

CONTENTS

| | |
|---|----------|
| Preface | vii |
| Introduction | 3 |
| GIUSEPPE BENCIVENNI PELLI (1729–1808) | 7 |
| Texts | 9 |
| Giuseppe Pelli: <i>Against the Death Penalty</i> . Text and Fragments | 9 |
| Giuseppe Pelli and Cesare Beccaria: Correspondence (1766–67) | 48 |
| Context | 54 |
| Tuscany | 54 |
| The Man | 57 |
| The Life-Cycle of <i>Against the Death Penalty</i> | 61 |
| Milieu | 69 |
| Career | 75 |
| Conclusion | 81 |
| Argument of <i>Against the Death Penalty</i> | 85 |
| Preliminaries | 85 |
| The Proofs | 91 |
| <i>Lex talionis</i> | 96 |
| Conclusion | 99 |

| | |
|---|-----|
| CESARE BECCARIA BONESANA (1738–1794) | 103 |
| Texts | 105 |
| Beccaria, against the Death Penalty and for Forced Labour | 105 |
| Law of Grand Duke Leopold of Tuscany, against the Death Penalty (1786, excerpts) | 113 |
| Opinion ('Voto') of Beccaria, Gallarati Scotti and Risi, against the Death Penalty (1792) | 115 |
| Context | 122 |
| Lombardy | 122 |
| <i>On Crimes and Punishments</i> | 125 |
| Career | 127 |
| Milieu, Authorship, Character | 129 |
| Patronage and Publication | 135 |
| Argument against the Death Penalty | 137 |
| Preliminaries | 137 |
| Chapter 28 in Outline | 141 |
| Commentary | 146 |
| Postscript: From Forced Labour to Penal Servitude | 150 |
| Preliminaries | 150 |
| Beccaria on Forced Labour | 155 |
| Beccaria and Bentham | 156 |
| Beccaria and Jefferson | 159 |
| Notes | 163 |
| Select Bibliography | 193 |
| General Bibliography | 199 |
| Index | 205 |

Introduction



In 1968–69, the Archivio di Stato di Firenze acquired from the archives of the Pelli-Fabbroni family two large collections of documents composed by the last Pelli, Giuseppe Bencivenni Pelli (1729–1808). Around two decades later, at the end of the 1980s, the draft of an unfinished dissertation *Against the Death Penalty* came to light among the documents.¹ The manuscript was introduced to the world of scholarship (in 1990) by Renato Pasta, who had unearthed and identified it, and by Philippe Audegean, who produced the first edition, complete with a substantial introduction to the text and its contents, in Italian (2014) and then in French (2016).²

Pelli was a minor aristocrat from Florence who pursued a career within the Austrian Habsburg administration in the Grand Duchy of Tuscany. His most prominent post, and the one that gave him the greatest satisfaction, was that of director of the Uffizi Gallery (1775–93). According to his own testimony, he wrote *Against the Death Penalty* between 24 November 1760 and 6 January 1761.³ It was published more than 250 years later. He never completed it. It remains in the form of an advanced draft, tapering off toward the end, and finishing with a number of fragments, some of them substantial. It is an extended treatment of a subject which had not previously been discussed from a critical standpoint and in a comprehensive way. As far as we know, it is the first systematic attack on the death penalty in history.

It is known precisely when he began to write and stopped writing, because he tells us in his *Efemeridi*, the enormous diary that he compiled, day-in, day-out, over almost half a century, from 1759. A question that I set out to answer, with the aid of the *Efemeridi*, is how he came to write the dissertation in the first place, and why he gave up the project.

Against the Death Penalty was composed approximately three years before the publication, in July 1764, of *On Crimes and Punishments*, by an anonymous

author, who was later revealed to be Cesare Beccaria Bonesana (1738–94). Beccaria was also a member of the minor nobility, but of Milan, who worked for the Austrian administration in Lombardy. Before the discovery of Pelli's work, it was assumed that Beccaria's work contained the first serious attack on the death penalty.

Previously, abolition had had its advocates, such as the English radical Gerrard Winstanley in 1649, writing from a religious perspective, and the Quaker John Bellers, in 1699, who employed arguments from utility.⁴ The list lengthens somewhat if we include thinkers such as Thomas More and Blaise Pascal, who were critical of the death penalty without being outright abolitionists.⁵ In this category one might also place two anonymous English pamphleteers, *Solon Secundus* (1695) and *A Student in Politics* (1754). Both protested against the plethora of public executions and pressed for an alternative punishment, which they called imprisonment and hard labour, or slavery, but they contemplated reduction of the use of the death penalty rather than total abolition.⁶ Another potential 'candidate', a Sicilian, Tommaso Natale (1733–1819), whose treatise on penalties has much in common with that of Beccaria, also fails the test, on two counts: first, his work was published in 1772—his claim to have completed an early version in 1759 is not accepted by scholars—and second, he wished to retain the death penalty for particularly serious crimes.⁷

Pelli targeted the death penalty exclusively, whereas Beccaria's work was an attack on the whole system of criminal law operating in his time. The latter's critique of the death penalty occupies only one chapter (28) out of his forty-seven. It is by far the longest, however: it can be assumed to have contained all that he wanted to say on the subject, and his arguments are significant and weighty. The abolition of the death penalty is also the most radical of his proposals for reform, and it attracted the most attention and controversy. There is every reason to attempt a comparison between the two treatments of the subject.

The treatments are strikingly different. This is in itself remarkable. Here we have two men, living in neighbouring regions of the Austrian Habsburg empire, writing at more or less the same time, each ignorant of the existence of the other, each under the impression that he was the first to venture into these dangerous waters, and approaching the same subject in contrasting ways. Pelli's work reads rather like a juristic treatise, though his humanity shows through, and he knows how to appeal to the emotions. Beccaria's treatise is a

manifesto: it is passionate, highly rhetorical, and it pulls no punches. In sum, what we have before us is a rare opportunity to study and compare two works on the same highly controversial subject in a highly critical vein, written entirely independently of each other and more or less contemporaneously.

