

ONE TORAH FOR ALL

Zerubbabel ben Emunah
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Understanding Torah Society

Part 12 – Justice and the Legal System

Matithyah (Matthew) 23:23

“Woe unto you, scribes and Pharisees, hypocrites! for you tithe mint and anise and cumin, and have left undone the weightier matters of the Torah, justice, and mercy, and faith: but these you ought to have done, and not to have left the other undone.”

In this study we are going to focus upon justice. However, underlying the concept of justice must always and ever be mercy and faith. Without mercy guiding one’s actions, there can be no true justice. If one’s own actions are not done in faith, there can be no justice.

Ya’aqov (James) 2:13

For judgment is without mercy to him who has showed no mercy; mercy triumphs over judgment.

Mercy always outweighs justice. Whenever possible, justice should be replaced with mercy. This is not only appropriate, but it is demanded by Torah. We see this example repeated from YHWH towards Israel as she continually sinned in the face of the Almighty. Rather than giving her the judgment she deserved, He would extend mercy to Israel once again, and this repeatedly.

For a more complete treatment of justice, mercy, and faith as [The Weightier Matters of Torah](#), please see that study.

Romans 14:23b

... whatsoever is not of faith is sin.

Everything a person says, everything a person does, must be done in faith. This certainly must include seeking after justice. Justice is not simply a matter of determining facts and rendering a ruling. Justice is about seeking YHWH. Justice is about doing His will, not one’s own will. Justice is not about restitution nearly as much as it is about restoration. Even though there is

plenty in Torah about restitution, restitution is not the primary goal. Rather, it is about restoring the relationship between the parties involved. If a person does not understand this elementary principle, then such a person is not capable of rendering justice within a Torah society.

Ivrim (Hebrews) 11:6

and without faith it is impossible to be well-pleasing unto Him; for he that comes to Elohim must believe that He is, and that He is a rewarder of them that seek after Him.

We are commanded to keep Torah whole. To attempt to render one of the weightier matters of the Torah to the exclusion of the others is to violate the commandment not to take away from the commandments. True justice cannot be given without mercy or faith. Likewise, true justice also cannot be received without mercy or faith, either.

Yeshua gave a parable about a ruler who began settling accounts with those in his service. One servant could not pay what he owed his master because the debt was so large. The servant begged for mercy and received it from his master. However, the servant was not willing to extend the mercy he had received to his fellow servant.

Matithyah (Matthew) 18:27-28

27 And the master of that servant, being moved with compassion, released him, and forgave him the debt.

28 But that servant went out, and found one of his fellow-servants, who owed him a hundred shillings: and he laid hold on him, and took him by the throat, saying, "Pay what you owe me."

In this parable Mashiach illustrates the importance of giving to others mercy over justice. Each one of us hopes to receive mercy, yea, has already received mercy; therefore, it is wise for one to give that which he has already received, for if one fails to give mercy, he shall receive no mercy, that is, the mercy that he has already received shall be rescinded.

Matithyah (Matthew) 7:12

Therefore whatsoever you would that men should do unto you, even so you do also unto them; for this is the Torah and the prophets.

Another point one needs to keep before himself when dealing with justice is how to treat one's brothers and neighbors. One must always keep in mind the passage just above in making all decisions concerning the actions of another. If there is ever any doubt, the doubt must fall on the side of the accused. If there is any room for giving mercy, it must be extended towards the accused.

Before we look into the legal system, one last principle needs to be understood in the context of seeking justice—forgiveness.

Matithyah (Matthew) 6:14-15

14 "For if you forgive men their trespasses, your heavenly Father will also forgive you.

15 But if you do not forgive men their trespasses, neither will your Father forgive your trespasses."

If a man is accused of breaking Torah in a Torah society and that man is brought before the court, and that man states that he knows he did wrong and he has sought for and received forgiveness from our Creator and heavenly Father, it would seem prudent to me that the court would be wise not to proceed any further. And if they did proceed to examine the situation in question, they should do so with the utmost caution. Who is man that he can undo or countermand the words of YHWH? If YHWH has forgiven a man, who is man to say he has not been forgiven? One would be wise to remember the passage examined above in which a man received forgiveness but refused to forgive his fellow man. Does this not apply to courts as well? To be sure! Particularly, if the accused man has done what he could to make it right already. In such a case, such a man should not even be before the court! The Torah society which YHWH has set up is of such a nature that making things right between parties is the normal course of life. Bringing one to court is more of a last resort, not the first option! If it has already been fixed outside of court, then it needs go no further.

