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The Marquis Beccaria: An Italian penal reformer’s meteoric rise in the British Isles in the transatlantic Republic of Letters

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Abstract. This article traces the reception of Cesare Beccaria’s book, Dei delitti e delle pene (1764), in Britain and in colonial and early America. That book, first translated into English as An Essay on Crimes and Punishments (1767), catalyzed penal reform and the anti-gallows movement on both sides of the Atlantic. As the first Enlightenment text to make a comprehensive case against capital punishment, On Crimes and Punishments became a bestseller, appearing in multiple English-language editions and attracting much public attention. Widely read by an array of British and American lawmakers and other civic-minded penal reformers, On Crimes and Punishments was printed in a number of European and American cities, including London, Glasgow, Dublin, Edinburgh, Philadelphia, Charleston, South Carolina, and New York. Beccaria’s book influenced a large number of prominent figures (from William Blackstone, Jeremy Bentham, and Samuel Romilly in England to John Adams, Thomas Jefferson, James Madison and William Bradford in America), and it led to the end of the Ancien Régime.

Keywords. Cesare Beccaria, Enlightenment, Dei delitti e delle pene, On Crimes and Punishments, Penal Reform.

I. INTRODUCTION.

Through his influential essay on the criminal law, Cesare Beccaria had a major impact on Western civilization and legal systems around the globe.1 His landscape-changing book, first published anonymously as Dei delitti e delle pene (1764)2, and translated into English as An Essay on Crimes and Punishments became a bestseller, appearing in multiple English-language editions and attracting much public attention. Widely read by an array of British and American lawmakers and other civic-minded penal reformers, On Crimes and Punishments was printed in a number of European and American cities, including London, Glasgow, Dublin, Edinburgh, Philadelphia, Charleston, South Carolina, and New York. Beccaria’s book influenced a large number of prominent figures (from William Blackstone, Jeremy Bentham, and Samuel Romilly in England to John Adams, Thomas Jefferson, James Madison and William Bradford in America), and it led to the end of the Ancien Régime.

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2 The first Italian edition of Cesare Beccaria’s Dei delitti e delle pene (1764) contains no information as to authorship or place of printing. Another Italian edition of Beccaria’s Dei delitti e delle pene, published in 1765 and labeled the «Terza Edizione» (third edition), also does not mention Beccaria’s name on the title page. That edition, described as being printed «in Lausanna»
Punishments (1767), helped catalyze the abolition of torture and made punishments less severe\(^3\). As the first Enlightenment text to make a comprehensive case against capital punishment, it also led to the curtailment of death sentences and executions in Europe and the Americas\(^4\). Beccaria himself has been described as one of the founders of the field of criminology\(^5\).

As a foundational text, one that argued for proportion between crimes and punishments and against arbitrariness and tyranny, Beccaria’s On Crimes and Punishments shaped constitutions and penal codes worldwide\(^6\). Through his book, he frequently reprinted and translated into several languages\(^7\), Cesare Beccaria became a global celebrity whose name became synonymous with the Italian Enlightenment, or Illuminismo\(^8\). First translated into English by an unknown translator\(^9\), *Dei delitti e delle pene*, through its early Italian editions\(^10\) and its French, English and other translations\(^11\), materially transformed continental European as well as Anglo-American law\(^12\).


\(^{7}\) Beccaria’s *Dei delitti e delle pene* was continually printed and reprinted in the years after its initial publication. For example, in 1766, a sixth edition (*Edizione Sesta*) of Beccaria’s book was published in Italian and bears the false imprint «Harlem». It was listed to be sold («Et se vende» a Paris, Chez Molini Libraire, Quai des Augustins». *Dei delitti e delle pene* («Edizione Sesta: Di nuovo corretta ed accresciuta», 1766).


This article will trace the early reception of Beccaria’s work in Britain and America, charting its early impact and focusing on the key figures who promoted its dissemination. As I will show, Beccaria’s work had enormous success in Anglophone countries, was hailed as an important, innovative contribution to legal thinking and rapidly became a bestseller. I will trace, in particular, the initial reception of *On Crimes and Punishments* in the British Isles amidst the ongoing, transatlantic book trade and the Enlightenment’s vigorous, cross-cultural exchange of ideas. While the influence of Beccaria’s book on English discourse on punishment has been traced by other scholars, this article provides a comprehensive view of its early influence.

