

Ethics and the Christian

The Old Testament Philosophy of Punishment

Modern society recognizes 4 distinct purposes for the penal system

1. Retribution: revenge
2. Deterrence: stop future crimes of the same nature
3. Restraint: incarnate offenders
4. Rehabilitation: turn offenders into good citizens

Retribution in Israel

1. Exo. 21:24 Eye for eye, tooth for tooth, hand for hand, foot for foot,
2. Deut. 19:21 And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.
3. These passages make the point that while retribution IS just and reasonable
4. Men are not necessarily so: these verses don't mandate revenge, as much as they limit it.
5. This is the basis for "punishments that fit the crime." Exodus 21.22-35

Deterrence in Israel

1. Deuteronomy 13.6-11
2. Deuteronomy 17.8-13
3. Deuteronomy 19.16-21
4. Deuteronomy 21.18-21
5. Deterrence in Israel had 3 characteristics:
 - A. The punishment was unpleasant
 - B. It was public
 - C. It was certain
6. (It's also a NT principle: 1Ti_5:20 Them that sin rebuke before all, that others also may fear.)

Restraint in Israel

1. Non existent, except for the restraining influence of capital punishment. Deut. 17.17
2. The closest thing to incarceration was the city of refuge-which was a haven, not a prison
3. Jewish punishments were either financial or physical

Rehabilitation in Israel

1. There is no rehabilitation as we think of it in Israel
2. Part of the reason for that is because of the nature of the Law of Moses
 - A. It is, by design, harsh and unyielding
 - B. It's primary purpose was to condemn men, not recover them
3. Part of the reason for that is because of the nature of men
 - A. A simple change in social conduct is not the Bible's goal

Israel had 2 other components of their penal system that are not recognized by our society

- A. It was bound together by its covenant with God. Deuteronomy 22.21-22
- B. It employed a clear system of restitution
 - A. Exodus 21.18-22.17
 - B. But there is no OT mechanism for making sure that people paid those “fines.”
 - C. Except perhaps, for selling themselves into bondage