

ON THE SACRED
ANIMAL

Lactantius

ON THE SACRED ANIMAL

*A Modern Engagement with Lactantius Against the Death
Penalty*

L A C T A N T I U S

Divine Institutes, Book VI, Chapter 20

Edited and Modernized by

J E F F H O O D

T H E A B O L I T I O N C L A S S I C S

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The texts that built the case against the death penalty

C O M P L I C I T P R E S S

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Original text: Lactantius, *Divine Institutes*, c. 304–313 CE.

This edition newly modernized from the Latin.

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FOREWORD

Lactantius wrote his *Divine Institutes* around 304 CE, during the last and most savage of the Roman persecutions of Christians. Diocletian was burning churches, confiscating scriptures, and executing believers across the empire. The Christian community knew the machinery of Roman capital punishment not as an abstraction but as an immediate and ongoing fact of life. It was into that world — a world in which the state was actively killing people for their faith — that Lactantius wrote the most absolute anti-execution statement in the entire early church: it is always unlawful to put to death a man, whom God willed to be a sacred animal.

That sentence arrests me every time I read it. Not because it is surprising that a Christian writer would oppose executions — earlier voices had said similar things — but because of its absolute quality. Lactantius does not say it is usually unlawful, or unlawful in most circumstances, or that the execution of the innocent is wrong while the execution of the guilty might be permitted. He says always. And he extends the prohibition explicitly to prosecutorial participation: it makes no difference, he says, whether you kill a person with a sword or with words in court. To bring a capital charge is to participate in the killing. To watch an execution is to be implicated in it. The logic is uncompromising. He may not have held that line to the end of his life. The note that follows takes up that question. It does not touch the argument, which is true or it is not, whatever became of the man who made it.

I have spent years in the company of people awaiting execution. I have sat across tables from men whose deaths were scheduled by the state — men who had, in many cases, done terrible things, and who were also, in every case, human beings. Lactantius would have understood this immediately. His phrase for the human person is *sanctum animal*, a sacred animal. He builds it out of the Roman legal sense of what is *sanctum*: hedged about by divine sanction, protected from violation, not available to ordinary human hands. Rome reserved that protection for its tribunes and its walls. Lactantius extends it to every person alive. Whatever they have done, they belong to God in a way that places them beyond the state's authority to destroy.

He came to this position by watching. His argument moves from spectacle to theology: the problem with watching people die is not merely that it is unpleasant but that it corrupts the moral imagination. Once you have watched a person die and felt something other than grief, you have become a different kind of person. The capacity for cruelty is not inborn in its full expression. It is cultivated, slowly, by exposure to cruelty in settings that make it seem justified, entertaining, or inevitable.

This argument is as relevant in 2026 as it was in 304 CE. The gladiatorial arena is gone. But the appetite that animated it — the desire to see condemnation enacted on a human body, the satisfaction of watching the state demonstrate its power over life and death — has not gone anywhere. It appears in the crowds that gather outside prison walls on execution nights. It appears in the political rhetoric that treats the death penalty as a demonstration of toughness. It appears in the language of supporters who speak of executions as justice delivered and accounts settled. Lactantius looked at the Roman crowd in the arena and named what it was doing to them. The name still fits.

I have tried in this volume to bring Lactantius into direct engagement with our moment. The adaptation of Chapter 20 aims

FOREWORD

to make his argument available in contemporary language without softening its edge. The scriptural engagement that follows takes up the biblical foundations he assumed but did not fully develop. Together, I hope they constitute an argument that Lactantius himself would recognize: that the human person is a sacred animal, that no state possesses the authority to destroy what God has made, and that the capacity for mercy is the truest measure of justice.

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2026

A NOTE ON THIS EDITION

The Author

Lucius Caecilius Firmianus Lactantius (c. 250–325 CE) was a North African rhetorician who converted to Christianity and became one of the most important Latin Christian writers of the early church. Born in the Roman province of Africa, he was trained in rhetoric and appointed by Emperor Diocletian to teach Latin rhetoric in Nicomedia, the imperial capital. When the Diocletianic persecution began in 303 CE, Lactantius lost his position and turned his energy to writing. The *Divine Institutes*, his major work, was composed between approximately 304 and 313 CE and is the first systematic treatment of Christian philosophy and ethics written in Latin.

After Constantine's victory and the Edict of Milan in 313 CE, Lactantius was summoned to the imperial court and appointed tutor to Constantine's son Crispus. He spent his last years as a celebrated scholar and the preeminent literary voice of the new Christian empire. That arc — from the persecuted margins to the imperial center — creates a tension in his work that the scholarship has never resolved. The man who wrote that it is always unlawful to kill a human being later served as tutor to the son of an emperor who retained and expanded the use of capital punishment. There is no retraction anywhere in what survives. But the absolute position does not clearly survive either. His own later condensation of the *Divine Institutes*, the *Epitome*, no longer

forbids a just man to bear arms; it allows that courage is good when it is exercised for one's country and evil only when it is turned against it. And *On the Deaths of the Persecutors*, written after Constantine's victory, dwells with evident satisfaction on the violent ends of the emperors who had persecuted the church — divine judgment rather than judicial killing, and so not a formal contradiction, but not obviously the work of a man who still believed the sight of a death should produce nothing but grief. What can be said is this. The absolute prohibition belongs to the persecuted Lactantius. Whether the courtier still held it, we do not know.

