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"HELL" AND THE LAW²

Frank W. Grinnell¹

James Truslow Adams has referred to "the extraordinarily large sphere accorded to the Devil in Puritan theology,"³ The state of mind of the governing group in Colonial Massachusetts may be described as one in which the primary consideration was to fight the Devil in the name of God, and this absorbing contest required an independence in their *minds* which made problems of allegiance to the King and their relations to Parliament of secondary importance. Their religious sympathy in this contest with Satan was a dominant associative principle which held them together, and, in the words of Mr. George E. Ellis, "so controlling as a direct source of law was the Old Testament that the religious and political motives were identical" and can not be separated.

An illuminating article by E. S. Morgan Jr. appeared in the "New England Quarterly" for December, 1937, on, "The Case Against Anne Hutchinson." Referring to Governor Winthrop and his political conception of the state and the duty of magistrates, Mr. Morgan says:

"He could not regard the case as that of one opinion against another; it was personal opinion against truth. And the terrifying fact was that this personal opinion was gaining ground; the Word of God was being undermined by a woman. Winthrop saw the commonwealth which he had done much to

found—which had been consecrated to absolute truth—rocked to its foundations by the seductive teachings of a clever lady. He could not help regarding that woman as an enemy of God. As governor he was bound to do his utmost to protect the Word and the state from this instrument of Satan, lest the whole people suffer punishment at the hands of the Almighty."

This was a point of view of enlightened New England Puritans which resulted merely in banishment to Rhode Island, but its genuine sincerity should be remembered in connection with the brutalities to be mentioned presently, many of which were the results of common convictions equally sincere.

When we consider the early dominant conception of "Hell" in Christian theology regardless of creed, for it was common to Catholic and Protestant alike, long before and long after the Reformation, I think we can see its direct or indirect influence. This influence appears on such matters as penalties, the conduct of criminal trials, the constitutional rights of accused persons, the so-called technicalities of the criminal law (largely eliminated today but originally developed by judges as a humane protection against "hellish" punishment), the practice of jurors in refusing to convict (for the same reason) in spite of their oaths which Blackstone described as "pious perjury," the rules of evidence (or the earlier lack

¹ State Street, Boston, Mass. Editor, "Massachusetts Law Quarterly" and secretary Massachusetts Bar Association.

² A paper read before the Massachusetts Historical Society.

³ "The Founding of New England," 82.

of them), and the common American conception of the weakened position and function of the trial judge.

Dean Pound has written of the influence of the reputation of the "Bloody Jeffries," Chief Justice Scroggs and later of Lord Braxfield, the so-called Scotch "Jeffries," on the American attitude toward the trial judge. The fairer modern practices have, as I see it, resulted not merely from a reaction against the brutal reputation of these men, but from a widespread recognition of "the quality of mercy" in the thinking and spiritual consciousness of people in general—a revival, perhaps, of a hope of ultimate mercy expressed by Origen, St. Clement of Alexandria and other early Christian theologians,⁴ and reflected, curiously enough, in the reign of Charles II, by Dryden, his Poet Laureate, as well as later by Goethe.

"Hellish" Punishments

Let us examine some of the symptoms of the religious, social and political state of mind in England during several centuries in which honest error was regarded as an unpardonable and intolerable sin by most people regardless of creed or party. Of course, the natural resiliency of human nature always discounts and this underlies much human history), to some extent, the excessive character of any prevailing code of severity in thought and belief and keeps people out of the madhouse. We must remember that we are dealing, not with the brutality of primitive savages, but with the people of the Eliza-

bethan age when Shakespeare wrote the lines about "the quality of mercy," and with two succeeding centuries; also with the period of the unrestrained gaiety of the "Merry Monarch" following the Restoration, and the more sober settlement of New England by the Puritans.