The article specifically highlights how *On Crimes and Punishments* – advertised and sold throughout the British Isles – quickly transformed the legal landscape by influencing thinkers such as Bentham and Blackstone, even if it took many years for Beccaria’s ideas to bear fruit in terms of concrete penal reform. Britain’s infamous «Bloody Codes» – the set of laws that, at one time, made more than 200 crimes punishable by death had long dominated English life. But Beccaria’s book, on which Voltaire wrote a famous commentary which was regularly reprinted with it, helped to transform the debate in Britain, leading a number of lawmakers and legal commentators, including Basil Montagu and Samuel Romilly, to question the efficacy and morality of severe punishments. It took many years – indeed decades – for the British to curtail death sentences, but today, the United Kingdom no longer uses capital punishment.

ishments were printed and offered for sale in 1777 in Charleston, South Carolina, by David Bruce, and in 1778 in Philadelphia, Pennsylvania, by Robert Bell. «Cesare Beccaria's seminal On Crimes and Punishments (1764)», Michael Widener of Yale Law Library and Mark Weiner of Rutgers Law School write, «lay the foundation for modern penology and criminal justice». An Italian edition of Dei delitti e delle pene, they point out, was printed in London in 1774 for the Società dei Filòsi.

The English-speaking publishers of Beccaria's book were prominent figures. Francis Newbery (1743-1780) was educated at Oxford and Cambridge, and was a respected London bookseller who operated out of Pater-noster Row and, after the death of his father in 1767, at St. Paul's Churchyard. Robert Urie (1711-1771) was a printer and bookseller in Glasgow from 1744 to 1771, and he published Francis Hutcheson's Reflections upon Laughter and translations of the works of Rousseau, Voltaire and D'Alembert, among others. John Exshaw was an Irish bookseller, printer and publisher operating out of Dublin, while Bell & Murray was a partnership between John Murray (1737-1793), a London bookseller, and John Bell (1735-1806), an Edinburgh bookseller.

The early American publishers of Beccaria's treatise were equally prominent. While David Bruce (1731-1783), a Scotsman, had settled in Charleston, South Carolina, in 1759, and had formed a lucrative partnership with Robert Wells, Robert Bell – the Scottish-born printer who had emigrated to Philadelphia – had, during the early 1770s in Philadelphia, published and sold through subscriptions William Blackstone's four-volume Commentaries on the Laws of England. Before his death in 1784, Bell – perhaps most famously – published the original edition of Thomas Paine's Common Sense, the political pamphlet that helped spur the American Revolution and America's quest for independence from Great Britain. «With rare exceptions, such as octavo editions..."
of Beccaria’s *Essay on Crimes and Punishments* and *Miscellanies* by M. de Voltaire, Richard Sher writes in *The Enlightenment and the Book of America’s Revolutionary War period, «Bell limited his Enlightenment publications during the early years of the war to smaller works»32.

All these editions and translations, as well as all the people who read, and then quoted from, *On Crimes and Punishments*, made Beccaria’s ideas ubiquitous in the late eighteenth and early nineteenth centuries. While Beccaria was regularly hailed as a «genius» or as «benevolent», «celebrated», «enlightened», «humane», «illustrious» or «learned»33, Beccaria’s *Dei delitti e delle pene* – as the *Encyclopedia of Italian Literary Studies* puts it – «is widely considered the most important work» of the Italian Enlightenment34. As Piers Beirne writes in *Inventing Criminology*: «The first copies of *Dei delitti* were printed in Livorno and circulated anonymously in the summer of 1764. Beccaria’s short treatise of 104 pages was an instant and dazzling success». In addition to the English-language editions of *Dei delitti e delle pene* printed from 1767 to 1778 that are listed above35, the following additional editions of *An Essay on Crimes and Punishments* were published in these locations (listed by year) by these publishers before 1800: London (1782) by printers and booksellers Charles Dilly and John Debrett (successor to Mr. Almon); London (1785) by E. Newbery; London (1786) for John Murray; Edinburgh (1788) by James Donaldson; and Philadelphia (1793) by William Young36.

All the translations and editions of Beccaria’s book – ones that continued to be produced into the nineteenth century37 – made it the equivalent of a modern-day best-seller. «By 1800», scholar Piers Beirne points out, «there had been no less than twenty-three Italian editions, fourteen French editions, and eleven English editions (three printed in the United States)»38. In 1786, William Bradford – one of James Madison’s closest college friends, later the Attorney General of the United States but then serving as Pennsylvania’s attorney general – tellingly wrote about Beccaria to Luigi Castiglioni, a botanist from Milan who visited North America from 1785 to 1787 and who had befriended Benjamin Franklin39. In presenting Castiglioni with a new American edition of *On Crimes and Punishments* in the wake of the Revolutionary War (1775-1783), Bradford had this to say in 1786 about Beccaria’s much-celebrated book: «Long before the recent Revolution, this book was common among lettered persons of Pennsylvania, who admired its principles without daring to hope that they could be adopted in legislation, since we copied the laws of England, to whose laws we were subject»40.

