Cesare Bonesana Marchese Beccaria, was a key figure in the history of criminology and in the field of punishment. Typically, he is identified as the founder of the classical school of criminology, and as one of the first modern proponents of deterrence. In 1764, he anonymously published his ideas in a treatise titled *Dei Delitti e delle Pene* (*On Crimes and Punishments*). This text subsequently influenced the development of systems of punishment in most contemporaneous European nation states, and in the United States as well. It was translated into French in 1766 and a later edition, with an introduction by Voltaire, found its place in the salons and courts of Europe within movements of reform identified with the rising bourgeoisie and “enlightened” aristocrats. Praised for its clarity, eloquence, and humanity, *On Crimes and Punishments* was translated into English in 1767. Beccaria's views were hailed by Jeremy Bentham as the foundation of his work and were cited as an influence on the thought of William Blackstone. In the newly forming United States, John Adams, Benjamin Franklin, James Wilson, Thomas Jefferson, and others recorded the use of Beccaria's insights in their efforts to shape both the federal constitution and new state judicial and criminal legislation and penal sanctions.

Along with many of his contemporaries, Beccaria believed that members of a society were bound by a social contract that legitimated laws for the security of their persons and property. He also argued that human behavior was driven by a utilitarian approach in which people sought to avoid pain and seek pleasure and happiness. His own summary of his views, as a “general axiom,” was that “in order that punishment should not be an act of violence perpetrated by one or many against a private citizen, it must be essential that it be public, speedy, necessary, the minimum possible in the given circumstances, proportionate to the crime, and determined by the law” (Beccaria, 1995, p. 113). His eloquent arguments against the use of torture and for the abolition of capital punishment were widely quoted in his day and retain their relevance today.

Somewhat ironically, more recent neoclassical criminology has been identified with a “get tough on crime” stance that only partially reflects Beccaria’s initial plea for penal reform. Thus, contemporary scholars stress the role of rational choice in criminal
behavior, the use of determinant rather than discretionary sentencing, and the deterrent rather than rehabilitative function of corrections.

Background

Beccaria was born into an aristocratic Milanese family of moderate wealth. After graduating from the University of Pavia with a doctorate in law in 1758, he joined a literary academy frequented by other young men from the Milanese elite. Subsequently, he followed his mentor and friend Pietro Verri into a new “Academy of Fists,” whose members’ heated debates on scientific, literary, social, and economic issues and reforms, stimulated Beccaria’s interest in and writing on monetary reform. He later responded to Verri’s suggestion that he turn his talents and eloquence to a study of the existing criminal law. With the supportive assistance of the members and following extensive editing by Verri, since initially Beccaria knew little about the criminal system, the manuscript developed from a pile of notes. Fear of the reaction of the authorities to his critique led to his decision to publish it anonymously at first. After the fame of his work spread there were demands for his presence, but after a short visit to Paris in 1766, where he was hailed as a benefactor of humanity, he returned to Milan where he remained, despite an invitation by Catherine the Great to implement his recommendations in Russia. Active first as a professor of economics, and later in a series of governmental positions in Lombardy, he continued to write on subjects in political economy and remained active until his death in 1794.

It was not until 1791, when Beccaria was appointment by Emperor Leopold II to a commission for the formulation of a new criminal code for Lombardy that he was involved directly in an effort to bring his recommendations into law. The members subsequently split over the question of the abolition of capital punishment, and after long debates and in the face of political instability after the French Revolution the commission’s work was never implemented. Beccaria did not live to see his work bear fruit in his own land. However, in the new United States his work had greater impact.
Penal Reform

In an early edition of *On Crimes and Punishment*, an allegorical engraving shows Justice turning from an executioner brandishing a shorn head to a pile of chains, a shovel, and a mallet resting at her feet. In his widely read and debated chapter on the death penalty when public executions or their threat were widely used as the punishment for crime, Beccaria (1995) argued that when “a man who sees ahead of him many years, or even the remainder of his life, passed in slavery and suffering before the eyes of his fellow citizens… the slave of those laws by which he was protected, [the example] will make a stronger impression on him than would a spectacle which hardens more than it reforms him” (pp. 70–71).

Even before the formation of the United States, John Adams, in his successful defense of the British soldiers tried after the Boston Massacre in 1770, quoted Beccaria: “If I can but be the instrument of preserving one life, his blessing and tears of transport shall be sufficient consolation to me for the contempt of all mankind” (Maestro, 1973, p. 137). Likewise, Beccaria’s influence was apparent in the efforts to restrict the use of the death penalty in the new state codes and the apparent agreement, in a country where the institution of slavery was widespread and accepted, that penal slavery was an appropriate substitute for death.

In Pennsylvania, influenced by Beccaria’s thought, Benjamin Franklin, Benjamin Rush, and others in 1786 revised the criminal code limiting the death penalty to murder, rape, arson, and treason and substituted in its place “hard labor, publically and disgracefully imposed.” This practice, however, that placed chained prisoners with shaven heads cleaning and repairing the streets of Philadelphia evoked disturbances that led the authorities by 1790 not only to move the punishment from public view but also to substitute private solitary labor. With the construction of cells for solitary confinement, the Walnut Street Jail became hailed as the birthplace of the American penitentiary—a reversal of Beccaria’s basic argumentation.

In Virginia, Thomas Jefferson with others began the revision of the criminal law in 1778 citing Beccaria’s opposition to the death penalty and recommending the substitution of hard labor on public works. Their legislative efforts lost. When the bill limiting the death
penalty to crimes of treason and murder successfully passed in 1796, following the experience in Philadelphia, the alternative punishment of “slavery and suffering” rather than death, led in Virginia to the construction and use of the prison rather than public works.

Conclusion

Beccaria’s influence was not only felt during the classical period when many of his insights, summarized in his “general axiom,” including the rule of law, judicial codes, and public trials, were embodied in legislative and judicial reforms following both the American and French Revolutions but also in continuing efforts in abolish capital punishment. In the United States, his arguments that public slavery at hard labor was a greater deterrent to crime than public executions became, in the twist of political events and control, the impetus for the development of the solitary cells of the penitentiary while retaining the goal of hard labor. Finally, in the more recent rational choice revival of neoclassical criminology the works and insights of Beccaria have again found their advocates.

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See Also

Further Reading