I offer translations of the relevant texts—in the case of Pelli's manuscript, the first English translation. Next, I explore the historical and intellectual contexts in which Pelli and Beccaria lived and wrote, and I attempt to understand their personalities and mentalities. This is an especially rewarding pursuit in the case of Pelli, thanks largely to the existence and nature of his diaries (*Efemeridi*). They are a goldmine, full of fascinating detail about his character, beliefs and interests, and the social and cultural life of Florence in the middle and second half of the eighteenth century.⁸ I then set out to assess the two writers' arguments against the death penalty, pointing to significant differences and similarities, and attempting to identify the sources that inspired or influenced them.

In terms of argumentation, in summary, Pelli lines up in the main with the Dutch and German natural law philosophers and jurists of the past, joining the debate which had been in progress since the early seventeenth century on the State of Nature, the transition into civil society via the Social Contract, and the ends and justification of punishment. He made a move, however, that none of these thinkers had contemplated or dared to make, in denying the necessity, utility and justice of the death penalty.

Whereas Pelli's outlook is firmly Catholic, as shown among other things by the dominance in his discourse of the notion of original sin, which in his view underlies both criminal behaviour and the penal law that has been enacted to suppress it, Beccaria follows the secularist tendencies of the French Enlightenment philosophers in making a clean break between sin and crime, divine and human justice. His trademark doctrine, which stemmed from a utilitarian interpretation of the Social Contract, is that the penal system must essentially be directed at avoiding public harm and promoting private good, or as he famously stated, 'the greatest happiness shared among the greatest number.' Pelli arrives, nevertheless, though by a different route, at something very similar to this utilitarian and minimalist view of the criminal justice system.

My final chapter is necessarily centred on Beccaria, in as much as it is an essay on the impact of his work on selected later thinkers and politicians, with special reference to his alternative, or surrogate, penalty, namely forced

labour. It is a crucial element of Beccaria's argument that the death penalty is less efficacious than forced labour as a deterrent (and the essential end of punishment, in his account, is deterrence). I am especially interested in the way Beccaria conceptualised his substitute penalty as slavery, and the way this was received in Britain and America, where his work was especially closely read and was extremely influential. The key figures in my enquiry are Jeremy Bentham and Thomas Jefferson.

Pelli left an incomplete draft of a thoughtful and searching critique of the death penalty;⁹ Beccaria published a finished product which many regard as the most significant tract of modern (and early modern) times on the reform of the criminal law,¹⁰ and which contained a highly effective attack on the death penalty. The former work was buried without trace for two and half centuries; the latter launched a movement of reform which has not yet run its course. A comparison between Pelli and Beccaria can only go so far, and is of limited utility. The same applies to the hypothetical question of what would have happened, what difference it would have made, if Pelli had published a full, polished treatise before Beccaria; and of how Beccaria would have reacted in such a circumstance. A more profitable line of enquiry might be to assess each of the two treatises as products of their times—rather than as definitive statements on the issue in question, which they are not¹¹—and, in the case of Beccaria's work, in terms of the impact that it had in the short term and the long. Modern penal law was born with Beccaria: there was a 'Beccaria moment'.¹²

INDEX

- A Student in Politics, 4, 163n6, 186n7, 189n47
abolition: of branding, 115; of death penalty, 4, 10, 55, 74, 82, 86, 88, 101, 113–115, 117, 120, 147, 150, 152, 159, 165n6, 169n28, 170n39, 190n62; of mutilation, 115; resistance to, 148; of slavery, 160–61, 190n60; of torture, 55, 82, 113–14, 116, 126, 170n39; of transportation, 153–54, 187n20
abolitionism, abolitionist. *See* abolition, of death penalty
Academy of Fisticuffs. *See* Accademia dei Pugni
Accademia Colombaria, 70–71, 75
Accademia dei Georgofili, 70
Accademia dei Pugni (Milan), 70, 123–24, 127–28, 130, 134, 171n49, 178n6, 180n26, 182n8
Accademia dei Trasformati (Milan), 127
Accademia della Crusca, 171n64
Accademia Etrusca di Cortona, 71
Act of Reform (Tuscany 1786), 82. *See also* law, Leopold's law
Adami, Anton Filippo, Cavalier, 72, 171n57
Addeley, Charles Bowyer, 1st Baron Norton, British politician, MP for North Staffordshire, 189n45
Addison, Joseph (1672–1719), English essayist and politician, 124
administration: imperial, 4, 122, 124, 128, 134, 148 (*see also* Beccaria, civil servant; Habsburg empire; Pelli, career in Tuscan administration); and economy of Milan and Lombardy, 128
Against the Death Penalty (Pelli), 3, 55, 58, 60–61, 66, 69, 78–79, 173n88, 175n23; abandonment of, 58–59, 61, 63–64, 69; argument of, 85–102; comparison with Beccaria's work, 4–6, 59–60, 62, 68, 89, 91–93, 95, 100–2, 135, 150–53, 169n28, 176n29, 183n17; purpose of, 62–63; text, 9–48; translations of, 3, 164n1
Alba, Fernando Alvarez de Toledo, Duke of, 30, 166n28
Alberti, Vincenzo, Count, 79
Alcandros, Spartan, 27
Alembert, Jean le Rond d', French philosopher and Encyclopedist, 16, 52, 99, 149
America, 6, 13, 87, 150, 156, 159–62, 189nn49 and 50, 190nn52 and 53
American Congress. *See* Congress, American
anarchy, 33, 95, 107, 126, 143, 176n31
Antinori, Gaetano, Florentine patrician, patron of Lampredi, 71
Antonines, Roman emperors, 112, 151, 186n4
Arcangioli, Francesco, thief, 66
Athens (ancient), 28, 30
Atilius Regulus, 20, 90
Aubert le Mire: *Donationum Belgicarum*, 15
Audegean, Philippe, 3, 141, 163n1, 164n12, 166n36, 174n8, 175n13, 176n35, 177nn48 and 51, 180n33, 182n11, 183n22
Augustine, Saint, 57, 174n4
Australia, 156, 159. *See also* transportation
authorities, 43, 80, 143; British, 156; civil, 47, 98, 179n16; ecclesiastical, 61, 87, 179n16; in France and elsewhere, 174n4; judicial, 61, 98, 159; philosophical, 147; political, 61; public, 44
authority: civil, 166n36; critics of, 69; ecclesiastical, 166n36; derived from the laws of nature, 17; higher, 16, 25, 37–39, 42, 89; of individuals, 11, 28, 93, 106–7; of judges, 111, 140; judicial, 140; of law, 16, 117; of legislator, 34; political, 86; public, 25, 27, 29, 38, 43, 92; of Regency Council of Tuscany, 54; of sovereign, 16, 31, 112–14; supreme and legitimate, 16
Bacon, Francis, philosopher and statesman, 60, 130, 149
Bartoli, Giovanni Andrea, friend of Pelli, 70–71

