

**AN ESSAY ON
CRIMES
AND
PUNISHMENTS**
by
Cesare Beccaria

*The original Fourth Edition
Translated from the Italian*



Edited and with an Introduction by Adolph Caso

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Dedicated to the memory of

CESARE BECCARIA,

who established the legal freedom and worthiness of men and women: "If a [state] be an association of families, there will be 20,000 men, and 80,000 slaves; if of men, there will be 100,000 citizens, and not one slave", and to the

Hon. John J. Sirica

Hon. Peter W. Rodino, Jr.

Hon. Sam Ervin,

who saved America's democracy from bigotry and stupidity--equally as harmful as are seditious revolutions.

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Introduction

Early Editions and Translations of Beccaria's *On Crimes And Punishments*

The first edition of *Dei delitti e delle pene* appeared in Livorno, Italy, in July 1764, printed and published by a certain Coltellini of Livorno. At the time of publication, Beccaria was twenty-six years old.

A second edition, revised and corrected, appeared during the same year in Monaco. This edition had 112 pages-- eight more than the first edition.

The third edition appeared the following year in Lausanne. This edition contained 229 pages. The additional pages were due to the various answers Beccaria wrote in response to criticism and to charges that were published against his book and against him as a person. This edition also included the first additions on the part of the author to the basic text. The book, however, found its way into the listing of the Roman *Index* through the efforts of the preacher Fachinei, who harshly criticized Beccaria.

In 1766 there appeared two editions in Harlem; in 1767, another in Buglion, France. Subsequently there appeared in Dublin another with an English translation and a commentary attributed to M. de Voltaire; this edition was published in Dublin but printed by J. Exshaw. A similar edition appeared in London the same year. Another appeared in London in 1769 and one in 1770 together with another in Glasgow.

In America, the first edition in translation supposedly appeared in print in 1773, as it was advertised as "in press" by the Rivington, New York, Gazetteer on 28 October 1773. A copy of this edition has not yet been found. The earliest edition of which there are still some copies, appeared in Philadelphia in 1776, and includes the commentary attributed to Voltaire. In 1777, another edition appeared in Charlestown, South

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Carolina; it was printed and sold by David Bruce, at his shop in Church Street. The title page indicates that the commentary is attributed to Voltaire; it does not show Beccaria as the author of the book, however. In 1778, another edition appeared in Philadelphia, printed and sold by R. Bell, next door to St. Paul's Church, on Third Street. Ten years later, another edition appeared in South Carolina. Meanwhile, other editions had appeared in Dublin, London, Glasgow, etc. Several editions appeared in Edinburgh alone. During this time, the book appeared in translation in practically every cultural center of Europe and America.

It may be added as an item of curiosity that the first of Voltaire's works published in colonial America was his *The Man Worth Forty Crowns*, appearing in Philadelphia in 1778. In the same year, his *Miscellanies* appeared, and in 1796 came out his *Philosophical Dictionary*. Rousseau's *Confessions*, on the other hand, was first published in America in 1796. *The Spirit of the Law* of Montesquieu--Beccaria's idol in more ways than one--was first published in America in 1802. It might also be added that, according to *The National Union Catalog Pre-1956 Imprints*, William Young, in his "A new edition corrected", erroneously lists the edition as having been published in 1763, and Beccaria born in 1735.

In the twentieth century, Beccaria's book continues to be translated. In 1963, H. Paolucci made a translation which was published by Bobbs-Merrill. The following year, K. Foster and J. Grigson translated it in England, publishing it under the title of *The Column of Infamy*, a work written by Beccaria's grandson, Alessandro Manzoni, author of *I Promessi Sposi*.

Beccaria's works have recently been published by Sansoni of Florence. The two volumes edited by Sergio Romagnoli contain all of Beccaria's works, including his poetry and essay on Style, as well as Romagnoli's ample introduction and bibliographical notes.

Nowhere in the two volumes does Romagnoli mention either Adams or Jefferson, or the editions that appeared in the United States around the time of the Revolution. Other editions in translation are appearing in other parts of the world.

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The reason for so many editions might be due to one fact-- the issues raised by Beccaria have not been resolved; and many scholars with many humanitarian reformers may feel that in Beccaria we may still find the inspiration if not the solutions to some of our grave problems as *capital punishment, secret accusations, gun control, public prayer, crime prevention, law reforms, abortion*, and others.

