**Enlightenment? Culture and Knowledge in Eighteenth-Century Europe**

24 November 2009

**Crimes and Punishment**

“Silk weaving: the Roller” from the *Encyclopédie*
Cesare, Marquis of Beccaria, 1738-1794
born into an aristocratic family; educated by Jesuits
held various posts in Austrian administration
1764-1766, among editors of *Il Caffé*
Ignorance may indeed be less fatal than a small degree of knowledge, because this adds to the evils of ignorance, the inevitable errors of a confined view of things on this side the bounds of truth; but a man of enlightened understanding, appointed guardian of the laws, is the greatest blessing that a sovereign can bestow on a nation. Such a man is accustomed to behold truth, and not to fear it; unacquainted with the greatest part of those imaginary and insatiable necessities which so often put virtue to the proof, and accustomed to contemplate mankind from the most elevated point of view, he considers the nation as his family, and his fellow-citizens as brothers…

Beccaria, *Of Crimes and Punishment*, chapter 42.

*In what ways does Beccaria’s text remind you of other things we have read?*
Yet another method of preventing crimes is, to reward virtue. Upon this subject the laws of all nations are silent. If the rewards proposed by academies for the discovery of useful truths have increased our knowledge, and multiplied good books, is it not probable that rewards, distributed by the beneficent hand of a sovereign, would also multiply virtuous actions. The coin of honor is inexhaustible, and is abundantly fruitful in the hands of a prince who distributes it wisely.

Beccaria, chapter 44.

*Compare to Rousseau? to Adam Smith?*
Every man of common sense, that is, everyone whose ideas have some connection with each other, and whose sensations are conformable to those of other men, may be a witness; but the credibility of his evidence will be in proportion as he is interested in declaring or concealing the truth.

The credibility of a witness should only diminish in proportion to the hatred, friendship, or connections subsisting between him and the delinquent. One witness is not sufficient, for whilst the accused denies what the other affirms, truth remains suspended.

The credibility of a witness may also be diminished by his being a member of a private society, whose customs and principles of conduct are either not known or are different from those of the public. Such a man has not only his own passions, but those of the society of which he is a member.

Beccaria, chapter 13.

Who can be a witness? Who cannot?
What do ‘private’ and ‘public’ mean in this context?
An immediate punishment is more useful, because the smaller the interval of time between the punishment and the crime, the stronger and more lasting will be the association of the two ideas of crime and punishment; ... It is demonstrated that the association of ideas is the cement which unites the fabric of the human intellect, without which pleasure and pain would be simple and ineffectual sensations. The vulgar, that is, all men who have no general ideas of universal principles, act in consequence of the most immediate and familiar associations ... It is, then, of the greatest importance that the punishment should succeed the crime as immediately as possible, if we intend that, in the rude minds of the multitude, the seducing picture of the advantage arising from the crime should immediately awake the attendant idea of punishment.

Beccaria, chapter 19.
It is much easier to feel this moral certainty of proofs than to define it exactly. For this reason, I think it an excellent law which establishes assistants to the principle judge and those chosen by lot; for that ignorance which judges by its feelings is less subject to error than the knowledge or the law which judges by opinion…. Happy the nation where the knowledge of the law is not a science! …

All trials should be public, that opinion, which is the best or perhaps the only cement of society, may curb the authority of the powerful and the passions of the judge, and that the people may say: “We are protected by laws; we are not slaves.”

Beccaria, chapter 14.

What is “opinion”? Does it have the same significance in these two paragraphs?
The punishment of death is not authorized by any right, for no such right it exists. It is therefore a war of the whole nation against a citizen whose destruction they consider as necessary or useful to the general good. But if I can further demonstrate that it is neither necessary nor useful, I shall have gained the cause of humanity….

Let us consult human nature in proof of my assertion. It is not the intenseness of the pain that has the greatest effect on the mind, but its continuance; for our sensibility is more easily and more powerfully affected by weak but repeated impressions than by a violent but momentary impulse. The power of habit is universal over every sensible being. As it is by habit that we learn to speak, to walk, and to satisfy our necessities, so the ideas of morality are stamped on our minds by repeated impression. The death of a criminal is a terrible but momentary spectacle, and therefore a less efficacious method of deterring others than the continued example of a man deprived of his liberty, condemned as a beast of burden to repair, by his labor, the injury he has done to society.

Beccaria, chapter 28.

Do passages such as this support an optimistic (nineteenth-century liberal) or a more ominous interpretation of Beccaria?
To every crime which, by its nature, must frequently remain unpunished, the punishment itself is an incentive.

Beccaria, chapter 31.

_Hunh_?