



## CHAPTER TWELVE

# The Eighth Amendment

Justice with mercy: protecting human dignity

Imagine your younger brother accidentally breaks a window while playing baseball. He admits what he did and promises to pay for its repair. Now imagine a judge saying, "Because you broke the window, you must spend the rest of your life in jail!" Would that be just? Of course not!

### FOR THE PARENT OR GRANDPARENT

This chapter holds two ideas at once — that wrongdoing must have consequences, and that the consequence must fit. Children grasp the second faster than the first. Take both.

# Why Is Mercy Important?

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The punishment would be far greater than the mistake. The Founders believed that justice should always be fair, and that punishment should never be cruel or excessive.

## REMEMBER THIS

**That is the great lesson of the Eighth Amendment.**





# Lex Talionis

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There is a term in Latin called Lex Talionis, which is known as the law of retaliation. This refers to the idea that punishment for a misdeed should be based upon some form of equality, rather than unlimited or random revenge.

In the Bible, Lex Talionis is the golden rule applied to justice. It is the life for a life ethic found in the book of Exodus (*Exodus 21:23*).

If the punishment is less than what the crime deserves, it encourages society to be too lenient towards crime. Ecclesiastes 8:11 warns:

*“Because the sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil.”*

*Ecclesiastes 8:11*



# Too Little, or Too Much

If the punishment is too severe, however, it can turn lawful authorities into tyrants.

Case in point, under Christianity if a thief is caught, he must work to restore what was stolen with interest (*Exodus 22:1*). Under Islamic rule, the thief's hand is chopped off. Islamic punishment exceeds the nature of the crime.

## REMEMBER THIS

**That is not justice tempered by mercy.**





# The Actual Eighth Amendment

RATIFIED 1791

*"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."*



# What Does It Mean?

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The Eighth Amendment protects people from three kinds of unfair treatment.

1

Excessive Bail

2

Excessive Fines

3

Cruel and Unusual Punishment





# Excessive Bail and Excessive Fines

## 1. Excessive Bail

Sometimes a person who has been arrested may be released while waiting for trial if certain legal conditions are met. A judge may require bail, which is money or another form of security intended to encourage the person to return to court. The Constitution says bail should not be excessive.

### REMEMBER THIS

**Young people, rules should be just. Judges should not make bail so high that it becomes unfair simply to keep someone in jail before trial.**

## 2. Excessive Fines

A court may sometimes order a person to pay money as part of a legal penalty. The Constitution says those fines should not be unreasonable or excessive. The punishment should fit the wrong that was done.



# Cruel and Unusual Punishment

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The government must never punish people in cruel or inhumane ways.

The Constitution recognizes that every person possesses human dignity, even when they have broken the law. People should always be treated humanely.

## REMEMBER THIS

**Justice should never become cruelty.**





# Why Did the Founders Include This Amendment?

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The Founders knew history. For centuries, some governments had tortured prisoners, imposed impossible fines, and used brutal punishments to frighten people.

The English Bill of Rights of 1689 condemned "cruel and unusual punishments," and the American Founders included similar language in the Eighth Amendment to prevent such abuses.

They wanted America to be different. They believed government should punish wrongdoing according to law—but never abuse its power.



# Justice and Mercy Belong Together

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The Bible teaches two great truths. God is perfectly just and God's mercy lasts forever (*Psalms 136*).

## Justice

means criminal wrongdoing has consequences.

## Mercy

means compassion is shown whenever it is right to do so.

A healthy society needs both. Without justice, evil grows. Without mercy, justice can become too harsh.





# Bible Connection

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God instructed Israel's judges to act with justice.

*“Justice, and only justice, shalt thou follow.”*

*Deuteronomy 16:20*

*“Blessed are the merciful: for they shall obtain mercy.”*

*Matthew 5:7*

Jesus also taught the importance of mercy. The Bible teaches that justice and mercy are not enemies—they work together. They do not contradict each other but are in harmony with God's order, character, and will in the earth.

When Jesus rebuked the religious leaders of his day, He declared:

*“Woe to you, scribes and Pharisees, hypocrites! For you pay tithe of mint and anise and cummin, and have neglected the weightier matters of the law: justice and mercy and faith. These you ought to have done, without leaving the others undone.”*

*Matthew 23:23*



# The Virtues Behind the Eighth Amendment

## CONSTITUTIONAL PRINCIPLE

## BIBLICAL VIRTUE

Fair punishment

**Justice**

Compassion

**Mercy**

Respect for every person

**Human Dignity**

Wise judgment

**Wisdom**

Limited government

**Freedom**

### REMEMBER THIS

**The Eighth Amendment reminds us that power should always be exercised with wisdom and restraint.**





# Rights Come with Responsibilities

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The Eighth Amendment protects people from cruel treatment. As Christians, we should also:

- ◆ Treat every person with dignity.
- ◆ Show kindness without ignoring justice.
- ◆ Refuse to delight in another person's suffering.
- ◆ Pray for victims, offenders, judges, and law enforcement.
- ◆ Remember that every person is made in God's image.



REMEMBER THIS

**Justice should never become revenge.**

# Constitution Fun Facts

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1

The Eighth Amendment was adopted in 1791 as part of the Bill of Rights.

2

Its language was inspired in part by the English Bill of Rights of 1689.

3

Courts have spent many years deciding what counts as "cruel and unusual punishment" as society and legal standards have changed.

4

The Eighth Amendment reflects the principle that government power has constitutional limits.