What were "civilized" Europeans, including Englishmen, not only tolerating, but expecting, with general approval? The horrors of the Inquisition and the similar horror of the "fires of Smithfield," as well as other brutalities in the name of God, are familiar history in many books, notably in the chapters on persecution by theologians in Lecky's "Rationalism in Europe." But we will stick to secular practises, for the present. A convenient collection appears in William Andrews' "Bygone Punishments." Boiling alive as a penalty for poisoners was required for a few years in the time of Henry VIII., and not uncommon before that. Pressing to death, known as "Peine forte et dure" was a method of forcing a plea from an accused person so that his estates would be forfeited, if found guilty. This form of procedure was substituted about 1406 for starvation as an act of mercy in order to relieve the accused of his sufferings sooner! Major Strangeways died under it to protect his family in 1676, as did a resident of Essex County, Massachusetts, during the witch-craft craze. It gave way to thumb-twisting in the eighteenth century, which was not legally abolished in England until the act of 1827 directing the court to enter a plea, if a prisoner "stood mute."

⁴ Dearmer, 62, 81 and 84.

Other forms of torture to force testimony were common.

The old sentence for treason survived until the early nineteenth century when Sir Samuel Romilly agitated against it and drew upon himself the odium of the law officers of the Crown, who declared he was "breaking down the bulwarks of the constitution." This sentence was the end and immediate object of a trial for treason during generations, when in times of excitement almost any unguarded expression of opinion might be turned into treason, especially with the aid of historic liars like Titus Oates. There is an old print in the British Museum, a copy of which is in the Harvard Law School, showing, in operation, the gruesome details of this final act of a treason trial. Lord Coke, the oracle of the law under the earlier Stuarts and the progenitor of our Revolutionary arguments, found, somewhere in the Bible, a countenance for each of the details of the sentence. What was it?

The first trial of the regicides was that of Thomas Harrison before Lord, Chief Baron Sir Orlando Bridgman, previously a conveyancer, who, after the jury found the prisoner guilty, pronounced sentence as follows:

"You that are the prisoner at the bar, you are to (receive) the sentence of death, which sentence is this: The judgment of this court is and the court doth award, that you be led back to the place from whence you came and from thence to be drawn upon a hurdle to the place of execution: and there you shall be hanged by the neck, and being alive shall be cut down and your privy mem-

bers be cut off, your entrails to be taken out of your body and you living, the same to be burned before your eyes and your head to be cut off your body to be divided into four quarters and head and quarters to be disposed of at the pleasure of the King's Majesty and the Lord have mercy upon your soul."

The court then adjourned until seven o'clock the next morning and all jurymen and witnesses were commanded to be present on forfeiture of £100 apiece.
5 Howell's State Trials 1034.

Sir Henry Vane and Rev. Hugh Peters, both early New Englanders, were similarly sentenced and executed.⁵ The first sentence of this kind is said to have been inflicted on a pirate in 1241, and it was not until 1813 that Sir Samuel Romilly introduced a bill to modify the sentence to hanging, and even then it met opposition. In the debate he said:

"I certainly did not foresee that in an English House of Commons in the nineteenth century, one voice would have been heard in defence of a law which requires the tearing out of the heart and bowels from a body of a human being, while he is yet alive, and burning them in his sight," (p. 253).

But this was not all—for corruption of blood involving confiscation of estates, thus punishing the innocent relatives, continued until modified by Romilly's exertions. Hanging for merely passing a forged one-pound note was common until about 1817, when George Cruikshank ridiculed the Bank of England with a cartoon which stopped the issue of such notes.