Keeping mercy in mind at all times, let us proceed now and examine how justice is sought and obtained in a Torah society.

Vayyiqra (Leviticus) 19:17

"You shall not hate your brother in your heart; you shall surely rebuke your neighbor, and not bear sin because of him."

There is a well-defined order of how things are to proceed when a man is observed breaking Torah or injures another person in some way. The verse above occurs immediately before the verse which states that one is to love his neighbor as himself. In part, what is involved in loving one's neighbor, is that if he needs rebuke, then one must go to him personally and rebuke him. Now mind you, this rebuke must be done in love for him as well as in the fear of YHWH. It must be done in a spirit of humility, for what one has seen or thinks he has seen may be in error.

No man has any business dragging a man before the court without going to the other man first. In part, this is what is meant by rebuking one's neighbor in the above passage. Please see the study on [Loving My Neighbor](#) for more detailed information.

Yeshua taught this same principle of going to one in private first as well.

Matithyah (Matthew) 18:14-17

14 "Even so it is not the will of your Father who is in heaven, that one of these little ones should perish.

15 And if your brother sins against you, go, show him his fault between you and him alone; if he listens to you, you have gained your brother.

16 But if he does not listen to you, you take one or two more, that at the mouth of two or three witnesses every word may be established.

17 And if he refuses to listen to them, tell it to the assembly; and if he refuses to listen to the assembly also, let him be to you as the Gentile and the publican.”

For a complete treatment of the process described in the above passage in Matthew 18, please see the study [Repairing Broken Relationships: The True Purpose of Matthew 18](#).

B'midbar (Numbers) 11:16-17

16 And YHWH said to Moshe, “Gather unto Me seventy men of the elders of Israel, whom you know to be the elders of the people, as well as officers over the people; and bring them unto the tent of meeting, that they may stand there with you.

17 And I will come down and talk with you there; and I will take of the Spirit which is upon you, and will put it upon them; and they shall bear the burden of the people with you, that you bear it not yourself alone.”

One of the first things one comes to see in seeking to understand justice in a Torah society, is that it can never be a one man show. If the final ruling falls upon a single man, then it cannot be according to Torah. This is one of the reasons why cults always go awry, because the people are depending upon a single man for rulings concerning that man’s interpretation of the Law. This is not YHWH’s way.

In the beginning, Moshe did all the rulings concerning disputes between brothers. But it was too much for him. He discovered that it was too heavy a burden for him to carry. Even his father-in-law Yitro, counseled him on this same matter (see Shemot 18).

There are within the Torah justice system checks and balances. There is the ability to appeal to a higher authority. The ability to appeal goes all the way to the high priest who happens to be ruling at that time. To appeal for a ruling from the high priest is to appeal for a ruling directly from YHWH. As we proceed we shall cover this, as well.

Devarim (Deuteronomy) 1:15

“So I took the heads of your tribes, wise men, and known, and made them heads over you, captains of thousands, and captains of hundreds, and captains of fifties, and captains of tens, and officers, according to your tribes.”

Please note what happened in the above passage. Moshe took men who were already heads (Hebrew ראש – rosh-head) among the people of their respective tribes, men who were recognized leaders by the people. These were then appointed as captains (Hebrew שר – sar-prince) of thousands, hundreds, fifties, and tens. YHWH also had Moshe make officers (Hebrew שטר – shoter-scribe) to help the princes carry out their duties as leaders among the people. The word שטר – “shoter” suggests to us the nature of their duties as being to keep records of the rulings by the various princes - שרים – “sarim.”

Devarim (Deuteronomy) 1:16-17

16 "And I charged your judges at that time, saying, 'Hear the causes between your brethren, and judge righteously between a man and his brother, and the sojourner that is with him.

17 You shall not respect persons in judgment; you shall hear the small and the great alike; you shall not be afraid of the face of man; for the judgment is Elohim's; and the cause that is too hard for you, you shall bring unto me, and I will hear it."

A person's status is to have no bearing upon rendering a righteous judgment. The judges cannot give preferential treatment to a poor man simply because he is poor. Nor can the judges give preferential treatment to a rich man simply because he is rich and powerful. The judgment rendered must be based solely upon what is right according to YHWH.

