

A Limited Christian Ethical Defense of Capital Punishment for Aggravated Murder

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Abstract: This paper examines the issue of capital punishment from a biblical, theological, and ethical perspective, with particular focus on its possible application in cases of aggravated murder. The study begins with a general overview of capital punishment and then analyzes offenses punishable by death under Old Testament law, categorizing them into offenses against persons, cultic offenses, and sexual offenses. By evaluating each category in light of both Old and New Testament theology, the paper argues that capital punishment should not be universally applied as in ancient Israel but may still be justified in specific cases, particularly in cases of aggravated murder. Furthermore, the study evaluates three influential Christian approaches to capital punishment: reconstructionism, rehabilitationism, and retributivism, and critically evaluates their theological foundations. The study offers a limited biblical and ethical defense, not a complete argument for legal reintroduction. The conclusion affirms that capital punishment may remain biblically and ethically defensible in exceptional cases of aggravated murder, as defined in this study, without establishing a sufficient basis for its legal reintroduction.

Keywords: Capital Punishment, Old Testament Law, Christian Ethics, Justice, Retributivism, Murder

Introduction

The issue of capital punishment continues to generate significant ethical, legal, and theological debate, especially within the context of Christian thought. The tension between justice and mercy raises important questions regarding the legitimacy and applicability of such a penalty in contemporary society. This study seeks to address whether capital punishment may be morally defensible within a Christian ethical framework, with particular focus on cases of aggravated murder.

From a biblical perspective, the Old Testament prescribes capital punishment for various offenses, reflecting the legal and theological framework of ancient Israel. In contrast, the New Testament emphasizes themes such as grace, repentance, and transformation, leading to different interpretations regarding the continuation of these laws. Therefore, a balanced analysis is necessary in order to discern which principles remain relevant today.

This paper examines the issue by analyzing the Old Testament categories of capital offenses, engaging contemporary perspectives, and arguing that capital punishment may still be morally justified in limited cases, particularly in relation to aggravated murder. The civil penalties of ancient Israel cannot be transferred directly and in their entirety to modern states. Instead, the question is whether the underlying biblical principles support a limited moral justification. Any proposal for legal reintroduction requires separate constitutional, empirical, and institutional analysis, which lies beyond the scope of this paper.

General Considerations on Capital Punishment

Capital punishment refers to the legally sanctioned execution of an individual found guilty of serious crimes. This form of punishment is typically preceded by a judicial process, culminating in a formal death sentence. Throughout history, various methods of execution have been employed, including burning, decapitation, guillotine, stoning, electrocution, hanging, execution by sawing, firing squad, and other forms. All these methods were intended to serve the purpose of administering justice within society (Owens, 2007, p. 704).

From a historical perspective, the execution of offenders has been a widespread practice across most societies. However, in the modern period, there has been a significant shift toward abolition. The Death Penalty Information Center's 2024 international report recorded 144

countries as abolitionist in law or practice, while noting a third consecutive annual increase in known executions (Death Penalty Information Center, 2024). Amnesty International's subsequent report on 2024 recorded a 32% increase in executions compared with 2023, excluding the thousands believed to have taken place in China (Amnesty International, 2025). Nevertheless, capital punishment continues to be practiced in certain regions, particularly in some Islamic countries and in specific states within the United States (Rae, 2009, p. 277).

Article 189 of the Romanian Criminal Code classifies murder as aggravated when it is committed under various circumstances, including premeditation, material interest, avoidance of legal responsibility, concealment of another crime, recidivism, multiple victims, murder of a pregnant woman, or acts of extreme cruelty (Noul Cod Penal și legislație conexasă, 2016, p. 92). Within the framework of this study, it is argued that capital punishment may be considered morally defensible particularly in the last three circumstances mentioned—namely, crimes involving multiple victims, the murder of a pregnant woman, and acts committed with extreme cruelty. Therefore, all references to “aggravated murder” in this paper will be limited to these specific cases. Article 22(3) of the Romanian Constitution prohibits the death penalty. Article 189 is therefore used here to identify categories of aggravated murder; it provides no legal basis for capital punishment in Romania (Constitution of Romania, 1991, art. 22(3)).