The mania for flogging in the army, when 1000 lashes was a common pun-

⁵ Women were burned alive for treason and other crimes until 1790. That was the sentence pronounced by Jeffreys on Alice Lisle at the

Bloody Assize, but later commuted to hanging by James II.

ishment, was described by Romilly, in debate, in 1812, as follows:

"The Great Commentator on the Laws of England has said that the rack and the knout are unknown amongst us—that death, simple death, unattended with any circumstances of torture, is the severest infliction which the Constitution allows!—And yet we tolerate this species of punishment,—this refinement of cruelty;—we permit a fellow-creature to be driven to the very verge of existence, a Surgeon standing by to feel the pulse of the sufferer, and to pronounce at what moment exhausted nature can bear no additional infliction. Then, when his soul is about to forsake his tortured body, and to leap into eternity—then, indeed, the poor wretch is taken down from the halberts and removed into an hospital, where he is left, his body more at ease, but his mind still upon the rack, reflecting, that the faster his wounds heal, the nearer he is to the renewal of his sufferings, and that his life is thus cherished by his tormentors, only that it may be again subjected to their torments. . . ."

"Death would be a merciful substitute," urged Romilly. A small, and seemingly entirely unimaginative, House negatived the motion by 49 votes to 17."⁶

The introduction to John Howard's "Prisons in England and Wales," published in 1777, after he had been thanked by Parliament for his reports, begins as follows:

"The distress of prisoners, of which there are few who have not some imperfect idea, came more immediately under my notice when I was sheriff of the county of Bedford; and the circumstance which excited me to activity in their behalf was, the seeing, some—who by the verdict of juries were declared *not guilty*; some—on whom the grand jury did not find such an appearance of guilt as subjected them to trial; and some—whose prosecutors did not appear against them;—after having been con-

finied for months, dragged back to gaol, and locked up again till they should pay *sundry fees* to the gaoler, the clerk of assize, etc.

"In order to redress this hardship, I applied to the justices of the county for a salary to the *gaoler* in lieu of *his* fees. The bench were properly affected with the grievance, and willing to grant the relief desired; but they wanted a precedent for charging the county with the expense."

His pictures of the prisons, both for criminals and debtors, were hideous, but produced little results in legislation for thirty or forty years.

But enough of this!

What was the position of a person accused in these treason trials in the time of the Scroggs and Jeffreys, especially during the feverish agitation over the "Popish Plot," the murder of Sir Edmond Bury Godfrey, the Rye House Plot, the Meal Tub Plot under Charles II. and the Bloody Assizes after Monmouth's Rebellion? Their position was almost exactly what it was, for about six months, in Massachusetts during the witchcraft craze in 1692.

"Hellish" Procedure

In those days when the rules of judicial evidence were in their infancy, a person accused either of witchcraft or of treason was practically convicted in most cases before the trial began. He had no information as to the witnesses against him, he could not summon witnesses, his witnesses could not be sworn and they could be attacked as liars because of this fact, while the witnesses for the government, many of whom were among the most notorious perjurers in history, were considered more truthful because of their oath.

⁶ Oakes, Sir Samuel Romilly (pp. 230-231).

He generally had no counsel and had to do the cross-examining himself. Original documents did not have to be produced when relied on by the government. Witnesses were allowed to make speeches and to testify to anything that they wanted to, hearsay, rumors, etc., and, in the credulous excitement against the Catholics or Presbyterians, the wildest statements from men like Titus Oates and his fellow perjurers were swallowed whole by the court, the jury and the public. Even by the House of Lords in the trial of Lord Stafford, the Catholic peer eighty years of age was convicted under circumstances which FitzJames Stephen refers to as one of the most notable miscarriages of justice in English history. In his *History of the Criminal Law*, he speaks of the opportunities and influence of perjurers as the greatest contributing factor to the murders in the name of justice, although there were some, like Coleman, who seem to have been clearly guilty under the law of treason as it then stood.^{6a}

"Hellish" Indifference

What was the cause of all the brutality? Why was it tolerated? The immediate cause was the common callousness and indifference growing out of the habits of generations. As Romilly said, in debate in 1813:

"I call upon you to remember, that cruel punishments have an inevitable tendency to produce cruelty in the people. It is not by the destruction of tenderness—it is not by exciting revenge, that we can hope to generate virtuous conduct in those who are confined to our

care. You may cut out the heart of a sufferer and hold it up to the view of the populace, and you may imagine that you serve the community; but the real effect of such scenes is to torture the compassionate and to harden the obdurate. In times of tranquillity you will not diminish offences by rendering guilt callous—by teaching the subjects to look with indifference upon human suffering; and, in times of turbulence fury will retaliate the cruelties which it has been accustomed to behold."

