



Deuteronomy 25:1-4
Justice

Deuteronomy 25:1 "If there is a dispute between men, and they come to court, that the judges may judge them, and they justify the righteous and condemn the wicked,

2 "then it shall be, if the wicked man deserves to be beaten, that the judge will cause him to lie down and be beaten in his presence, according to his guilt, with a certain number of blows.

3 "Forty blows he may give him and no more, lest he should exceed this and beat him with many blows above these, and your brother be humiliated in your sight.

4 " You shall not muzzle an ox while it treads out the grain.

I. One insuring justice for those condemned of crimes

II. One insuring justice for workers both animal and human

I. Incarceration, that is putting someone in prison for a set period of time, was not a punishment included in the civil laws of Israel, in fact throughout the ancient world, long-term imprisonment was rare, prison was a place where one awaited punishment, not where one received it. Nowhere in the Pentatuch will you find penning up a man for an extended period of time with a bunch of other convicts at public expense prescribed as a good form of punishment.

And I am going to finally prove to the world that I'm unbalanced and unhinged from their point of view because, far from making excuses for this provision, I'm going to defend the Old Testament's provision of corporal punishment and argue that it is a far better and more just system than the "enlightened" one of incarceration we currently employ.

A civil law of Israel, specifically a humanitarian supplement to the sixth commandment
Inasmuch as moderation and humanity are here enjoined, it is a
Supplement of the Sixth Commandment.

First rather than allowing for vigilante justice it required due process must be observed

Second the Judges would then decide whether the offense warranted corporal punishment

Third the Judges would decide how many lashes should be given - the seriousness of the crime will determine the number of blows

Fourth The sentence would be carried out in the presence of the Judge that the offender not receive too lenient or too harsh a beating. This was a punishment not an act of violence. He was to be treated as a brother.

Flogging done with a rod – maximum number of lashes set at 40, later this was reduced to 39 in the Halakah to make sure that the absolute limit was not actually breached.

The person receiving this punishment would not always be worthy of it:
 2 Cor. 11:24 *From the Jews five times I received forty stripes minus one.*

The guilty party was still *your brother* once the beating was received it was over. He did not become the convict, his status permanently changed in society.

Now I know the modern will object - Oh, the person could be so badly injured that they would die! This rarely happened with a healthy person, but it was possible. But on the other hand if you think that jail is good for you, think again, beatings, suicides, assaults, diseases and so on are still common to this day even in modern prisons. Plus far from being a place where people are dissuaded they usually become hardened criminals in jail and make exactly the wrong circle of friends. In a recent history I read, the author made the point that most of the gangsters of the 30s went from small time offenders to bank robbers, murderers, and kidnappers via a stretch in jail where they met their mentors in crime and from which their gang members were usually drawn.

Think if we flogged people for lesser offenses instead of incarcerating them, we might actually see a reduction in crime and not introduce them for an extended period of time to exactly the WRONG set of people.

We will never be able to reintroduce corporal punishment, in fact there is tremendous pressure to eliminate it applied to the countries were it is practiced in favor of a more "humane" system of incarceration. The fact that the system doesn't work and isn't biblical doesn't seem to matter to anyone. It should work, and that is all that matters.

II. One of the ways of threshing grain, was to spread out the harvested sheaves on the ground and a tethered animal walked around and around dragging a heavy wooden sledge that would separate the grain from the stalks. The animal should not be prevented from eating of produce as it was threshing grain.

If these verses about oxen are familiar it is because they are quoted TWICE by Paul

1 Cor. 9:9 *For it is written in the law of Moses, "You shall not muzzle an ox while it treads out the grain." Is it oxen God is concerned about?*

10 *Or does He say it altogether for our sakes? For our sakes, no doubt, this is written, that he who plows should plow in hope, and he who threshes in hope should be partaker of his hope.*

11 *If we have sown spiritual things for you, is it a great thing if we reap your material things?*

12 *If others are partakers of this right over you, are we not even more? Nevertheless we have not used this right, but endure all things lest we hinder the gospel of Christ.*

1 Tim. 5:17 *Let the elders who rule well be counted worthy of double honor, especially those who labor in the word and doctrine.*

18 *For the Scripture says, "You shall not muzzle an ox while it treads out the grain," and, "The laborer is worthy of his wages."*

Paul's point is that these verses were not meant by God **only** to apply to an animal in a certain circumstance, but that workmen should not be denied a portion of the food they were producing, and

that by extension, those elders who toiled to produce spiritual food for their brethren had a right to receive adequate compensation for their labors.