Capital Punishment in the Old Testament

In Holy Scripture, we can identify twenty-one offenses punishable by death. Norman Geisler enumerates these twenty-one capital offenses: murder (Exod. 21:12), contemptuous acts against a judge (Deut. 17:12), causing a miscarriage (Exod. 21:22–25), false testimony in a potential capital case (Deut. 19:16–19), negligence of the owner of an ox that kills a person (Exod. 21:29), cursing one's parents (Exod. 21:17), rebellion of children (Exod. 21:15), kidnapping (Exod. 21:16), idolatry (Exod. 22:20), blasphemy (Lev. 24:15–16), witchcraft or divination (Exod. 22:18), false prophecy (Deut. 18:20), apostasy (Lev. 20:2), violation of the Sabbath (Exod. 31:14), drunkenness of a priest (Lev. 10:8–9), unauthorized individuals touching the holy objects of the Temple (Num. 4:15), homosexuality (Lev. 20:13), bestiality (Lev. 20:15–16), adultery (Lev. 20:10), rape (Deut. 22:25), and incest (Lev. 20:11). All these offenses can be categorized into three major groups: violence or crimes against others, cultic sins, and sexual sins. The first eight offenses fall into the category of violence or crimes against others. The next eight belong to the category of cultic sins, committed against God. The final five represent sins of a sexual nature. In what follows, we will analyze several biblical texts for each category and seek to determine whether the underlying biblical principles may provide a moral justification for capital punishment for these types of offenses (Geisler, 2008, p. 229–230).

The first category to be examined is that of violence or crimes against others. Old Testament laws are very clear when it comes to killing: whoever kills shall be put to death. In Exodus 21:12, 20–21, we find laws concerning homicide. Verse 12 is very explicit regarding murder, while verses 20–21 have been interpreted in various ways. Some interpret the expression *אֶת־אִישׁוֹ* as referring to a fine or a lesser punishment imposed on the offender. However, the most plausible interpretation is that it refers to capital punishment. The one who strikes his slave with a fatal blow was to be punished by death (Hamilton, 2011, p. 386–387; Hamilton, 2011, p. 384; Yoder, 1961, p. 7).

Another passage that reflects the principle of capital punishment is found in Exodus 21:23–25. In these verses we encounter the so-called *lex talionis* (“law of retaliation”). This law prohibited excessive vengeance, as retaliation often exceeded the gravity of the offense committed. In Judges 1:6–7, we see how disproportionate revenge was practiced in that society. Therefore, God limits punishment strictly to the offender and to the severity of the act committed. Through this command, we can observe God's grace toward the sinner, as the punishment does not extend to the family but only to the individual responsible (Goldingay, 2009, p. 445; Yoder, 1961, p. 7).

Within this same category are also those who failed to restrain an ox that caused death; such a person was to be stoned (Exod. 21:29). Likewise, those who rebelled against their parents were subject to capital punishment (Exod. 21:15, 17). Cursing or striking one's parents was considered a grave offense in that society. In verse 15, the term "to strike" does not refer to killing the parents, since the punishment for murder is already stated in verse 12, but rather to a physical act of violence against them. Authority was highly valued in both Jewish culture and other ancient societies. In the Code of Hammurabi, striking one's parents was punished by the cutting off of the hands, while in Sumerian laws, a child who struck his parents could be sold as a slave. Of all these offenses, in modern societies only murder is still punished by death in certain countries such as China, Vietnam, Singapore, and Afghanistan. In addition, drug trafficking is also punishable by death in some contexts, such as Singapore. Therefore, it can be argued that capital punishment may be morally defensible only for aggravated murder and not for the other offenses in this category (Spence-Jones, 2004, p. 168; Walton, 2014, p. 104; Owens, 2007, p. 705; Rae, 2009, p. 277).