- Beccaria, Bonesana, Cesare, 4–6, 48–53, 56–57, 59–60, 62, 67–68, 70, 74, 81–86, 88–89, 91–93, 95, 100–102, 115–21, 123–59, 162, 163n6, 164nn11 and 12, 170nn29 and 32, 175n19, 176nn29, 31, 33 and 37, 177n45, 178nn10 and 12, 179n15, 181n3, 182nn5, 8, 10, 12 and 16, 183nn17, 21 and 23, 184nn27, 29 and 33, 185nn2, 41, 44, 186n7, 189nn47 and 48; as Atticus, 178n6; civil servant, 4, 60, 128–29, 134, 136, 148, 179n17; family and early years, 127–28, 179n16; mathematician, 128, 187n24; member of the *Accademia dei Pugni*, 70, 123, 127–28, 130, 171n49, 178n6; member of the *Accademia dei Trasformati*, 127; member of the Council for Economy, 128, 179n17; *Opinion of Beccaria, Gallarati Scotti and Risi against the death penalty*, 115–21, 148, 153; and Pelli (see *Against the Death Penalty*, comparison with Beccaria's work; Pelli, and Beccaria); and penal servitude, 150, 153, 162; as a philosopher, 50, 129, 146, 149; professor of cameral science, 128, 136; relationship with Verri, 127–36, 179n21, 180nn28 and 33, 181n4 (see also Verri, Alessandro; Verri, Pietro); work and impact (see *On Crimes and Punishments*)
- Bellers, John, Quaker, 4
- benevolence. See compassion, benevolence
- Bentham, Jeremy, English philosopher and jurist, 6, 126, 138, 150, 154, 156–159, 182n9, 186n8, 187n24, 188nn41 and 44, 189nn45, 47 and 48; *Rationale of Punishment*, 157; *View of the Hard Labour Bill*, 157–58
- Bible, 87, 97; Apocalypse, 46; Deuteronomy, 45; Exodus, 45; Genesis, 45; Gospels, 12, 14, 36, 38, 45, 87, 98; Leviticus, 45; Scriptures, 45–46, 98; New Testament, 46, 97–98; Old Testament, 97–98. See also law, Mosaic law
- Blackstone, William, English jurist and politician, 126, 154, 156–57, 188n39
- Blasco, Teresa, wife of Beccaria, 127
- Boccaccio, Giovanni, poet and writer, 47, 177n44
- Botta Adorno, Antoniotto, president of the Regency Council of Tuscany, 55, 77, 80, 82
- bridewells. See prison
- Britain, 6, 126, 150, 152–53, 156, 158, 160. See also England
- Buffon, Jean-Louis Leclerc, comte de, Encyclopedist, 149
- Buondelmonti, Giuseppe Maria, poet, orator, philosopher, 171–72n64
- Caffè, Il*. See *Il Caffè*
- Cain, 45–46, 98
- Calas, Jean, merchant, 125, 178n9
- Camus, Albert, 184n34
- Carpzov, Benedikt, criminal lawyer, professor of Law in Leipzig, 127, 181n4
- Carthaginians, 20, 90
- Cartouche, Louis Dominique Bourguignon, alias, French highwayman, 34
- Casimiro degli Albizzi, Lorenzo marchese, 172n77
- Catherine the Great, tsarina of Russia, 136
- Catholic. See Catholicism, Catholics; Pelli, a Catholic
- Catholicism, 54, 56, 102; anti-Catholicism, 31, 124; Catholic church, 35, 54, 56, 77, 83, 86–87, 91, 101, 124, 126, 150, 167n2; Catholic doctrine and theology, 56, 88; Catholics, 70–71, 175n15
- Charles VI, emperor of Austria, 54
- Charles XII, king of Sweden, 16
- chastisement, 11, 17, 21, 23, 30–31, 37, 42, 46; of disobedience, 24; in Gelopolis, 73; and punishment, 17, 24, 37, 73, 89
- Christians. See Christianity, Christians
- Christianity, 87, 175n10; Christian religion, 124; Christians, 23, 35 (see also sovereign, Christian emperors; philosopher, Christian and gentile)
- Church. See Catholicism, Catholic church
- Ciamagnini Pelli, Teresa, Pelli's adopted daughter, 57
- Cicero (Marcus Tullius Cicero), Roman politician, philosopher and orator, 18, 29, 57
- civil cases, 64, 81
- civil servant. See Beccaria, civil servant; Pelli, career in Tuscan administration
- Claro, Giulio, Piedmontese statesman and jurist, 127, 181n4
- clemency, 13, 47, 64, 66, 177n44. See also compassion
- Cocceji, Heinrich, Baron von, German jurist and professor of law, 38, 40–42, 44, 86, 96–98, 100, 167n63, 175n14;
- Cocceji, Samuel, Baron von, son of Heinrich, German jurist and official, 38, 40–42, 86, 96–97, 100, 175n14
- code: Austrian, 116–17; of crimes and punishments, 129; French, 161; of law, 17, 32–33, 55, 96, 140, 164n12, 190n59; of nature, 27, 92; penal, 55–56, 74, 95, 115–17, 119, 137, 158, 163n4, 170n39; Russian, 136; Tuscan, 116–17; of Virginia, 162

