

The Anarchist Library
Anti-Copyright



Capital Punishment: Reasons For Immediate Abolition

Adin Ballou

Adin Ballou
Capital Punishment: Reasons For Immediate Abolition
1851

Retrieved on April 11, 2025 from
<http://www.adinballou.org/capital.shtml>

theanarchistlibrary.org

1851

but his life was saved for the cruel purpose of taking it away according to the cold-blooded barbarism of the law. Pale and wounded, he was hoisted to the gallows, before the gaze of a Christian community. The guilty cause of all this was almost frantic when she found that he had thus sacrificed himself to save her. She immediately published the whole history of her wrongs and her revenge. Her keen sense of wounded honor was in accordance with public sentiment; her wrongs excited indignation and compassion, and the knowledge that an innocent and magnanimous man had been so brutally treated, excited a general revulsion of popular feeling. No one wished for another victim, and she was left unpunished, save by the dreadful records of her memory. — Mrs. Child

Hold! all ye vindictives that would take “life for life.” It is impious, cold-hearted presumption in man to do this awful deed! It is anti-Christian, unnecessary, irreparable, abhorrent! We challenge a refutation of these reasons for abolishing the death penalty. They are unanswerable. Let the abomination cease.

tance. Society had .wantonly thrown away its power to atone for the grievous wrong. — Mrs. Child

A young lady, belonging to a genteel and very proud family in Missouri, was beloved by a young man named Burton; but, unfortunately, her affections were fixed on another, less worthy. He left her with a tarnished reputation. She was by nature energetic and high-spirited; her family were proud, and she lived in the midst of a society which considered revenge a virtue, and named it honor.

Misled by this false popular sentiment, and her own excited feelings, she resolved to repay her lover's treachery with death. But she kept her secret so well that no one suspected her purpose, though she purchased pistols, and practiced with them daily. Mr. Burton gave evidence of his strong attachment by renewing his attentions when the world looked most coldly on her. His generous kindness won her bleeding heart, but the softening influence of love did not lead her to forego the dreadful purpose she had formed. She watched for a favorable opportunity, and shot her betrayer when no one was near to witness the horrible deed. Some little incident excited the suspicion of Burton, and he induced her to confess. to him the whole transaction.

It was obvious enough that suspicion would naturally fasten upon him, the well-known lover of her who had been so deeply injured. He was arrested; but succeeded in persuading her that he was in no danger. Circumstantial evidence was fearfully against him, and he soon saw that his chance was doubtful; but with affectionate magnanimity he concealed this from her. He was convicted and condemned. A short time before the execution, he endeavored to cut his throat;

Contents

What is Capital Punishment?	5
Who Inflict the Death Penalty?	5
Capital Punishment is Anti-Christian	6
Capital Punishment is Unnecessary	10
This Punishment is Irreparable	12

and a pan of potatoes, and began to pare them for his dinner. The quarrelsome couple were in a more violent altercation than usual, but he sat with his back towards them, and, being ignorant of their language, felt in no danger of being involved in their disputes. But the woman, with a sudden and unexpected movement, snatched the knife from his hand, and plunged it into her husband's heart. She had sufficient presence of mind to rush into the street, and scream murder. The poor foreigner, in the meanwhile, seeing the wounded man reel, sprang forward to catch him in his arms, and drew out the knife. People from the street crowded in, and found him with the dying man in his arms, the knife in his hand, and blood upon his clothes. The wicked woman swore, in the most positive terms, that he had been fighting with her husband, and had stabbed him with a knife he always carried.

The unfortunate German knew too little English to understand her accusation, or to tell his own story. He was dragged off to ' prison, and the true state of the case was made known through an interpreter; but it was not believed. Circumstantial evidence was exceedingly strong against the accused, and the real criminal swore that she saw him commit the murder. He was executed, notwithstanding the most persevering efforts of his lawyer, John Anthon, Esq., whose convictions of the man's innocence were so painfully strong, that, from that day to this, he has refused to have, any connection with a capital case. Some years after this tragic event, the woman died, and on her deathbed confessed her agency, in the diabolical transaction; but her poor victim could receive no benefit from this tardy repen-

This Punishment is Irreparable

Man can take away life; but he cannot restore it. Many have been put to death for crimes which seemed to have been conclusively proved against them, who were afterwards ascertained beyond doubt, to be innocent. Then their judges and executioners would have given worlds for the power to reverse the fatal sentence — to repair the dreadful error. But there was no remedy — no reparation.