"The bill was rejected. Again on April 25, 1814, he moved a resolution for the House, to consider, as a committee, his bill for modifying the punishment for high treason. He urged the substitution of hanging for beheading. Yorke proposed an amendment that the hanging should be followed by decapitation. Romilly rebuked Yorke for desiring the continuance of 'the disgusting spectacle . . . of holding up the bleeding head of the criminal to the view of the spectators. . . . I believe that the worst effects are produced by it. We are so constituted by nature that such spectacles of horror are seldom beheld by any persons with impunity." (p. 253.)

"Hellish" Theology

But back of the habits of indifference were centuries of theological teachings and practical cruelty. Lecky quotes Julian as saying that no wild beasts were so ferocious as angry theologians. We are all familiar with the idea that "the Lord works in mysterious ways his wonders to perform," but it is passing strange that the dominant belief should have required, of even thoughtful Christians, a course of conduct toward their erring brothers, as a prologue to eternity, which seems to us to-day about as diabolical as the activities attributed to the Devil by the most vivid mediaeval imagination.

We have all been vaguely familiar

^{6a} See John Pollock, "The Popish Plot."

with the description of the Park Street Church in Boston as "Brimstone Corner," and the doctrines with which Dr. Oliver Wendell Holmes was brought up, described by him as the "Christian Tartarus,"^{6b} but we think of it with only varying degrees of realization. To understand the influence of such doctrines on legal history, we need an effervescent moving picture and we find two illuminating ones in Massachusetts.

Michael Wigglesworth was a gentle, sensitive, devout soul, the minister in Malden and a Fellow of Harvard College. In 1662, he wrote a poem of 224 verses on, "The Day of Doom." Mr. Kenneth Murdock, edited the latest edition in 1929 and tells us in his Introduction that:

"There were then in New England probably about thirty-six thousand settlers, and in all the English colonies in the limits of the present United States, about eighty-five thousand. A copy of *The Day of Doom* was sold for one out of every twenty persons in New England, or one out of every forty-five in the colonies as a whole. A book which did as well today in relation to the population would break records as a 'best seller,' . . .

"Nor was the popularity of Wigglesworth's verses but a flash in the pan.

"They were speedily reprinted; there were probably four American editions before 1701, and certainly two London editions. 1701, 1711, 1715, 1751, 1774, 1777, 1811, and 1828, saw new appearances of the book; and in 1867, though it was then considered merely a curious literary relic, it was published by the American News Co. in New York. A friend of Wigglesworth suggested in 1705 that *The Day of Doom* would continue to be read till the last dread day itself. . . .

"Denied the title of great poetry, shorn of its claim to peculiar infamy as a supreme example of theologic fire-breathing, it still does not deserve to be forgotten even now when it can move no one as it once moved the Puritan children who huddled beside the fire and became breathless with terror and awe as they spelled out its lines."

The best-known lines are those which assign the unbaptized infants to "the easiest room in Hell,"—an assignment which appears to have been also a hope of St. Augustine.

But the outstanding Calvinistic imagination in the eighteenth century was that of Jonathan Edwards, one of the foremost New England intellects of the period. Any one who ever heard General Booth address a Salvation Army meeting will realize the force of a powerful personality like Jonathan Edwards and others, before and after him, in a position to sway the emotions. Professor Dearmer quotes from a letter written by General Booth to the future Mrs. Booth, in 1854:

"Send me some bare thoughts, some startling outlines. Nothing moves people like the terrific. They must have hell-fire flashed before their faces or they will not *move*." ("The Legend of Hell," p. 32.)