His classical education gave him an extraordinary command of Cicero, Virgil, Lucretius, and the Stoic philosophers, and his Latin prose is among the most elegant in the patristic tradition. Jerome called him the Christian Cicero. He brought to Christian ethical argument a rhetorical sophistication the earlier apologists had not possessed, and his engagement with the philosophical tradition gave his arguments a reach beyond sectarian appeal.

The Original Text

The *Divine Institutes* runs to seven books. Book VI is titled *On True Worship* and addresses the practical dimensions of Christian moral life. Chapter 20 of Book VI is the climax of Lactantius's argument against the pleasures of spectacle — gladiatorial games, theatrical performances, and chariot racing — and contains within it the strongest anti-execution statement in the entire pre-Constantinian church. The argument moves from the observation of public spectacle to a theology of the human person, arriving at the conclusion that the human being is a sacred animal whom God has placed beyond the reach of human authority to destroy.

The decisive sentence — that it is always unlawful to put to death a man, whom God willed to be a sacred animal — appears in the middle of an argument about gladiatorial games. Lactantius is arguing that attendance at public killing corrupts the conscience, and from that argument he derives a principle about the nature of human life itself. The Latin is *sanctum animal*. The chapter also contains the claim that a just person may neither serve as an executioner nor bring a capital charge, because accusing a person of a capital crime is morally indistinguishable from carrying out the killing by hand. Immediately afterward comes his condemnation of the strangling and exposure of newborn children, which rests on the same foundation.

The standard scholarly translation is Mary Francis McDonald's rendering for the *Fathers of the Church* series (Catholic University of America Press, 1964). The present modernization works from the Latin text and from William Fletcher's nineteenth-century English translation, now in the public domain, updating the language, extending examples, and developing arguments that Lactantius states briefly.

The Modernization

This edition presents Chapter 20 in a fully modernized adaptation that preserves Lactantius's argument and its structure while rendering it in contemporary English. The examples remain his: the arena, the stage, the racecourse. They have not been replaced with modern equivalents, because the force of the argument depends on watching him watch a real crowd. What has been modernized is the language. What has been drawn out is the application he leaves implicit — that a citizen of a state that kills stands in the position of the spectator he describes.

Two editorial liberties should be named plainly. The chapter has been divided into four titled sections, which are not in the

original. And the argument's climax — the sacred animal, and the prohibition on killing newborns that follows from it — has been moved to the end, where in the original it sits in the middle of the discussion of spectacle. The order of his reasoning is preserved. The sequence of his paragraphs is not.

The scriptural engagement that follows Chapter 20 takes up the biblical tradition Lactantius assumed but did not develop in detail. He wrote for an audience that shared his Christian commitments and did not require extensive scriptural citation. A contemporary audience, particularly one in the American South where both Christian faith and capital punishment are deeply embedded in the culture, benefits from the fuller engagement with Scripture that his own argument implies. Its five sections move from the image of God through the teaching of Christ to the letters of Paul, the prophets, and the pattern of mercy that runs through both testaments. Where the argument being made is not Lactantius's own but belongs to a later figure in this series, that is said in the text.

The Series

The Abolition Classics is published by Complicit Press to make the texts that built the case against the death penalty available in contemporary language. Lactantius belongs in the series because he is the earliest and most absolute voice in the Western tradition to argue that capital punishment is categorically wrong. He precedes Beccaria by fourteen centuries. He precedes Rush by fifteen. He wrote from inside a church that was itself the target of the state's killing power, and he concluded that no person — not the guilty, not the dangerous, not the condemned — is available to the state for destruction. That conclusion is as radical now as it was in 304 CE.

*“It is always unlawful to put to death a man, whom God
willed to be a sacred animal.”*

— Lactantius, Divine Institutes VI.20, c. 310 CE

LACTANTIUS'S
ARGUMENT

I. On the Corruption of Spectacle

What follows is a modernized adaptation of Book VI, Chapter 20 of the Divine Institutes, composed by Lactantius around 310 CE. His argument moves from the ethics of spectacle to the theology of the human person. The argument is his. The language is ours.

There remains one final argument against the pleasures of the senses, and it must be stated plainly: every pleasure that corrupts the moral imagination must be resisted. This is not merely a counsel of asceticism. It is a claim about what happens to a human being when certain things are allowed to become normal.

The other animals use their senses only for what their nature requires. They see in order to find food and avoid danger. They hear in order to locate one another. They eat until they are satisfied, then stop. The most skillful Creator gave to human beings something different: pleasure without natural limit, pleasure capable of expanding beyond any boundary that nature provides. This was not an accident or a defect in our design. It was the condition that made virtue possible and necessary. Where there is no temptation, there is no virtue — only the absence of occasion for choice. God set pleasure before us as a domestic enemy, so that virtue might have something to contend with, and so that the discipline of resisting pleasure might form in us the character that no ease could produce.

Cicero understood part of this when he wrote that debaucheries, adulteries, and every disgraceful action are excited by the enticements of pleasure. When desire rules, temperance has no home. When pleasure reigns, virtue cannot exist alongside it. The philosophers who perceived this were right to warn against it. But then, having eloquently urged us to despise earthly things and lift our eyes to what is permanent and beautiful, they attended the public games anyway. They were delighted by them. They did not see the contradiction. The spectacles they enjoyed were among the greatest incitements to vice the world possessed — and the most powerful instrument for the corruption of whatever had been carefully built up in quieter hours.