The second category of offenses punishable by death in the Old Testament consists of cultic sins. This category includes eight offenses, though we will focus on two of them. God forbade practices such as witchcraft and idolatry, as their purpose was to prevent the worship of other gods. These laws are found in Exodus 22:18–20 and represent sins committed directly against God. Witchcraft was prohibited because it sought to manipulate or oppose the work of God, while idolatry involved worshiping or offering sacrifices to other deities. A relevant example is found in Numbers 25, where the Israelites engaged with the Moabite women and were led into idolatry. As a result, God's judgment came upon them, and those who committed idolatry were put to death. However, capital punishment for cultic sins is no longer applicable today, since modern societies are no longer structured as monotheistic covenant communities. Accepting such penalties today would open the door to the validation of similar claims from other religions (Durham, 2002, p. 328; Levine, 2008, p. 285).

The final category of offenses punishable by death consists of sexual sins. The laws concerning these sins are found in Leviticus 20:10–20 and include adultery, incest, homosexuality, and bestiality. These offenses were punishable by death under the Mosaic Law. In the case of adultery, the punishment required the testimony of two or three witnesses (Deut. 17:6–7). However, in John 8, when a woman caught in adultery is brought before Jesus, He chooses to forgive rather than condemn her. Similarly, in 1 Corinthians 5:1–12, the Apostle Paul does not prescribe death for incest but instead calls for excommunication from the church. These examples demonstrate a shift in the New Testament toward discipline rather than capital punishment, supporting the conclusion that sexual sins are no longer punishable by death (Sprinkle, 2015, p. 137).

Three Perspectives on Capital Punishment

Norman Geisler identifies three major perspectives on capital punishment present in contemporary society. The first category consists of those who insist on adopting all capital punishments found in the Old Testament. The second category represents those on the opposite end, who reject capital punishment entirely for any of these offenses. The third category includes those who accept capital punishment only for certain serious crimes (Geisler, 2008, p. 221).

The first perspective analyzed by Geisler is that of reconstructionism. Its proponents advocate for the application of all capital punishments prescribed in the Old Testament. They support their view by appealing to the immutability of God, arguing that since God does not change, His laws remain equally valid today. Another biblical argument invoked by reconstructionists is drawn from Jesus' Sermon on the Mount (Matthew 5), where He states that He did not come to abolish the Law but to fulfill it. However, these arguments do not withstand critical examination, since the Mosaic Law does not fully reflect the entirety of God's character. Moreover, the very passage from Matthew 5 can be understood as supporting the

fulfillment—and thus the transformation—of the Law, as God’s justice is ultimately satisfied in Christ. A further counterargument lies in the shift of punishment in the New Testament, where discipline takes a different form, as seen in Paul’s teaching in Corinthians. Therefore, the idea of reintroducing capital punishment for all twenty-one offenses is not sustainable (Geisler, 2008, p. 230–231; Geisler, 2008, p. 221).

Rehabilitationism represents the second perspective, advocating for the complete abolition of capital punishment for all Old Testament offenses. Its primary aim is the restoration of the offender rather than punishment. Its arguments draw from both the Old and the New Testament. For instance, Ezekiel 18:23 states that God does not desire the death of the sinner, but rather his repentance. Furthermore, biblical figures such as Cain and David were not subjected to capital punishment. According to this view, the cross of Christ permanently removes the legitimacy of capital punishment, as Christ was the last to undergo such a penalty, thereby fulfilling the Mosaic Law. However, upon closer examination, these arguments are not fully convincing. Although God desires repentance and forgiveness, this does not eliminate the consequences of sin (Ezek. 18:4; Exod. 20:5). In the cases of Cain and David, they still experienced divine judgment, even if not executed by human authorities. Moreover, the cross of Christ does not abolish death as a form of justice, but rather provides atonement for sin. Within the retributive interpretation adopted here, these arguments do not conclusively establish that capital punishment is always morally impermissible (Geisler, 2008, p. 232–233; Geisler, 2008, p. 221–223; Belousek, 2009, p. 375–402). More recent abolitionist scholarship challenges this interpretation. Millie (2023) reads the Lord’s Prayer as a call to forgiveness and reconciliation that challenges retributive punishment and supports abandoning capital punishment. This raises a theological objection to the present argument: the sanctity of life may be understood as requiring the preservation of the offender’s life as well as recognition of the victim’s dignity. The present defense relies on distinguishing forgiveness from the civil authority’s responsibility to administer justice, while acknowledging that this distinction remains contested within Christian ethics.

