

away with them, is, that no man can
with impunity.

The great misfortune is, that while many
willing to preach, and do preach end-
less torments for others, yet no man has
any idea of suffering himself. While he
leads others into hell without stint or mer-
cy, he has no notion of being turned in
upon himself. He has a convenient mode
of escape; and though he may sin with a
high hand, yet he intends to evade the pun-
ishment. I tell you of a truth, my read-
ers, all such hopes are vain. God has
made no cruel or unmerciful denunciations,
on the one hand; nor on the other
has he made idle threats that he never in-
tends to execute. What he hath spoken,
he will he do. And though he smite in
the equity of judgment, he is a friend and
father still, and all his punishments de-
signed for good. And though he turn the
wicked into the grave, he will redeem them
in his power, and raise them to life and
glory at last, and to his great name be all
the glory, "As it was in the beginning,
now, and ever shall be, in the world
without end." I.D.W.

from a Work published in the U. S. on Capital
Punishment.)

LEGITIMATE OBJECTS OF PUNISHMENT—
REFORMATION—MORAL RESPONSIBILITY.

In discussing the second part of this branch of
the subject it is necessary to enquire what are
the proper and legitimate objects of punishment?
Society, it will be admitted, is an aggregation of
man beings under the influence of those social
actions and impulses which naturally lead them
to consent together: according to the law of love
and mutual helpfulness: and for the procure-
ment of the greatest possible happiness to all the
members. But such is the nature of man in his
fallen estate, that individuals or associations will
endeavour to benefit themselves by invading the
rights of others. These rights are stated in our
Declaration of Independence to be "life, liberty,
and the pursuit of happiness," the latter includ-
ing the right to property. They are innate and
alienable, the individual member or submitting to
their invasion only so far as is indispensably re-
quisite to his own protection and the welfare of
the community. Any thing beyond this is
arbitrary in the state, and crime in the citizen.
Every man has the common, inherent right of
resistance to such aggression on the part either of
the state or citizen in the last resort, constituting
what falling back upon the law of nature which has
performed "the right of revolution." Every
organized community, however, is supposed
to be just towards its members, and the only
power is from private wrongs. Against this it
is the duty of the state to provide, both as regards
the whole and each member in his private capa-
city; and the right so to provide, includes the
power to do it. But how shall such provision be
made? Evidently by presenting to the individual
opposed to do wrong, some motive powerful
enough to deter him. Among such motives are
religion and morality. There are many, how-
ever, over whom these have no control. We
must therefore have other motives addressed to
themselves, and appealing to men's fears. These
are punishments. They operate, in the first
place, by striking the culprit with a salutary terror
which will prevent his risking its repetition by
other offences. They also serve as an example
to others, warning them to respect the laws, on
pain of feeling their severity.

The duties of the citizens and the state are
mutually coequal and correlative. "If" says
Deccaria, "every individual be bound to society,
society is equally bound to him, by a contract
which, from its nature, equally binds both parties."
Principles and Punishments, ch. 3.) Every man has
the right to the full developement of the faculties
which God has given him. In a defective society
where the errors of the individual are not unfor-
tunately the necessary result of his unfortunate cir-
cumstances, it is not only the right, but the im-
perative duty of the state to take measures for
securing his reformation. Whatever measures
are necessary to this end, it may lawfully adopt.

Any punishment which will convert a sinner into
a good citizen is just and praiseworthy.

If, however a criminal is found to be incur-
ringly and dangerous to the peace and well-being
of society, it has an undoubted right to remove
him beyond the power of doing evil, as it would a
murderer or one struck with a plague.

The end of punishment is then perceived to be
threefold: 1. Prevention of crime on the part of
the criminal and others by example. 2. Reforma-
tion of the criminal. 3. The removal of the
incurringly offender. In the Mosaic law, as in
that of most barbarous nations, there were recogniz-
ed two other ends, satisfaction and expiation.
The first of these I have shown to be repeated
under that better covenant with which we have
been blessed. It is ferocious and demonic in its
spirit, as utterly opposed to our better feelings as
it is to our religion, and to recognize it now
would throw open a door to cruelty and oppres-
sion from which every friend of humanity and
good order would instinctively shrink. That it
lies at the bottom of most advocacy of capital
punishment there can be no doubt, but very few
are found to avow it openly. As regards the
Hebrew rite of expiation, it was evidently purely
ceremonial, and consequently of no power over us.
The Christian sacrifice is far other than this, and
reason and humanity approve it.