The problem with spectacle is not merely that it wastes time or stimulates unworthy emotions. The problem is that it habituates. What we watch repeatedly becomes normal. What becomes normal becomes acceptable. What becomes acceptable eventually becomes desirable. The man who watches violence as entertainment will not feel the same horror at real violence that a man who has never watched it will feel. The capacity for cruelty is not inborn in its full expression. It is cultivated, slowly, by exposure to cruelty in settings that make it seem justified, entertaining, or inevitable.

II. On the Lawfulness of Killing

Consider the gladiatorial games specifically, because they make this argument unavoidable. A person who considers it a pleasure to watch a condemned man be put to death pollutes their conscience as completely as if they had secretly committed the homicide themselves. The name of the thing changes nothing about the act. They call it sport. They call it justice. They call it entertainment. The blood is real. The death is real. The person watching it and feeling pleasure at it has taken part in something that will leave a mark on them whether they recognize it or not.

Watch what actually happens in these places. The crowd — people who are, as individuals, capable of mercy and kindness and ordinary human sympathy — gathers to watch men fight and die. When the killing is going well, they applaud. When it is going slowly, they grow impatient and demand it be hurried. When a fallen man raises his hand in submission and asks for mercy, they often vote for his death rather than his sparing. They are not monsters in their private lives. But assembled together in this place, with the sanction of law and the cover of official ritual, they become capable of a collective cruelty that none of them would likely perform alone. Having been imbued with this practice over years, they lose their humanity. It does not return simply because the spectacle ends and they walk out into the ordinary street.

Can we honestly call these people just? Can we call them pious? When they see a man under the stroke of death, when they hear him begging for mercy, they not only permit the killing but

demand it. They give their votes for death with a casualness that should disturb us deeply. They are not satisfied with wounds; they want the wound that ends it. They order that men lying on the ground, already bleeding, be struck again to make certain the death is not feigned. They are angry if the dying takes too long. They call for fresh fighters when they grow bored with the ones already dying in front of them. And so, having practiced on the guilty, they do not spare the innocent either. What they learned in the slaughter of the wicked they carry out into every part of their lives.

This is what state killing trains people to become. And this is why it cannot be a matter of indifference whether a just person attends these spectacles or participates in their logic. The corruption is not accidental. It is the natural result of normalizing the deliberate destruction of a human life.

When God forbids us to kill, this prohibition is not limited to personal violence that the public law also condemns. It extends to all the ways in which killing is committed that the public law actually permits and celebrates. A just person will not serve in warfare, because the business of warfare is the destruction of human beings. A just person will not bring a capital prosecution, because there is no moral difference between ending a person's life with a weapon and ending it with a verdict. The act of causing death is what is prohibited, regardless of the instrument used or the procedure surrounding it.

Therefore, on this precept of God, there ought to be no exception at all. It is always unlawful to put to death a human being, whom God willed to be a sacred animal. Always. The word is not accidental. It does not mean usually, or in most cases, or except when the crime is terrible enough. It means that the category of justified state killing does not exist, because the human being whom the state proposes to kill belongs not to the state but to God, and God has not authorized the transfer.

III. On the Stage and Public Games

The same logic applies, with somewhat less ferocity, to every form of spectacle whose purpose is to stimulate the passions in directions that virtue cannot approve. The theatrical performances of our cities accomplish this by a different route than the arena but arrive at the same destination. Comedies make the dishonoring of women and the pursuit of shameful pleasures into subjects of laughter and entertainment. The more eloquently they are written, the more effectively they embed their content in the memory of the audience. Elegant verse is more adhesive than bad prose. The pleasure of the form carries the content past defenses that plainer expression would have met.

The tragedies place before their audiences the crimes of famous men: parricides, incests, betrayals, murders — all represented with full theatrical skill, all made vivid and compelling and emotionally engaging. And what effect does this have on the person who spends their evenings in such company? What happens when the young and the impressionable see that these things are portrayed without shame and watched with pleasure by everyone around them? They are told, without words, that these things belong within the range of what human beings do. They are given templates for their own imagination that they did not seek and cannot easily refuse.

The chariot races produce their own form of madness — a collective frenzy in which the crowd becomes, for a time, something other than a collection of rational persons capable of considered

judgment. Those who came to watch become, by the power of the spectacle, a spectacle themselves. Their souls are hurried into mad excitement by the same velocity that drives the chariots. They leap from their seats, shout, are transported, forget themselves. This is not a small thing. A person who regularly loses himself in this way is being trained, systematically, in a particular relationship to his own rational capacity — a relationship of contempt.

All spectacles therefore ought to be avoided. Not only those that are obviously violent or obscene, but all that make a habit of pleasure at the expense of virtue. The breast must remain tranquil and peaceful if it is to be capable of the work that virtue requires. A mind that has been habitually handed over to excitement and stimulation is not available for the slow, quiet, demanding work of justice. And there is a further argument. Our games are not secular entertainments in any sense. They are festivals in honor of the gods, established for their birthdays or for the dedication of their temples. To attend them is to participate in the worship they represent. A person who celebrates the birthday of Neptune at the chariot races has not simply attended a sporting event. He has offered his presence as an act of devotion to a deity that is not the God he claims to serve.