# Founder Spotlight

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## William Blackstone

1723–1780

Although he was not an American Founder, Sir William Blackstone was one of the most influential legal scholars read by the Founding Fathers.

His writings on English law taught that justice should protect both society and individual rights. His books were studied by many American lawyers, including those who helped shape the Constitution.



# The Two Foundations of Law

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Blackstone stated:

“Upon these two foundations, the law of nature [**The Biblical concepts of good and evil written on every human heart**] and the law of revelation [**The Bible**], depend all human laws; that is to say, no human laws should be suffered to contradict these.”

According to Blackstone, any human law that violated the law of nature and God's Word was no law at all. America has forgotten these truths to our own hurt.

## REMEMBER THIS

**Young people, you need to restore this understanding of law in your generation.**

## BLACKSTONE'S WISDOM

**"It is better that ten guilty persons escape than that one innocent suffer."**

This famous principle reminds us that justice should be careful, fair, and restrained.



# Words to know

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**Bail** Money or other security that may allow a person to remain free while awaiting trial, with the promise to return to court.

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**Fine** Money ordered by a court as a legal penalty.

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**Excessive** More than is fair or reasonable.

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**Cruel** Causing unnecessary suffering.

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**Mercy** Showing compassion while honoring justice.

## MEMORY VERSE

"He has shown you, O man, what is good; And what does the Lord require of you but to do justly, to love mercy, and to walk humbly with your God?"

*Micah 6:8*





COLOR IT IN

## You finished Chapter Twelve!

The Eighth Amendment — eight down, two to go.

BILL OF RIGHTS



8 OF 10

- 1 Money or other security that may allow a person to remain free while awaiting trial is \_\_\_\_\_ .
- 2 Money ordered by a court as a legal penalty is a \_\_\_\_\_ .
- 3 More than is fair or reasonable means \_\_\_\_\_ .
- 4 Causing unnecessary suffering means \_\_\_\_\_ .
- 5 Showing compassion while honoring justice is \_\_\_\_\_ .
- 6 The amendment forbids cruel and \_\_\_\_\_ punishments.
- 7 Sir William \_\_\_\_\_ was one of the most influential legal scholars read by the Founding Fathers.
- 8 The Constitution recognizes that every person possesses human \_\_\_\_\_ .
- 9 God instructed Israel's judges to act with \_\_\_\_\_ .
- 10 Our memory verse says to do justly, to love mercy, and to walk \_\_\_\_\_ with your God.



# Eighth Amendment Word Search

Words run across, down, and diagonally — forwards and backwards. Circle each one as you find it.

N D J J V J C P E U F O R L  
Y E L W Z E Y Q N Z Y M T N  
Z N O Z E T T L I P B A I L  
E F I G M Q I Z F V E E R W  
H U M B L Y N W J F N X T J  
D A R H Z R G F S O W F E U  
L T U E H S I O T V S W V S  
A Z P F S S D S Q Z Y V I T  
U D H S G T K L K Y T M S I  
S M K P E C R J M C S Y S C  
U N R Q A F Q A I T Q C E E  
N H M L W X T T I O F R C Q  
U R B W C R U E L N X E X Q  
C O M P A S S I O N T M E O

## WORD BANK

- |              |              |             |
|--------------|--------------|-------------|
| ◆ Bail       | ◆ Fine       | ◆ Excessive |
| ◆ Cruel      | ◆ Mercy      | ◆ Unusual   |
| ◆ Blackstone | ◆ Dignity    | ◆ Humbly    |
| ◆ Justice    | ◆ Compassion | ◆ Restraint |

Two of these words are not answers to anything. They are what justice looks like when it is exercised rightly.

# Family Questions

*Talk these through together before you write. There is no hurry.*

**1 • Why should punishments be fair and not excessive?**

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**2 • How can justice and mercy work together?**

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**3 • Why is every person worthy of dignity, even when they have done wrong?**

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**4 • What does Micah 6:8 teach us about God's heart?**

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**5 • How can our family show mercy without ignoring what is right?**

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## FOR THE PARENT OR GRANDPARENT

Question three is the whole chapter in one sentence. If the child can say why a person who has done wrong still has dignity, they have understood the Eighth Amendment.

# Justice or Revenge?

A family activity. Read these examples together and discuss the difference between justice and revenge.

1

A child accidentally breaks a plate and apologizes.

2

A student deliberately cheats on a test.

3

A friend tells the truth after making a mistake.

## ASK

- ◆ What would be a fair consequence?
- ◆ What would be an unfair or excessive consequence?
- ◆ How can we show both justice and mercy?

## THEN READ TOGETHER

Read Colossians 3:12–13, which encourages believers to show compassion, kindness, humility, gentleness, patience, and forgiveness. Discuss how these qualities help families and communities grow stronger.



# A Grandparent's Thought

The Eighth Amendment reminds us that how we administer justice matters as much as whether we administer justice.

The Founders believed that government should have the authority to punish wrongdoing, but they also believed that this authority must be limited by what is just, humane, and the rule of law.

The Bible reveals a God who is both perfectly just and perfectly merciful. At the cross, we see these two truths meet: God did not ignore sin, yet He made a way to extend mercy through Jesus Christ, “*That He might be just and the justifier of the one who has faith in Jesus*” (*Romans 3:26*).

As Christians, we should strive to reflect His character. We should stand for justice, show compassion, respect the dignity of every person, and remember that true strength is found not in cruelty, but in righteousness guided by truth.



## THOUGHT TO REMEMBER

**A free nation is strongest when its laws are just, its leaders are wise, and its people choose mercy without abandoning truth.**