

Deuteronomy 16:18-17:1

Dr. Steven R. Cook

You shall appoint [נָתַן *nathan* – *give, place, put*] for yourself judges [שֹׁפֵט *shaphat* – *to judge, govern*] and officers [שׁוֹטֵר *shoter* – *official, officer, civil servant*] in all your towns [שַׁעַר *shaar* – *gates, towns*] which the LORD your God is giving you [a reminder that God is the One blessing them; cf. Deut 4:1, 40; 11:31-32; 13:12; 16:20], according to your tribes, and they shall judge the people with righteous judgment [מִשְׁפַּט־צְדָקָה - *mishpat-tsedeq*; i.e., judgments based on God's righteous directives; cf., [2 Ch 19:6-7](#)].¹⁹ You shall not distort justice [i.e., deviate from God's laws; cf. Deut 24:17; 27:19]; you shall not be partial [lit. *you shall not recognize faces*], and you shall not take a bribe [from the wealthy; cf. Ex 23:6-8], for a bribe blinds the eyes of the wise and perverts the words of the righteous [and brings God's curse; Deut 27:25].²⁰ Justice, *and only* justice [צְדָקָה צְדָקָה *tsedeq tsedeq* – emphatic doubling of the Hebrew word for righteousness], you shall pursue [the judges were responsible to understand and apply God's law], that you may live and possess the land [adherence to righteousness would secure Israel's possession of the land] which the LORD your God is giving you [God owns the land; cf. [Lev 25:23](#)].²¹ You shall not plant for yourself an Asherah of any kind of tree beside the altar of the LORD your God [idols were to be destroyed; [Deut 7:5](#); [12:1-3](#)], which you shall make for yourself [i.e., independently of God's directives].²² You shall not set up for yourself a *sacred* pillar [[Lev 26:1](#)] which the LORD your God hates.^{17:1} You shall not sacrifice to the LORD your God an ox or a sheep which has a blemish or any defect [[Lev 22:20](#); [Deut 15:21](#)], for that is a detestable thing to the LORD your God.

Summary

In this pericope, Moses directs Israel to appoint judges and officers for themselves within each town that God was giving them (Deut 16:18). These judges were to judge according God's righteous standards and not perversely (Deut 16:19-20), especially as it related to worship and sacrifice (Deut 16:21—17:1). This section also begins to name four leadership offices God would assign in Israel, namely, **judges** (Deut 16:18-17:8), **priests** (Deut 17:9-13; 18:1-8), **kings** (Deut 17:14-20), and **prophets** (Deut 18:15-22). These were all bound by the Mosaic Law, which legitimized their authority and was the guide for their rulership.

Previously, Moses had tried to serve as the single judge in Israel, but became overwhelmed, fatigued, and burned out. Moses' wise father-in-law, Jethro, counseled him to appoint qualified men who were wise and of good character to help judge cases. Moses followed Jethro's advice and trained men in the law of God so they could serve as judges in Israel (Ex 18:13-27).

Moses knew his people would soon find themselves transitioning from a nomadic existence to that of living in settled communities. This sociological paradigm shift would necessitate a hierarchical structure of elders who could administer just judgments according to God’s Law that was being communicated by Moses. Moses said, “You shall appoint for yourself judges and officers in all your towns which the LORD your God is giving you, according to your tribes, and they shall judge the people with righteous judgment” (Deut 16:18). Moses was giving the people just laws, but it was their responsibility to recognize men of integrity and appoint them (נָתַן *nathan*) as judges who would officiate legal matters and officers who could carry out their judgments. With this directive, it fell to the elders in each town to appoint judges (שֹׁפֵט *shaphat*) who could properly arbitrate legal matters among God’s people, and to select officers (שׁוֹטֵר *shoter*) as subordinates who could carry out their decisions. It’s possible the judges would be selected from among the ruling elders, who were themselves to be wise and discerning men from the community (Deut 1:13). It was the responsibility of the elders to make sure those laws were justly applied within their towns, according to their tribes. More difficult cases could be sent to a higher court (Deut 17:8).