IV. On the Sacred Animal

Everything I have argued arrives here. The corruption of the eye by spectacle, the hardening of the crowd, the prohibition on killing that admits no exception for the executioner or for the accuser — all of it rests on a single claim about what a human being is.

God breathes life into human beings. I do not offer this as a figure of speech. The human person is not self-created, not self-sustaining, and not the property of any government or legal system. The breath that animates them came from God and returns to God. The life they hold is not theirs to dispose of at will, and it is certainly not available for disposal by a state that did not give it and holds no authority over it.

There is a word in our law for a thing placed beyond the reach of ordinary human hands. What is *sanctum* is hedged about by divine sanction; to violate it is not a private injury but an offense against the God who guards it. Rome understood this well enough to make its tribunes inviolable and to put its walls under the same protection. I say that the human being is that. Not the tribune only. Not the temple only. The human being. A sacred animal — not because they have earned the status by their virtue or their innocence, and not because any ceremony has consecrated them, but because God willed it. The consecration precedes every human judgment about their worth, and it outlasts every one of them.

What follows is absolute, and I will grant no exception to it. If the human person is sacred — if they belong to God in this way — then no court, no legislature, no emperor, no assembly of citizens has the authority to destroy them. The power of the state reaches as far as the liberties it grants and withdraws, as far as the conditions of ordinary civil life. It does not reach what it did not give. It did not give life. It cannot take life.

Let no one imagine, then, that it is permitted to strangle newborn children, which is the greatest impiety. God breathes into their souls for life, and not for death. Those who destroy the newly born deprive of light a soul still innocent and simple, a light they did not themselves give. And those who expose their children — who abandon them to whatever happens and tell themselves they have not technically killed anyone — are not as different from killers as they wish to be. To arrange a situation in which death is the likely outcome is to take part in the death, whatever your own hands did or did not do.

The same principle governs the killing that courts perform. The state that executes a person tells itself it has not committed murder: the act was lawful, the person deserved it, the procedures were followed, the proper officials signed the order. I answer with one observation. The act is the same. A human being whom God made is now dead by the deliberate act of other human beings. No procedure alters the nature of that fact. No verdict authorizes what God has not authorized. The sacred animal has been destroyed, and every one who destroyed it — judge, accuser, executioner, cheering crowd — has trespassed against what belongs to God.

To those who sit in judgment, who bring the charges, who keep the prisons, who write the laws: I ask you to stop and hear this before you proceed. It is not an argument from sentiment. It does not ignore the gravity of crime or pretend that violence is not real. It is an argument about what a human being is, and

about whose authority runs over what God has made. The person standing in front of you, whatever they have done, is a sacred animal. They belong to God. God has not authorized you to destroy them. Therefore do not.

A S C R I P T U R A L
E N G A G E M E N T

I. The Image of God

Lactantius assumed a scriptural foundation for his argument that he did not fully develop. What follows engages the biblical tradition directly, tracing the claim that the human person is a sacred animal through the witness of both testaments.

The first and most fundamental claim of the biblical witness about the human person is that they are made in the image of God. The opening chapter of Genesis states this twice, with a deliberateness that cannot be accidental:

So God created humankind in his image, in the image of God he created them; male and female he created them.

— Genesis 1:27

The word translated image carries the sense of a physical representation — a likeness that stands in for the thing itself. In the ancient world from which this text emerged, the image of a god was that deity's representative presence in a particular place. The king was sometimes described as the image of the god, the one through whom divine authority was exercised in the earthly realm. Genesis democratizes the concept radically. Every human being, not only the king, bears the image of God. Every person is, in this sense, a representative of the divine presence in the world.

The implications for capital punishment are drawn out immediately after the flood narrative. The passage most frequently

cited in support of the death penalty concludes with a reason that is almost never quoted alongside it:

Whoever sheds the blood of a human, by a human shall that person's blood be shed; for in his own image God made humankind.

— Genesis 9:6

The reason given for the seriousness of murder — the image of God — applies with equal force to the person being executed. The murderer bears the image of God. The condemned person bears the image of God. If the image of God in the murder victim is the reason that murder is wrong, then the same image in the condemned person is a reason that execution is also wrong. You cannot invoke the divine image to condemn killing and then set it aside when carrying out the punishment.

Lactantius perceived this with absolute clarity. The human being is a sacred animal because God made them in God's own image. That image is not removed by crime. It is not erased by guilt. It is not forfeit to the verdict of any court. It belongs to the human person not because of what they have done or failed to do, but because of who made them and how. The state that executes a person destroys something that bears the image of God — and no law can authorize that destruction, because the image belongs to God, not to the law.

The Psalms return to this theme in language that extends it from creation to the present moment of every life:

For it was you who formed my inward parts; you knit me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; that I know very well.

— Psalm 139:13–14

The person on death row was knit together in their mother's womb by the same God who knit together the person they killed. The one scheduled to die was fearfully and wonderfully made by the same hands that made every other human being. This is not a sentimental claim. It is a theological one, and it is one the tradition has not consistently been willing to follow to its conclusion. Lactantius followed it. He arrived at always.

II. The Teaching of Christ

The teaching and conduct of Jesus Christ, taken seriously, make the death penalty impossible to justify within a Christian framework. Several moments in the Gospel narratives bear directly on the question. Each one deserves examination.

