

## Judging the people

### (Exodus 18:13–27)

The purpose of this paragraph is to show the foundation of the judicial system in Israel. It is a self-contained narrative regarding Moses' appointment, at the behest of Jethro, of judges for the people. The story is essentially repeated in Deuteronomy 1:9–18, and that passage should be consulted.

The date of this material is a matter of controversy. Many scholars want to date it after the giving of the law at Sinai and thus see its present position as a retrojection. On the other hand, the passage does bear marks of great antiquity; Sarna comments on the salient point that 'so important an Israelite institution as the judiciary is ascribed to the initiative and advice of a Midianite priest. This extraordinary fact testifies to the reliability of the tradition and to its antiquity. In light of the hostility that later characterized the relationships between the Midianites and the Israelites, it is hardly likely that anyone would invent such a story.' The fact that judges should have been appointed prior to the giving of the law at Sinai is not a problem—as we have frequently seen, Israel was not a lawless society prior to Sinai. Therefore, the people were in need of a judicial administration.

18:13. And on the next day, Moses sat to judge the people. And the people stood near Moses from morning until evening.

This verse provides the general setting for the entire passage. First, it gives a chronological connection with the events recorded in the previous verses: 'And it came to pass on the morrow.' The timing is important because it indicates that Jethro was still present and the Israelites had not departed from Horeb. At that time Moses 'sat' (the same word as in 17:12) to serve as judge over the disputations of the Hebrews.

Moses was acting alone in judicial authority and, therefore, the people 'stood by/beside' him (a locational preposition is used). Apparently crowds of people approached him in order to have their cases heard by him. The activity of the prophet is described in terms of two all-inclusive opposites: he judged the people 'from the morning until the evening'. The figure of speech is used to highlight the great number of cases waiting to be dealt with by Moses.

18:14. When the father-in-law of Moses saw all that he was doing for the people, he said, 'What is this thing that you are doing for the people? Why are you sitting alone, and all the people standing near you from morning until evening?'

After watching the proceedings all day long, Jethro asks Moses two questions. The first one is rhetorical: Jethro knows exactly what Moses has been doing, but now he wants his son-in-law to acknowledge his activity. The second question is an accusation. But what is it that he is accusing Moses of? 'It is important to note that Jethro does not accuse Moses of misappropriation of power; Moses clearly stands in a legal office. Nor does Jethro introduce Moses to legal responsibility. The text presupposes that Moses carries a legitimate juridical position.' The problem is that Moses is doing too much 'alone'. He is carrying too great a burden on his own. He has no assistance.

18:15. And Moses said to his father-in-law, 'Because the people come to me to enquire of God.' Moses' response is straightforward: the Hebrews come to him 'to enquire of God'. That verb is often used of the act of dispensing oracles. In other words, when a person desires to know the will of a god, or what might happen in the future, he or she would seek answers from a deity. Oracular activity was quite common in the ancient Near East, and it is sometimes referred to in the Bible using the word 'enquire' (see Gen. 25:22; 1 Sam. 9:9; 2 Kings 22:18). A commentator might conclude that Moses is thus acting as a seer, or diviner, for the Hebrew people.

The problem with this understanding of the passage is the fact that the context of the people's enquiry is judicial. They went to receive answers to their legal disputations (18:16). And, so, the word 'enquire' has taken on a technical, legal meaning within the context of our story, and it has nothing to do with divination.

18:16. 'Whenever they have a dispute, they come to me, and I judge between a man and his neighbour. And I make known the decrees of God and his laws.'

The verse opens, literally, 'when a matter is to them'. The noun is normally translated 'thing/word/matter', but here it obviously signifies a dispute, or an affair that needs to be dealt with. The disagreement is then brought to Moses. He responds in two ways. First, he acts as the adjudicator, or the judge who decides what is right. Secondly, he is the law-giver: 'I make known' (a Hiphil causative) the precepts of God. Because of Moses' position as law-giver, some scholars argue that the events recorded in Exodus 18 must have occurred after the provision of the law at Sinai. This is a non sequitur. The fact of the matter is that many laws preceded the giving of the law at Mount Sinai, such as the Sabbath statutes of Exodus 16 and the Passover commands of Exodus 12.

18:17. And the father-in-law of Moses said to him, 'The thing you are doing is not good.'