In *A History of Political Economy* (1888), John Kells Ingram – a fellow of Trinity College, Dublin – emphasized that Beccaria «holds a foremost place» among those «in closest harmony with the general movement which was impelling the Western nations towards a new social order». In particular, Ingram wrote that Beccaria became «best known by his celebrated treatise *Dei delitti e delle pene*, by which Voltaire said he had made his-
self a benefactor of all Europe, and which, we are told, has been translated into twenty-two languages. After the initial publication of *Dei delitti e delle pene*, Voltaire had called Beccaria «a brother» and «a beneficent genius whose excellent book has educated Europe». In a subsequent letter to Voltaire, sent in 1777, Prussia's powerful monarch, Frederick II, similarly wrote: «Beccaria has left nothing to glean after him; we need only to follow what he has so wisely indicated».

II. VOLTAIRE'S COMMENTARY AND EARLY ENGLISH-LANGUAGE EDITIONS OF BECCARIA'S BOOK.

Voltaire was reading Beccaria's *Dei delitti e delle pene* in Italian by the autumn of 1765, and after another Frenchman, the abbé André Morellet, translated Beccaria's book into French later that year, his fellow philosophe, Voltaire, decided to write a commentary on it. While editions of André Morellet's Italian-to-French translation, published in 1766 by Evert van Harreveld as *Traité des délits et des peines*, appeared in Amsterdam, other early French editions – also printed in 1766 – appeared with false designations as being published in «Lausanne» and «Philadelphia». Voltaire fin-

46 A. McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775*, Hambledon Continuum, London 2007, p. 10; see also S. Wade, *Jane Austen's Aunt Behind Bars: Writers and Their Criminal Relatives and Associates*, 1700-1900, Thames River Press, London 2013, p. 16: «Until 1760, a “triple tree” was used at Tyburn: a wooden frame with three sides, so that several people could be hanged at once; this was replaced by a portable gallows in that year»; ibidem: «Hangings at Tyburn (close to Marble Arch) ended in 1783 and from December of that year executions took place at Newgate». 

and then executed—on July 1, 1766, again drawing Voltaire’s ire.

In England and France, public executions were then routine. When La Barre was taken to the place of execution, the authorities dispensed with tearing out his tongue, but he was forced to wear a placard that read «Impie, blasphémateur, et sacrilège abominable et exécrable», translated in two English-language sources as «Impious, sacrilegious and hateful blasphemer». As ordered, La Barre was beheaded before his body was burned on a pyre along with the copy of Voltaire’s book. An incensed Voltaire—writing under the pseudonym «Mr. Cass ** Avocat au Conseil du Roi»—thereafter wrote a 24-page pamphlet entitled Relation de la Mort du Chevalier de La Barre (Account of the Death of the chevalier de La Barre), a 1766 pamphlet that made explicit reference to the by then much-celebrated marquis, Cesare Beccaria. As Ian Davidson explains of Voltaire’s pamphlet: «Voltaire concealed his authorship, ostensibly representing it as if it were a memorandum from Maître Pierre Cassen, a well-known real-life Paris lawyer and a relative of Damilaville, addressed to the Marchese Cesare Beccaria, the celebrated Milanese author of Dei Delitti e delle Pene and pioneer of penal reform».

The first English-language editions of An Essay on Crimes and Punishments were printed in London and Dublin in 1767 after La Barre’s execution. The first edition printed in England was published in February 1767 by John Almon, a Whig journalist who worked as a printer and bookseller in London. Almon strongly sympathized with American revolutionaries, and he was a close friend of the English radical John Wilkes, a rabble-rousing, liberty-loving British journalist and politician. Wilkes had faced charges of seditious libel in 1763, then took refuge in France shortly before being declared an outlaw. While exiled in Paris, Wilkes met and dined with Cesare Beccaria and his traveling companion, Alessandro Verri, while the two were visiting Paris in late 1766 at the invitation of the French Encyclopédistes. In mid-January 1767, the Milanese aristocrat Alessandro Verri—then in London, and having just been in Paris in late 1766 with Beccaria himself—had written to his older brother, Pietro Verri: «Beccaria’s book is being translated into English for the first time» and «it will see the light in a few days».