The most direct is the encounter with the woman taken in adultery, as recorded in the Gospel of John:

The scribes and the Pharisees brought a woman who had been caught in adultery; and making her stand before all of them, they said to him, “Teacher, this woman was caught in the very act of committing adultery. Now in the law Moses commanded us to stone such women. Now what do you say?” . . . When they kept on questioning him, he straightened up and said to them, “Let anyone among you who is without sin be the first to throw a stone at her.”

— John 8:3–7

The religious authorities brought to Jesus a person whom the law required to be executed, and whose guilt was not in question — she had been caught in the act. Jesus declined to authorize the prescribed sentence. He did not dispute the law’s formal requirement. He introduced a condition for its execution that no human being can meet: the person who throws the first stone must be without sin. Since no such person exists, no stone is thrown. The execution does not take place. Jesus does not explain this as a

one-time exception for a sympathetic individual. He states it as a principle. Who among you is without sin?

When Peter struck the servant of the high priest during Jesus's arrest, the response was immediate:

Suddenly, one of those with Jesus put his hand on his sword, drew it, and struck the slave of the high priest, cutting off his ear. Then Jesus said to him, "Put your sword back into its place; for all who take the sword will perish by the sword."

— Matthew 26:51–52

Even in the moment of his own arrest — a moment that would lead directly to his execution — Jesus refused to authorize violence. He healed the ear that had been cut. He insisted the sword be sheathed. And he stated a principle that applies to capital punishment as directly as it applied to Peter's defense of an innocent man: the logic of the sword perpetuates itself. Those who take it up do not escape it.

The words Jesus spoke from the cross are among the most remarkable in the entire Gospel tradition:

Then Jesus said, "Father, forgive them; for they do not know what they are doing."

— Luke 23:34

He was being executed. The people carrying out his execution — the soldiers, the officials, those who had called for his death — were, at the moment he spoke these words, actively engaged in killing him. And he asked for their forgiveness. Not after it was over. Not when it was safe. In the moment of the act itself. If the one being executed can forgive those who execute him, the tradition that claims to follow this person must grapple with what it means to be among those who execute.

And there is the passage the abolitionist tradition has returned to more often than any other, quoted here in the longer form in which it circulated for centuries:

But he turned and rebuked them, and said, "You do not know what spirit you are of; for the Son of Man has not come to destroy the lives of human beings but to save them."

— Luke 9:55–56

The disciples had asked Jesus to call down fire from heaven on a village that had not welcomed him. His response was a rebuke and a statement of purpose: I have not come to destroy human lives but to save them. Benjamin Rush, arguing against the gallows fifteen centuries after Lactantius, wished these words formed the motto of every nation on earth. They encompass every duty to preserve, restore, and prolong human life. They stand against war. They stand against execution. Any government that claims to operate within a Christian moral framework must answer to them.

After his resurrection, Jesus instructed his disciples to preach the gospel of forgiveness beginning at Jerusalem — the city where his killers still lived. He did not send them to demand justice against those responsible for his death. He sent them to offer forgiveness. The direction of the gospel is always away from vengeance and toward reconciliation. A church that loses sight of this has lost something central to its founding impulse.

III. The Letters of Paul

Paul's letters are the source most frequently cited in support of capital punishment within the Christian tradition, particularly Romans 13. That passage deserves careful reading:

Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God . . . it is the servant of God to execute wrath on the wrongdoer. For this reason you also pay taxes, for the authorities are God's servants, busy with this very thing.

— Romans 13:1, 4b–6

The argument that this passage authorizes capital punishment overlooks several things. First, Paul wrote these words under a Roman imperial government that was actively persecuting Christians — the same government that would eventually execute him. He was not writing a theology of just governance. He was writing practical counsel to a community that needed to survive in a hostile political environment without provoking additional violence through open resistance. Second, the authority Paul describes as God's servant is described by its function of restraining evil, not authorized to do whatever the government decides to do. Third, Paul's own position on vengeance appears two chapters earlier, in unmistakable terms:

Beloved, never avenge yourselves, but leave room for the wrath of God; for it is written, "Vengeance is mine, I will repay, says the Lord." Do not be overcome by evil, but overcome evil with good.

— Romans 12:19, 21

Vengeance belongs to God. This is the explicit claim of Paul, drawing on Deuteronomy 32:35. The claim is not that vengeance is wrong and should not happen. The claim is that it belongs to God and must not be usurped by human beings or human institutions. When the state executes a person as an act of justice, it claims a prerogative Paul explicitly reserves for God. Benjamin Rush would put the point exactly this way in 1792, in the volume that stands beside this one in the series: to punish murder with death is "an usurpation of the prerogative of heaven," and it makes no difference whether one person inflicts it or a whole community does. Lactantius had reached the same conclusion by a shorter road. Whether you kill with a sword or with a word spoken in court, the killing is the same killing, and it was never yours to do.

Paul's letter to the Galatians pushes the argument further. Writing to a community about a member who has done something deeply wrong, he counsels not destruction but restoration:

Brothers and sisters, if anyone is detected in a transgression, you who have received the Spirit should restore such a one in a spirit of gentleness. Take care that you yourselves are not tempted.

