

Orthodoxy and the Death Penalty

The Eastern Orthodox Church has not and does not have a single, universally binding dogmatic pronouncement on the death penalty. Early Christian clergy condemned, without exception, certain forms of killing such as abortion, infanticide, and gladiatorial games, while the position on the death sentence imposed upon severe criminal acts was not as straightforward. The Patristic Fathers' commentary has varied across the centuries, evolving from total opposition to conditional acceptance back to total opposition.

Biblical Commentary

In the Old Testament, Cain, the first murderer is not punished with death only banishment. When Noah leaves the Ark, the Lord blesses him and says to him: "Whoever sheds the blood of man, by man shall his blood be shed." (Gen 9:5-6). The Ten Commandments states "Thou shall not kill." In the New Testament seems to stress mercy above all else. In the parable of the wheat and the tares both the righteous and the evildoers are allowed to coexist so that ultimately God alone punishes grave offenders. However, during Jesus' Passion, He acknowledges Pilate's authority to judge and pass sentence making it known that this authority is "granted from above." St. Paul addresses the authority of the State, *"Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God... For the one in authority is God's servant for your good. But if you do wrong, be afraid, for rulers do not bear the sword for no reason. They are God's servants, agents of wrath to bring punishment on the wrongdoer."* (Romans 13:1-4)

Apostolic and Ante-Nicene Fathers

The Fathers of the first three (3) centuries after Christ such as Tertullian, Justin Martyr, Hippolytus, Clement of Rome, and Athenagoras of Athens opposed State executions, maintaining that Christians should not participate in judicial murder.

For we cannot endure even to see a man put to death, though justly; who of them can accuse us of murder or cannibalism? But we, deeming that to see a man put to death is much the same as killing him, have abstained such spectacles. How, then, when we do not even look on, lest we should contract guilt and pollution, can we put people to death? (Chapter 35, A Plea for Christian, **Athenagoras of Athens**)

There is a vast difference between the corrupted state and that of primal purity. Take, for instance, murder, whether committed by iron, by poison, or by magical enchantments. Has the Creator provided these things for man's destruction? Nay, He puts His prohibition on every sort of man-killing by that one summary precept, Thou shall not kill. (De Spectaculis, Chapter 2, **Tertullian**)

The righteous were indeed persecuted, but only by the wicked. They were cast into prison, but only by the unholy; they were stoned, but only by transgressors; they were slain, but only by the accursed. (1 Clement 45, **Clement of Rome**)

Others like Clement of Alexandria, saw the death sentence as redemptive in severe cases of criminal action.

Orthodoxy and the Death Penalty

For the law, in its solicitude for those who obey, trains up to piety, and prescribes what is to be done, and restrains each one from sins, imposing penalties even on lesser sins. But when it sees any one in such a condition as to appear incurable, posting to the last stage of wickedness, then in its solicitude for the rest, that they may not be destroyed by it, condemns one to death, as the course most conducive to health. The highest and most perfect good, when one can lead back anyone from the practice of evil to virtue and well-doing, which is the very function of the law. So that, when one falls into any incurable evil, when taken possession by it— it will be for his good if he is put to death. For the law is beneficent, being able to make some righteous from unrighteous, if they will only give ear to it, and by releasing others from present evils... (Stromata, 1:27, The Law, Correcting and Punishing, Aims at the Good of Men)

Nicene and Post-Nicene Fathers

By the 4th and 5th centuries the Fathers of the Church took a more softened position than that of Clement of Alexandria, in that they opposed the death sentence, but unlike the total opposition of the other Early Church Fathers, acknowledged the right of civil authorities to impose capital punishment but that it be tempered with mercy and compassion allowing for the fullest opportunity of the criminal to repent.

St. Ambrose, in his Letter 25, answers judge Studius' question of whether he "did violence to his duty as a Christian in imposing the death penalty."

I recognize in your application to me a pure intention of mind, zeal for the faith, and fear of our Lord Jesus Christ, being checked on the one hand by the obligation of the trust committed to you for the maintenance of the laws, and on the other by claims of mercy and clemency, asks if a judge bears not the sword in vain, for he is the avenger of God, upon him that does evil. You understand therefore both what power your commission gives you, and also where mercy would lead you; you will be excused if you do it, and praised if you do it not... [Through the example of Christ to the adulterous woman] our ancestors thought it better to be indulgent towards Judges; that by the terror of their sword the madness of crime should be repressed, and no encouragement given to it.

St. Augustine (*City of God*, Letter 153 to Macedonius of Africa) recognized that state executions could be an exception to the divine commandment against killing, provided the State acted within legitimate jurisdiction but urged rulers and judges to exercise restraint and mercy.