In April 1767, The Critical Review—a publication printed in London «for A. Hamilton, in Falcon-Court, Fleet-Street», ran a lengthy review of Beccaria’s On Crimes and Punishments, giving it a burst of initial publicity. The review of the book published by Almon began: «The publication of this book in our language cannot fail of being very agreeable to those who have not read the original, as there are few people who do not wish to obtain some knowledge of a performance which hath been so frequently mentioned, and so universally read in every other part of Europe». «The author», the review continued, «is now generally known to be the marquis Beccaria of Milan, who, we are informed, resides at present at Paris, having, since the publication of this book, been obliged to leave Italy for fear of consequences». «Indeed, in point of expression», the review wrote of Beccaria and his much-lauded book, «he seems to have been studiously careful not to give offence; but he censures the established laws of his country with so much freedom, and breathes such a spirit of liberty, that his apprehensions were probably not without foundation».

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68 Davidson, Voltaire, cit., ch. 28.
53 Ibidem, pp. 7 and note 22, 8-11; see also ibidem, p. 8: «The first reviews of the English text appeared in April 1767, confirming what Verri’s letters suggest, namely that the translation was published in February»; ibidem, p. 8 note 27 (noting that the English translation «is mentioned in the column “A Catalogue of New Books” of the April issue of The Scots Magazine»). From 1775 to 1784, Almon – through The Remembrancer – published a monthly report of news from America (ibidem, p. 12).
54 The Critical Review: Or, Annals of Literature, A. Hamilton, London 1767 (produced «By a Society of Gentlemen»), pp. 251-252. By the beginning of 1767, Cesare Beccaria was actually no longer in Paris. Beccaria had traveled from Milan to Paris in October 1766, leaving Milan in early October and arriving in the City of Light on October 18,
The seven-page review of Beccaria’s *Essay on Crimes and Punishments* and Voltaire’s accompanying Commentary gave the English-language edition printed by John Almon significant public exposure. In particular, the review highlighted Beccaria’s view that laws should be drafted to serve «the greatest happiness of the greatest number», as well as Beccaria’s concern about «the cruelty of punishments, and the irregularity of proceedings in criminal cases». After taking note of Beccaria’s ideas, the review then turned to existing English laws, with the reviewer writing: «Part of the evils complained of in these general reflections have indeed been remedied in this country; but part of them still continue. Possibly the time may come when our penal laws may undergo a thorough reformation». The review went on to highlight various excerpts from chapters of Beccaria’s book, including the ones on torture and «On the proportion between crimes and punishments».

After quoting one passage about freedom, the reviewer in *The Critical Review* observed, «What Englishman can read this passage, and not feel his heart warm towards a man, who, notwithstanding the principles in which he was born and educated, is capable of uttering such sentiments of liberty?». The review, after excerpting a number of important passages, concluded with these complimentary words: «These few extracts, we presume, will be sufficient to give the reader an idea of the entertainment he may expect in the perusal of this performance, which we recommend as being one of the most original books which the present age hath produced». «As to the translation», the review observed, «we have compared it with the Italian, and find it not only just, but, in many places, superior to the original in point of perspicuity». «This testimony», the review continued as it came to an end, «we think due to the translator, especially as it is so seldom in our power to speak thus favourably of translations from foreign books».


55 *The Critical Review: Or, Annals of Literature*, A. Hamilton, London 1767 (produced «By a Society of Gentlemen»), pp. 252-255, 257. The review of Voltaire’s commentary began with these words: «We shall pass over the remainder of this essay in order to give our readers a few extracts from the commentary attributed to M. de Voltaire. We cannot proceed, however, without first expressing our approbation of the word attributed in the title, which is a proof of honesty highly commendable, and rarely practiced. There are few translators who would not so far have availed themselves of common report, as to omit the word attributed, especially as common report is the only authority we have for many of Mr. Voltaire’s pieces, and more particularly, as this commentary bears very strong marks of the style and manner of that author: as for example, in his chapter On the punishment of hereticks» (*ibidem*, p. 255).

56 *The London Magazine, Or, Gentleman’s Monthly Intelligencer*, London 1767, vol. 36, pp. 205, 289-90, 306-308, 575. The letter writer then proceeded to extract multiple excerpts from *On Crimes and Punishments*. *Ibidem*, pp. 307-308. Signing the letter, «Your humble servant, PHILANTHROPOS», the letter writer made this concluding observation in the letter to the publisher of *The London Magazine*: «The above detached, curtailed passages could have been enlarged, had I not feared their length would exclude them. If you think fit, and can allow sufficient room, you may make such additions as will be acceptable to your readers; many of whom will not peruse the essay from whence they are taken: though probably some of them (and those not the least respectable) may be induced to it by these extracts» (*ibidem*, p. 308). *The London Magazine* was published monthly by Richard Baldwin of «Putenoster-Roy» in the City of London (*ibidem*, Preface).