Imagine yourself as an average unlettered person,^{6c} or one whose reading was largely limited to the Bible, with, perhaps, the 41st. verse of the twenty-fifth Chapter of Matthew in mind, in a credulous age. Imagine the effect on your mind in relation to the sufferings of others, of listening to sermons like this:

"benefit of clergy"—an earlier crude substitute for probation. See *Mass. Law Quart.*, for Aug., 1917.

^{6b} Over the Teacups, pp. 246-260.

^{6c} As late as the 19th century the ability to read was still legally regarded as a sufficient excuse to let a convicted man out of jail by

EXTRACTS FROM THE SERMONS
OF JONATHAN EDWARDS

(In the 4th Volume of his Works)

"Impenitent sinners will not be able to find any to befriend them and intercede with God for them."

"We can conceive but little of the matter; we cannot conceive what that sinking of the soul in such case is. But to help your conception imagine yourself to be cast into a fiery oven, all of a glowing heat, or into the midst of a glowing brick-kiln, or of a great furnace, where your pain would be as much greater than that occasioned by accidentally touching a coal of fire as the heat is greater. Imagine also that your body were to lie there for a quarter of an hour, full of fire, as full within and without as a bright coal of fire, all the while full of quick sense; what horror would you feel at the entrance of such a furnace! And after you had endured it for one minute, how overbearing would it be to you to think that you had it to endure the other fourteen! But what would be the effect on your soul, if you knew you must lie there enduring that torment to the full for twenty-four hours! And how much greater would be the effect, if you knew you must endure it for a whole year; and how vastly greater still, if you knew you must endure it for a thousand years! O then how would your heart sink, if you thought, if you knew, that you must bear it forever and ever! That there would be no end! That after millions of millions of ages, your torment would be no nearer to an end than ever it was; and that you never, never should be delivered!

"But your torment in hell will be immensely greater than this illustration represents. How then will the heart of a poor creature sink under it. . . ."

"Whoever thou art, whether old or young, little or great, if thou art in a Christless, unconverted state, this is the wrath, this is the death to which thou art condemned. This is the wrath that

abideth on thee; this is the hell over which thou hangest, and into which thou art ready to drop every day and every night. (pages 260, 261.)"

". . . your bodies which shall have been burning and roasting all this while in these glowing flames, yet shall not have been consumed, but will remain to roast through an eternity yet, which will not have been at all shortened by what shall have been past."

If any one wants any more of this, he may find it in turning over the pages of the 4th Volume of the Works of Edwards, or the quotations gathered together in Professor Dearmer's book, and he can supplement the descriptions by examining the pictures of, "Hell," "Satan," and "The Day of Judgment," in which the lurid imaginations of painters and sculptors as to the infernal regions have found expression. Theologians, both Protestant and Catholic, also emphasized the hideousness of it all by describing the joy of the saints and the blessed in the sufferings of the sinners! The Protestants were the most rhetorical. Edwards preached:

"Positively, the sufferings of the damned will be no occasion of grief to the heavenly inhabitants, as they will have no love nor pity to the damned as such. They will rejoice in seeing the justice of God glorified in the sufferings of the damned. (Page 291.)"

"You will find none that will pity you in hell. The devils will not pity you, but will be your tormentors, as roaring lions or hell-hounds to tear you in pieces continually. And other wicked men who shall be there will be like devils; they will have no pity on you, but will hate and curse and torment you. And you yourselves will be like devils; you will be like devils to yourselves, and will be your own tormentors. (Page 295.)"

¹ See also Dearmer pp. 42-43. Since this paper was written an interesting biography of Edwards has been published by the MacMillan Co. (in 1940). This book, by Ola Elizabeth

Winslow, is worth reading. She points out that the most lurid sermons were at the hysterical period of "The Great Awakening" in New England about 1741.

"You will then see those godly people with whom you shall have been acquainted and who shall have been your neighbors, and with whom you now often converse, rejoicing at the pronunciation and execution of your sentence."

