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Capital Punishment.

an

Original Oration

Delivered
at the

Junior Prize Contest
of

Dickinson College

June 27th
1864.

In man's nature, the Social Element is characterized by a peculiar power. Its influence has been strikingly exhibited in almost every variety of association. All records of the past, as well as all knowledge of the present establish indisputably the strength of the bond by which man is united with his fellow.

Barbaric tribes those first attempts at human organization, proved, at an early stage of the world's history, to be insufficient for the grand purpose of human advancement. The world felt the meaning of that word - progress; but before this feeling could be developed into organized action, old prejudices were to be eradicated.

old associations to be dissolved.
 To this end war was the great
 instrument. As an individual,
 man felt his insecurity; when
 associated, his safety; & with the
 dictates of nature supported by
 self interest, a necessity was
 recognized, & the individual rapidly
 became merged into the nation.
 Coincident with the perception
 of national association as essen-
 tial to individual safety, arose
 a recognized tendency to human
 advancement. Governments
 began to establish law as necessary
 to their own regulation, as safe-
 guards against themselves. In
 this justice was to be greatly
 regarded. It would in effect
 have defeated the object of unity,

should the individuals thus associated have been compelled, in their very organization, to subject themselves to a danger approaching that which they had sought to avoid. The world's welfare demanded that government authority should be limited, & hence arose the question, how far does the jurisdiction of human government extend?

It is a strange fact, that the popular voice has placed absolutely no limit upon this law power. The world has moved on through these thousands of years of progress, without once attempting to cast off that fearful influence, which association holds over its component

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individuals.

In inquiring as to the justice of capital punishment, it is hardly necessary to refer to the original rights of the persons associated. For although the object of government is retarded, if not entirely defeated by the life power of the individual collective over the individual component, yet, from the nature of justice itself the truth is sufficiently evidenced. When the application is personal, we recognize the inestimable value of existence. By the principles of association, society is thrown into what is essentially the position of an individual. Occupying such position, it claims to find

a justification for the punishment of death, in the principle of self defence. And yet, we find that the application of this principle to society, differs widely from its application to the individual. For in the one, it is almost unlimited; while in the other, it is justified only by certain external circumstances. The one claims power over the life of the offender, even when the danger to itself is slight, & when other means of avoidance are immediately at hand. To the other, the right arises from immediate danger to self existence, & can be exercised only when all other means have proved inadequate. Here then, is an essential difference; & here, a glaring inconsistency. Society by its own

regulation, places itself in a position which, when occupied by the individual, by that same regulation becomes criminal. But whence is the right derived? Is man's accountability to society, higher than society's to God? Has association, standing as an individual, a right to make punishment of crime, identical with crime itself, and thus practically deny its accountability to a higher power.

No one man can, in justice, deprive another of existence, nor can any specified number; & the right which is denied the individual, cannot be given to association. The great theory is, that each man consents to give up exercise of his natural rights, for the good of the whole: - that the control of his actions, which belongs

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originally to himself, is entrusted
to some superior power, called
sovereignty or government. But this
is only theory. For each man, instead
of acting voluntarily, finds himself
at his birth in a state of subjection,
& to submit is a necessity. We shudder
at the honours of bigoted superstition.
But where is the essential difference,
between the principle which ordered
the action of inquisition, & that
which sways modern government?
The former, claiming that ultimate
purpose justified present means,
and with the world's spiritual
regeneration as an object, held and
exercised the power over human
life & death; the latter occupies
the same position, on the ground
of self interest. No one hesitates for

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a moment, in stamping the former
as fearfully wrong. Why then, attempt
a justification of the latter? Evidently,
it is but a modern application of
the old principle that ends justify
means.

Again, the spirit with which
an act is committed, does not affect
the justice or injustice of the abstract
act. The palliation of an offender,
does not justify offense. We claim
that to kill, is of itself essentially
wrong. And, that a wrong never
becomes a right, merely because
it can be made to serve some ad-
vantageous end. If deprivation of
life is not, of itself, a crime, then
the criminality rests with surround-
ing circumstances; and a man is
deserving of punishment, when

found to be in a position, in which he might kill. Evidently then, government is most absurdly inconsistent. For, by the very act of punishment, it declares murder to a crime; & so declaring, murders, in order that crime may cease.

In civilized society, the first & principal incentives to all actions, should be justice & goodness. The welfare of an offender, should not be allowed to pass unregarded. Evidently, the advantage accruing to society, may be as well obtained through other means - through means, which might be productive of much good to the criminal.

We recognize his reformation as the first great object of punishment. We see the principle exemplified

in the incidents of everyday life. It has formed a part of our own personal experience. No one would claim that a parent punishes an offending child, any other object, than that child's benefit. And here is the natural, here the principal aim.

Clearly, this reformation of the offender would be advantageous to society. But yet, how utterly absurd are the means employed for this good end. The one so much needing improvement, the hardened criminal, with the blood of his victim yet red upon his hands, with his heart steeled by hatred, & his moral faculties deadened by passion, is hurried to death. His reformation

set at naught, & the first great object of punishment entirely defeated.

But it is needless to continue. We claim that human life is inviolable - that the deliberate destruction of the exquisite mechanism of our bodily existence, cannot be in accordance with the great & good designs of our beneficent creator. Man was never endowed with the vital principle, as a temptation to his fellow.

I thank God that this is an age of progress - that the relics of old barbarism, are being eradicated. Christianity is urging the world forward. From the enlightened truths of revealed

religion, arises a new era. The past has been fearfully dark, but the world needed experience. As christianity & civilization move forward, the world will awaken to a fearful knowledge of its self licensed criminality. From the dawning brightness of this present, which we grasp, here, - which we are experiencing, spring hopes of a glorious future. Let us, then, look forward in all the enjoyment of these high anticipations. Let us so order our actions, that when the bright hour does come, we may enjoy the happy consciousness of having labored for the right.