57 The sermon of Dr. Patrick Delany, an Irish dean, was published in London in 1766. P. Delany, *Eighteen Discourses and Dissertations upon Various Very Important and Interesting Subjects*, J. Johnston, London 1766, p. 155. In Sermon VII of that collection, said to be «Preached in
laws for stealing sheep a form of «cruelty and iniquity» akin to «Draco’s laws» – wrote: «I will conclude with a few lines of the celebrated Rousseau. “The frequency of executions (says he) is always a sign of the indolence of government. There is no malefactor who might not be made good for something: nor ought any person to be put to death, even by way of example, except such as could not be preserved without endangering the community”».

In 1767, while *Dei delitti e delle pene* was stirring up controversy in Britain, France and elsewhere, John Exshaw – the Dublin printer – also published Beccaria’s *On Crimes and Punishments* (denoted as «The Fifth Edition») accompanied with the commentary explicitly attributed to Voltaire. That edition also reprinted the «Preface of the Translator, to the First Edition». Meanwhile, *On Crimes and Punishments* continued to be regularly advertised for sale, as it would be for decades to come, with the Marquis Beccaria’s name growing in prominence. As more and more people read Beccaria’s book, the debates over penal laws – and what some felt to be «obsolete and useless statutes» – only intensified. In 1769, «The Second Edition» of *An Essay on Crimes and Punishments* had been «Printed for F. Newbery, at the Corner of St. Paul’s Churchyard».

Around that time, Beccaria’s pioneering work as an economic thinker – due in part to his appointment in Milan as a new professor of political economy – also came to light in the British Isles. In 1769, an English-language translation of Beccaria’s inaugural lecture in political economy, at Milan’s Palatine School, was printed in London. Published as *A Discourse on Public Economy and Commerce*, that lecture had been translated by Sylvester Douglas (1743-1823), a recent graduate of the College of Dublin, Dr. Delany preached on *Thou shalt not steal*, though he lamented that «the laws of our land, in the case of theft, are the most unrighteous and unequalitarian that can be imagined». «Here», he said, «the stealing of a cow, or a sheep, is death by the law! now, what can be more unrighteous, or absurd, than that the life of a man should be estimated by that of a cow or a sheep?» (ibidem, pp. 155, 160-161).

The *London Magazine*, *Or, Gentleman’s Monthly Intelligencer*, London 1767, vol. 36, pp. 575-77 (quoting «Treatise on the Social Compact», p. 54). The letter writer, seeking to impact the public debate over executions, went on to tell the publisher of *The London Magazine*: «Nor will you, sir, be sorry that you have had a hand in awakening the public attention to it. May it not be hoped, that some good effect will in time be produced thereby? Nay, are not executions now less frequent than formerly? At the last Lent-assize held for the county where I live, six criminals were condemned to dye for divers thefts and robberies, but were all——all reprieved. A noble instance of wise clemency, unparalleled perhaps in our history! – May we not hope that the minds of our honourable legislators will be possessed with such sentiments?» (ibidem, p. 577).


A Sentimental Dialogue between Two Souls, in the Palpable Bodies of an English Lady of Quality and an Irish Gentleman (1768) (by «Tristram Shandy»), pp. 1-11 (containing this advertisement under the heading «This day are published»: «An Essay on Crimes and Punishments, Translated from the Italian of the Marquis Beccaria. In one volume, octavo. Price 4s. 6d»).


ate of the University of Aberdeen in Scotland who had visited Milan before Beccaria gave his lecture and began teaching classes in his native city. In a short preface to the English-language translation, Douglas emphasized that «the following discourse» was by «the celebrated author of the “Treatise on Crimes and Punishments” at the opening of a new professorship instituted last winter at Milan, for teaching this science». Noting Beccaria’s growing reputation but modest demeanor, Douglas stressed: «The genius of the author almost insures the merit of his lectures. Though his modesty had long been a bar to that encouragement which his talents deserve, yet it is known that he was invited to Petersburg by the most flattering offers, to assist in digesting the code of laws lately published by the Czarina»69. While Russian Empress Catherine II had invited Beccaria to come to St. Peters burg to help her reform Russian law, Beccaria declined the invitation. He instead accepted the teaching position in Milan, a chair conferred upon him by Austria’s Habsburg ruler, Maria Theresa70.

Because of Beccaria’s quickly spreading fame from On Crimes and Punishments, The Critical Review decided to review A Discourse on Public Economy and Commerce, even though the review found Beccaria’s discourse on economics less compelling than his prior work. Noting that the pamphlet reprinting his inaugural lecture was being offered for sale for «1s. 6d». (1 shilling, 6 pence), The Critical Review emphasized in the opening two sentences of its review: «The observations of this writer are plausible, and in some parts masterly, but, we are afraid, impracticable. To think of reducing political economy and commerce to a system, as he does, is a mere chimera». «Nothing ought to give greater pleasure to an Englishman than to hear foreigners talk and write in this manner», the review nonetheless professed, noting that «[i]t is certain, that England has arrived at the present amazing pitch of greatness chiefly by trusting to experience and mechanical habits». «These», the review observed, «we are so far from thinking to be blind directors, that we believe them to be the eyes of a trading people, and the polar stars by which politics, so far as they relate to public economy and commerce, ought to be directed»71.