Adams' Copy of 1775

Comments

One of the earliest translations is the one possessed by John Adams. It was the fourth of its kind, printed in London in 1775 by F. Newbury. In this book, the Coat of Arms of John Adams, stamped on the first page, bears the inscription in Latin: "*Libertatem / Amicitiam / Retinebis / Et Fidem*", which may be translated, "You will retain liberty, friendship, and faith". The name *John Adams*, appears beneath the oval Coat of Arms.

On the title page appears the inscription: "Thomas B. Adams. From his father 1800". This edition, together with an earlier one in Italian, was in the possession of John Adams; and this edition, which he bequeathed to his son Thomas, is in the Rare Book Collection of the Boston Public Library.

It is interesting that in this edition the name of Voltaire appears both on the cover and on the title page of the book. The name of Beccaria, however, appears only in the Preface of the Translator, reprinted from the first edition. The translator, whose name is not known, finds this somewhat peculiar. "With regard to the commentary, attributed to Mons. de Voltaire, my only authority for supposing it his, is the voice of the public, which indeed is the only authority we have for most of his works. Let those who are acquainted with the peculiarity of his manner judge for themselves."

This peculiarity may also explain why the 1777 edition published in Charlestown, South Carolina, has the name of Voltaire and not that of Beccaria, aside from the fact that the American edition of 1777 appears to be a reprint of the London edition. It must also be noted that the same procedure was used for several early Italian editions.

The Commentary of Voltaire is divided into twenty-three chapters each dealing with a topic treated by Beccaria but expanded by Voltaire, who furnishes examples from situations taking place during

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that time, and making comparisons on how those situations were dealt with in France, in England, and in Rome at the time of the Empire.

It is difficult to say to what extent the *Commentary* served to promulgate Beccaria's thoughts, as there had already been several editions before Morellet's translation of the Italian into French. The fact that Beccaria's book became widely known under the name of Voltaire is significant at least in the promulgation of those ideas.

Voltaire's *Commentary* is not included in the present edition though it does form the second part of John Adams' copy.

It should further be noted that Adams' copy lacks the chapter, *To the reader*, which took the title of *Preface* in the early Italian editions. Different from Beccaria's final edition is the order of the chapters and their subdivisions.

(From, *America's Italian Founding Fathers* by Adolph Caso; it contains the complete 1775 Mazzei Italian translation of the *Declaration... [of] Causes and Necessity*).

An Essay On Crimes And Punishments

Translated from the Italian;
Translated from the French.
Fourth Edition

In all things, and especially in the most difficult ones, we cannot expect one to concomitantly sow and reap the harvest; but we must first make preparations, and allow that things reach maturity little by little. (Bacon)

LONDON

Printed for F. Newberry, at the Corner of
St. Paul's Church-Yard.
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Preface

of the
Translator
To the First Edition

Penal laws, so considerable a part of every system of legislation, and of so great importance to the happiness, peace, and security of every member of society, are still so imperfect, and are attended with so many unnecessary circumstances of cruelty in all nations, that an attempt to reduce them to the standard of reason must be interesting to all mankind. It is not surprising, then, that this little book hath engaged the attention of all ranks of people in every part of Europe. It is now about eighteen months since the first publication; in which time it hath passed no less than six editions in the original language; the third of which was printed within six months after its first appearance. It hath been translated into French; that translation hath also been several times reprinted, and perhaps no book, on any subject, was ever received with more avidity, more generally read, or more universally applauded.

The author is the *Marquis* Beccaria, of *Milan*. Upon considering the nature of the religion and government under which he lives, the reasons for concealing his name are obvious; the whole was read, at different times, in a society of learned men in that city, and was published at their desire. As to the translation, I have preserved the order of the original, except in a paragraph or two, which I have taken the liberty to restore to the chapters to which they evidently belong, and from which they must have been accidentally detached. The French translator hath gone much farther; he hath not only transposed every chapter, but every paragraph in the whole book. But in this, I conceive, he hath assumed a right which belongs not to any translator, and which cannot be justified. His disposition may appear more systematical, but certainly the author hath as undoubted a right to the arrangement of his own ideas, as to the ideas themselves; and therefore,

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to destroy that arrangement, is to pervert his meaning, if he had any meaning in his plan, the contrary to which can hardly be supposed.