The laws were given by God, who was their Judge, Lawgiver, and King (Isa 33:22). God was also the One who had liberated them from slavery (Deut 5:6), given them the land of Canaan (Deut 4:1; 9:6), which included cities, houses, wells and vineyards (Deut 6:10-11), enabled them to produce wealth (Deut 8:18), and blessed their labor (Deut 7:13; 11:13-15). Now God was directing them concerning legal matters which, if followed, would have marked them as a righteous people who adhered to just laws. To judge the people with “righteous judgment” (מִשְׁפַּט־צְדָקָה - *mishpat-tsedeq*) meant their decisions were to conform to the standards set forth in God’s Word. Righteousness (צְדָקָה *tsedeq*) consisted of the objective standard of written laws Moses was giving the nation, which at that time would have been the Pentateuch. Wiersbe writes:

The repetition of the word “gates” (16:5, 11, 14, 18; 17:2, 5, 8) indicates that the basic unit of government in Israel was the local town council. It was made up of judges and officers who, with the elders, conducted business at the city gates (Ruth 4:1-12). The judges and officers were probably appointed or elected by the male land-owning citizens of the town, but we aren’t given the details. The word translated “officers” means “writers, secretaries” and refers to the men who kept the official records and genealogies, advised the judges, and carried out their decisions.¹

¹ Warren W. Wiersbe, *Be Equipped*, “Be” Commentary Series (Colorado Springs, CO: Chariot Victor Pub., 1999), 114.

However, living in a fallen world and possessing sinful natures meant there would always be a challenge to following just laws and administering justice. For this reason, Moses said, “You shall not distort justice; you shall not be partial, and you shall not take a bribe, for a bribe blinds the eyes of the wise and perverts the words of the righteous” (Deut 16:19). Being partial in a legal case, or taking a bribe from a litigant, are two examples of perverted justice. The judges were not to distort justice, nor be influenced to partiality by the social position of those who stood before them, whether small or great. Each judge was to realize the laws they administered were God’s laws, and that each judge was directly under “the Judge of all the earth” (Gen 18:25). Israel was to remember that “the LORD is our judge, The LORD is our lawgiver, The LORD is our king” (Isa 33:22). The judges in Israel were to realize they were serving as God’s representatives within the community. If a judge perverted justice, it meant he diminished the character and name of God (2 Ch 19:6-7), and the Lord would curse those who perverted justice (Deut 27:25).

The judges were to be pure in their decisions. For this reason, Moses said, “Justice, *and only* justice, you shall pursue, that you may live and possess the land which the LORD your God is giving you” (Deut 16:20). To emphasize his point, Moses uses a double reference to righteousness (תְּדַעַ תְּדַעַ *tsedeq tsedeq*), stressing the need for the judges to pursue God’s standards among God’s people. If they complied with God’s directive, the result would be that God would bless them by allowing them to continue to live in the land. The reality was that God owned the land (Lev 25:23), and He could evict them as a means of punishment if they became corrupt. Historically, we know that because of rampant idolatry, human sacrifice, and other egregious sins, God eventually destroyed the ten northern tribes of Israel in 722 B.C. (2 Ki 17:7-23), and the two southern tribes of Judah in 586 B.C. (Jer 25:8-11).

What follows in the next few verses appears to be examples of crimes that were deserving of punishment by judges. Moses said, “You shall not plant for yourself an Asherah of any kind of tree beside the altar of the LORD your God, which you shall make for yourself. You shall not set up for yourself a sacred pillar which the LORD your God hates” (Deut 16:21-22). Because Israel was a theocracy, one could not separate legal from theological matters. In fact, the highest crimes committed were those that perverted the worship of Yahweh by introducing idols within the nation (Deut 5:6-8), which God had previously commanded to be destroyed (Deut 7:5; 12:3). Such an act was tantamount to treason, for it sought to subvert God’s authority with a manmade block of wood or stone.² Eugene Merrill writes:

² Gideon, a judge in Israel, had cut down an Asherah pole within his community when directed by the Lord (Judg 6:25-27). Gideon’s action caused a stir in his community and the residents of his town wanted to kill him afterwards (Judg 6:28-30).

