

The Press and General Review.

From the Ecological Magazine.

THE PUNISHMENT OF DEATH FOR THE CRIME OF MURDER, RATIONAL, SCRIPTURAL AND SALUTARY. BY WALTER SCOTT PRESIDENT AND THEOLOGICAL TUTOR IN ARBUDALE COLLEGE BRADFORD, YORKSHIRE.

CONCLUDED FROM PAGE 26.

The remaining portion of Mr S's work is occupied in meeting the objections of opponents. He has selected only a few, to which we shall briefly refer, and to a few additional ones urged in various shapes. The principal one is, the brief space afforded for the culprit's repentance, and the unprepared state with which he is oftentimes hurried into an eternal world; and the greater probability of his reformation by solitary confinement, as more favorable for serious thought and reflection, and as placing him within the reach of the means of grace. In reply it is said, "But however formidable this objection may be, it was imperative on the Israelites to put the murderer to death. And yet the souls of men were as valuable, and repentance as necessary, and eternal destruction as dreadful then, as they are now, and the Divine Being know all this." The way in which the preceding objection is oftentimes urged appears to us a fearful reflection on the divine procedure of the past economy. And further, if the murderer is not softened into penitance by the immediate prospect of death, and death in the most appalling and terrific forms, there is little hope of any mitigated punishment proving effectual. Facts are confirmatory of this opinion. How seldom do convicts become converts to Christ. The guiltless culprits, with the mildest treatment, die unreformed and incorrigible.

Much is said by the opponents of capital punishment about the degrading character and brutalizing tendencies of public executions.—We cannot but think there is deep and wide spread delusion in this very popular and oft-repeated objection. Honest and virtuous minds are carried away and impressed with it. It has in it much that is very plausible. The method of carrying out the sentence of the law is not always the most judicious. Some reformation is needed in this particular. A public execution is an act which brings together the most degraded portions of society, and thus becomes an occasion for the development of the worst feelings of human nature—of deeds of daring hardness, and reckless ritaldery. Here is the abuse of an execution, not the use of it.—What proof have we that this dreadful depravity does not exist, independent of executions? We have no reasons to conclude that it owes its malignity, or even its existence, to scaffold scenes. These scenes afford opportunity for its fearful manifestation, but it is gratuitous to affirm that they are productive of its ripeness.—Admitting that they do, it would only be a perversion of a good; and what good has not been perverted? The sabbath—the Bible—the ministry, are amongst our highest spiritual blessings, but they are the occasion of the most fearful evils. A public execution produces a deep and salutary influence on multitudes who witness it, and on far greater numbers who never witness it. This opinion, we think, is fully confirmed by the testimony of many, and by the facts of the case. Mr S. says, "It may inspire many with an abhorrence of those crimes which lead to such a dismal end, and of all the courses which terminate in the chambers of death. It may awaken the moral sense of multitudes, especially if they are acquainted with the Bible, and have learned from it that God, as well as man, condemns the murderer to lose his life. I have no doubt I might appeal to the experience of thousands, if such has not been its influence in their case—if it did not produce in their youthful breasts a deep sense of the folly and turpitude of sin, and contribute to cherish in them principles and feelings calculated to fortify them against temptation." The dark and mysterious sympathies with death, and that horrible fascination attendant on a public execution, to urge and allure to the commission of murder, spoken of so oracularly by Mr Dickens, we cannot look upon in any other light than a dexterous piece of special pleading. He says it shadows out a metaphysical truth, but to us it appears so shadowy and intangible, as to be unworthy of the name of reasoning or sound argument. Mr S has noticed the opinions of Mr Dickens at length, but any further reference to them would be the work of chasing shadows. We eschew all attempts to settle a theological question by the adoption of expediency, rather than by the deductions of Scripture. In the gathering of patriots and philanthropists in Exeter hall, to advocate the abolition of death punishment, long speeches were inflicted on the auditory full of denunciations against this part of our penal code, but having a lamentable lack of scriptural argument—almost the perfect absence of appeal to inspiration.

