**Pearson and Capital Punishment - by Samuel De Spuches**

The first half of the 19th-century in America saw a wider political conversation about capital punishment. According to Stuart Banner, a legal historian and Professor of Law at UCLA, “The debate over capital punishment that engulfed the northern states in the first half of the nineteenth centrury was virtually absent from the South. The difference was a product of slavery.” (*The Death Penalty: An American History*. 2012, p. 113). While it held strong in the South, many in the North-East were advocating for its abolishment. Their arguments against it were mostly motivated by religious and ethical reasons.

In the “Essay on the Punishment of Death” from 1845, Charles Spear--a preacher and social reform activist in Massachusetts and surrounding states-- makes a moral argument saying that capital punishment undermines the sacredness of human life, and that it supports the idea of slavery in that we erroneously fully control someone else’s future: “Other rights never will be regarded till human life is respected.... It is the doctrine of Capital Punishment that is the great support of the slave system, that infernal traffic in flesh and blood. The Punishment of Death has been, in every age, the weapon ready formed, both for the political and the spiritual despot.”

Other sources use religious arguments against it, and show a lot of compassion and coherence with Christian values. The possibly pseudonymous Peter Peaceable, in “The Cabinet No. LXXV” published in the 1812 *Philadelphia Repertory*, not only condemns the deadly practice, but also calls for a prison system that is not in place to punish, but rather to rehabilitate offenders: “let the wretch who has injured the community by the fold crime of murder be thrown within the walls of a prison; there let him reflect on the infamy of his character with God and man, and endeavour, if possible, by repentance, meditation, and prayer to render himself worthy to receive pardon.” According to this article, people are capable of repenting and changing; in other words, prison should be where criminals change their morals and become better humans. It says that only God can judge us, and that since he gave us life, it is not our place to take it away.

These arguments hold true, and that although our society has progressed exactly in the direction suggested by these writings, it’s not a consolidated view as it seems as if it changes often. It’s only recently that public opinion supports incarceration as a rehabilitative rather than punitive solution for offenders. In the 2016 faculty publication, “Public Attitudes Toward Punishment, Rehabilitation, and Reform: Lessons from the Marquette Law School Poll,” Michael O’Hear, a Professor of Law at Marquette University, claims that public opinion has shifted to this perspective only after the 1990’s: “Public support for tough sentencing policies rose sharply in the United States in the 1970s and remained high until the late 1990s. Since then, public opinion surveys have pointed to the emergence of more nuanced and even less punitive attitudes.” Since Pearson’s time, capital punishment is less common and done in a more humane way. But the societal conversation about it isn’t over yet, as we still use it. Prison systems today have yet many improvements to make before truly being rehabilitative rather than punitive, not to mention that 27 states in the US still have the death penalty.

In later diary entries in 1840 and 1841, Pearson makes clear that he shares these opinions on the same moral and religious grounds; “Cannot but think

that capital punishments are contrary to the spirit of the New Testament. Solitary

confinement and hard labour for life should be substituted. The time will come, I

think, when the public will be enlightened on this point and demand the repeal of

such sanguinary laws.” He thought that capital punishment would dissapear based on what public opinion was shifting to, he was wrong:

A few years hence we shall witness the entire abolishment of capital punishments and the substitution of imprisonment for life. This is the real humane and Christian plan for punishing offenders. Immersed in well-regulated and healthy prisons, they will spend their lives separated from the society which they have injured; they will have the advantages of reflection and instruction, and if any situation can be hoped to afford advantages for their reformation it will be this.

In 1842, his opinion might have changed due to a news sweeping event: the murder by John C. Colt--brother of Samuel Colt who invented the Colt 45 pistol--of a printer named Samuel Adams to whom he owed money for the publication of his book. “With my present doubts on this point I am sure I never could sit as jury-man, on a case of murder ... I fear not so much the repeal of capital punishment for certain crimes, as that what laws we have or shall have will not be strictly enforced. I fear a looseness of morals and a disregard of all laws.” It’s hard to know why Pearson would change his mind for this particular case, it might be the brutal manner in which Adams was killed, and the fact that it got a lot of news coverage. Colt killed a man over a small money dispute, then put the body in a crate filled with salt and tried to make it disappear by putting it on a ship leaving Boston.

*Bibliography*

Banner, Stuart. *The Death Penalty: an American History.* E-book, Cambridge, Mass.: Harvard University Press, 2002, <https://hdl-handle-net.libproxy.union.edu/2027/heb.05192>.

Buescher, John. “Charles Spear”, Dictionary of Unitarian & Universalist Biography, <https://uudb.org/articles/charlesspear.html>

Peaceable, Peter. .. "For the Repertory. The Cabinet. no. LXXXI." *The Philadelphia Repertory: Devoted to Literature and Useful Intelligence (1810-1812)*, 4 April 1812, 364. <https://libproxy.union.edu/login?url=https://www-proquest-com.libproxy.union.edu/magazines/cabinet-no-lxxxi/docview/137656426/se-2?accountid=14637>

Michael M. O’Hear, *Public Attitudes Toward Punishment, Rehabilitation, and Reform: Lessons from the Marquette Law School Poll*, https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1678&context=facpub

Spear, Charles. *Essay on the Punishment of Death*. (Generic, 1845), 205