

Justice: מִשְׁפָּט (*mish^epat*) in Deuteronomy

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Objective: to obtain a sense of the range of meaning of the Hebrew word: *mish^epat*.

The following resources have been consulted extensively in the preparation of this material:

Craigie, P.C., *The Book of Deuteronomy*, The New International Commentary on the Old Testament, Eerdmans, Grand Rapids, Michigan, (**NICOT**)

Harris, R.L., Gleason, L.A., and Waltke, B.K., *Theological Wordbook of the Old Testament*, Moody, Chicago, Illinois, (**TWOT**)

Brown, F., Driver, S., and Briggs, C., *The Brown-Driver-Briggs Hebrew and English Lexicon*, Hendrickson, Peabody, Massachusetts, (**BDB**)

Between TWOT and BDB there are fifteen or twenty nuances of meaning of *mish^epat* listed. Not all of these can be identified in Deuteronomy, but many can. Deuteronomy provides a sufficient selection of usages of *mish^epat* to come to an understanding of the range of meaning. All biblical quotations are from the English Standard Version (ESV). Hebrew words are transliterated in Italics.

The primary root from which the noun *mish^epat* is derived is the verb שָׁפַט (*shaphat*) – the ‘primary sense of *shaphat* is to exercise the process of government’ (TWOT page 947). The notion of ‘exercising a process’ implies activity, doing something. This property of ‘activity/doing’ extends into most nuances of *mish^epat*. TWOT goes on to say that if *mish^epat* is ‘to be rendered by a single English word with a similar range of meaning, it ought by all means to be the word “justice”’ (page 948).

Dt1:16-17 ‘judgement’ (twice) context is legal: ‘judges’ and ‘cases’ are identified in verse 16; *mish^epat* occurs twice in verse 17: the first occurrence, is designated in BDB as ‘the act of deciding a case’ – the application of *mish^epat*; the second occurrence, is designated in TWOT as ‘sovereignty’ – an attribute of God

Dt4:1, 5, 8, 14, & 45 ‘rules’ (five occurrences) for each occurrence the translation is ‘statutes and rules’ – ‘statutes’ come from the Hebrew work *hoq*, which has the general sense of a written ‘statute, custom, law, decree’ according to TWOT – the important thing is that it is written down, it is static, passive; ‘rules’ for *mish^epat* complies with both BDB and TWOT as ‘ordinance’ – the distinction is that with *mish^epat* the emphasis is on doing or keeping the rules: it is **active**

Note the context: in verse 1 Israel is to ‘listen’ to Moses’ ‘teaching’ comprising ‘statutes and rules’ – and ‘do them’; verse 5 ‘do them’, verse 6 ‘keep them and do them’, verse 9 ‘make them known’, verse 13 ‘to perform’, and verse 14 ‘do them’; the reciprocal is the **actions of God** in delivering Israel – verses 3-4 the apostasy of *ba’al p^eor*; and, verses 10-13 the theophany at Sinai

Dt5:1 & 31 ‘rules’ (twice) the usage and meaning here are the same as chapter 4

Dt7:11-12 ‘rules’ (twice) note the context in verses 6-10: Israel was to be a Holy Nation (Ex19:5-6, Am3:2, Jr2:3) established by the Sinai covenant; this is in fulfillment of the promise to Abraham (verse 8), God loves Israel (verse 8) and (verse 9) is faithful, keeps the covenant, and

keeps steadfast love (*hesed*); God requires (verse 9) Israel to love him and keep the commandments (the Sinai covenant): the 'statutes and rules' verse 11, and 'rules' verse 12 define how Israel is to love God – they provide Israel with the information required to fulfill their side of the covenant.

Dt8:11 'rules' the usage and meaning here are the same as Dt7:11-12

Dt10:18 'justice' God executes *mish^epat*: it is an attribute of his nature which he requires in 'Israel' verse 12, but actually directed at each individual; BDB cites this as 'one's legal right, privilege, or due' – it is a specific example of Gods love for the misfortunate to show Israel his nature