Jethro passes judgement on Moses' activity. He speaks directly and plainly. His speech opens with the words *lō' tōb*, 'not good' (cf. Gen. 2:18). This is emphatic: 'When expressing absolute denial, the Bible always uses *lō'* followed by an additional word.' When *lō'* precedes any part of the sentence other than the verb, it means the word or expression thus singled out is being 'strongly emphasized'. In speaking to Moses, Jethro is not vacillating or wavering in his opinion. To him, what Moses is doing is wrong.

18:18. 'You are certainly wearing down, both you and this people who are with you, because the thing is too heavy for you. You are not able to do it alone.'

The reason for Jethro's judgement that what Moses is doing is 'not good' is now stated. And it is given in the strongest and most forceful terms. His point is accentuated by the use of an infinitive absolute followed by an imperfective of the same verb: literally, 'Fading you will fade.' The verb means 'to sink/languish/drop down/wither'. It is used of the drooping of a leaf (Isa. 1:30; Ps. 1:3). In the present context, it refers to exhaustion, wearing down and discouragement.

The two verbs are followed by a double use of an emphatic particle: 'Indeed you! Indeed this people!' The negative effects of the present circumstances, will, first of all, have an impact upon the prophet who is an old man and unable to 'do it alone'. The Hebrew people will also be worn down and frustrated as they wait all day to have their cases heard.

The entire situation is simply 'too heavy' for Moses. The word for 'heavy' is *kābēd*, which as we have noted elsewhere, is a key term in the book of Exodus, having been used earlier of Pharaoh's heart (8:15, 32; 9:34; 10:1), of the plagues (8:24; 9:3, 18, 24; 10:14) and of Moses' arms (17:12).

18:19. 'Now hear my voice, and I will advise you. May God be with you! You be for the people a representative before God, and you bring the disputes to God.'

Jethro now wants Moses' attention (he uses the imperative 'hear!') so that he may advise him. But before he gives his advice, Jethro utters a benediction in the form of a jussive clause: 'May God be with you!' The content of Jethro's advice is the need for the establishment of a new order of judicial hierarchy. He begins, in this verse and the next, to define the nature of Moses' responsibilities in the new order. First, Moses must act as the people's 'representative before God'. The Hebrew word is normally used as a preposition meaning 'in front of', and rarely as a substantive meaning 'front' (only twice in Scripture). In the present context it is figurative, signifying 'the one in front of God'. He is to serve first and foremost as the covenant mediator between Israel and Yahweh.

Secondly, Moses, as mediator, is to bring various cases before God to receive decisions. Obviously, this duty does not involve every single dispute, but rather ones that are intricate and difficult (see 18:22). The workload and caseload falling on Moses are to be eased.

18:20. 'And you must teach them the statutes and the laws, and make known to them the way in which they should walk, and the work they should do.'

Jethro's job description for Moses has a pedagogic aspect: he is to be a teacher/instructor of the Word of God. The word translated 'teach' is probably related to a verb that means 'to enlighten/shine'. However, it also carries a sense of gravity and warning.

The content of Moses' teaching is to include 'the decrees and the laws'. This is certainly a reference to verse 16, which defines these laws as originating with the Creator. He is also to 'make known to them the way they should walk'—that is, 'live'. Thus, Moses' didactic task is not merely 'religious' instruction, but he is to teach the people how to function in all areas of life. He is to present them with a world- and life-view based upon God's Word.

18:21. 'And you shall select men of character from all the people who fear God, men of truth, haters of dishonest gain; and you shall set them as leaders over thousands, leaders over hundreds, leaders over fifties and leaders over tens.'

Jethro tells Moses that he has a further duty. He is to 'select' able men from among the people. The verb used means 'to see/ behold'. In this passage it probably signifies that Moses is to look for such men (the verb is also used that way in Genesis 41:33).

Moses' father-in-law then describes the qualifications of the men that Moses is to search for. First, they are to be 'men of character'—that is, men of integrity and virtue. The term is frequently applied in military contexts to 'men of strength', but here it implies 'one of sterling character'. Secondly, they are to be ones who 'fear God', a term in Hebrew that means a reverence that leads to obedience. Thirdly, the ones chosen are to be 'men of truth'. And, finally, they ought to hate 'unjust/dishonest gain'; in other words, they are to be incorruptible.