What presumption Is it in ignorant, fallible mortals, themselves daily beggars for Divine mercy, to crush the life out of their guilty fellows; to thrust them from the land of the living into the unknown world of spirits! It is the prerogative of the Most High to kill; for He knoweth when and how to take life, and is able, moreover, to restore it at pleasure. Not so man. In his pride and rashness he kills, and there his power ends. He may stare at the ruin he has wrought; he may deplore it; but he cannot repair it. Alas! for the accusers, the jurors, the judges, the executioners, and their abettors, who presume to quench the flame of human life. The guilt of their victims is no justification of their presumption. Vengeance belongeth unto God alone, who ever judgeth righteously, and can do no wrong. Let man content himself with imposing uninjurious restraint on the outrageous and dangerous. Then if he err in judgment, or in methods of treatment, he can correct his errors, repair his incidental wrongs, and prove himself to be, what he ever ought to be the overcomer of evil with good.

Read the following extracts, and see how liable human tribunals are to put to death the innocent.

A few years ago, a poor German came to New York and took lodgings, where he was allowed to do his cooking in the same room with the family. The husband and wife lived in a perpetual quarrel. One day, the German came into the kitchen, with a clasp-knife

What is Capital Punishment?

It is the infliction of Death on a human being who has been convicted of murder or some other crime, and who is a helpless prisoner in the hands of the public authorities. It is commonly executed by hanging, beheading, shooting, &c.; in our country almost always by hanging.

Who Inflict the Death Penalty?

All the people in the State or Nation who do not unequivocally protest against it. This is emphatically true in our Commonwealth of Massachusetts. Reader, whether voter or non-voter, male or female, adult or youth, thou art either for Capital Punishment or against it. Thou art not a neutral in the case. When one of thy fellow creatures is put to death on the gallows by public authority, with thy approbation or with thy consent, consider the deed as thine own. Nay, if thou lettest it be done without thy solemn protest against it, the deed is virtually thine own. Wince not at this. Know thy responsibility before God in this matter. Unless thou hast cleared the skirts of thy garments by some public, unequivocal and uncompromising testimony against Capital Punishment, thou art the man or the woman who inflicts it.

Thou and thy fellows took the life of Washington Goode, Daniel H. Pierson, and John W. Webster. Say not “the Sheriff did it — the Governor ordered it — the Court decreed it — the law requires it.” All true: but in whose name and by whose authority does the Sheriff, the Governor, the Court, the law hang a man? Who made the law, the Court, the Governor and the Sheriff? Answer: the people — the sovereign people. They do all these things. Who are the people? Answer: the voters, together with all who help to form that public opinion which governs voters, legislators and rulers.

Whatever public opinion unequivocally demands should be done, is done. Voters, legislators and rulers see that it is done. They see that hanging is done. Why? Because public opinion demands it. And who form public opinion? All men, women and children who think and speak. Public opinion is nothing but the confluence of private, opinions; like a mighty river made up of many small streams, rivulets or springs. Reader, remember that thou art one of these streams, rivulets or springs. Thy opinion is for or against Capital Punishment. So if not against it, thou art for it. If for it, thy private opinion is a part of that great river of public opinion which says to voters, legislators and rulers, "Keep on hanging murderers." Therefore thou art one of the executioners of Capital Punishment, acting through thy agents. The deed is really thine. If it be glorious, then glory on. But if it be abhorrent and abominable, hold back thy hand from thy guilty brother's life. Protest against the custom, the law, the public opinion. Let thy testimony be unequivocal, uncompromising and incessant against it, till the death penalty be utterly abolished.

Capital Punishment is Anti-Christian

Noah, Moses, and the ancients generally sanctioned it; but Christ prohibits it. The Old Testament, he knew, contained many sayings which authorized the taking of blood for blood, "life for life, eye for eye," &c. But he took care that the New Testament should record all imperative testimony against thus resisting evil with evil. Referring directly to that whole class of Old Testament sayings which sanction the taking of "life for life," our Lord says: "But I say unto you that ye resist not evil" — that is, by inflicting evil on the evil-doer, as you have heretofore done under the authority of these Noachic and Mosaic sayings.