- Commission for Legal Reform (Lombardy), 152
Commission for the Penal Code, 181n35
compassion, 11–12, 35, 86–87, 108, 114, 118, 120, 144 (*see also* clemency; obligation); benevolence, 12, 27, 32–33, 65; gentleness, 12, 20, 35, 38, 45, 87, 98; humanity, 11–12, 24, 29, 32, 35, 49, 87, 93, 129, 136; inhumanity of man, 71, 82, 97
compensation, 17–18, 61, 89, 91, 109; in the State of Nature, 21
Condillac, Etienne Bonnot de, French philosopher, 149
Congregazione del Conservatorio dei Poveri di San Giovanni Battista, 75
Congress: American, 159–61, 190nn59 and 60, 191n64
contract. *See* Social Contract
contractualism, 88, 138, 142. *See also* Social Contract; utilitarianism; utility
convention, 14, 27–28, 92, 137. *See also* Hobbes, Covenant; obligation; Social Contract
Convict Bill. *See* hard labour, Hard Labour Bill
convict. *See* prisoner
Covenant. *See* Hobbes, Covenant
Cranworth, Lord, British Chancellor, 154
Craon, Marc de Beauvau, Prince de, President of the Regency Council of Tuscany, 54
crime, 4–5, 11, 15, 22, 24–26, 28–36, 38–47, 61–66, 69, 88, 91, 94–96, 98, 101, 105–21, 126, 137, 139–45, 149, 152, 154, 160–62, 175n23, 176n31, 182n5, 190n52 (*see also* anarchy; code, of crimes and punishments; criminals; law, Talion); as act of war against the State, 143; adultery, 34, 38, 43–44, 47, 98, 166n35; blasphemy, heresy and idolatry, 17, 35, 38, 46–47, 95, 98, 166nn29 and 36; capital, 115–17, 145, 151, 159; definition of, 38–39; frequency of, 34, 106, 118, 151; in Gelopolis, 73; gravity of, 94, 115–16, 118, 140; homicide, 43–44, 47, 98, 110–11, 116, 119, 165n17, 189n48, 189–90n62; *lèse-majesté*, 36, 96, 113; murder (*see* crime, homicide); prevention of (*see* ends of punishment, deterrence); public, 26; rioting, 107, 117; scale of, 106, 140; smuggling, 112, 152–53; sedition, 117; subversion of State, 117, 120, 126; Talion as, 47, 99; theft or robbery, 66, 73, 105–6, 155, 159, 166n34; treason, 73, 144, 190–91n62; unpunished, 21, 24, 112, 118
criminal courts of Tuscan Pistoia e Pontremoli. *See* Pratica Segreta di Pistoia e Pontremoli
Criminal Law Committee, 115
criminals, 10, 13, 32, 87, 93–94, 105, 111, 116, 145, 176n30 (*see also* prisoner; slavery; Verri Alessandro, Protector of Criminals/Prisoners; Verri, Pietro, Protector of Criminals); Bentham on, 158; breaching the social pact, 155; Hobbes on, 142; murderer, 109, 112, 119, 141; punishment of, 24, 25, 28–31, 40, 42, 47, 49, 61–62, 68, 73, 82, 86, 91, 97, 101, 108, 114, 118–21, 152, 155, 158, 183n21 (*see also* ends of punishment); robber, 38, 116; Rousseau on, 143, 184nn28 and 29; as slave, 158–59, 184n33 (*see also* slavery); smuggler, 112; thief, 109, 112
criminality, 24, 95, 129, 132, 140; in Gelopolis, 73–74
Cristina, queen of Sweden, 16
cruelty: of death penalty, 61–62, 109, 110, 145; of man, 10, 12, 25, 29, 43, 45, 86–87, 101, 183n19; of laws, 10, 47, 88, 110–11, 119; of punishment, 20, 62, 69, 109, 113, 125; of slavery, 109, 145; of Talion, 41, 99; of torture, 116; of tyrants, 32, 112
Damiens, Robert François, 26, 165n17
Dante Alighieri, 72, 85, 171n63
death penalty, 19, 23, 38, 61, 67, 69, 71, 77, 89–90, 129, 150, 163n4, 173n88, 177n44 (*see also* abolition, of death penalty; punishment, execution); as an act of war, 107, 117, 141, 143; abuse of, 13, 139; alternative to, 4–6, 91, 95, 102, 108, 116–17, 120, 145–46, 150, 152, 155–56, 158, 190n52 (*see also* hard labour; slavery; transportation); as appropriate, 32, 34, 94–95, 117, 119, 121; attack on and critique of, 3–6, 10, 55, 59–61, 67, 69, 87–88, 96, 99, 101–2, 115–21, 124, 137, 141, 163–64n6, 182n10; 190n52; barbarity of, 20, 26, 29–30, 32, 65, 69, 93; Bentham on, 189nn47 and 48; a common punishment, 29, 31, 34, 93, 95, 111, 118, 142, 190n52; and conventional punishment, 19–20, 37–38, 89–90; death sentence, 32, 38, 44, 61, 64–65, 81–82, 91, 94, 120, 140, 143, 145, 147; as deterrent, 6, 92–94, 107–8, 139–41, 145, 150, 152–53, 163–64n6, 184n33 (*see also*, ends of punishment, deterrence; hard labour, as deterrent; slavery, as deterrent); efficacy of, 6, 30–33, 92, 114, 117–19, 140, 145, 163–64n6; and ends of punishment, 23, 25, 91–92, 106, 114, 139, 141, 144, 146; as excessive, 13, 32, 38, 62, 93–94, 175n23; in Gelopolis, 73; as illogical, 119; inconsistency in application of, 34,