Another objection we were not prepared to expect from men who combat our opinions so valiantly from the Bible, viz, "The old Testament approves of the institution of slavery. We find laws for the express regulation of this domestic institution, as the Americans call it.—Now we do not say that slavery is expressly condemned in the New Testament. Looking merely to the letter of the epistles, we should say that slaveholders have a divine warrant for

making merchandize of the souls and bodies of men." "There can be no doubt that in the Old Testament the murderer is commanded to be put to death, and it is just as clear that slavery was one of the institutions of the Jewish people. The punishment of death is not unceasingly repeated in the New Testament, but neither is the institution of slavery. It therefore follows, that they who hold that the punishment of death is scriptural, must hold the same of slavery."

We have in this paragraph some bold and untenable assertions, indicating that their author does not possess the soundest system of theology. The slavery of the Old Testament was quite a different thing from modern slavery. What we understand by slavery was strictly forbidden by the laws of Moses, Exod. xxi. 16. "And he that stealeth a man, and selleth him; or, if he be found in his hand, he shall surely be put to death." The chapter, from which we have cited a passage, puts in striking contrast Hebrew slavery with African or West India slavery. They have scarcely any properties in common with each other, and therefore we deny that slavery was "an institution of the Jewish people." The objector adds, "The punishment of death is not directly repealed in the New Testament." But we ask what can be more direct than the passage in 1 Tim. i. 8, 9 10—Men-enslavers are chargeable with a crime which stands in the category of the most aggravated crimes.

Besides, the law of Christ, "Do ye to others, as ye would that others should do unto you," contains a great principle, subversive of slavery, and which has no bearing on capital punishment. We can readily pardon mistaken notions on the inexpediency of penal inflictions, but palpable perversions of Scripture are almost unpardonable.

The reasonings of many well-meaning objectors take for granted that the spirit of the Old Testament is radically different from that of the New; and that great moral principles are modified and softened down under our present dispensation of mercy. Mr S. has many assailants, who think and write according to this fashion. We shall devote a concluding paragraph to lay bare this fallacy. Were we to admit the force of the preceding reasoning, we should be constrained to conclude that Christ did not come to fulfil the law and the prophets, but to destroy them, and to render the New Testament at variance with the Old. Moral principles are not changeable as circumstances, but immutable as the laws of nature. There will be found, on close inspection, a striking correspondence between the Old and New Testaments. God's good will is taught in the former, as well as in the latter, and love to our enemies is enjoined in the one, as in the other. The prayers of David for his enemies, it is affirmed, are contrary to the genius of the gospel, and stand out in contrast to the mild and benignant statements of the Saviour. But let the New Testament be examined, and its prayers will be found as fearful in commination, as any in the Old. "If any man love not the Lord Jesus Christ, let him be accursed." "Alexander, the coppersmith, did me no evil: the Lord reward him according to his works." Much confusion has arisen on this topic from not distinguishing between benevolence and complacency. "The one is due to all men, whatever be their character, so long as there is any possibility or hope of their becoming the friends of God: the other is not, but requires to be founded on character. The Old Testament writers, being under a dispensation distinguished by awful threatenings against sin, dwell mostly upon the latter, avowing their love to those who loved God, and their hatred to those who hated him; the New Testament writers living under a dispensation distinguished by its tender mercy to sinners, dwell mostly upon the former. But neither of these principles is inconsistent with the other. We may bear the utmost good-will to men as the creatures of God, and as being within the limits of hope; while yet, considered as the Lord's enemies, we abhor them." Our Lord poured out the most terrible denunciations against the scribes and pharisees, threatening them with the damnation of hell; but in relation to the same people, when he saw their coming and accumulating miseries, he tenderly wept over them. The apostles applied the awful prophecies of Isaiah to the unbelieving Jews: "Go unto this people, and say, Hearing, ye shall hear, and shall not understand; and seeing, ye shall see, and shall not perceive," &c. &c. And yet the same apostle declares, that he had great heaviness and continual sorrow in his heart on their behalf. The abhorrence of the wickedness on the one hand, and the benevolence towards the people guilty of this wickedness on the other, were perfectly compatible.—If a creature is a confirmed enemy to God, as devils and lost souls, true benevolence will cease to mourn over them, as it would imply a reflection upon the Creator. It is on this principle that Aaron was forbidden to mourn over his sons, Nadab and Abihu, and that Samuel was reproved for mourning over Saul.