Away with all hatred and vindictiveness. Oppose evil only with good — only by doing what is best both for the injurious and the

and punishments to the uncertainty and imperfection of human government. He himself will render to every man according to his deeds. No sinner can escape the divine judgment. No murderer can by any possibility evade a just retribution. He may all mere human punishments, but none of the divine. Who but an atheist doubts this great truth? Then let no man say, "The murderer must be hung, or he will go unpunished." Not so. His going unpunished is an impossibility. Keep him, then, unharmed, where he can harm no one, and let him be made better if possible. Leave him to be punished by the only authority that is competent to do it without error. Why not? Avenger of blood, thou art dismissed. Thy mission is fulfilled.

To whom will the putting to death of the criminal do any good? It will preserve no one's life, that could not just as surely be preserved by the judicious confinement of the convict. It will not help God's administration of justice. It will not restore the murdered person to life. It will give no comfort to the murdered one's surviving friends, unless they are depraved enough to find comfort in retaliation. It will do the murderer himself no good. If he be unprepared to die, it will precipitate him into the spirit world against all the dictates of religion; and if he have become a penitent — a regenerate man, forgiven of God — man ought to be both ashamed and afraid to be less merciful. It will do the righteous, the well-disposed and tender-hearted, no good. They are grieved and disgusted by such State tragedies. It will do the wicked, the depraved, the hard-hearted, no good. They love such spectacles, crowd eagerly around them, display all the hateful traits of devils incarnate, and go away ripe for violence and bloodshed. Hence our State authorities will not allow them free access to the place of execution, giving tickets of admission only to a few select witnesses, or respectable amateurs of this kind of tragedy. This is proof positive, if proof were wanting, that the hanging of murderers works no good to the wicked. If it did, the more they should see of it the better. Away with a punishment which is as unnecessary as it is anti-Christian.

honor the former without implicitly obeying the latter as God's revised statutes. The former had a glory which was designed to be superseded by the superior glory of the latter, even as the moon and the stars of night fade away in the radiance of the sun. Does the sun destroy the moon, and stars, because he outshines them? No more does the New Testament destroy the Old by superseding its imperfect institutions with diviner ones. The position is impregnable. Capital Punishment, however sanctioned by Noah, Moses and the ancients, is anti-Christian. It ought therefore to be immediately abolished in all professedly Christian States. He who upholds it fights against Jesus Christ.

Capital Punishment is Unnecessary

There is no excuse for hanging a murderer, on the ground that he is outraging the public peace, and endangering the lives of his fellow-creatures. He is a helpless prisoner; completely in the power of the government, and there he can be kept in safe custody — in a custody which will prevent his injuring others, or being injured by others. What more does the public good require? What more does his own good require? What more does any reasonable, humane, upright man desire? Who is it that clamors for his life — that cries out to have this powerless, pinioned man thrust into eternity from a gallows? O spirit of vindictive cruelty, we know thee all through the dark ages! Thou art thyself a murderer from the beginning. Be thou exorcised from all well-meaning souls. Thou hast often transformed thyself into an angel of light, and seated thyself in the high places of Christianity; but thou shalt be cast down into the pit, whence thou camest. Thou deprecatest and revengest murder, but art forever predisposing mankind to commit it. We know thee; “Get thee behind us, Satan.”

Capital Punishment is not necessary in order to prevent the criminal's escaping his due recompense. God has not left rewards

injured parties. “Love your enemies, bless them that curse you, do good to them that hate you,” &c. that ye may be the children of your father in heaven, who always acts on this divine principle toward the unthankful and evil.

On the same ground he enjoined the duty of always cherishing the spirit of forgiveness. “When ye pray, say ... Forgive us our debts as we forgive our debtors.” “For if ye forgive not men their trespasses, neither will your Father forgive your trespasses.” Is it forgiving an offender to take blood for blood, life for life, eye for eye? Is this forgiving as we would have God forgive us? Wilt thou hang thy son's murderer by the neck till he be “dead, dead, dead,” and then pray God to forgive thine offences as thou hast his! And after this wilt thou still presume to call Jesus Christ thy Lord, and thyself a Christian! Of all such Christ demandeth, “Why call ye me Lord, Lord, and do not the things which I say?”

As Jesus taught, so taught his apostles. Hear Paul: “Recompense to no man evil for evil”; “avenge not yourselves”; “be not overcome of evil, but overcome evil with good.” “See that none render evil for evil unto any man.” So Peter, John and all the apostles. Hanging the evil doer is recompensing “evil for evil.” It is man avenging himself by “rendering evil for evil.” It is a vain attempt to overcome evil with evil. Therefore it is utterly anti-Christian.