Devarim (Deuteronomy) 16:18-19

18 "Judges and officers you shall make in all your gates, which YHWH your Elohim gives you, according to your tribes; and they shall judge the people with righteous judgment.

19 You shall not wrest justice; you shall not respect persons; neither shall you take a bribe; for a bribe does blind the eyes of the wise, and pervert the words of the righteous."

Now, these words may seem rather obvious in verse nineteen, that Israel is not to do violence to justice through giving preferential treatment in decisions, nor are the judges to take bribes. When money changes hands to bring about a judgment, righteousness flees far away. Even though this seems like common sense, YHWH in His great wisdom knew He still needed to tell us this simple, yet profound truth.

Here is one aspect that seems to be lost in considering this principle-the judge's pay. If the judge is paid for his duty as a judge by a particular person, and that person comes before that judge for a judgment, then it may not be possible for the judge to give a righteous judgment. Therefore, the judges must be cared for in such a way as to remove this possibility from ever happening. Perhaps this position may not be a position which is a paid position, but rather a position of honor, duty, and responsibility. Did Moshe get paid money for doing what he did? Yet he was the leader of Israel as well as her judge. We must seriously consider that, in a Torah society, her judges are not paid to be judges, but are judges because of their reputation and the high respect they have earned in their own communities.

Vayyiqra (Leviticus) 19:15-18

15 "You shall do no unrighteousness in judgment; you shall not respect the person of the poor, nor honor the person of the mighty; but in righteousness you shall judge your neighbor.

16 You shall not go up and down as a talebearer among your people; neither shall you stand against the blood of your neighbor; I am YHWH.

17 You shall not hate your brother in your heart; you shall surely rebuke your neighbor, and not bear sin because of him.

18 You shall not take vengeance, nor bear any grudge against the children of your people; but you shall love your neighbor as yourself; I am YHWH.

We have already referenced verse seventeen earlier in this study. When one examines that verse in its larger context, he can readily see it is dealing with righteous judgment. These words were spoken by YHWH and recorded by Moshe. These few verses go a long way towards bringing righteous judgment to His people, that is, if these words are heeded and followed.

Ya'aqov (James) 1:20

for the wrath of man does not work the righteousness of Elohim.

It is important to note that in obtaining a righteous judgment, one cannot have in his heart the purpose of vengeance. Vengeance in any degree cannot bring forth the righteousness of YHWH.

Another factor of great importance when seeking justice is witnesses. A witness is an individual who has first-hand knowledge about whatever is in question. If a person does not have first-hand knowledge, then he is not a witness. Hearsay evidence is of no value in seeking justice.

Devarim (Deuteronomy) 19:15

“One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sins; at the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established.”

If there are not at least two witnesses, then no individual can be convicted. This brings us to what is called forensic evidence. This is evidence that places a person at the scene of the crime through fingerprints or DNA evidence or some other type of evidence. However, it is important to note that all forensic evidence is highly subjective in nature, that is, it must be interpreted by a person.

When a fingerprint is found at the scene of a crime, no one knows when that fingerprint was placed there. It could have been at the time of the crime or it could have been after or even before the crime was committed. The only way to establish when it was placed there is with at least two witnesses. If there are not at least two witnesses, then such evidence is completely meaningless. The same goes for DNA evidence or any other type of evidence. Without actual witnesses who saw the commission of the crime in question, a person cannot be judged as guilty according to the standard of Torah.

The truth is, forensic evidence can be manufactured or planted. Forensic evidence can be misinterpreted. Just because there is a lot of circumstantial evidence does not mean a person can be convicted according to the standard set forth in Torah. In order for a person to be found guilty according to Torah, according to YHWH, there must be at least two witnesses.

Devarim (Deuteronomy) 19:16-17

***16 “If an unrighteous witness rise up against any man to testify against him of wrong-doing,
17 then both the men, between whom the controversy is, shall stand before YHWH, before the priests and the judges that shall be in those days;”***

Please note that if there is a dispute between two men, that is, there is one man who is accusing another man, then both men are to stand before YHWH, that is, before the high priest that is serving in those days. One of the things this teaches us is forensic evidence alone can never convict a person. Forensic evidence is not a man who can stand before YHWH, before the high priest of that day. Each piece of forensic evidence must have at least two eye-witnesses in order to be considered in any particular case. A forensic expert is not an eye-witness, but only a witness who brings hearsay testimony against a man. Forensic evidence is used to accuse a man, but the forensic evidence itself cannot be cross-examined, only the person interpreting the evidence can be examined. This shows us its rightful place in a Torah society.

