

labor was to abrogate forever the law of retaliation. 'It hath been said, thou shalt love thy neighbor and hate thine enemy, but I say unto you, love your enemies, bless them that curse you, do good to them that hate you.' But can we love another, and put him to death? How much love does the government feel when the unhappy culprit is forced from his cell to the place of execution? It is the spirit of retaliation. There is no feeling for the offender. One great object must, from necessity, be excluded; which is, the good of the unhappy culprit. Indeed, the great ends of punishment are entirely set aside. The community receive no reparation, nor would they if ten thousand lives were taken. The example, instead of being beneficial, brutalizes and hardens the heart. The law is wholly subversive of any good, and entirely contrary to the spirit of Christianity. . . .

We kill one man in order to reform or confirm the virtue of another. It is an entire perversion of all moral reasoning. History, observation, and experience all demonstrate that crimes increase with the severity of laws. Public executions tend to promote cruelty and a disregard for life.

Source: Charles Spear, *Essays on the Punishment of Death* (Boston: Charles Spear, 1844). [Littleton, Colo.: Fred B. Rothman, 1994, 26, 89, 176, 197 (footnotes omitted).]

DOCUMENT 21: *Letters from New York* (Lydia Maria Child, 1845)

Lydia Maria (Francis) Child (1802–1880), a prolific Massachusetts writer known as one of the first and foremost anti-slavery advocates of the day, also was an opponent of the death penalty.

Prior to her marriage to David Lee Child, a Boston lawyer, in 1828, Child already had published two novels, *Hobomok* (1824) and *The Rebels* (1825); had founded a bimonthly magazine, *Juvenile Miscellany* (1826); and had run a private school in Watertown, Massachusetts (1825–1828).

Soon after her marriage, she and her husband joined the anti-slavery movement in Boston, and her writing turned to the anti-slavery cause. In 1833, Child published one of the first anti-slavery books, *An Appeal in Favor of That Class of Americans Called Africans*. The book was highly controversial, making Child as many enemies as converts to her way of thinking, and resulting in a significant drop in the sale of her other books.

Undaunted, Child continued her campaign against slavery. Eventually, she and her husband moved to New York, where she served as

editor of a weekly abolitionist newspaper, the *National Anti-Slavery Standard*, from 1841 to 1849.

Child published *Letters from New York* (1845), an extremely popular compilation of her private correspondence that covered a wide range of subjects, including the following letter on capital punishment. According to one historian, "It is likely that one of her published letters, read by thousands, had a greater effect on public sentiment than the numerous resolutions passed by all the anti-gallows societies combined" (Masur 1989:122).

LETTER XXXI.

November 19, 1842

To-day, I cannot write of beauty; for I am sad and troubled. Heart, head, and conscience, are all in battle-array against the savage customs of my time. By and by, the law of love, like oil upon the waters, will calm my surging sympathies, and make the current flow more calmly, though none the less deep or strong. But to-day do not ask me to love governor, sheriff or constable, or any man who defends capital punishment. I ought to do it; for genuine love enfolds even murderers with its blessing. By to-morrow, I think I can remember them without bitterness; but to-day, I cannot love them; on my soul, I cannot.

We were to have had an execution yesterday; but the wretched prisoner avoided it by suicide. The gallows had been erected for several hours, and with a cool refinement of cruelty, was hoisted before the window of the condemned; the hangman was all ready to cut the cord; marshals paced back and forth, smoking and whistling; spectators were waiting impatiently to see whether he would 'die game.' Printed circulars had been handed abroad to summon the number of witnesses required by law:—'You are respectfully invited to witness the execution of John C. Colt.' I trust some of them are preserved for museums. Specimens should be kept, as relics of a barbarous age, for succeeding generations to wonder at. They might be hung up in a frame; and the portrait of a New Zealand Chief, picking the bones of an enemy of his tribe, would be an appropriate pendant.