The judicial hierarchy is to be set up on the plan of a military administration (see 1 Sam. 22:7–8; 2 Sam. 18:1; 2 Chron. 1:2). This structure is not surprising because the entire account of Israel's wilderness journey is written in terms of a military itinerary (see Num. 33:1–49).

18:22. 'And they will judge the people at all times. And every great matter will be brought to you, and they shall judge every small matter. And it will be lighter for you, and they will bear it with you.'

Jethro now explains to Moses the function and duty of the men whom he should choose: 'They will judge the people.' They will do the same job that Moses has been doing. They are to share with him the status of the office of judge. There is, however, to be one difference between them: the judges are to care for the common, normal, everyday disputes and matters, while cases of major importance (literally, 'large' matters) are to be brought to Moses.

The position of judge is not a temporary one. The text says it will be 'at all times/continually/permanently' (see the use of that phrase in Ps. 34:1; Lev. 16:2; Prov. 8:30). The position of judge remained in existence throughout the history of the nation of Israel.

The purpose of the shared judicial duty was so that Moses' burden and load would be less. Jethro expresses this with a Hiphil imperative: 'Make light!' The verb used here is the antonym of the verb meaning 'to be heavy' used in verse 18. Jethro is urging Moses to act on his advice, and he does so in no uncertain terms.

18:23. 'If you do this thing, and God commands you, then you will be able to stand and also all this people will go to their place in peace.'

Here is a conditional 'if ... then' clause. If Moses implements the changes suggested by Jethro, then specific consequences will follow. First, Moses 'will be able to stand'. This statement seems to have both figurative and literal qualities. It means, on the one hand, that Moses will be able to stand up to the number of cases brought to him. On the other hand, the word 'stand' is purposely contrasted with 'sit' in verse 13: Moses' strength is preserved so that he may stand before the people.

Secondly, Jethro says, 'All the people will go to their place in peace.' This clause implies that the court system will function properly and efficiently. The people will not be waiting all day for their disputes to be decided. Thus no social disorder or unrest will result from such a judicial system.

There is one caveat attached to the implementation of this administration. It must have divine approval and sanction. Childs expresses the opinion that what Jethro is really saying is that God is commanding that such an institution be established. That is probably incorrect because the conditional clause 'if ...' still applies to God's commands in the sentence structure.

18:24. And Moses listened to the voice of his father-in-law, and he did all that he said.

The prophet accepted the advice of Jethro as he ‘listened to the voice of his father-in-law’. Back in verse 19 Jethro had said to him, ‘Now listen to my voice,’ and Moses was obedient.

18:25–26. And Moses chose men of character from all Israel. And he made them heads over the people, leaders of thousands, leaders of hundreds, leaders of fifties and leaders of tens. And they judged the people at all times. But they brought the difficult disputes to Moses, and every small dispute they judged themselves.

These two verses are the detailed outworking of the instructions given by Jethro that Moses carried out. They are a repetition of Jethro’s words from verses 21–22, almost verbatim. There are a few slight changes, such as the use of the word ‘difficult/hard’ in place of ‘large’. The alteration is significant, probably indicating that Moses not only took the major, important cases, but he also dealt with any disputes that were particularly vexing and complex.

18:27. Then Moses sent his father-in-law away, and he went to [what belonged to him], to his land. Here we read of the departure of Jethro. It stands in parallel with his arrival in verse 1 of the chapter.

### **Application**

Ligon Duncan has commented that, ‘In the words of wise counsel from Jethro (in Ex. 18) we discover that: to establish justice and righteousness amongst the people “men who fear God” are needed.’ The church in the Old Testament could not run properly or effectively without being led by men of sound judgement, great reverence and personal holiness. The same is true of the church today: only when church leaders, such as pastors, elders and deacons, are righteous and reverent can God’s people expect to flourish. The Word of God being taught to the church is central and the key to its sanctification. However, it is not enough. Discipline, through judges or elders, must be applied in the church situation—only then will holiness and righteousness prevail in the church.

End of volume 1

John D. Currid, *A Study Commentary on Exodus: Exodus 1–18*, vol. 1, EP Study Commentary (Darlington, England; Carlisle, PA: Evangelical Press, 2000), 270–390.