"You that have godly parents, who in this world have tenderly loved you. . . . You will then see them praising God for executing just vengeance on you for setting so light by their counsels and reproofs."

"After they shall have seen you lie in hell thousands of years, and your torment shall yet continue without any rest, day or night, they will not begin to pity you then; they will praise God that his justice appears in the eternity of your misery."⁸

"The Quality of Mercy"

We are beginning to realize that the "making" of law is not merely a judicial process or a legislative process, but is in many respects a community process, in which the bar, the literary men, and the laymen all take part. When we consider the extent to which Shakespeare was read, studied, quoted, and listened to on the stage during the 18th and 19th Centuries, it seems probable that Portia's lines about "the quality of mercy" must have had a very considerable, even if unconscious, influence.

Lecky says:

"In the middle ages theology was supreme. . . . In the 17th century the pre-eminence of theology was no longer decisive, and the great secular writers introduced a love of impartiality and of free research which rapidly passed from natural science and metaphysics into theology, and destroyed or weakened all those doctrines which were repugnant to it. It was between the writings of Bacon and Locke that Chillingworth taught, for the first or almost for the first time in England, the absolute innocence of honest error. . . . It was between

the same writings that the writ *DeHoeretico comburendo* was expunged from the Statute Book, and the soil of England for the last time stained with the misbeliever's blood!"

The abolition of torture resulted less from reasoning than from "the influence of certain modes of feeling which civilization produced." Following the attacks on brutality by Voltaire, Montesquieu, and Beccaria, "the doctrine of a literal fire having almost ceased to be a *realized* conception," the sense of the excessive severity in punishments developed, especially in England, under the influence of John Howard.

"Nowhere perhaps," says Lecky, "in the annals of philanthropy do we meet a picture of more unsullied and fruitful beneficence than is presented by the life of that great dissenter, who, having travelled over more than 40,000 miles in works of mercy, at last died on a foreign soil a martyr to his cause. Not only in England, but over the whole of Europe, his exertions directed public opinion to the condition of prisons, and effected a revolution the results of which can never be estimated. Soon after followed the mitigation of the penal code."

"A healthy civilization implies a double action—the action of great bodies of men moving with the broad stream of their age, and eventually governing their leaders; and the action of men of genius or heroism upon the masses, raising them to a higher level, supplying them with nobler motives or more comprehensive principles, and modifying, though not altogether directing, the general current. . . ."

Such men were Howard and Romilly. The theologians had to be taught by the humanitarians.

Beccaria, building, as he said in his introduction, on a foundation laid by Montesquieu, who "has but slightly

⁸ Cf. Tertullian as quoted by Gibbon, "Decline

and Fall" II C. 15, Dearmer pp. 33-35.

touched on this subject," laid the basis for future development. At the end of his "Essay on Crimes and Punishments"⁹ he said:

"From what I have written results the following general theorem, of considerable utility, though not conformable to custom, the common legislator of nations.

"That a punishment may not be an act of violence, of one, or of many against a private member of society, it should be public, immediate and necessary; the least possible in the case given; proportioned to the crime, and determined by the laws."

In the midst of all the hellishness, it is interesting and refreshing to note the rather surprising fact—as an illustration, not only of the tolerant side of Charles II., but perhaps, also, considering his dissolute character, a secret hope—that his poet laureate, Dryden, in the address, "To the Reader," which prefaced "Absolom and Achitophel" in 1681, qualified his picture of Shaftsbury, as follows:

"I have not so much as an uncharitable wish against Achitophel, but am content to be accused of a goodnatured error, and to hope with Origen, that the devil himself may at last be saved. . . . God is infinitely merciful: and his vice regent is only not so because he is not infinite."

Goethe expressed the same idea in a letter, more than one hundred years later, when attacked for writing the "Prologue in Heaven" to "Faust," and Bayard Taylor points out that at one time he contemplated the introduction of the idea in a continuation of "Faust" (Taylor's "Faust," Note 8).