With regard to the commentary, attributed to Mons. de Voltaire, my only authority for supposing it his, is the voice of the public, which indeed is the only authority we have for most of his works. Let those who are acquainted with the peculiarity of his manner judge for themselves.

The facts above-mentioned would preclude all apology for this translation, if any apology were necessary, for translating into our language, a work which, from the nature of the subject, must be interesting to every nation; but must be particularly acceptable to the English, from the eloquent and forcible manner in which the author pleads the cause of liberty, benevolence and humanity. It may however be objected, that a treatise of this kind is useless in England, where, from the excellence of our laws and government, no examples of cruelty or oppression are to be found. But it must also be allowed, that much is still wanting to perfect our system of legislation: the confinement of debtors, the filth and horror of our prisons, the cruelty of jailers, and the extortion of the petty officers of justice, to all which may be added the melancholy reflection, that the number of criminals put to death in England is much greater than in any other part of Europe, are considerations which will sufficiently answer every objection. These are my only reasons for endeavoring to diffuse the knowledge of the useful truths contained in this little essay; and I say, with my author, that if I can be instrumental in rescuing a single victim from the hands of tyranny or ignorance, his transports will sufficiently console me for the contempt of all mankind.

Introduction

In every human society, there is an effort continually tending to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws to oppose this effort, and to diffuse their influence universally, and equally. But men generally abandon the care of their most important concerns to the uncertain prudence and discretion of those, whose interest it is to reject the best, and wisest institutions; and it is not till they have been led into a thousand mistakes in matters, the most essential to their lives and liberties, and are weary of suffering, that they can be induced to apply a remedy to the evils, with which they are oppressed. It is then they begin to conceive, and acknowledge the most palpable truths, which, from their very simplicity, commonly escape vulgar minds incapable of analyzing objects, accustomed to receive impressions without distinction, and to be determined rather by the opinions of others, than by the result of their own examination.

If we look into history we shall find, that laws, which are, or ought to be, conventions between men in a state of freedom, have been, for the most part, the work of the passions of a few, or the consequences of a fortuitous, or temporary necessity; not dictated by a cool examiner of human nature, who knew how to collect in one point, the actions of a multitude, and had this only end in view, *the greatest happiness of the greatest number*. Happy are those few nations, who have not waited, till the slow succession of human vicissitudes, should, from the extremity of evil, produce a transition to good; but, by prudent laws, have facilitated the progress from one to the other! And how great are the obligations due from mankind to that philosopher, who from the obscurity of his closet, had the courage to scatter amongst the multitude, the seeds of useful truths, so long unfruitful!

The art of printing has diffused the knowledge of those philosophical truths, by which the relations between sovereigns and their subjects, and between nations, are discovered. By this knowledge, commerce is animated, and there has sprung up a spirit of

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emulation, and industry, worthy of rational beings. These are the produce of this enlightened age; but the cruelty of punishments, and the irregularity of proceeding in criminal cases, so principal a part of the legislation, and so much neglected throughout Europe, has hardly ever been called in question. Errors, accumulated through many centuries, have never yet been exposed by ascending to general principles; nor has the force of acknowledged truths been ever opposed to the unbounded licentiousness of ill-directed power, which has continually produced so many authorized examples of the most unfeeling barbarity. Surely, the groans of the weak, sacrificed to the cruel ignorance, and indolence of the powerful; the barbarous torments lavished, and multiplied with useless severity, for crimes either not proved, or in their nature impossible; the filth and horrors of a prison, increased by the most cruel tormentor of the miserable, uncertainty, ought to have roused the attention of those whose business is to direct the opinions of mankind.

The immortal Montesquieu has but slightly touched on this subject. Truth, which is eternally the same, has obliged me to follow the steps of that great man: but the studious part of mankind, for whom I write, will easily distinguish the superstructure from the foundation. I shall be happy, if with him, I can obtain the secret thanks of the obscure, and peaceful disciples of reason, and philosophy; and excite that tender emotion, in which sensible minds sympathize with him, who pleads the cause of humanity.