Such being the end, the question is, what are
the means of punishment? I answer in the first
place, not positive inflictions of corporeal suffer-
ing, and not the infliction of mental pain, upon
the culprit by attacks upon others who are dear
to him. These are abandoned by the common
consent of most civilized people. Torture, brand-
ing, muzzing, whipping the stocks, and at times,
working impurity of blood in the descendants,
&c., no longer disgrace our statute books. The
only means allowed, is the deprivation of one or
more of man's inherent rights: i. e. of life, liberty,
or property. The right of society to take any or
all of these, if necessary, is freely admitted. Our
opponents have been guilty either of a serious
mistake or a gross misrepresentation, in asserting
that the advocates of the proposed reform deny
absolutely the right of society to take life. That
many of them do make such a denial, there can be
no doubt; because all Quakers and Peace-men
are, by the necessity of the case, enemies of capi-
tal punishment. They are shut up to this by
their previously assumed positions. There are
very many among us, however, who are not
Peace-men: and they who are, feel so confident
in the strength of this cause, that they are willing
to give up their favorite argument, and discuss the
question on narrower grounds. This was strikingly
exemplified in the late debate at the Philadel-
phia Museum between the Rev. Wm. L. Mc-
Calla and Charles C. Burleigh. The reverend
gentleman supposed that his opponent would
take the non-resistance ground, and give him the
opportunity of appealing to the warlike and
patriotic feelings of his auditors. Being dis-
appointed in this, he lost his right arm, and made
himself ridiculous by his effort to provoke the dis-
cussion of a question which Mr. B. freely and
repeatedly granted him. I for one feel thankful
to Mr. B. for his able and eloquent labours, more
especially because he did not confound this good
cause with any other of his doctrines. Henry C.
Wright, another talented advocate of this measure
has not avoided this error. In his sermon report-
ed in the Philadelphia Ledger of April 27th, he
has assumed a position I hold to be untenable:
"that whatever is wrong in a man acting without
a commission from human authority, is wrong in a
man acting with such a commission." I admit
this in the abstract, as meaning that society has
no power to make that right which is wrong per se.
In the sense intended, however, it lays the axe to
the very root of society, the cardinal idea of which
is that all its members resign into the hands of the
constituted authorities certain powers, among
which is that of punishing offenders. An attempt
on the part of any member to resume such a
power would dissolve the frame work of society
and be itself a crime. I therefore repeat that the
community has the power to punish offenders by
depriving them of all or either of the three great
rights—Life, Liberty and Property—which, I
conceive, rank in the order here stated.—Liberty
is a higher right than Property, because it is in
itself more precious to the heart of man, and be-
cause the latter cannot be enjoyed without it, and
because in all well-regulated states he who has
Liberty, can always by industry acquire now Prop-
erty. Life is the highest right, because inclusive
of all others, and if once taken absolutely irre-
claimable. The taking of life, or capital punish-

ment is, then, the highest penalty the law can in-
flict.

It will not be denied, I presume, that it is cruel-
ty and injustice to inflict a greater punishment,
upon a less one will answer the purpose. If
the proper ends of punishment can be as well at-
tained by the taking of the offender's possessions,
it will be wrong to take his liberty or life. If they
can be attained as well by taking his liberty and
Property both, it is still wrong to take his life.
The question then narrows itself down to this:—
Does the taking of life answer the proper ends of
punishment better than can be done by any or all
other lawful means? This is the question I now
propose to examine.

1st. Does capital punishment reform the
criminal? Most assuredly it does not for any
useful purpose. If it be asserted that the sentence
of death places him in peculiarly favourable cir-
cumstances for "getting religion," as the phrase
goes, the argument has been already met by
showing that, if true, it imposes upon our oppon-
ents the awful responsibility of hanging a red-
eemed, justified, and sanctified, child of God, and that,
whether true or not, it is offering a premium for
the commission of capital crimes. But it will be
asserted that he who is so deprived as to imbue
his hands in human blood, is beyond the possi-
bility of reformation. This I take to be the mean-
ing of that strange sentence in Dr. Cuyler's ser-
mon, which has struck me with more astonish-
ment than any thing else in that remarkable pro-
duction: *He is not fit to live.* And if not fit to live
is he fit to die? But what constitutes fitness to
live? So long as there remains a possibility of
reformation, there is such fitness. Who can ar-
rogate to himself the power to fathom the depths
of a human heart, or to pierce the thick veil of
fatuity, and say there is no hope for any man?
Leaving God's free grace out of the question, we
cannot know how much may be done by merely
human appliances. "Who will venture to say
that the most hardened and depraved among
those who pay the penalty of their guilt, if he had
been secluded from the contagious society of his
associates—if he had been submitted to the influ-
ence of a process of moral and religious instruc-
tion—might not have unfeignedly repented of his
past enormities, expiated, them in a way most
beneficial to his country, and at length given that
country the satisfaction of believing that a trans-
gressor had been reclaimed from his errors?"
(Dees) Our admirable penitentiary discipline,
which is known throughout the world as the
Pennsylvania system, is founded upon the idea
of the practicability of reformation, and its re-
sults have proved its wisdom. It can no longer
be denied that those who were but a few years
ago considered hardened criminals, to be reach-
ed by no discipline but that of fear, may easily be
brought under better influence. We are too apt
to lose sight of the fact that the criminal is a
man, made as we are, and of like passions with
ourselves. We forget the weight of circumstances
that has pressed upon him. We forget the des-
tructive environments of sin and ignorance and
vice, poverty and temptation, among which he
has grown up. There is no man who has any
knowledge of his own heart or of human nature,
who will dare to say that under like influence
his course might not have been the same. Our
characters are made for us often than we sup-
pose. Who then can venture to affirm that
with more favourable appliances, he who is now
an inmate of a jail might not have been an orna-
ment to his country, and a blessing to his genera-
tion?—And if he thus contain the germs of
virtue and usefulness, who can say that they can
not yet be developed? We have recognized the
possibility of this desirable consummation in our
penitentiary system, as it regards all other crimes.
Why should we reject it in the case of the mur-
derer alone? I admit that murder is the highest
possible crime, because it invades man's highest
right; but it does not always argue the greatest
depravity in the criminal. Even what we call
deliberate murder is almost always committed
under the influence of excited passions. The
"malice aforethought" argues generally only the
intent to do the deed, and not coolness of reflec-
tion. In an immense majority of the cases of
which we have any knowledge, the criminal is
excited to a pitch of passion which confounds his
perceptions of right and wrong. Hence the
numerous instances of murderers avowing and
justifying their act, as a means of redressing
grievances beyond the reach of the law. This
was the case with Shuster, now under the sen-
tence of death in our county prison, where fel-