Many opponents of capital punishment are influenced, we cannot but think, by mistaken views of the divine character. They do not contemplate the whole of it. They have fallen into the error of a large class of men, who are satisfied with a very defective induction, who professing to collect the particulars, and to interpret the facts by which it is displayed. This

class, in surveying the works of God, select the grand and the beautiful, the lovely and the fair, till genius is enclouded, and sensibility is delighted. With emotions of this character they rise to a contemplation of the Creator, and invest him with corresponding attributes, and think of him as a Being possessed only of wisdom, benignity, and tenderness. They dwell upon the more pleasing and attractive perfections of his character, to the neglect of those which are equally essential and which are adapted to inspire us with awe and fear. The same error they commit in consulting the Bible. They read, with all possible complacency, the passages which speak of the patience, the goodness, and the mercy of God. They are delighted with these representations which attribute to him the tenderness of the father, and the munificence of the prince, but they overlook the passages which speak of the claims of the sovereign, and the functions of the judge; and exhibit him as hating sin with a perfect hatred, and as resolved not to pass by the transgressions of men with impunity. This partial conception of the divine character is fraught with some danger, leading men to delight in creations of their own fancy; and putting out of sight all the attributes of the Creator, save those which have a soothing, tranquilizing influence. With this class of religionists we do not intend to place all the opponents of capital punishment, but, in relation to the question in hand, the erroneous conclusions of both classes we look upon as cognate in their character. Our views are embodied in Mr S's pamphlet, and with the style of illustration and the leading thoughts we generally concur. We should have been glad to see some portions a little more amplified, and the whole essay possess a little more compactness. In its present shape, (and a second edition might be an enlargement,) it is a calm, dispassionate exposition of an important popular question; abounding in sound theological statements, and put forth in the spirit of fairness and candour. The arguments are drawn from the Scriptures, and are conceived and recorded by one perfectly familiar, and deeply imbued with the love of truth. Their great value arises from their scriptural complexion; and on this account we deem the work a timely contribution towards the settlement of a purely scriptural question, and as corrective of a prevailing tendency in the benevolent portions of society to arrive at bold conclusions, on moral and religious subjects without the aid of the Bible. Patriotic men, in efforts for the improvement of mankind, act too much on the principle of expediency; as if every other consideration should give way to this; and the general tone of the more healthy departments of periodical literature is favorable to measures for the amelioration of man, though they should leave out of sight the honor and glory of God. We could heartily wish the opponents of capital punishment to moot the question as fairly, as deliberately, and as devoutly as Mr S. has done, and, with pages purged of all painful levity and offensive dogmatism, we shall see truth honored and established.

TITHES.

(From L'Avenir translated in the Montreal Gazette.)

A correspondent of L'Avenir says:—"My adversaries have advanced that the Cures, after having taken from the tithes, what was necessary for them to live upon, have generally employed the remainder in building and sustaining colleges, in founding other houses of education, endowing charity hospitals, &c. I think that I have sufficiently established that the revenues of the Cures have been very little applied to these ends. But if what is advanced by my adversaries were true, I could still plead the abolition of the tithes, as much because the system is unjust in itself, and also, as I have already shown that it gives the clergy an undue influence, which it has already so much abused to the misfortune of the country. The desire to rule which the clergy has always and everywhere shown, has caused it never to neglect this powerful means of influence. It has even dared to pretend that the direction of education belongs to it as a divine right. In effect, by means of education which will best subserve it, and of maintaining its empire over the masses. Our professors in the college hold up the absolute form of government as the only good, just, equitable, rational, because, say they, it approaches nearest to the patriarchal form, and that it is the most true image of the government of God himself! The Catholic clergy of Canada is already much too rich. The Seminaries of Quebec and Montreal possess, besides their immense properties in the cities, four or five seigniories; the Bishops have also their large properties. The properties occupied by the Jesuits, the Oblats, the Freres of the christian doctrine, those of St. Viator, and St. Joseph, by different collegiate corporations, by the Ursulines, the Grey Sisters, by the Sisters of the Sacred Heart, of the Good Pastor of the Providence of Longueuil, &c., are immense. It will be objected perhaps, that part of these properties belong to communities of women, but it is well known that they are under the immediate influence of the clergy. They yet speak of founding more of these religious communities, and where is the cure not endeavoring to found a school of brothers and sisters in his parish?"