Moses had just discussed the matter of righteous judgment and the blessing that followed such a policy. Now he provided a hypothetical case or two to illustrate what he meant by untainted jurisprudence and the practices to be followed in achieving it. The violations he adduced could not be more significant, for they strike right at the heart of the covenant relationship. In fact, they challenged the uniqueness of the Lord and the exclusiveness of his worship, on the one hand (16:21–22), thus disobeying the first two commandments; and, on the other hand, they spoke to the sin of cultic impurity in defiance of the third and fourth commandments (17:1). At stake was nothing less than who God is and how he is to be worshiped.³

Here, the command was for God’s people not to engage in religious syncretism, in which a pagan Asherah pole would be placed alongside the altar of the Lord and worshipped together. If idols were worshipped alongside Yahweh, it would subvert the Lord’s authority and eventuate in social and judicial perversions. Being only a block of wood or stone, idols cannot protect, provide, or guide those who worship them, but neither do they make demands contrary to the proclivity of the fallen human heart. And when there is no check on the human heart to restrain its sinful inclinations, the result is a breakdown in morality that weakens society and leads to harmful behavior, especially toward the weak and innocent within a community.

Moses then provided a third example for the judges in Israel, saying, “You shall not sacrifice to the LORD your God an ox or a sheep which has a blemish or any defect, for that is a detestable thing to the LORD your God” (Deut 17:1). Moses had previously provided the directive not to offer a blemished or defective animal as a sacrifice to the Lord (Lev 22:20; Deut 15:21), which here he makes clear would be an affront to God. Such an offering failed to acknowledge God and His goodness as Israel’s Provider. Unfortunately, this is what the Israelites were doing in Malachi’s day (Mal 1:6-9). Peter Craigie writes:

In relation to 16:21–22, the offering of a blemished sacrifice is similar in result to defiling God’s sanctuary by the importation of things foreign to Israelite worship. It is possible that Canaanite religion did not have such a prescription, and therefore that offering defective animals was a sign of further lapse into a syncretistic form of religion. Any type of syncretism with foreign religion would be an abomination of the Lord your God.⁴

³ Eugene H. Merrill, *Deuteronomy*, vol. 4, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 258–259.

⁴ Peter C. Craigie, *The Book of Deuteronomy*, The New International Commentary on the Old Testament (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1976), 249.

Present Application:

We do not live in the age of theocracy where God's Laws directly apply to leaders, judges, or officers in the land. We are not called to take the Mosaic Law and superimpose it on a country to make it serve as a nation's constitution. There is coming a future time when God will set up His righteous kingdom on earth and Jesus will reign for a thousand years (2 Sam 7:12-16; Psa 89:35-37; Isa 9:6-7; Dan 2:44; 7:13-14; Luke 1:31-33; Matt 25:31; Rev 20:1-6), and during that time God will provide righteous laws that will be applied to everyone in every way. But for now, we live in the dispensation of the Church age, and though some principles of Scripture may be applied by a nation's leaders, judges, or business owners, God's Word in the NT is foremost to Christians and the Church. And a thorough knowledge of God and His Word equips us with the divine standards necessary to make accurate judgments in this life (John 7:24) and to live righteously before the Lord.

Christians are called to judge.⁵ In fact, Paul informs us that we will, in the future, "judge the world" (1 Cor 6:2), and "will judge angels" (1 Cor 6:3a). Since this is true, Christians should be competent to judge the "matters of this life" (1 Cor 6:3b). There are some things Christians should not judge, such as the hidden motives of the heart of other believers (1 Cor 4:5), or liberties a Christian may enjoy such as food or holy days (Rom 14:1-13). But there are things/people we should judge, such as false teachers (1 John 4:1; cf. Matt 7:15-16, 20), or immoral believers, who may negatively influence our walk with the Lord (1 Cor 5:9-13; cf. 1 Cor 15:33). Our judgment is never to condemn the other person, for only God can do that. Rather, the judgment is for the sake of maintaining individual and group holiness before the Lord, and so that the other believer may be corrected and restored (Gal 6:1; cf. 1 Cor 5:1-5; 2 Cor 2:6-8). And judgments in the Church should be handled by spiritually mature believers (Gal 6:1 cf. Deut 19:18; Pro 18:13; Matt 18:15-16; John 7:51), who have the biblical knowledge and moral integrity to investigate a matter carefully, for ignorant and immature believers have little or no capacity for handling such matters.