Devarim (Deuteronomy) 19:18

“and the judges shall make diligent inquisition: and, behold, if the witness be a false witness, and have testified falsely against his brother;”

A witness must be thoroughly examined by the judges. That is, the witness must be allowed to speak all that he knows. There can be none of this nonsense of only answering the question put before him. If he knows information pertinent to the crime in question, then he must be allowed to speak his piece without hindrance. This is part of the process of “diligent inquiry” done by the judges.

When the judges come to a judgment, if a witness be found to be a false witness, that is, he claims to have knowledge of wrong doing when in fact there was no wrong doing, then, what he attempted to have done to the accused must be done to him.

Devarim (Deuteronomy) 19:19-20

19 “then you shall do to him, as he had thought to do to his brother; so you shall put away the evil from out of your midst.

20 And those that remain shall hear, and fear, and shall henceforth commit no more any such evil in your midst.”

YHWH takes very seriously a false witness and so should those who would live in a Torah society. There must be zero tolerance of a brother or a neighbor rising up unjustly against his brother.

Devarim (Deuteronomy) 19:21

“And your eyes shall not pity; life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”

The context of this particular passage is how to deal with a false witness. If a false witness desired to have a man put to death, then he shall be put to death, and on through the verse. We will deal more with this particular passage in the next study on restitution.

Earlier in this study we looked at the place of mercy in dealing with the accused. In the above passage we are told that we are not to have any pity. This is not the same word as mercy. Even so, this is not commanding us not to have mercy upon the accused, but not to have pity upon the accuser if he turns out to be false, that is, he is intentionally falsely accusing his brother. In such cases, there can be no pity upon the accuser who is doing so falsely. This in turn will root out any evil inclination within those who live in the Torah society for they will hear and properly fear and do right and good rather than doing evil in the eyes of YHWH.

We shall pick up the commandment of restitution in the next study.

For further study on [Righteous Judgment](#) please see that study. This study is more of an overview of this subject. There is much more which can be said, and YHWH willing, at a later date we shall revisit this subject and go into further detail. We shall, YHWH willing, examine it somewhat further in the study dealing with the Levites scheduled to be done in part 16.

Earlier in the study we mentioned that a person can appeal to YHWH through the high priest for a ruling after having gone through all the lower judges.

Devarim 17:8-13

8 "If there arise a matter too hard for you in judgment, between blood and blood, between plea and plea, and between stroke and stroke, being matters of controversy within your gates; then you shall arise, and you shall go up to the place which YHWH your Elohim shall choose;

9 and you shall come unto the priests the Levites, and to the judge that shall be in those days; and you shall inquire; and they shall show you the sentence of judgment.

10 And you shall do according to the tenor of the sentence which they shall show you from that place which YHWH shall choose; and you shall observe to do according to all that they shall teach you;

11 according to the tenor of the Torah which they shall teach you, and according to the judgment which they shall tell you, you shall do; you shall not turn aside from the sentence which they shall show you, to the right hand, nor to the left.

12 And the man that does presumptuously, in not hearkening unto the priest that stands to minister there before YHWH your Elohim, or to the judge, even that man shall die; and you shall put away the evil from Israel.

13 And all the people shall hear, and fear, and do no more presumptuously."

If a judgment given in the gates locally is not satisfactory to both parties, then they may appeal in that place where YHWH shall choose. Perhaps, most likely, this is the place where He chooses for His name to dwell. First that place was Shiloh, then it was Jerusalem. Then, as Scripture teaches us, He shall choose Jerusalem once again sometime in the future where His name shall dwell.

There is one point that needs to be made clear here concerning coming before YHWH for a ruling. One is required to heed the ruling exactly. If he does not, he acts presumptuously; he must die. One should weigh this option very carefully before he decides to appeal this far.

YHWH wants His people, those living in His Torah society, to settle their differences as much as possible on a personal level. This should not be too difficult if all parties concerned are living according to Torah, that is, each person is looking out for the interests of his neighbor and brother instead of just his own selfish interests.

Justice in such a society should be easily obtained as well as quickly dispensed. Since it is always with mercy and faith, it should be acceptable to all involved.

Can you imagine for just a moment, if both parties are interested in making sure the other one is fairly treated? Wouldn't that be refreshing! The truth is, we can begin living in such a way right now, we do not have to wait for it to materialize sometime in the distant future.

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