- death penalty (*continued*)
38, 95; irreversibility, 117, 119–20, 147–48, 164n11, 170n37; as just or unjust punishment, 5, 38, 62, 106–7, 119–20, 144; as a legitimate measure, 95–96, 144; as mark of a bad government, 32, 93–94; Montesquieu in defence of, 147; as necessary, 107, 116, 118, 120, 139–40, 144; opinions on, 110–11, 116–17; opposition to (*see* death penalty, attack on and critique of); as public murder, 110, 141, 145; as a public spectacle, 30, 93, 108, 110, 118, 144, 153; retention of, 4, 116, 118, 120, 126, 142–44, 185n2, 189n48, 190–91n62; as revenge, 16, 93; Rousseau on, 143, 184n28; and Talion, 44 (*see also* law, Talion); as ultimate punishment, 29, 89, 107, 115–16; as unnecessary, 5, 13, 26, 62, 107, 113, 117, 140, 175n23; usefulness, utility of, 106–7, 109, 139, 141–42, 145; uselessness of, 5, 26, 33, 62, 93, 107, 109–10, 116, 139–41, 145, 182–83n16; wastefulness of, 146
- death: legal, 110 (*see also* death penalty; hard labour; punishment); public view of death, 108, 118; violent, 111; in warfare, 17
- defence. *See* right, to self-defence or self-preservation
- despot, 16 (*see also* despotism; tyrant)
- despotism, 22, 31–32, 91–94, 106, 111, 112, 123, 139, 155–158; 176n32 (*see also* despot; tyrant; tyranny); in Gelopolis, 73
- detention. *See* prison; prisoner; punishment; methods of punishment, imprisonment
- diaries (Pelli). *See* *Efemeridi*
- Diderot, Denis, French philosopher and Encyclopedist, 149
- Dracon, Athenian legislator, 26
- Dumont, Etienne, editor and publisher, 158, 188n44
- duty, 11, 14, 18, 22–25, 27–30, 39, 41, 48, 65, 89–90, 92, 120, 139, 147, 176n35. *See also* obligation; right
- Eden, William, British diplomat and politician, 126, 156–57
- Edict of Nantes (1685), 56
- Efemeridi*, 3, 5, 57–59, 61, 63, 65–68, 70–72, 76–82, 85–86, 88, 91, 99–100, 127, 165n2, 168n15, 169n25, 170n33, 171nn53 and 56, 172n76, 174nn4 and 8, 175n23
- Egmont, Lamoral, Count of, general and statesman of Spanish Netherlands, 30, 166n28
- Elisabeth, tsarina of Russia, 13, 87, 107, 165n6
- emperor. *See* despot; monarch; sovereign
- Encyclopedia*, 52. *See also* Enlightenment
- Encyclopedists, 125, 177n46
- ends of punishment, 23–25, 40, 62, 91–92, 96, 100, 106, 114, 139, 141, 175n19 (*see also* death penalty, and ends of punishment; Grotius; hard labour; slavery); deterrence, 6, 91, 93–95, 99, 107–8, 110, 117, 139–41, 144–46, 150, 152–53, 163n6, 175n19, 183nn19 and 20, 184n33, 185n2 and 44 (*see also* death penalty, as deterrent; hard labour, as deterrent; slavery, as deterrent); as example, 24–25, 30, 38–39, 47, 73, 91–93, 99, 108–10, 114, 118–19, 121; 176n38; in Gelopolis, 73; physical suffering, 15, 109–10, 114, 144, 176n30 (*see also* pain; punishment, corporal; torture); preservation of society, 15, 94, 120, 139; prevention, 26, 30, 32–33, 91–93, 96, 99, 113–14, 139, 141, 144, 146, 175n19, 183nn19 and 21, 185n2; public utility, 92; reform of criminal, 24, 38, 47, 91–93, 97, 99, 114, 141, 183n21, 185n44; reparation, 17, 21, 24, 38, 40, 42, 45–46, 90, 98, 177n39; repression of crime, 118, 120–21; retribution, 91, 96, 101, 139, 164n9, 165n16, 183n17; revenge, 24, 91, 97, 175n19 (*see also* vengeance and revenge); satisfaction, 24–25, 30, 38, 40–42, 45–46, 91, 97, 114, 165n16, 175n19; security, 24–26, 29, 33, 39, 43, 47, 64, 90, 92, 94, 98, 107, 114, 139, 165n16, 175n19
- England, 157, 187n20. *See also* Britain
- Enlightenment, 56, 99; enlightened individuals, 5, 13, 49–50, 52, 65, 112, 123, 146; French, 5, 56, 99, 124, 149; Italian, 164n10; Lombardian, 122; Scottish, 99; Transalpine, 86
- equality, 40, 43, 45, 60, 97, 130, 138, 160, 176n30, 177n40. *See also* sociability
- Europe, 12, 62, 102, 112, 126, 132, 146, 149, 152
- Eustratius, bishop of Nicaea, 38, 41, 99
- evil, 9–11, 24, 115, 134, 139, 175n19, 177n39; done to an enemy, 25; of human life, 19, 37; of men, 24, 35, 37, 86, 106, 143, 184n29; punishment as an, 14–17, 21, 26, 37, 39–43, 89, 92, 106, 109, 140
- exile. *See* methods of punishment, exile
- Fabbroni, Giovanni, husband of Teresa Ciamagnini Pelli, 57
- Facchinei, Ferdinando, monk, 125–26, 128, 181n4
- Farinacci, Prospero, Roman judge and lawyer, 127, 181n4