III. THE DISCIPLES: WILLIAM BLACKSTONE, JEREMY BENTHAM, ET AL.

Sir William Blackstone was an early admirer of On Crimes and Punishments. When the fourth volume of his Commentaries of the Laws of England was published in 1769, Blackstone lamented: «It is a melancholy truth, that among the variety of actions which men are daily liable to commit, no less than a hundred and sixty have been declared by act of parliament to be felonies without benefit of clergy; or, in other words, to be worthy of instant death»72. It was in that same volume, Book Four, covering «Of Public Wrongs», that Blackstone praised Beccaria as «an ingenious writer, who seems to have well studied the springs of human action, that crimes are more effectually prevented by the certainty, than by the severity, of punishment». Blackstone agreed with Beccaria that «preventive justice is upon every principle, of reason, of humanity, and of sound policy, preferable in all respects to punishing justice». Blackstone specifically cited Beccaria for the proposition «as punishments are chiefly intended for the prevention of future crimes, it is but reasonable that among crimes of different natures those should be most severely punished, which are the most destructive of the public safety and happiness». Blackstone spoke pejoratively of both «cruel punishments» and «severe punishments» and, then, citing Beccaria with respect to an «ingeniously proposed» idea, observed:


70 Bessler, The Celebrated Marquis, cit., pp. 9, 171-173, 177, 259.


It is moreover absurd and impolitic to apply the same punishment to crimes of different malignity. A multitude of sanguinary laws (besides the doubt that may be entertained concerning the right of making them) do likewise prove a manifest defect either in the wisdom of the legislature, or the strength of the executive power. It is a kind of quackery in government, and argues a want of solid skill, to apply the same universal remedy, the ultimum supplicium [ultimate punishment], to every case of difficulty. It is, it must be owned, much easier to extirpate than to amend mankind; yet that magistrate must be esteemed both a weak and a cruel surgeon, who cuts off every limb, which through ignorance or indolence he will not attempt to cure. It has been therefore ingeniously proposed, that in every state a scale of crimes should be formed, with a corresponding scale of punishment, descending from the greatest to the least: but, if that be too romantic an idea, yet at least a wise legislator will mark the principal divisions, and not assign penalties of the first degree to offences of an inferior rank.  

Blackstone’s Commentaries went through multiple editions, further highlighting Beccaria’s reform-minded ideas on the criminal law to members of the legal profession and to lawmakers and the general public more broadly. The fifth edition of Blackstone’s Commentaries, for example, was published by Oxford’s Clarendon Press in 1773, with each edition of that popular treatise giving further public exposure to Beccaria’s ideas as the Italian thinker’s name appeared multiple times in it. Likewise, the seventh edition of Blackstone’s Commentaries appeared in 1775, also getting printed in Oxford. Few, if any, legal texts, in fact, can be matched – at least from an historical perspective – in terms of the influence that was exerted on the law than Blackstone’s Commentaries. In «250 Years of Blackstone’s Commentaries: An Exhibition», the exhibition’s curators – Wilfrid Prest at the University of Adelaide and Michael Widener at the Yale Law School’s Lillian Goldman Law Library – emphasized in 2015 of the true scope of influence of Blackstone’s Commentaries: «In her massive Bibliographical Catalog of William Blackstone, published for the Yale Law Library by William S. Hein & Co. to coincide with the 250th anniversary of the Commentaries, the late Ann Laeuchli lists the details of 55 English and Irish and no fewer than 139 American editions produced between the 1760s and the first decade of the present century». «This», they write, «is to say nothing of abridgements, extracts, translations, and adaptations of the Commentaries».  

In 1776, Jeremy Bentham – an early reader of Beccaria and, also, an early commentator on Blackstone – anonymously published A Fragment on Government, a response to Sir William Blackstone’s Commentaries on the Laws of England. That essay got some attention, and both Bentham and Beccaria ended up corresponding with French philosophes and influencing a number of English and other penal reformers. In his Fragment on Government, Bentham called Beccaria the «single Censor» among «the multitude of Expositors» on «the Jurisprudence of every nation». Though the French jurist, Montesquieu, of course could not go unmentioned in his essay, Bentham, in his Fragment on Government, gushed of his Italian idol: «When Beccaria came, he was received by the intelligent as an Angel from heaven would be by the faithful. He may be styled the father of Censorial jurisprudence. Montesquieu’s was a work of the mixed kind. Before Montesquieu all was unmixed barbarism». After reading Beccaria’s book, Bentham wrote in praise of his Italian intellectual muse: «Oh, my master, first evangelist of Reason, you who have made so many useful excursions into the path of utility, what is there left for us to do?»  