This bloody insult was thrust into the hands of some citizens, who carried hearts under their vests, and they threw it in tattered fragments to the dogs and swine, as more fitting witnesses than human beings. It was cheering to those who have faith in human progress, to see how many viewed the subject in this light. But as a general thing, the very spirit of murder was rife among the dense crowd, which thronged the place of execution. They were swelling with revenge, and eager for blood. One man came all the way from New Hampshire, on purpose to witness the entertainment; thereby showing himself a likely subject for

the gallows, whoever he may be. Women deemed themselves not treated with becoming gallantry, because tickets of admittance were denied them; and I think it showed injudicious partiality; for many of them can be taught murder by as short a lesson as any man, and sustain it by arguments from Scripture, as ably as any theologian. However they were not admitted to this edifying exhibition in the great school of public morals; and had only the slim comfort of standing outside, in a keen November wind, to catch the first toll of the bell, which would announce that a human brother had been sent struggling into eternity by the hand of violence. But while the multitude stood with open watches, and strained ears to catch the sound, and the marshals smoked and whistled, and the hangman walked up and down, waiting for his prey, lo! word was brought that the criminal was found dead in his bed! He had asked one half hour alone to prepare his mind for departure; and at the end of that brief interval, he was found with a dagger thrust into his heart. The tidings were received with fierce mutterings of disappointed rage. The throng beyond the walls were furious to see him with their own eyes, to be sure that he was dead. But when the welcome news met my ear a tremendous load was taken from my heart. I had no chance to analyze right and wrong; for over all thought and feeling flowed impulsive joy that this 'Christian' community were cheated of a hanging. They who had assembled to commit legalized murder, in cold blood, with strange confusion of ideas, were unmindful of their own guilt, while they talked of his suicide as a crime equal to that for which he was condemned. I am willing to leave it between him and his God. For myself, I would rather have the burden of it on my own soul, than take the guilt of those who would have executed a fellow-creature. He was driven to a fearful extremity of agony and desperation. He was precisely in the situation of a man on board a burning ship, who being *compelled* to face death, jumps into the waves, as the least painful mode of the two. But they, who thus drove him 'to walk the plank,' made cool, deliberate preparations to take life, and with inventive cruelty sought to add every bitter drop that could be added to the dreadful cup of vengeance.

To me, human life seems so sacred a thing, that its violent termination always fills me with horror, whether perpetrated by an individual or a crowd; whether done contrary to law and custom, or according to law and custom. Why John C. Colt should be condemned to an ignominious death for an act of resentment altogether unpremeditated, while men, who deliberately, and with malice aforethought, go out to murder another for some insulting word, are judges and senators in the land, and favourite candidates for the President's chair, is more than I can comprehend. There is, to say the least, a strange inconsistency in our customs. . . .

In looking at Capital Punishment in its practical bearings on the op-

eration of justice, an observing mind is at once struck with the extreme uncertainty attending it. The balance swings hither and thither, and settles, as it were, by chance. The strong instincts of the heart teach juries extreme reluctance to convict for capital offences. They will avail themselves of every loophole in the evidence, to avoid the bloody responsibility imposed upon them. In this way, undoubted criminals escape all punishment, until society becomes alarmed for its own safety, and insists that the next victim *shall* be sacrificed. It was the misfortune of John C. Colt, to be arrested at the time when the popular wave of indignation had been swelling higher and higher, in consequence of the impunity with which Robinson, White, and Jewell, had escaped. The wrath and jealousy which they had excited was visited upon him, and his chance for a merciful verdict was greatly diminished. The scale now turns the other way; and the next offender will probably receive very lenient treatment, though he should not have half so many extenuating circumstances in his favour.

Another thought which forces itself upon the mind in consideration of this subject is the danger of convicting the innocent. Murder is a crime which must of course be committed in secret, and therefore the proof must be mainly circumstantial. This kind of evidence is in its nature so precarious, that men have learned great timidity in trusting to it. In Scotland, it led to so many terrible mistakes, that they long ago refused to convict any man of a capital offence, upon circumstantial evidence. . . .

Few know how numerous are the cases where it has subsequently been discovered that the innocent suffered instead of the guilty. Yet one such case in an age is surely enough to make legislators pause before they cast a vote against the abolition of Capital Punishment.

But many say, 'the Old Testament requires blood for blood.' So it requires that a woman should be put to death for adultery; and men for doing work on the Sabbath; and children for cursing their parents; and 'If an ox were to push with his horn, in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman, the ox shall be stoned, and his owner also shall be put to death.' The commands given to the Jews, in the old dispensation, do not form the basis of any legal code in Christendom. They *could* not form the basis of any civilized code. If one command is binding on our consciences, *all* are binding; for they all rest on the same authority. They who feel bound to advocate capital punishment for murder, on account of the law given to Moses, ought, for the same reason, to insist that children should be executed for striking or cursing their parents.

'It was said by them of *old* time, an eye for an eye, and a tooth for a tooth; but I say unto you, resist not evil.' If our 'eyes were lifted up,' we should see not Moses and Elias, but *Jesus only*.