- Felons Bill. *See* hard labour, Hard Labour Bill
- Filangieri, Gaetano, jurist and philosopher, pupil of Genovesi, 164n9
- Filze giornaliere*, 168n15
- fines. *See* methods of punishment, pecuniary
- Firmian, Karl Joseph von, governor of Lombardy, 122, 124, 135–36, 179n17
- Fisticuffs, Academy of. *See* Accademia dei Pugni
- Florence, 3, 5, 48, 50–51, 54–55, 57–58, 60–61, 70–71, 75, 78–81, 83, 167n2, 168n15
- forced labour. *See* hard labour
- Foucault, Michel, 186n13
- France, 56, 99, 124, 134, 160, 165n17, 174n4
- Francis I, emperor of Austria, Grand Duke of Tuscany, 54, 55. *See also* sovereign
- freedom. *See* liberty
- French Declaration of Rights (1791), 160
- Galileo Galilei, astronomer, 135, 181n37
- Gallarati Scotti, Francesco, pupil of Beccaria, councillor in the ministry of justice, 148, 186n11; *Opinion of Beccaria, Gallarati Scotti and Risi against the death penalty*, 115–21
- Gellius, Aulus, Roman author, 34, 43, 166n34
- Geopolis, 72–74
- Genovesi, Antonio, philosopher and economist, 164n9
- gentleness. *See* compassion, gentleness
- Giannone, Pietro, philosopher, jurist, historian, 135, 181n37
- God, 13, 35, 39, 45–47, 62–63, 89, 100, 185n44; Being (First, Supreme), 11, 27, 44, 86, 92, 100; Creator, 17, 35, 89, 90, 92, 95; infinite Wisdom, 112; Lord, 45; Providence, 26, 92; Sovereign, 18; Supreme Lawgiver, 46–47, 98
- government, 23, 26, 31, 33, 45, 54, 76, 81, 106–7, 114, 136, 141–43, 152 160 (*see also* authorities; despotism; state); civil, 35, 95–96; despotic, 32, 158; good, 9, 35, 87, 95; Tuscan, 77, 82
- Grand Duchy of Tuscany, 3, 54, 57, 59, 60, 114–15, 123
- Grotius, Hugo, Dutch humanist and jurist, 14, 16, 20, 26, 86, 90–91, 97–98, 100, 102, 139, 141–42, 146, 148–49, 151–52, 165n16, 166n38, 175nn14 and 19, 181n3, 183n17, 185nn41, 42 and 44 (*see also* Cocceji, Heinrich; Cocceji, Samuel; jurist, natural law); and definition of punishment, 15, 37, 89; and ends of punishment, 24–25; and just war, 20–21, 175n14; *Rights of War and Peace (de iure belli ac pacis)*, 148, 174n8, 175n14, 183n17
- Habsburg empire, 3–4, 57, 60, 122–23, 128, 170n32. *See also* administration, imperial
- Habsburgs: Austrian, 54–55, 122, 125, 129, 170n39; Spanish, 122
- Hansard, 186n17
- happiness, 5, 9–13, 22–24, 33, 43, 50, 71, 86–87, 90–91, 112, 130, 135, 138, 182n10; public, 25, 88, 94, 98, 138; unhappiness, 13, 22, 27, 30, 74, 109
- hard labour, 112, 118, 158, 188n35 (*see also* slavery); as alternative to death penalty, 4, 6, 30, 61, 91, 114, 116, 126, 146, 149, 150–53, 155, 159, 186n5, 187n31; in Antiquity, 186n5; death by, 145, 184n35; as deterrent, 6, 30, 93, 114, 118, 121, 144–45, 150–53 (*see also* slavery, as deterrent); economic argument for, 93, 146; efficacy of, 30, 93, 108, 114, 118, 121, 144–45, 151–52; or forced labour, 5–6, 92, 150–53, 155, 163–64n6; Hard Labour Bill, 156–57; imprisonment at, 152–53, 159, 162, 188n39, 190n52; as long term punishment, 114–15, 118, 126, 145, 152, 189n47 (*see also* slavery); as public labour, 61, 91, 93, 114–16, 121, 152–53, 159; a reversible punishment, 120; severity of, 116, 145, 152; as short-term punishment, 126, 155, 189n47; as slavery (*see* slavery, hard labour as); as voluntary labour, 188n44; and women, 152 (*see also* methods of punishment, of women)
- Hebrews, 45, 47, 98
- Heineccius, Johann Gottlieb, German jurist, 15, 28, 86, 97, 100, 149, 151, 166n38, 176n26, 185n44; and punishment, 16, 89, 149, 165n7, 175nn12 and 14
- Helvétius, Claude Adrien, French philosopher, 138, 142, 149, 177n46, 180n28, 182n9
- Hilarion, Fedro. *See* Lampredi, as Fedro Hilarion
- Hobbes, Thomas, 84, 146, 181n3, 182n13, 184n31, 185n2; Covenant, 142; *Leviathan*, 142, 184n26; and State of Nature, 37, 90, 139, 147
- Holt, Sir John, Lord Chief Justice of England, 157
- Horn, Philip de Montmorency, Count of, 30, 166n28
- house of repentance. *See* prison, house of repentance
- Hugo, Victor, 169n28
- hulks. *See* prison, hulks
- human nature. *See* humanity, human nature
- humanity, 4, 32–33, 48, 65, 67, 86, 89, 92, 98, 100, 107, 110–12, 129, 138, 142, 147, 176n31; as compassion (*see* compassion, humanity);