— Galatians 6:1

The spirit of gentleness. The goal of restoration. The awareness that those who administer discipline are themselves not immune to failure. This is the moral framework within which Paul under-

stands the community's response to wrongdoing. It is not compatible with a framework that requires death as the appropriate response to the gravest offenses. The worst thing Paul can imagine has happened in the community he is addressing — and he says: restore. He does not say: destroy.

His letter to Philemon is the most personal and specific case in the Pauline corpus. Onesimus, an enslaved person, has apparently wronged the man who enslaved him and has run away — an offense for which Roman law authorized death. Paul writes to Philemon asking him to receive Onesimus back:

Perhaps this is the reason he was separated from you for a while, so that you might have him back forever, no longer as a slave but more than a slave, a beloved brother — especially to me but how much more to you, both in the flesh and in the Lord.

— Philemon 15–16

No longer a slave. A beloved brother. Paul is intervening directly between a person facing potential execution under Roman law and the person with authority over him, and he is asking for something more radical than mercy: a complete transformation of the relationship. Not sparing the condemned person as an act of charity, but recognizing him as a brother. The same logic applies to the death penalty. Not merely sparing the condemned as an act of mercy toward an inferior, but recognizing in them a sacred animal, a bearer of the divine image, a human being who belongs to God.

IV. The Voice of the Prophets

The Hebrew prophets are not primarily concerned with capital punishment as such, but they develop a vision of justice that is incompatible with the logic sustaining it. Their primary concern is with the justice administered by those in power toward those without it — and their consistent finding is that the powerful systematically fail this test.

Learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow.

— Isaiah 1:17

The prophetic tradition places the moral weight of justice on the side of the vulnerable, the condemned, the powerless. It does not primarily concern itself with the rights of the powerful to administer punishment. It concerns itself, over and over, with whether those who exercise power are using it for the benefit of those who have none. When Isaiah speaks against the religious and political establishment of his day, he accuses them not of being too lenient with criminals but of oppressing the poor and perverting justice in the courts:

Woe to those who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be your spoil, and that you may make the orphans your prey!

— Isaiah 10:1–2

The death penalty in every jurisdiction that has ever administered it has fallen disproportionately on the poor, the marginalized, the politically powerless, and — in the American context — on people of color. This is not a coincidence or an implementation problem that better procedure would solve. It is the structural reality of a penalty that depends on the discretion of those with power being exercised against those without it. Isaiah's denunciation of a legal system that writes oppressive statutes and robs the poor of their right is a denunciation of exactly this structure. The prophetic word against unjust courts is a word against the courts that have administered and continue to administer this penalty.

Micah's vision of what God actually requires is perhaps the most compact summary of the prophetic moral framework:

He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?

— Micah 6:8

Justice. Kindness. Humility before God. These three are the prophetic measure of a life and of a community. The death penalty fails all three. It fails justice because it falls arbitrarily and disproportionately on the vulnerable. It fails kindness because it forecloses every possibility of restoration and mercy. And it fails humility before God because it claims for human institutions a power over human life that belongs to God alone.

Ezekiel's vision of God's justice contains what may be the most direct prophetic challenge to retributive punishment:

Have I any pleasure in the death of the wicked, says the Lord God, and not rather that they should turn from their ways and live? . . . For I have no pleasure in the death of anyone, says the Lord God. Turn, then, and live.

— Ezekiel 18:23, 32

God takes no pleasure in the death of the wicked. This is the prophetic testimony. It is not that the death of the wicked is regrettable but necessary. It is that God actively does not want it. God wants the wicked to turn and live. A justice system premised on the destruction of those who have done the worst things is therefore not aligned with the divine will as the prophets understand it. It is moving in the opposite direction from where God is moving.

V. The Pattern of Mercy

The clearest picture of how God responds to murder stands at the very beginning of the biblical narrative. It is the story of Cain.

Then the Lord said to Cain, "Where is your brother Abel?" He said, "I do not know; am I my brother's keeper?" And the Lord said, "What have you done? Listen; your brother's blood is crying out to me from the ground!"

— Genesis 4:9–10

Cain has committed the first murder in the biblical narrative. God confronts him with it. The blood of the victim cries out from the ground — the victim's death is not ignored, not minimized, not treated as a matter of indifference. And then God pronounces judgment:

And the Lord put a mark on Cain, so that no one who came upon him would kill him. Then Cain went away from the presence of the Lord, and settled in the land of Nod, east of Eden.

— Genesis 4:15b–16

The judgment does not include execution. Benjamin Rush, examining this passage in 1792, put the question as sharply as it can be put: does Adam, the natural legislator and judge of the world, put his son to death for what he has done? He does not. Neither does God. Instead God places a mark on Cain that forbids anyone

from killing him, declaring that whoever does so will face seven-fold vengeance. God is the one who declines to execute the first murderer, and God is the one who actively protects him from execution by others.

The conclusion is simple and devastating. If God, the injured party, the one whose gift of life was violated by Cain's act, declined to execute Cain — and in fact protected him from being executed — then on what authority does the state claim the right to execute those who come after him? The first response to the first murder in human history was not execution. It was exile, conscience, labor, and a mark of protection. If that is how God responded to murder at the beginning, it tells us something about what God considers an adequate response to murder now.

The same pattern appears throughout the biblical narrative. Moses killed an Egyptian and fled. David arranged the murder of Uriah and faced divine judgment — but not execution. The Psalms are full of people crying out from situations of condemnation and injustice, appealing to a God who is described repeatedly as the one who releases the prisoner and lifts up the fallen:

The Lord sets the prisoners free; the Lord opens the eyes of the blind. The Lord lifts up those who are bowed down; the Lord loves the righteous.