ings were wounded and excited by his wife's in-
fidelity. Such a state of mind as this, is in fact, a
temporary insanity, wherein the power of rightly
reasoning is entirely lost. It is not an insanity
that could properly be pleaded in a court of just-
ice, any more than that of intoxication, which is
universally admitted to be no defence. It is,
however, an abrogation of intellect, to which even
the most upright might be liable, if circumstance
should occur adapted to rouse their furious pas-
sions. We can therefore conceive the possi-
bility of a man of comparatively good feelings
being guilty of murder. Many a man has died
on the scaffold, whose soul would have recoiled
with horror, from the long course of fraud and
falsehood which on the part of certain men, has
involved our country in wide-spread ruin. If
then, we admit the feasibility of the reformative
system in the case of other criminals, why should
we reject it in that of the murderer? There is
no ground for the distinction. He may be restor-
ed to a sense of his true nature and duties, and
be led to a sincere repentance for his crime.
Even if he never again be allowed to mingle in
the busy scenes of life, he may be brought to a
frame of mind comparatively happy, and feel
that his peace is made with God and man. But,
some may say, why go to all this expense and
trouble about a poor, miserable wretch, when Dr.
Cuyler has pronounced him "not fit to live," and
hemp so cheap? Friend, you pretend to be a
Christian, par excellence.—Examine your own
heart; ask yourself whether you wish sacrifice and
not mercy in your own case, and then go and do
likewise. Go to your Bible with an open sense
and a meek spirit, and ponder well the injunc-
tion of the apostle to "overcome evil with good."
Read attentively the 15th chapter of Luke's gospel
and then ask me if you dare, why we would
labor to bring about the repentance, over which
"there is joy in heaven." If you had more of the
spirit of the Master, whose accents of love brought
crowding about him the publicans and sinners,
who were driven from the temple by the hard
words and spiritual pride of Scribes and Pharise-
es, you would no longer wish to "cut off from
the earth those who might yet be made to bear
fruit unto life eternal.

EMPHASIS.

One great cause of the perpetration of error,
under apparent sanction of the Scriptures, may
be found in the false emphasis which, by long
practice and youthful education, has very gener-
ally obtained in reading the Bible. We have heard
not a few Universalists, and have caught ourself,
reading certain passages in this erroneous man-
ner.

Take, for an instance, 1 Thess. iv: 14 and 16.
"For if we believe that Jesus died and rose again,
even so them also which sleep in Jesus will God
bring with him. . . . For the Lord himself shall
descend from heaven with a shout, with the voice
of the archangel, and with the trump of God,
and the dead in Christ shall rise first."

Read, as here italicised, (and as it is common-
ly read, and it seems to infer with Partialism,
that there are some who sleep out of Jesus, and
some who are dead out of Christ, and who, there-
fore, are not included in this happy resurrection.
But read it as it should be read—not as contrast-
ing two cases of the dead, but as contrasting the
living (see verses 15 and 17) with the dead, and
you get the proper sense of the apostle. Thus:

"For if we believe that Jesus died and rose
again, even so them also which sleep in Jesus, will
God bring with him. . . . For the Lord himself
shall descend from heaven with a shout, &c.,
and the dead in Christ shall rise first."

The unbelieving dead—the idolatrous ances-
tors of the Thessalonians—were the objects over
whom the Thessalonian Christians were disposed
to mourn as having no hope of their resurrection.
Concerning these dead idolators, Paul writes to
them, and having given them the needed assur-
ance, that *all the living and all the dead* (i. e. all
who are living and dead when the resurrec-
tion shall occur,) will be raised, he bids them be
of good cheer, and "comfort one another with
these words." Evidently, then, the first mode of
emphasizing is the wrong one, and the latter is the
correct one.

A. B. O.

ORTHODOXY—HETERODOXY.—These two have
been well defined thus:—"Orthodoxy is my own
doxy, and heterodoxy is somebody else's doxy."