

Beccaria's essays on criminal justice influenced leaders in U.S. and Europe

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Image 1. Portrait of Cesare Bonesana, Marchese di Beccaria. Public domain

Cesare Beccaria was one of the greatest minds of the Age of Enlightenment in the 18th century. His writings on criminology and economics were ahead of their time.

European politics, philosophy, science and communications were radically reformed from 1685 to 1815. The changes that came about were part of a movement called the Age of Reason, or the Enlightenment.

Enlightenment thinkers in Britain, France and throughout Europe questioned traditional authority. They believed that humanity could be improved through the use of reason. The Enlightenment produced many books, essays, inventions, scientific discoveries and laws.

Early Life

Criminologist and economist Cesare Beccaria was born on March 15, 1738, in Milan, Italy. His father was an aristocrat born to the ruling class of the Austrian Habsburg Empire. Although he was an aristocrat, Beccaria's father earned a modest income.

Beccaria received his primary education at a religious school in Parma, Italy. It was run by Jesuit priests, members of a scholarly religious congregation of the Catholic Church. He was not fond of the strict, non-nurturing environment of this school, though. He would later describe his early education as "fanatical" and repressive to "the development of human feelings." Despite his frustration, Beccaria was an excellent math student. Following his education at the Jesuit school, Beccaria attended the University of Pavia, receiving a law degree in 1758.

Beginning early in his life, Beccaria experienced mood swings. His mood would quickly swing from fits of anger to bursts of joy and excitement, often followed by periods of depression and sluggishness. He was shy in social settings but cherished his relationships with close friends and family.

In 1760, Beccaria proposed to Teresa Blasco. She was just 16 years old, and her father objected to the engagement. A year later, the couple eloped. In 1762, they welcomed a baby girl, the first of the couple's three children.

With his two close friends Pietro and Alessandro Verri, Beccaria formed an intellectual and literary society called "the academy of fists." The society's beliefs agreed with the principles of the Enlightenment. The society was dedicated to "waging relentless war against economic disorder, bureaucratic tyranny, religious narrow-mindedness and intellectual pedantry." Its main goal was to promote economic, political and administrative reform.



Academy members encouraged Beccaria to read French and British writings on the Enlightenment. They also encouraged him to write. Beccaria published his first essay, "On Remedies for the Monetary Disorders of Milan in the Year 1762," expressing his views on politics and economics.

Criminal Justice

Also encouraged by his involvement in the "academy of fists" was Beccaria's most famous and influential essay, "On Crimes and Punishments," published in 1764. It was a thorough exploration of the topic of criminal justice. Because Beccaria's ideas were critical of the legal system and likely to stir controversy, he published the essay anonymously. He was afraid of government backlash.

The essay was actually well-received. The Russian empress Catherine the Great publicly supported it. Thousands of miles away in what would become the United States, Founding Fathers Thomas Jefferson and John Adams quoted it. Once it was clear that the government approved of his essay, Beccaria published it again, this time crediting himself as the author.

Three tenets formed the basis of Beccaria's theories on criminal justice: free will, rational or logical manner and manipulability. According to Beccaria — and most classical theorists — free will allows people to make choices. Beccaria believed that people have a rational or logical manner and apply it toward making choices that help them achieve their own personal gratification.

Beccaria also believed law exists to preserve the social contract and benefit society as a whole. Because people act out of self-interest, and their interest sometimes conflicts with the laws of society, they commit crimes. Manipulability refers to the predictable ways in which people act out of self-interest and could therefore be deterred (or manipulated) from committing crimes if the punishment for the crime outweighs the benefits. Committing a crime would become an illogical choice.

In "On Crimes and Punishments," Beccaria identified a pressing need to reform the criminal justice system. He referred to the system as barbaric and outdated. He went on to discuss how specific laws should be determined, who should make laws, what the laws should include and whom they should benefit. He emphasized the need for appropriate but just punishment, and even explained how the system should define the punishment for each type of crime.

Unlike documents before it, "On Crimes and Punishments" aimed to protect the rights of criminals as well as the rights of their victims. It also assigned specific roles to the various members of the courts and included a discussion of crime-prevention strategies.

Economics

In addition to his fascination with criminal law, Beccaria was still interested in the field of economics. In 1768, he was appointed chair of Public Economy and Commerce at the Palatine School in Milan.

For the next two years, Beccaria also served as an instructor at the Palatine School. A collection of his class lectures was published in 1804, a decade after his death. In "Elements of Public Economy," Beccaria introduced new topics such as division of labor to the discussion of economics. These topics remain relevant to the study of economics today.