— Psalm 146:7b–8

The God of the Psalms is persistently described as the one who takes the side of those the legal system has condemned. This does not mean God is indifferent to crime or to the suffering of victims. It means that God's particular concern is for those who are powerless before human systems of judgment — and that the claim to speak for this God while administering those systems requires extraordinary humility and caution.

The most sustained biblical account of what justice looks like when it is finally and fully administered is the vision of Isaiah 61,

which Jesus reads aloud in the synagogue at Nazareth and declares to be fulfilled in his own ministry:

The Spirit of the Lord God is upon me, because the Lord has anointed me; he has sent me to bring good news to the oppressed, to bind up the brokenhearted, to proclaim liberty to the captives, and release to the prisoners.

— Isaiah 61:1

Liberty to the captives. Release to the prisoners. This is the vision of justice that the Messiah enacts. It is not a vision in which justice is served by keeping people captive or by executing them. It is a vision in which the messianic work consists precisely in undoing the structures that condemn and confine. When Jesus reads this passage and says that today this scripture has been fulfilled in your hearing, he is claiming the vision as the definition of his own work. A church that follows this person is called to the same work. It is called toward the prisoner, not toward the execution chamber.

The abolitionist tradition has always written past its own generation. Rush, at the end of his argument, gave up on persuading the people around him and addressed the ones who would come after — a generation with fuller knowledge and better moral formation, who would look back on the gallows with the contempt he already felt. Lactantius had done the same thing without announcing it. He wrote his absolute prohibition into a systematic work built to outlast the emperor who was burning his church. It outlasted him.

They were addressing us. We have the fuller knowledge. We have the research, the exonerations, the documented racial disparities, the wrongful convictions. We have seventeen centuries of additional evidence that capital punishment does not do what it claims to do and does great harm in the process of failing. We have all of it. What we have not yet had is the will to act on it.

The sacred animal is waiting. It is always unlawful to put them to death. That was true in 310 CE. It is true now. The question is whether we will finally, at this distance from Lactantius's desk, find it in ourselves to say so.

DEFINITIONS AND TERMS

Lactantius (c. 250–325 CE). North African rhetorician, convert to Christianity, and author of the *Divine Institutes* — the first systematic treatment of Christian philosophy and ethics in Latin. Appointed by Diocletian to teach Latin rhetoric at Nicomedia, he lost the position when the persecution of Christians began in 303 CE. His statement in *Divine Institutes* VI.20 is the strongest abolitionist claim in the entire pre-Constantinian church and one of the foundational documents in the intellectual history of opposition to capital punishment. Jerome called him the Christian Cicero.

Sanctum animal (the sacred animal). The phrase Lactantius uses for the human person: an animal that God has made sacred. In Roman usage, what is *sanctum* is protected by divine sanction — hedged about, inviolable, not available to ordinary human hands. Rome applied the protection to its walls and to the persons of its tribunes. Lactantius applies it to every human being without exception, not because they have earned it and not because any ceremony has conferred it, but because God willed it. No human authority — including the state — possesses the right to destroy what God has made inviolable. This is the theological foundation of his abolitionism and the concept from which this volume takes its title.

Divine Institutes (Divinae Institutiones). The major work of Lactantius, composed c. 304–313 CE in seven books. It is the first comprehensive Latin-language treatment of Christian philosophy, addressing the errors of pagan religion, the nature of justice, the ethics of worship, and the moral life. Book VI, titled *On True Worship*, contains the argument against spectacle and capital punishment that is the subject of this volume. Chapter 20 of Book VI contains the most famous anti-execution statement in ancient Christian literature.

The Diocletianic Persecution. The last and most severe persecution of Christians by the Roman imperial government, beginning in 303 CE under Emperor Diocletian and continuing until approximately 311 CE. Churches were burned, scriptures confiscated, clergy arrested and executed, and Christians required to sacrifice to the imperial gods under penalty of death. Lactantius wrote the *Divine Institutes* during this persecution, making his argument against capital punishment in a context where the state was actively executing people for their religious beliefs. His position was not theoretical.

Imago Dei (the image of God). The theological claim derived from Genesis 1:26–27 that human beings are created in the image and likeness of God. The concept is the primary theological foundation for the dignity of the human person in the Christian and Jewish traditions. Lactantius's claim that the human person is a sacred animal is his version of the argument: the human being bears the divine image, is made inviolable by it, and therefore cannot be destroyed by any human authority without trespassing against God.

Lex talionis. The ancient legal principle of proportional retaliation: an eye for an eye, a tooth for a tooth, a life for a life. It appears in Exodus 21:24, Leviticus 24:20, and Deuteronomy

19:21, and it is the foundational scriptural argument for capital punishment in the Jewish and Christian traditions. Lactantius does not engage the principle directly. He forecloses it, by insisting that the precept against killing admits no exception whatever. His position stands in the same line as Jesus's own engagement with the principle in the Sermon on the Mount: you have heard that it was said, an eye for an eye, but I say to you, do not resist an evildoer (Matthew 5:38–39).