Dt11:1 & 32 'rules' (twice) the usage and meaning here are the same as Dt7:11-12

Dt12:1 'rules' the usage and meaning here are the same as chapter 4

Dt16:18-20 'judgement' and 'justice' the context is a legal setting: 'judges' are to be appointed (verse 18) – they are to judge with righteous *mish^epat* – BDB cites this as the 'act of deciding a case': the righteous application of *mish^epat*, again the emphasis is on 'doing'; *mish^epat* is active; in verse 19 *mish^epat* can be perverted – BDB cites this as 'one's legal right, privilege, or due': the corrupt application of *mish^epat*

Dt17:8-11 'decision' (thrice) the context is a very broad legal situation: any case (verse 8) is to be decided by the 'Levitical priests and ... the judge' so the scope is religious, civil, and criminal; in verses 8, 9, and 11 *mish^epat* is translated as 'decision'; BDB cites verses 8 and 9 as 'act of deciding a case', and verse 11, as the 'sentence, decision of judgement'

In verse 8, the Hebrew is *dabar lammish^epat*, 'matter for the judgement' – *mish^epat* is the substance of the case requiring a decision; in verse 9, the Hebrew is *d^ebar hammish^epat* 'word of the judgement' – *mish^epat* is the spoken decision regarding the case; in verse 11, the Hebrew is *'al hammish^epat* 'according to the judgement' – *mish^epat* is the substance of the legal decision

Dt18:3 'due' 'the priest's *mish^epat* from the people': BDB cites this as 'one's legal right, privilege, or due'; TWOT cites this as 'one's right under law' – this is religious matter as it goes on to specify the offerings that were required for individuals to pass on to the priests: note that emphasis is on activity – it is not a 'statute' (written down, passive), it is a *mish^epat* – active, doing

Dt19:6 'did not deserve to die' – *mish^epat maweth*, literally 'judgement of death'; this is like Dt17:11; the judgement had NOT been made

Dt21:17 'The right of the firstborn is his' – *lo mish^epat hab^ekorah*, literally 'to him justice the birthright'; BDB cites this 'one's legal right, privilege, or due'; *mish^epat* implies the correct action in applying inheritance

Dt21:22 'crime punishable by death' – *het^e mish^epat maweth*, literally 'sin of judgement of death'; this is like Dt17:11 & 19:6; the judgement has been made

Dt24:17 'justice' – this is essentially the same as Dt16:19; BDB cites this as 'one's legal right, privilege, or due'

Dt25:1 'court' BDB cites this as 'place, court, seat of judgement'; *mish^epat* is the place of action – the decision of guilty or innocent and the carrying out of the sentence

Dt26:16-17 'rules' (twice) the usage and meaning here are the same as Dt7:11-12

Dt27:19 'justice' BDB cites this as 'one's legal right, privilege, or due'; the usage and meaning here are the same as Dt16:19 and Dt24:17

Dt30:16 'rules' the usage and meaning here are the same as Dt7:11-12

Dt32:4 'justice' BDB cites this as 'an attribute ... of God'; an attribute of God's nature/character – like many of the occurrences in Psalms

Dt32:41 'judgement' BDB cites this as 'execution of judgement'; *mish^epat* is parallel to *naqam* (vengeance), retributive justice, the Hebrew phrase is *w^eth'o^hetz mish^epat yadi*, literally, 'she takes hold on judgement hand of me': this is a metaphor meaning to 'bring justice to full effect' – the action of bringing about justice

Dt33:10 'rules' BDB cites this as 'judgement', TWOT cites this as 'ordinance of law'; *mish^epat* is parallel to *thorah* (law); the usage and meaning here are the same as Dt4:

Dt33:21 'judgements' BDB cites this as 'an ordinance promulgated by a *shophet* (judge)'; TWOT cites this as 'an ordinance of law'

The blessings of the tribes are notoriously difficult to understand. Verses 20-21 are the blessing of Gad. There is one clear historical allusion: 'He chose the best of the land for himself' – this refers to the choice of the land east of the Jordan (Nm32:1-5). The focus of the rest of the blessing seems to be the military prowess of Gad either as performed east of the Jordan or to be performed west of the Jordan. This is the context for the second part of verse 21:

<i>tzid^eqath YHWH 'asah</i>	righteousness of me YHWH he executed
<i>umish^epataw 'im yis^era'el</i>	and judgements of him with Israel

The sense seems to be that through the military prowess of Gad, the righteous plan of God is executed, and through Gad in conjunction with the rest of Israel, the *mish^epat* of God is applied. This sense of *mish^epat* is similar to Dt32:41.