

Deuteronomy 25:3

Authorized King James Version (KJV)

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.

Analysis

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. This verse establishes a crucial limit on corporal punishment within Israel's judicial system, revealing profound theological truths about human dignity and justice. The Hebrew arbaim (ארבעים, "forty") sets the maximum, though Jewish tradition reduced this to thirty-nine to avoid accidental violation (2 Corinthians 11:24 reflects this practice).

The verb yakkenū (יַכְנֶנּוּ, "he may give him/strike him") is controlled by the emphatic negative lo yosif (לֹא יוֹסִיף, "not exceed/add")—excessive punishment is absolutely forbidden. The rationale is remarkable: veniklah achikha le'eynekha ("lest your brother should seem vile/degraded in your eyes"). Even a convicted offender remains achikha—"your brother," a covenant member deserving dignity. The verb kalah means to be lightly esteemed, degraded, or treated contemptuously.

This law protects both the punished and the punisher. Excessive beating would dehumanize the offender in the community's perception, potentially creating a permanent underclass of degraded persons. It also prevents those administering justice from becoming cruel through unchecked power. The passage presupposes proportional justice (lex talionis—punishment fitting the crime) while maintaining the theological truth that all humans bear God's image. Even discipline must

preserve human dignity. This foreshadows the gospel's greater truth: Christ bore the ultimate stripes for our redemption (Isaiah 53:5; 1 Peter 2:24).

Historical Context

In the ancient Near East, corporal punishment was common but often brutal and unlimited. The Code of Hammurabi (c. 1750 BC) and other legal collections prescribed severe physical penalties, sometimes resulting in permanent mutilation or death for relatively minor offenses. Social status determined punishment severity—elites received lighter penalties than commoners or slaves. In contrast, Deuteronomy 25:1-3 mandates equal treatment regardless of social standing and imposes strict limits.

The context (Deuteronomy 25:1-2) describes a legal process: judges hear cases, render verdicts, and impose punishments proportional to the offense "according to his fault." The convicted person is beaten "before his face"—in the judge's presence—ensuring accountability and preventing abuse. This judicial oversight prevented private vengeance and mob violence common in ancient societies.

The number forty held symbolic significance in Hebrew culture (forty days of flood, forty years wilderness wandering, forty days Moses on Sinai), representing completeness or fullness. Limiting punishment to forty stripes may symbolize complete but not excessive justice. Archaeological evidence from Israel's neighbors shows that many legal systems lacked such humanitarian constraints. Israel's law uniquely balanced punishment's necessity with human dignity's preservation, reflecting Yahweh's character as both just and merciful. This principle influenced later Jewish and Christian approaches to criminal justice and human rights.

Related Passages

Psalms 19:1 — Heavens declare God's glory

Genesis 1:1 — Creation of heavens and earth

Study Questions

1. How does this law's concern for preserving human dignity in punishment reflect God's character and values?
2. What principles can we extract from this passage for modern criminal justice systems and rehabilitation?
3. In what ways might excessive or degrading punishment harm both the punished individual and the broader community?
4. How does viewing even guilty offenders as 'brothers' challenge our attitudes toward crime and punishment today?
5. What does this passage teach us about balancing justice, mercy, and the preservation of human dignity?

Interlinear Text

אַרְבָּעִים	וְלִהְיוֹת	לֹא	יִסֹּף	פֶּן
Forty	and beat	H3808	he may give him and not exceed	H6435
H705	H5221		H3254	
יִסֹּף	וְלִהְיוֹת	עַל	אֵלָּה	מִכָּה
he may give him and not exceed	and beat	H5921	H428	stripes
H3254	H5221			H4347
רַב־הֶ	וְנִקְלָה	אָחִי	לְעֵינֶיךָ:	
him above these with many	should seem vile	then thy brother	H5869	
H7227	H7034	H251		

Additional Cross-References

Job 18:3 (Parallel theme): Wherefore are we counted as beasts, and reputed vile in your sight?