This is a point that has sadly sometimes been missed by the Christian community. The wealthy Corinthians begrimed Paul any compensation, and spread evil rumors that he only preached in order to make a profit. As a result although Paul defended the truth that Pastors had a right to a salary,

1 Cor. 9:14 Even so the Lord has commanded that those who preach the gospel should live from the gospel.

When he was with them he did other work with his own hands – tent making – to avoid this charge. In so doing the Corinthians not only defrauded him, they defrauded themselves. Any tent-making minister is necessarily forced to split his time between two vocations, and so they had less of him. Can you imagine having the option to listen to Paul preach and teach the gospel, both in church and from house to house, and you say “go do tent making work Paul?”

Applications: there is an application to this provision to our own discipline of our children when it comes to spanking.

First: we should take care not to act hastily but rather we should attempt in so far as we can to determine the facts of the matter.

Second: We need to ask ourselves does the offense really warrant corporal punishment? Was it really willful disobedience or simply childish behavior?

Third: We should assign a fixed number of spanks that is proportionate to the offense. Neither too many nor too few.

Fourth: The Child should receive neither too lenient nor too harsh a spanking, and we should not spank in anger. This is a punishment not an act of violence. Finally at the end there should be restoration of the child, he is not a convict, once the child has received his punishment he is to be restored. They must learn that there is justice, but there is also forgiveness.

Parents, I'm not going to attempt to argue you out of the occasional time out, I am however going to try to argue you of long term imprisonment, particular of older children usually called “Grounding.” Grounding is an ongoing resent building form of punishment that is just as much a punishment on you as the child.

Pastor Bruce Ray states that “*Grounding fails to qualify as an adequate corrective measure for several reasons.*

In the first place, grounding is impossible to enforce.

Secondly, the practice of grounding allows a sinful and unnatural tension to remain between the child and his parents for days or even weeks. Mom and Dad have to maintain a cool and negative attitude toward their son or daughter to even think of trying to enforce grounding.

Thirdly, the Scriptures provide for that situation where physical correction of itself is deemed to be inadequate.

The scriptural principle is not grounding: it is restitution.”

R]estitution is not only for the thief. It is for any situation where person or property has been harmed or endangered...If your son threw rocks at the girl down the street, or put a BB through Mrs. Jackson's window, or rode his bike through her flowerbed, then he ought to be made to do something especially nice for the person whose property he harmed or endangered (including, of course, the replacement of any property that was destroyed). The function of correction is to rescue the child from his wrongful course and to establish him on the proper path wherein he assumes personal responsibility for his actions. Grounding will not do that; restitution as a part of biblical correction will. Restitution demands an immediate, personal, and proper response, whereas grounding provides only time for thought (perhaps to plot revenge).

2) The Spiritual application of all of this in Providence – We chasten and correct out of love that we might cause the offender to stop walking on the wrong path, one that leads to destruction, and return to the right one:

Heb. 12:5 And you have forgotten the exhortation which speaks to you as to sons: "My son, do not despise the chastening of the LORD, Nor be discouraged when you are rebuked by Him;

6 For whom the LORD loves He chastens, And scourges every son whom He receives."

7 If you endure chastening, God deals with you as with sons; for what son is there whom a father does not chasten?

8 But if you are without chastening, of which all have become partakers, then you are illegitimate and not sons.

9 Furthermore, we have had human fathers who corrected us, and we paid them respect. Shall we not much more readily be in subjection to the Father of spirits and live?

10 For they indeed for a few days chastened us as seemed best to them, but He for our profit, that we may be partakers of His holiness.

11 Now no chastening seems to be joyful for the present, but painful; nevertheless, afterward it yields the peaceable fruit of righteousness to those who have been trained by it.

“Happy those who are chastened of the Lord to humble them, that they should not be condemned with the world to destruction.” – Matthew Henry