Christ never gave countenance to Capital Punishment, or to the taking of human life for any cause. He exemplified what he taught. He was once called on to adjudge a woman to death for adultery, according to the law of Moses. Did he sanction Capital Punishment? No; but he required those who would have stoned the criminal to death, to be sure first that they themselves were without sin. They felt the rebuke and fled. The woman still remained to receive death, if at all, from his sinless hands. But forbearing to harm her, guilty though she was, he said, “Go and sin no more.” Jesus was no patron either of crime or of Capital Punishment.

When James and John would have called fire down from heaven upon the unaccommodating Samaritans, “even as Elias

did," he turned and rebuked them, saying, "Ye know not what manner of spirit ye are of. For the Son of Man is not come to destroy men's lives, but to save them." So then Christians, following out their Lord's mission in his divine spirit, are not to destroy men's lives, but to save them — even though Noah, Moses and Elias be officiously quoted to the contrary. When will this genuine Christianity come to be understood and exemplified throughout nominal Christendom? In that day will Capital Punishment, as well as War, be denounced and renounced as utterly anti-Christian.

Reader, do not attempt to parry the force of the foregoing demonstration by any special pleading. Do not say, as some have, "Christ had no reference to public judicial proceedings; capital punishment, &c., when he gave forth those strong prohibitory precepts against resisting evil with evil; he only referred to petty revenge between individuals in common life." &c. This is groundless assumption, and contrary to the obvious meaning of Christ's language. "Ye have heard that it hath been said, an eye for an eye," &c. Where? By whom? See Gen. 9:6, Ex. 21:22–25, Lev. 24:17–20, Deut. 19:16–21. Examine those passages, and thou wilt see that "life for life, eye for eye," &c. were to be taken by public judicial authority. Can we, then, suppose Christ did not forbid legal and judicial resistance of evil with evil, but merely ordinary individual retaliations? No; he forbade all those sayings had authorized; that is, both individual and governmental takings of "life for life, eye for eye," &c. This is too plain to be caviled upon. Neither let the reader say, as some have, Christ did not refer to those sayings of Noah, Moses, &c. but only to certain glosses on them made by some of the Jewish Rabbis. Show us any rabbinical glosses stronger than the original Scripture sayings in the Pentateuch. There are none. It is sheer assumption to plead all such abatement of Christ's obvious meaning.

Nor let anyone rise up and say, as some have said, "You make Christ to condemn Moses, and the New Testament to destroy the Old. Thus you pervert the Word of God." Strange notion! Is not

Christ superior to Moses, and the New Testament to the Old? Who doubts this? The Jew may, but not the Christian. He who places Jesus Christ below Moses, or no higher than Moses, or the New Testament below the Old, or no higher than the Old, is anti-Christian, whatever else he may be. This is a settled point.

But it does not follow that Christ contemns Moses, or that the New Testament destroys the Old. The less and the greater may mutually corroborate each other. Moses wrote of the Christ, and commanded that when he came, the people should hear him "in all things." Therefore said Jesus to the Jews, "Had ye believed Moses, ye would have believed me; for he wrote of me."

Moses was a faithful servant, but Christ is the Son of God. He who respects Moses as a servant, will surely respect Christ as the Son of God. And he who, under pretence of reverencing Moses, takes "life for life," regardless of Christ's solemn injunction to "resist not evil with evil," insults both of them. He tramples under foot his acknowledged Lord, and impudently says to Moses, "I will not obey thy command, to hear Christ in all things. I will hear him in nothing that differs from thy old law of "life for life, eye for eye, tooth for tooth." That law suits my own instincts exactly, and I will not allow it to be superseded, even by Jesus Christ!"

Would Moses feel honored by such an adherent? No; he would rebuke the self-willed zealot, and say, "No man honors me who does not honor the Son of God more." If the patriarchs and prophets of the Old Testament, who all predicted a more glorious dispensation of divine truth and righteousness to come, could be summoned to give judgment, they would unanimously concur with Paul in his testimony: "If that which was done away was glorious, much more that which remaineth is glorious." Instead of subordinating the New Testament to the Old, or lowering down its sublime law, of resisting evil only with good, to the ancient maxims, they would exalt Jesus Christ and his precepts above all, as the true light and life of men. Alas! that anyone should so poorly appreciate either the Old or the New Testament., as to imagine that he can truly