Romans 13. The passage in Paul's letter to the Romans (13:1–7) that describes governing authorities as instituted by God and authorized to bear the sword against wrongdoers. It is the most frequently cited biblical passage in support of capital punishment. The present volume argues that the passage must be read alongside Romans 12:19, that the authority Paul describes is functional and limited rather than absolute, and that it does not override the claim Lactantius makes: that the human person is a sacred animal and is therefore not available to the state for destruction.

The Edict of Milan (313 CE). The proclamation issued by Emperor Constantine and his co-emperor Licinius granting religious tolerance throughout the Roman Empire and ending the Diocletianic Persecution. Lactantius, who had written his most radical abolitionist arguments during the persecution, was subsequently brought to Constantine's court as tutor to the imperial family. The tension between his abolitionist theology and his service to a government that retained and expanded capital punishment has never been fully resolved by scholars.

FURTHER READING

Primary Texts by Lactantius

Lactantius. *Divine Institutes*. Translated by Mary Francis McDonald. *Fathers of the Church*, Vol. 49. Washington, DC: Catholic University of America Press, 1964. The standard scholarly translation of the complete *Divine Institutes* in English. Book VI, Chapter 20 is the essential text of this volume.

Lactantius. *The Minor Works*. Translated by Mary Francis McDonald. *Fathers of the Church*, Vol. 54. Washington, DC: Catholic University of America Press, 1965. Contains *On the Anger of God*, which argues that judgment belongs to God rather than to human institutions — a claim that supports the anti-execution argument of the *Divine Institutes*.

Lactantius. *Epitome of the Divine Institutes*. Translated by E. H. Blakeney. London: SPCK, 1950. Lactantius's own later condensation of the *Divine Institutes*, and the place where a softening becomes visible. Where the *Institutes* forbade a just man to serve in war at all, the *Epitome* permits courage exercised for one's country. It contains no retraction of the prohibition on capital punishment. It does not restate it either.

Lactantius. *On the Deaths of the Persecutors*. Translated by J. L. Creed. Oxford: Clarendon Press, 1984. Written after Constantine's victory, this work describes the deaths of emperors who

persecuted Christians as divine judgment. It creates real interpretive tension with the absolute anti-execution position of Divine Institutes VI.20.

On Lactantius

Bowen, Anthony, and Peter Garnsey, trans. *Lactantius: Divine Institutes*. Translated Texts for Historians 40. Liverpool: Liverpool University Press, 2003. A modern scholarly translation with extensive introduction and commentary. The most accessible entry point for contemporary readers.

Ogilvie, R. M. *The Library of Lactantius*. Oxford: Clarendon Press, 1978. Reconstructs Lactantius's classical sources and the intellectual tradition he was working within. Essential for understanding his engagement with Cicero and the Stoic philosophers.

Barnes, T. D. "Lactantius and Constantine." *Journal of Roman Studies* 63 (1973): 29–46. Examines the relationship between Lactantius and the emperor he served, and the chronology that places his most radical writing before that service. Essential for the biographical and political context.

On Early Christian Ethics and Capital Punishment

Swift, Louis J. *The Early Fathers on War and Military Service*. Message of the Fathers of the Church 19. Wilmington, DE: Michael Glazier, 1983. Collects the patristic evidence on killing and state service, and sets out the case that Lactantius grew less certain of his own absolutism once Christians began to hold power. The essential source for the question of whether he changed his mind.

Kreider, Alan. *The Patient Ferment of the Early Church: The Improbable Rise of Christianity in the Roman Empire*. Grand Rapids: Baker Academic, 2016. Examines how early Christians formed habits and practices distinct from the surrounding culture, including their relationship to violence and state power. Provides essential context for Lactantius's argument.

Garnsey, Peter. *Social Status and Legal Privilege in the Roman Empire*. Oxford: Clarendon Press, 1970. Documents how Roman capital punishment fell disproportionately on the poor and socially powerless — the pattern the prophetic tradition identified and that persists in contemporary capital punishment practice.

Related Volumes in This Series

Socrates. *The Apology*. As related by Plato. Edited and modernized by Jeff Hood. Complicit Press, 2026. The founding document of the tradition, and the only one written from inside the condemned person's own voice. Lactantius had read it. His absolute prohibition stands in direct continuity with it.

Beccaria, Cesare. *An Essay on Crimes and Punishments*. 1764. Edited and modernized by Jeff Hood. Complicit Press, 2026. The foundational Enlightenment argument for abolition, written fourteen centuries after Lactantius. Beccaria's secular social contract argument complements Lactantius's theological claim that the human person belongs to God.

Rush, Benjamin. *Considerations on the Injustice and Impolicy of Punishing Murder by Death*. 1792. Edited and modernized by Jeff Hood. Complicit Press, 2026. The American founding-era abolitionist argument, combining natural rights philosophy with Christian theology — the same combination Lactantius

employed fifteen centuries earlier, and the source of several arguments engaged in this volume.

Mittermaier, Karl Joseph Anton. *Capital Punishment*. 1865. Edited and modernized by Jeff Hood. Complicit Press, 2026. The empirical complement to Lactantius's theological argument: a systematic survey of the evidence that capital punishment does not accomplish what it claims to accomplish.

Darrow, Clarence. *An Eye for an Eye*. 1905. Edited and reset by Jeff Hood. Complicit Press, 2026. The companion fiction volume. Where Lactantius argues from theology, Darrow argues from the human face of the condemned.