In no way, then, do we approve of the sins that we want to be corrected, nor do we want the wrongdoing to go unpunished... Rather, having compassion for the person and detesting the sin or crime, the more we are displeased by the sin the less we want the sinful person to perish without having been corrected.

For, although we can deny any responsibility for the death of those who are seen to have been handed over for judgment, not due to the accusations of ours, but because of the indictment of those who have charge of the defense of the public peace, we still do not want the sufferings of the servants of God to be avenged by punishments equal to those sufferings, as by the law requiring an eye for an eye.

Orthodoxy and the Death Penalty

So do not condemn people to death, or while you are attacking the sin you will destroy the man. Do not condemn to death, and there will be someone there who can repent. Do not have a person put to death and you will have someone who can be reformed. As a man having this kind of love for men in your heart, be a judge of the earth. I don't deny that penalties must be applied. I don't forbid it. But let it be done in a spirit of love a spirit of caring, a spirit of reforming.

St. John Chrysostom, while acknowledging the right of the state to execute criminals under extreme necessity, in his Homily 17.3 on the Statues strongly urging judges and emperors to spare lives and offer clemency.

When [the monks] drew near to the magistrates themselves, they spoke to them with boldness on behalf of the accused, and were all ready to shed their blood, and to lay down their heads, so that they might snatch the captured from the terrible events which they expected. They also declared that they would not depart until the judges should spare the population of the city, or send them themselves together with the accused to the Emperor...We will not give you leave, nor permit you to use the sword, or take off a head. We confess that the crimes committed are very heinous; but the iniquity of those deeds does not surpass the humanity of the Emperor...if you put to death the image of God, how will you be again able to revoke the deed! Or how to reanimate those who are deprived of life, and to restore their souls to their bodies?

St. Gregory Nazianzus, (Orations 17.9) instructing a Christian magistrate says "And you, the representatives of power and authority, I direct my remarks to you...the Law of Christ puts you under my jurisdiction and authority... You rule and govern with Christ, it is from Christ that you receive your sword, not so much that you may use it, as that you may threaten and deter. For these reasons imitate God's philanthropy."

Pope Innocent I (405 AD) clarified that magistrates could not be automatically excommunicated for carrying out a death sentence, noting that no explicit universal rule forbade it, though the Church remained deeply opposed to the practice.

Modern Commentary on Orthodoxy's Response to the Death Penalty

Patriarch Barthomew, in a 2020 visit to the Vatican, gave his position on capital punishment.

"The attitude of a society toward the death penalty is an indicator of its cultural orientation and consideration of human dignity." The worthy system of European constitutional culture, of which one of the fundamental pillars is the idea of love as an expression of its Christian beliefs, requires us to consider that every man must be given the possibility of repentance and improvement, even if he has been condemned for the worst crime. It is therefore a logical and moral consequence that one who condemns war also should reject the death penalty."

In the book, *For the Life of the World, Towards a Social Ethos of the Orthodox Church*, Fr. John Chryssavgis states that "the Orthodox Church rejects capital punishment out of faithfulness to the Gospel and the example of the Apostolic Church which upholds the laws of forgiveness and reconciliation as the

Orthodoxy and the Death Penalty

imperatives of Christian culture.” Interestingly Fr. Chrysavgis does not interpret either the Adulterous Woman or St. Paul’s warning in Romans as supportive of the death penalty and in fact just the opposite (pg. 65) He acknowledges that later in Church history, “*the Church had to accept the reality of an established system of jurisprudence and correction that included capital punishment,*” but aversion to the death penalty as an ideal and virtue of the Church can be recovered today and must fight for the abolition of the death penalty.

Dr. Angelos Mavropoulos, professor of Christian Ethics and Sociology, teachings on modern Orthodox ethics aligns with Chrysavgis saying in that the death penalty is barbaric, inhuman, and anti-Christian, based on four main reasons.

- a) it is an act of retaliation
- b) it deprives man of the right to live
- c) it cannot be amended in the case of a judicial error
- d) it cannot be proven to work as a deterrent.

Conclusion So although there has been much debate over this issue, it can be acknowledged that in our present time the Orthodox Church understands the purpose of Christian life as *metanoia* and fulfillment in God, and as no one can know in advance what the future repentance of a criminal will be mercy and the hope for repentance must be given the fullest amount of time. Scripture and Christian history has shown that repentance is possible even in those who committed severe offenses such as David who committed adultery and murder, Moses who killed a man, St. Moses the Ethiopian, St. Mary of Egypt, the Thief on the Cross, and even Saint Paul himself.