- humanity (*continued*)
 human nature, 15, 41, 86, 117–18, 144,
 170–71n46; human race, 10, 13, 17, 22, 29,
 50, 52, 58, 63, 86, 89
Hume, David, 149
Hus, Jan, 31, 166n29
Hutcheson, Francis, philosopher, 149, 182n8
- Il Caffè* (magazine), 51–52, 70, 124, 128, 130
imprisonment. *See* methods of punishment,
 imprisonment; methods of punishment, of
 women
inhumanity. *See* compassion, inhumanity of man
injury, 16, 18, 20, 24–25, 36–37, 40–45, 47, 89,
 97, 99, 114, 167n51 (*see also* vengeance and
 revenge); reparation of injury (*see* ends of
 punishment, reparation; ends of punishment,
 retribution)
injustice, 20, 43, 60, 82, 110
Inquisition, 69, 125–26, 170n31
Italy, 50, 52, 56, 62, 67, 70–71, 102, 125–26, 130,
 134, 150, 178n9
- Jebb, Joshua, British Lieutenant-Colonel, Surveyor
 General of Prisons, 187n19
Jefferson, Thomas, 6, 150, 154, 159–62, 189n49,
 190nn59, 60, 61 and 62
Joseph I, king of Portugal, 26, 165 n17
Joseph II, emperor of Austria, 122–24, 129, 134,
 179n24
judge, 26, 30, 64, 86, 83, 88, 111, 115, 119, 127,
 137, 184nn39 and 40; as corrupt, 145, 147;
 criminal law judge (*see* Pelli, as judge); critique
 of, 140, 147; under the law of nature, 37
judgement, 13, 15, 42, 45, 77, 119–20, 132, 162,
 191n64; on criminals, 49, 82, 143; of Heaven, 46
jurisprudence, 45, 65, 102, 128, 131. *See also*
 justice, law
jurist, 16, 18, 24, 43–44, 48, 91, 127, 129, 149–51;
 British, 126, 152, 154, 156–57, 188n41; critique
 of, 88, 140, 147; Dutch and German, 177n48;
 Italian, 57, 181n37; jurisconsult, 140, 179n16,
 181n4; jurisprudent, 147; natural law, 5, 70, 86,
 97, 99–101, 141; Prussian, 97; Roman, 28, 151,
 162, 186n4
justice, 10, 25, 30, 34, 38, 43–44, 46, 73, 95, 97,
 111–12, 115–16, 127, 139, 141, 182–83n16,
 183n19 (*see also* injustice); criminal justice
 system, 5, 48, 77, 81–3, 85, 101, 125–26,
 128–9, 131, 137, 139, 145, 147–48, 150, 157;
 and death penalty (*see* death penalty, as just or
 unjust punishment); divine, 5, 11, 23, 91; cruel
 formalities of, 111; in Gelopolis, 73; human, 5,
 182n10; personification of, 155; of punishment
 (*see* punishment, as just); in State of Nature,
 21–22, 25
Justinian, Roman emperor, 151, 157, 181n4
- Kaunitz-Rietberg, Wenzel Anton, Prince von,
 Chancellor in Vienna, 122, 124, 135–36,
 178n8
Khevenhüller, Emanuele de, adviser of emperor
 Francis I and landowner in Lombardia, 181n35
king. *See* monarch
- Lacedaemonians. *See* Spartans
Lampredi, Giovanni Maria, 70–75, 100–101,
 171n55, 177n48; as Fedro Hilarion, 72, 171n.63
Lastri, Marco, friend of Pelli, 71, 171n53
law, 9–11, 15–17, 23, 25–26, 30, 33, 37–39, 41,
 60, 66, 77, 88, 94, 105–11, 117–18, 128–29,
 140, 145–46, 159, 161, 187n30 (*see also*
 convention; obligation; reform; slavery, *servus*
 poenae; Social Contract); American, 154;
 ancient, 13, 26, 30, 45, 112, 115 (*see also* law,
 Mosaic; law, Roman); canon, 71; civil, 35, 37,
 48, 96, 175n14; code of (*see* code, of law);
 conventional, 18; criminal, 4, 6, 33, 60, 81,
 84–85, 102, 113, 121, 126–27, 129, 137, 146,
 149, 179n24, 190nn59 and 62; disobedience
 to, 23, 27, 95; divine, 9, 17, 47, 89, 91, 93, 98,
 138; fiscal, 113; imperfection of, 119; just,
 43; legal system, 31, 60, 114, 126; legislation,
 13, 37, 52, 112–14, 119, 121, 137, 166n39;
 Leopold's law, 55, 83, 113–115, 152; Mosaic,
 38, 45; natural, 14, 17, 21, 28–29, 35–37,
 39–44, 46, 48, 89, 91–93, 95–98, 100, 138,
 142, 148–49, 166n39, 176n30, 177n48, 185n44
 (*see also* jurist, natural law; philosopher, natural
 law; State of Nature); of nations, 17, 42;
 New and Old Law, 47, 177n44 (*see also* Bible;
 God; Hebrews); penal, 5–6, 119, 151, 156,
 162, 164nn9 and 12, 166n36, 176n33, 188n43;
 positive, 14, 36, 38–39, 89, 96–97, 99, 138,
 165n7, 175n12, 185n2; power of, 109, 118–19;
 property, 81, 105; public, 71, 74; Roman, 33,
 148–49, 151, 155 (*see also* jurist, Roman;
 Salvius Julianus; Ulpian); Talion, 38–47, 91,
 96–101, 164n9, 177nn39 and 40, 190–91n62
 (*see also* State of Nature, and Talion; and Talion;
 vengeance and revenge, and Talion); Thirteenth
 Amendment, 154, 160–61, 189n49; universal,
 112; unjust, 44, 47–48; violation of, 17, 48,
 109, 143; written law, 14, 17–18, 22, 39, 89–90