I repeat it, it is not education which they wish, but domination, by a means which has the appearance of education. They fear the light and the means the clergy employ to hinder it, is to spread such a sort of education as suits them. They fear the light because that will bring examination and make the people think for themselves, and that it will bring liberty, as only ignorant people are slaves. I have heard it said from the pulpit, that the child which knows its Catechism, knows more than Socrates, Plato, Cicero, and Virgil.

Do the children receive in these establishments for the most part, a proper education for the wants of our society? Every enlightened man will say no. I know they will cry calumny on reading that the priests are the enemies of education, but I can show with the Melanges Religieux in my hand that they have dared to preach ignorance even in that sheet.

The writer then takes his reader to ancient times, and shows that the effect of priestly influence has always been to keep the people in ignorance, in order that the priests might the better fatten upon them. This the writer argues, the Roman Catholic priests of Lower Canada are desirous of doing, and have done. He also treats of the atrocities and religious persecutions of the middle of Europe. He says:—"The history of the popedom during a series of ages, is the history of every crime which dishonors humanity. Have we not seen popes pretend to universal empire, put their interdicts upon kingdoms, unbind subjects from their oath of fidelity, and all this while preaching passive obedience? * * * * * The clergy of the middle ages came very near effacing every trace of the Roman civilization; philosophers were arrested, and at almost every step they took, persecuted. * * * * * Strange thing, while teaching that the Bible was the word of God, they prevented the people from reading it, under the pretext that they would not be able to understand it; as if God had not been able to express himself clearly! Readers of the Bible were even burned under Henry V. of England, at the requisition of the clergy, whom he had an interest in conciliating. Queen Mary followed his example burned those with whom the Bible was found. We know that the reading of this book is not only permitted among protestants, but that among them it is even a duty to read it. This duty has been, for them, a fertile source of progress, because it has instructed them. It is there without any doubt is to be found the unique cause of the incontestable superiority of Protestant over Catholic nations. As they (the clergy) object to the reading of the Bible, they might with stronger reason object to the reading of the philosophers, and above all those who permitted themselves to treat of the doings and management of the clergy. And it is the same thing to day that, from the pulpits, and by religious and semi-religious journals, objections are raised against the reading of L'Avenir."

"FOR WE ARE NOT IGNORANT OF HIS DEVICES."

One of the favorite devices of "the father of lies," is to link temptation to a good object, and, indeed, in no other way could he so readily overcome those who wish to act conscientiously. The leading of men into avarice under pretence of providing for their families, and into intemperance under colour of drinking healths and showing friendship, are familiar illustrations of the policy to which we alluded; but there are some developments of the same fatally successful policy going on around us just now, to which as they are not so familiar, we consider it our duty more especially to direct attention.

Of these, the Toronto Railroad Lottery is the first to claim notice, because the most gigantic and astounding. That the Legislature of a country in the first place, and the capital of that county in the second, could lend themselves to such a stupendous gambling transaction, is to us incomprehensible, though it needs no seer to foretell that all really conscientious men, will, at no distant day, deeply regret any part that they may take in it: nay, we might say all men, for in such transactions it is usually only one or two who are gainers. Our present business is not, however to oppose the turpitude of this scheme—that we think is patent—but to show that but for the really good object in view, namely, the construction of a railway to develop the resources of the country and increase the prosperity of the capital, no schemer, however plausible dextrous and persevering, could have drawn the public into a transaction, which is not only sheer gambling in itself, but calculated to sanction and encourage all other kinds of gambling throughout the country.

But whilst observing the snares which entrap people at a distance, it will not do to shut our eyes to those at our own door, among which we are under the necessity of including the Mechanic's Festival about to be held. The ostensible object of this celebration is excellent, namely, to encourage and develop the mechanical genius and industry of the city, and to gratify the honest pride of merit, by a deserved medal of praise; but the chief object with many is, we have reason to fear, the ball which follows, and which is kept up for the greater part of the night with all the evil tendencies that usually accompany such questionable amusements.