References to Cesare Beccaria’s On Crimes and Punishments can be found in multiple early English sources, some of which – like Beccaria’s own book – went through multiple editions. For example, in Principles of Penal Law, William Eden – also known as Baron Auck-

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76 Ć250 Years of Blackstone’s Commentaries: An Exhibition (curated by Wilfrid Prest and Michael Widener), available at <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1009&context=amlaw> (03/2019), p. vii. In introducing the exhibition, Kevin M. Marmion, the president of William S. Hein & Co., had this to say: «Blackstone’s Commentaries is one of the most important treatises ever written in the English language, by perhaps the foremost figure in Anglo-American law» (ibidem). «Blackstone» one modern source notes, «made use of influential international texts of his own generation, some of which, such as Montesquieu’s Spirit of the Laws and Beccaria’s On Crimes and Punishments, we now regard as seminal» (W. Blackstone, Commentaries on the Laws of England, Book IV. Of Public Wrongs, ed. by R. Paley, cit., p. ix). It was, at least in part, through Blackstone’s Commentaries and the publicity that treatise provided to Beccaria’s ideas that Cesare Beccaria became such a well-known figure in Anglo-American law.  
77 J. Bentham, A Fragment on Government; Being an Examination of What is Delivered, on the Subject of Government in General, in the Introduction to Sir William Blackstone’s Commentaries; with a Preface in Which Is Given a Critique of the Work at Large, J. Sheppard et al., Dublin 1776.  
land – cited the work of the Marquis Beccaria multiple times in his own popular book. Beccaria’s On Crime and Punishments was also cited in Political Disquisitions: Or, An Enquiry into Public Errors, Defects and Abuses, a book published in London in 1774. In that source, chapter three – entitled “The Colonies, though so valuable to Britain, have been greatly oppressed by the Mother Country” – quoted the following passage from Beccaria’s treatise: “Every act of authority of one man” [or body of men] “over another, for which there is not an absolute necessity, is tyrannical.” William Dodd, in his sermon, The Frequency of Capital Punishments Inconsistent with Justice, Sound Policy, and Religion, also cited “the Marquis de Beccaria’s Essay on crimes and punishments” along with the commandment, “Thou Shalt not Kill”.

That sermon, written by Dodd, the Chaplain to the King, was reportedly “intended to have been preached in the Chapel Royal at St. James’s, but was omitted on account of the absence of the Court during the author’s month of waiting.” The sermon, originally printed in London in 1772, was later reprinted in Dublin in 1777. In it, Dodd had this to say: “There are, no doubt, some crimes so atrocious in their nature, so immediately injurious to society, that they must and ought to be capitally punished. But, allowing this, the question still recurs, and seems not easy to be resolved: nor can those laws well be justified, which, in a variety of instances, exact the extremest penalty for offense by no means extreme in their nature.” As Dodd’s sermon continued:

To those who are acquainted with the nature of our constitution, the mildness of our government, the temper of our people, and particularly the humane and benevolent spirit which characterizes the present times; to such, it may well seem strange, if not wholly incredible, that the evil just referred to should be found amongst us, and that of all nations upon earth, the laws of England perhaps should be the most sanguinary: there being in them, as I am credibly informed, above one hundred and fifty capital cases; and, in full proof thereof, almost continual executions!

William Dodd’s sermon argued for the preservation of life whenever possible. As Dodd wrote at some length:

In a nation like ours, crowded with business, and extensive in dominion, the life of the subject, of the common people especially, (those nerves and sinews of a state) is peculiarly valuable: and consequently, every method to promote and increase population must be desirable and important. But what can be more contrary to this end than the cutting off continually, numbers of these subjects, and that, for the most part, at a very early period of life, when the ends of government might be better answered by saving them, and those lives be rendered useful to the community? For, it is evident to the slightest observation, that the only ends at which government can be supposed to aim, in the execution of criminals, are not answered by the frequency of our executions. Correction and example are the only proper objects of punishment. It is plain that the former can never be attained by the death of the sufferer; and for the latter, we are every day fully assured, that public executions are not of the least avail. The common people flock to them, as to a spectacle, in which they are gratified; and we constantly hear of crimes, not less flagitious than those for which the criminal is to die, perpetrated even at the very place and moment of his punishment.