But the doctrine of the Anglican Church was not judicially determined until 1864, in the case of the Reverend

Mr. Wilson, one of the contributors to, "Essays and Reviews," who appealed to the Privy Council from a judgment of heresy pronounced by Dr. Lushington, the distinguished ecclesiastical judge. In a judgment by a majority of four lay judges and the Bishop of London (Tait) against the two Archbishops, the court, speaking through Lord Chancellor Westbury, said:

"We are not required, or at liberty to express any opinion upon the mysterious question of the eternity of final punishment further than to say that we do not find in the Formularies, to which this Article refers, any such distinct declaration of our Church upon the subject, as to require us to condemn as penal the expression of hope by a clergyman that even the ultimate pardon of the wicked, who are condemned in the day of judgment, may be consistent with the will of Almighty God." (Atlay, "Victorian Chancellors," 2, footnote 2.) (Moore, 433.)

This judgment produced very diverse reactions. Dean Stanley regarded it as a charter of intellectual freedom within the walls of the establishment. The effect on the wits resulted in the famous mock epitaph attributed to Sir Philip Rose, but the most pungent line of which J. B. Atlay attributes to Charles Bowen, later Lord Bowen, who was one of the counsel in the case.

"RICHARD, BARON WESTBURY.

Lord High Chancellor of England.

He was an eminent Christian,
An energetic and merciful statesman,
And a still more eminent and
merciful Judge.

During his three years' tenure of office

He abolished the ancient method of
conveying land,

The time-honoured institution of the
Insolvents' Court,

And

⁹ 4th English ed. (1775), pp. 178, 179.

The Eternity of Punishment.
Towards the close of his earthly career
In the Judicial Committee of the
Privy Council
He dismissed Hell with costs,
And took away from orthodox members
of the Church of England
Their last hope of everlasting damnation.

"But to the vast majority of the members of the Church of England the judgment caused the liveliest indignation and dismay. 'High' and 'Low' were for the moment united, and Lord Shaftesbury stood shoulder to shoulder with Dr. Pusey. A declaration of belief 'without reserve or qualification' in the inspiration of the Scriptures and in the everlasting punishment of the wicked was signed by over 10,000 clergymen, and 'Essays and Reviews' was condemned as heretical by the Convocation of Canterbury." (Atlay's "Victorian Chancellors," 2, pp. 263-5.)

When the details of the lives of individuals during centuries are considered, the story of "hellishness" when viewed as a moving picture, is a terrific tragedy.

In his brief preface explaining the reason for his book on "The Legend of Hell," Professor Dearmer says:

"When I was in France during the War, I used to ask the men to put questions in a box. The question most frequently asked was, 'How can a just God send people to everlasting torment?' Since then, I have found that, whenever questions were invited at large popular meetings, this was the difficulty in most people's minds."

Later in his book he expresses his views as follows:

"With the advent of Christianity indeed pity had been proclaimed a virtue; but it failed to conquer the unregenerate

barbarity of man, and it disappeared—in spite of countless heroic and consecrated lives. . . .

"We understand now that cruelty is the vilest form of human selfishness; but until recent times a man could be cruel without offending against any of the accepted canons of morality. Cruelty is not among the Seven Deadly Sins of the medieval standard, and it is not specified in the Ten Commandments. In the Middle Ages, sin was studied and analyzed with extraordinary subtle thoroughness; but cruelty almost escaped notice . . . and . . . our ancestors had undeveloped minds on the subject."

"The ancient world was grossly and unimaginatively cruel. No principle of Christ has been longer in obtaining wholehearted acceptance than that which is contained in the saying, 'Be ye merciful, even as your Father is merciful.'¹⁰

With the current revival of the absolutism of more barbarous centuries in different parts of the world, it is well for us to remember that this principle of mercy is still young, according to Browning's calendar of "God's instant men call years," and still needs nursing for the protection of society.

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