

but cruel; they do not throw a sanctity around human life, but they destroy it; they do not create terror among criminals, but they do produce an indifference towards life, and a recklessness towards death!

The *repression* of crime is a second advantage, which our opponents contend to be a result of Capital Punishment. Do the extracts we have made confirm this assertion? We again anticipate the reply, and unequivocally answer—no. Can a scene which brings pickpockets and burglars, and perhaps murderers, together—a scene which they run after with the same anxiety as they would for a fair, or the theatre—a scene during which they amuse themselves by singing songs, and occupy themselves by picking pockets—can such a scene be called a repressor of crime? Could the execution at Devises claim a moral character, when its only apparent result was the apprehension of two men and a boy charged with pickpocketing? Could the execution at Horsemongerlane Gaol call itself a *repressor* of crime after it had brought all the criminals of London together, and enabled them to pilfer with comparative security, and had witnessed the threat of one woman to murder another, though she should swing in consequence from the same rope which was then holding the lifeless body of her namesake? And we further enquire—can any execution justly claim better results? Is it natural, is it reasonable to suppose, that an act which afford criminals amusement, and enables them to commit crime, can have a beneficial tendency upon their minds, and induce them to reform their conduct? Is it likely that an act which has always created vice, can lead to virtue? Is it likely that an act, which has often given birth to crime, can sow the seeds of piety? No! As well may we hope to extract cold from heat, or light from darkness, or purity from impurity, as to expect that Capital Punishment will ever repress crime. Oh! benevolent Philanthropists, who try to improve society by the gallows! let us assure you that you never can succeed—that you can never reform some men by destroying others—that you can never make criminals Christians, by hanging murderers!

We must now approach the party himself, who stands convicted of a capital crime, and consider the abolition in relation to him. In doing this, we shall firstly enquire the degree of punishment which is associated with the law in the eyes of criminals. A love of life, on the point of losing it, is instinctive to all, but there are, nevertheless, many, who, in life, have no fear of death—whose morals are so depraved as to be incapable of understanding the consequences of a deprivation of

life. Among these are four-fifths of those who compose the class of criminals.* Their want of education, their ignorance of religion, their destitution of moral restraint, render them unable to experience the solemn feelings of a pious man, when he thinks of the grave. If death does create a pang, it is not from a thought of the place to which their Creator may consign them, but for the old associates, the old haunts, and the old amusements, which it will deprive them of. The great majority of them have, upon enquiry, confessed their ignorance of the simplest truths of Christianity. Can we wonder then at the apathy and the indifference which they display upon the scaffold? Ought we to expect that their punishment, awful as it may seem to us, should have any effect upon them? "In *nineteen* cases out of *twenty*," wrote the author of Old Bailey experience, "there is no true repentance—most of them die *careless* about their former mode of life, or of the world to come." Surely then, if our belief of the priceless value of a soul is sincere, we ought seriously to consider the abolition of a punishment, which cannot benefit the injured party, which does not benefit the injurer, which is opposed to the Bible, and injurious to the best interests of society. If, for hanging we substituted imprisonment, these evils would be removed.† If, instead of hurrying an ignorant sinner before his Maker, we allowed him to live until his Creator saw fit to deprive him of life, then we would show a greater respect for human existence. If, instead of hanging a culprit, we endeavored to reform him, we would show a higher estimation of the value of his soul. Let, then, society change the law, made, as it

* "Those who make laws belong to the highest classes of the community, among whom death is considered as a great evil, and an ignominious death as the greatest of evils. Let it be confined to that class, if it were practicable, the effect aimed at may be produced; but it shows a total want of judgment and reflection to apply it to a degraded and wretched class of men, who do not set the same value upon life, to whom indigence and hard labour are more formidable than death, and the habitual infamy of whose lives renders them insensible to the infamy of the punishment." Bentham, *Rationale of Punishment*, B. II., ch. 13, sec. 3, p. 195.

† "It appears, however, to me that the contemplation of perpetual imprisonment, accompanied with hard labour, and occasional solitary confinement, would produce a deeper impression on the minds of persons in whom it is more eminently desirable, that that impression should be produced, than even death itself." Bentham, *Rationale of Punishment*, B. II., ch. 13, p. 194. "Reason concurs with humanity, in condemning punishments of this description, (hanging,) not merely as being useless, but as producing effects contrary to the intention of the Legislature." *Ibid.*, ch. xi., p. 170. Beccaria expresses similar sentiments in his "*Dei Delitti et delle Pene*." Ch. xvi., p. 112.