And if neither example nor reformation is effected by the death of these offenders; if the state is in no respect benefited, but on the contrary injured, by the diminution of its members; If all the good ends of punishment may be attained, and better attained, by subjecting such offenders to perpetual servitude and labour; does not the voice of humanity, of christian charity and benevolence, unite with that of sound policy, to implore from the throne of princes this salutary amendment of the laws?

Invoking the by then well-known work of Cesare Beccaria, William Dodd – calling Beccaria “the illustrious Italian” – then emphasized in his sermon:

An able and illustrious foreigner, whose work breathes the true spirit of humanity and freedom, hath urged a vari-

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84 This is noted in an «ADVERTISEMENT» following the title page that accompanied the printed sermon.
85 W. Dodd, The Frequency of Capital Punishments Inconsistent with Justice, Sound Policy, and Religion: A Sermon, W. Hallhead, Dublin 1777, pp. 11, 13-14, 19 note *. In Dodd’s sermon, he quoted this passage from Blackstone’s Commentaries: “It is a melancholy truth, that among the variety of actions which men are daily liable to commit, no less than 160 have been declared by acts of parliament to be felonies without benefit of clergy, or, in other words, to be worthy of instant deaths (ibidem, p. 14 note *).
86 Ibidem, pp. 15-17.
Dodd passionately quoted Beccaria’s call for frequent use of executions “a barbarism” in a “Christian country”, and Dodd powerfully expressed the continuity of example of a man deprived of his liberty, and condemned as a beast of burden to repair by his labours the injury he has done to society. 87

Unfortunately for Dodd, he himself was executed in the same year that his sermon was reprinted; he had been convicted of forgery and, despite strenuous efforts by many people to secure his pardon, Dodd was put to death at Tyburn on Friday, June 27, 1777. In his sentencing, William Dodd had been ordered “to be hanged by the neck until he was dead”. 88

In Britain, Cesare Beccaria’s On Crimes and Punishments materially influenced the debate surrounding the administration of the criminal law. It took many years for Beccaria’s rational and humane approach to persuade members of Parliament to dismantle Britain’s “Bloody Code”, but Beccaria’s influence was felt almost immediately. By March 1779, a London journal, The Literary Fly, specifically identified Beccaria – along with Montesquieu, Voltaire and Blackstone – as part of an eighteenth-century “enlightened” quartet who had “echoed to each other”. 89 The identification of these four figures as “the first ornaments of the age” – one from Italy, two from France, and one from England – demonstrates how the Enlightenment, and its quill pen-, printing press-, and transatlantic book trade-driven Republic of Letters, was not centered in any one country or place. In fact, Montesquieu, Voltaire and Blackstone all, themselves, have important Beccaria-related connections. It was Montesquieu who, through his popular books, Persian Letters and The Spirit of the Laws, inspired Beccaria’s literary endeavors in the first place; it was Voltaire who wrote the famous commentary on Dei delitti e delle pene that helped publicize it and who called Beccaria a brother who had educated Europe; and it was Blackstone who, through his famous Commentaries, had helped to spread Beccaria’s fame far and wide, not only throughout the British Isles, but in distant America where those Commentaries were widely read by colonists and early Americans. 90 Cesare Beccaria’s meteoric rise in the British Isles from the 1760s onward was thus no accident; it was a product of Beccaria’s clear thinking and accessible style and the enlightened times in which intellectuals such as Beccaria lived.

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87 Ibidem, pp. 17-18, 22.
88 Ibidem, pp. 21-23. At the end of his sermon, William Dodd included “extracts translated from the Empress of Russia’s celebrated Code of Laws”, as it cannot fail to be agreeable to the Reader to know the sentiments of so great and able a Legislator on the subject of this Discourse: and indeed it is highly pleasing to observe not only the justice, but the humanity, which runs through this admirable Code” (ibidem, pp. 24-30).
90 An Account of the Life and Writings of William Dodd, LL.D., M. Hingeston and J. Williams, London 1777, p. 73. When imposing a death sentence, an English judge would regularly pronounce: “[Y]ou are to go from hence to the place from whence you came, and thence to the place of execution, where you are to be hanged by the neck till you are dead, and God have mercy upon your soul” (M. Grosley, A Tour to London: or, New Observations on England, and Its Inhabitants, transl. by Th. Nugent, Lockyer Davis, London 1777, vol. 2, p. 142.
92 The Literary Fly, Mar. 6, 1779, No. VIII, p. 1.
at the University of Minnesota Law School. The author was a visiting scholar at the Human Rights Center at the University of Minnesota Law School during the spring 2018 semester, and Professor Greenwood provided exceptional assistance in helping the author trace Cesare Beccaria’s influence on the law.