The third perspective is retributivism, which supports the application of capital punishment only for certain serious offenses. According to this view, God instituted capital punishment as early as the time of Noah. Genesis 9:6 represents the first explicit biblical formulation: “Whoever sheds the blood of man, by man shall his blood be shed, for in the image of God has God made mankind.” Human life is sacred because it bears the image of God, and therefore the taking of life warrants the highest form of justice. God entrusted human authorities with the responsibility of administering justice, a principle that is reaffirmed both in the Mosaic Law and in the New Testament (Rom. 13). Additionally, proponents argue that capital punishment may deter crime. However, empirical support for an additional deterrent effect remains disputed. Using a synthetic control method, Oliphant (2022) found no statistically significant increase in homicide following death penalty moratoriums in four U.S. states. These findings do not establish the effect in every jurisdiction, but they do not support treating deterrence as an established benefit. Another practical argument is the economic one, as proponents suggest that capital punishment may be less costly than long-term imprisonment; this claim would also require separate, jurisdiction-specific empirical assessment. On the biblical and ethical grounds discussed above, capital punishment may be morally justified in cases of aggravated murder (Geisler, 2008, p. 225–227; Reno, 2010, p. 125; Geisler, 2008, p. 239–240; Rae, 2009, p. 276–278).

Conclusion

Based on the arguments presented throughout this study, capital punishment may remain morally defensible within a Christian ethical framework in exceptional cases of aggravated murder. This conclusion is grounded primarily in the biblical affirmation that human beings are created in the image of God, which gives human life a unique and sacred value. Consequently, the intentional and

severe taking of human life represents not only a crime against another person but also an offense against the divine order established by God.

Furthermore, Scripture indicates that God has entrusted governing authorities with the responsibility of administering justice. This principle can be observed from the earliest pages of the Bible, beginning with Genesis 9:6, and continues into the New Testament, where authorities are described as instruments of justice (Rom. 13). Within the Christian retributive interpretation adopted in this paper, these passages may support the moral permissibility of capital punishment in exceptional cases of aggravated murder. They do not, by themselves, establish that a modern state should introduce or apply this penalty.

At the same time, it is important to recognize that not all Old Testament capital offenses retain their applicability today. As this study has shown, penalties related to cultic and sexual sins are no longer enforced in the same manner under the framework of the New Covenant. Within this interpretive framework, the discontinuity between ancient Israel and modern states does not necessarily exclude a limited moral defense of capital punishment for aggravated murder. Such a defense remains open to the abolitionist objections discussed above and does not entail a requirement that modern states impose the death penalty.

Practical considerations require separate empirical assessment. Research on whether capital punishment deters homicide more effectively than imprisonment remains disputed. The National Research Council (2012) concluded that the available studies could not establish whether capital punishment decreases, increases, or has no effect on homicide rates. More recent findings from four U.S. states likewise provide no evidence of an additional deterrent effect (Oliphant, 2022). Accordingly, this paper does not treat deterrence as an established justification for capital punishment.

Therefore, a balanced and biblically grounded approach leads to the conclusion that capital punishment should not be universally applied, but it may remain morally defensible in carefully defined circumstances, particularly in cases of aggravated murder. Such a position upholds both the justice of God and the dignity of human life, maintaining a necessary equilibrium between accountability and moral order. This is a limited biblical and ethical conclusion, not a sufficient basis for legal reintroduction, which would require separate constitutional, empirical, and institutional analysis.

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