

CRUEL AND UNUSUAL PUNISHMENT

Deuteronomy 25:1-3

I. Courts Are Intended to Secure Justice

A. Justice rather than power or influence should settle disputes. “If there be a controversy between men, and they come unto judgment, that *the judges* may judge them; then they *shall justify the righteous, and condemn the wicked.*” (DEUTERONOMY 25:1)

B. Scripture defines the work of the judge and places specific limitations on those chosen for the office. “*Judges and officers shalt thou make thee in all thy gates*, which the LORD thy God giveth thee, throughout thy tribes: and *they shall judge the people with just judgment.* Thou shalt *not wrest judgment*; thou shalt *not respect persons*, neither take a gift: for *a gift doth blind the eyes of the wise, and pervert the words of the righteous. That which is altogether just shalt thou follow, that thou mayest live, and inherit* the land which the LORD thy God giveth thee.” (DEUTERONOMY 16:18-20)

C. Ancient Israel had a graded system for appeals. “*If there arise a matter too hard for thee* in judgment, between blood and blood, between plea and plea, and between stroke and stroke, *being matters of controversy within thy gates*: then shalt thou arise, and *get thee up into the place which the LORD thy God shall choose*; And thou shalt *come unto the priests the Levites, and unto the judge that shall be in those days*, and enquire; and *they shall shew thee* the sentence of judgment:” (DEUTERONOMY 17:8-9)

D. False witnesses, perjurers, others seeking to use the courts against the innocent must suffer the punishment they sought to inflict; in this way frivolous law suits become profoundly expensive. “Then *both the men, between whom the controversy is, shall stand before the LORD*, before the priests and the judges, which shall be in those days; And *the judges shall make diligent inquisition*: and, behold, *if the witness be a false witness, and hath testified falsely against his brother*; *Then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you.*” (DEUTERONOMY 19:17-19)

E. Not only the witnesses and the plaintiffs place themselves at risk in judicial matters, but the judges do as well. “*Thou shalt not wrest the judgment of thy poor* in his cause. *Keep thee far from a false matter*; and the innocent and righteous slay thou not: for *I will not justify the wicked.*” (EXODUS 23:6-7)

F. God warns all people in authority. “The God of Israel said, the Rock of Israel spake to me, *He that ruleth over men must be just, ruling in the fear of God.*” (2 SAMUEL 23:3)

II. Crime Must Be Punished

A. Punishment is legitimate when it follows clearly stated rules. “And it shall be, *if the wicked man be worthy to be beaten*, that the judge shall cause him to lie down, and to be *beaten* before his face, *according to his fault, by a certain number.*” (DEUTERONOMY 25:2) The judge had to observe the punishment personally to avoid injustice.

B. The trial of Jesus violated the Biblical rules and the release of Barabbas in Jesus' place condemned the entire judicial system of the era; the judgment was neither just nor proportional. “Then *released* he *Barabbas* unto them: and *when he had scourged Jesus, he delivered him to be crucified.*” (MATTHEW 27:26)

C. Injustice has been a common lot for believers, especially those casting the light of the gospel into the world of evil. “And *the multitude rose* up together against them: and *the magistrates rent off their clothes*, and *commanded to beat them*. And *when they had laid many stripes* upon them, *they cast them into prison*, charging the jailor to keep them safely: Who, having received such a charge, thrust them into the inner prison, *and made their feet fast in the stocks.*” (ACTS 16:22-24)

III. Justice Is Limited and Proportional

A. Punishment can become the crime. “*Forty stripes* he may give *him, and not exceed*: lest, *if* he should exceed, and beat him above these with many stripes, *then thy brother should seem vile unto thee.*” (DEUTERONOMY 25:3)

B. The Biblical rules cast light on the struggles of the Apostles to spread the gospel. “Of the Jews *five times received I forty stripes save one. Thrice was I beaten* with rods, *once was I stoned*, thrice *I suffered shipwreck*, a night *and a day I have been in the deep;*” (2 CORINTHIANS 11:24-25) Roman justice was also flawed.

C. The subtle injustice of disproportionate courtesy also challenges justice. “For *if there come unto your assembly a man with a gold ring*, in goodly apparel, and there come in *also a poor man* in vile raiment; And *ye have respect to him that weareth the gay clothing*, and say unto him, Sit thou here in a good place; and say to the poor, Stand thou there, or sit here under my footstool:” (JAMES 2:2-3)

D. The substitutionary atonement of Christ can only be properly understood in the contest of Biblical justice. “For *what glory is it, if, when ye be buffeted for your faults*, ye shall take it patiently? but if, *when ye do well, and suffer for it, ye take it patiently, this is acceptable with God.*” (1 PETER 2:20)

E. Christ endured punishment believers should have received; justice has been served. “*Who his own self bare our sins in his own body on the tree, that we, being dead to sins, should live unto righteousness: by whose stripes ye were healed.*” (1 PETER 2:24)

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