Like the judges in ancient Israel, Christians should always keep in mind that God is "the Judge of all the earth" (Gen 18:25), and He "is a righteous judge, and a God who has indignation every day" (Psa 7:11). And God expects holiness from His

⁵ It is true that Jesus said, "Do not judge so that you will not be judged" (Matt 7:1). However, the context makes clear that Jesus was telling believers not to judge a fault in others when they are guilty of the same (Matt 7:2-4). The judgment Jesus was describing was not for purposes of condemning, but to help the other person see clearly, so that their life could be corrected and improved (Matt 7:4). Jesus' solution for the hypocrite was, "take the log out of your own eye, and then you will see clearly to take the speck out of your brother's eye" (Matt 7:5).

people (1 Pet 1:14-16), and will judge and discipline us if we live sinfully (1 Cor 11:22; Heb 12:5-11), even to the point of death if necessary (Acts 5:1-10; 1 Cor 11:27-30; 1 John 5:16-17). Though it's impossible for us to lose our salvation (John 10:27-29), a sinful lifestyle can cause us to suffer unnecessarily in this life (1 Pet 4:15), and to forfeit future rewards in heaven (1 Cor 3:15; 2 John 1:8). But our God who judges is also gracious. It is written, "You, O Lord, are a God merciful and gracious, slow to anger and abundant in lovingkindness and truth" (Psa 86:15), and "the LORD is gracious and merciful; slow to anger and great in lovingkindness" (Psa 145:8). This means that God is quick to forgive when we confess our sins and turn back to Him (1 John 1:9; cf. Luke 15:11-24; 18:9-14).⁶ And God's judgments, whether harsh or mild, are often determined by the attitude of the offender, for "God is opposed to the proud, but gives grace to the humble" (1 Pet 5:5).

As an example to us, God's government and grace are observed simultaneously in His dealing with King David when he had an adulterous affair with Bathsheba and murdered her husband, Uriah (2 Sam 11:1-17). The Mosaic Law prescribed the death penalty for those guilty of adultery (Lev 20:10-14; 21:9; Deut 22:20-22) and murder (Ex 21:12-14; cf. Gen 9:6), and David was guilty of both offenses. Concerning David's actions, Scripture reveals "the thing that David had done was evil in the sight of the LORD" (2 Sam 11:27). What is commendable about David is that he handled his sin in a biblical manner by confessing it and seeking the Lord's forgiveness. When confronted about his sinful actions by the prophet Nathan, David accepted full responsibility and admitted his wrong, saying, "I have sinned against the LORD" (2 Sam 12:13; read Psalm 51 for the longer version of David's confession). Because David had shown humility, the prophet Nathan said to him, "The LORD also has taken away your sin; you shall not die" (2 Sam 12:13). Though God's Law prescribed the death penalty for David's sins, the Lord Himself, as Judge, reduced David's sentence to a lesser degree because of David's humility. David understood this gracious characteristic about the Lord, and on another occasion stated the general truth that "God has not dealt with us according to our sins, nor rewarded us according to our iniquities" (Psa 103:10). Ezra wrote something similar, saying, "What has happened to us is a result of our evil deeds and our great guilt, and yet, our God, you have punished us less than our sins deserved and have allowed us to survive" (Ezr 9:13). Judgment can be lessened when there is humility. This is true of God and should be true of believers.

⁶ The Bible reveals the Father is "the God of all grace" (1 Pet 5:10), who sits upon a "throne of grace" (Heb 4:16), who "gives grace to the afflicted" (Pro 3:34), and provides salvation "by grace" through faith in Jesus (Eph. 2:8-9; cf. Acts 15:11; Rom. 3:24). Jesus is said to be "full of grace and truth" (John 1:14), and the Holy Spirit is called "the Spirit of grace" (Heb 10:29).