview each, then after much council and prayer select the appropriate number of judges. The final step would be to officially "inaugurate" each judge in an open forum before the entire congregation.

When Messiah Yeshua returns to establish His kingdom, one of his first steps will be to reestablish a system of Torah-based judges here on earth. As the kingdom grows, and as more and more people begin to hear about and understand the God of Israel and His ways, they – like ancient Israel – will need people they call on to inquire of God. This is the role of the judges. It is now up to us, the ones who have been enlightened to God's truth in this age, to accept the calling of being a judge over the people of God and begin training so we will be prepared to –

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⁸ Exodus 4:1-9