- legislation. *See* law, legislation
- legislator, 15, 33–34, 88, 118, 157, 163n6 (*see also* jurist); attack on, 147, 181n4; enlightened, 13; sovereign-legislator, 120, 142
- Leibniz, Gottfried Wilhelm, 16, 166n38
- Leo X, Pope, 12, 165n4
- Leopold II, Grand Duke of Tuscany, 55, 82–83, 113, 120, 123, 129, 152, 170n39, 173n90 (*see also* Grand Duchy of Tuscany; law, Leopold's law); his Royal Highness, 52
- liberty, 21–22, 25, 29, 33, 106, 110, 115, 157, 182n6; Bentham on, 158, 189n47; deprivation of, 107–08, 114, 117–18, 139, 142–43, 155; of the nation, 107, 126; in the State of Nature, 139; unrestricted, 18
- Livy, Roman historian, 20, 33
- Locke, John, 142, 181n3
- Lombardy, 4, 55, 60, 122–23, 125, 128–29, 135–36, 143, 148, 152, 178n1
- Lorraine, Francis Stephen, duke of. *See* Francis I
- Lycurgus, Spartan lawgiver, 27
- Machiavelli, Niccolò, 72, 135, 171n63, 181n37
- magistrate. *See* judge
- Maria Theresa, empress of Austria, 54, 122
- Medici dynasty, 54, 83
- Menzini, Benedetto, priest and poet, 9, 165n3
- methods of punishment: branding, 115; decapitation, 176n30; exile, 22–23, 25, 29, 64, 73, 90–91, 143, 175n17; expulsion from society (*see* methods of punishment, exile); gallows, 13, 30, 93, 109, 115, 156, 186n13; imprisonment, 4, 16, 64, 112, 115, 121, 142, 152–53, 156, 158–59, 162, 186nn5 and 13, 188n39, 189nn45 and 49, 190n52 (*see also* hard labour; prison; prisoner; slavery; transportation); mutilation, 115; pecuniary, 32, 38, 94, 105, 188n39; wheel, 106, 109, 125, 176n30; of women, 115, 152
- Milan, 4, 49, 51–52, 55, 57, 70, 122–25, 127–30, 133, 135–36, 178nn1 and 2, 185n1
- monarch, 16, 33, 46, 112, 116, 123, 126, 151 (*see also* despot; monarchy; sovereign; tyrant); benevolent, 112; enlightened, 123, 146
- monarchy, 31, 94, 123 (*see also* despotism; monarch; sovereignty; tyranny); benevolent, 146–47
- Montaigne, Michel de, 57–58, 60, 64, 70, 168n17, 174n4
- Montesquieu, Charles-Louis de Secondat, Baron de, 20, 33, 60, 70, 86–87, 90, 95, 99, 139, 147, 149, 174n7, 176nn27 and 29, 180n28, 182n13; *De l'esprit des lois* (*The Spirit of the Laws*), 13, 32, 126; *Persian Letters*, 149
- More, Thomas, 4, 188n39
- Morellet, André, French Encyclopedist, 125–27, 129, 134–35, 138, 149, 178nn10 and 12, 182n8
- mortmain (*mani morte*), 56, 76–77, 172n75
- Mozzi, Giulio, Cavalier, 76, 173n84
- Muratori, Lodovico Antonio, historian, 57, 126
- Natale, Tommaso, jurist, 4
- Neapolitan School, 164n9
- necessity, 14, 20, 60, 66, 89, 110–11, 115–16, 120, 139, 143, 146, 182n10 (*see also* death penalty, as necessary; death penalty, as unnecessary; punishment, necessity of; utility)
- Neri, Pompeo, jurist and politician, 55–56, 76–77, 82, 122
- New World. *See* America
- NorthWest Ordinance, 154, 159, 161–62, 189n49, 190n61
- Novelle Letterarie (journal), 58, 70
- obligation, 11, 15–17, 19, 22, 36, 39, 47–48, 91–92, 188n39 (*see also* convention; duty; responsibility; Social Contract); of a delinquent, 24; dissolved by death, 20; in State of Nature, 18, 20–22, 27, 89–90, 139, 147
- offence. *See* crime
- On Crimes and Punishments* (Beccaria), 3, 48, 67–68, 70, 82, 124, 129, 155; argument of, 137–49; comparison with Pelli's work, 4–6, 59–60, 62, 68, 89, 91–93, 95, 100–2, 135, 150–53, 169n28, 176n29, 183n17; excerpts, 105–12; genesis and character of the work, 125–27, 130–33, 146–47; patrons and publication, 130–33, 135–36; reception and impact, 125–26, 134–36, 150, 157, 162, 169n28, 182n9, 185n1, 187n31, 188nn39 and 41, 189nn47 and 48; translations, 125, 153, 186n15
- Pagano, Mario Francesco, jurist and thinker, pupil of Genovesi, 164n9
- pain, 15, 38, 40–41, 99, 110–11, 145, 176n30 (*see also* ends of punishment, physical suffering; punishment, corporal; torture)
- Palmerston, Henry John Temple, Viscount, Home Secretary, 187n20
- pardon, 29, 45, 93, 187n20, 190n53
- Pascal, Blaise, French philosopher, 4
- Pasta, Renato, 3, 164n8

- Patkul, Johann Rheinold, politician and agitator, 16
patron, 16–17, 22, 52, 66, 71, 75, 77, 83–85, 131,
134, 138. *See also* Verri, Pietro
- patronage, 52, 68–69, 78, 135–36
- Pelham, Henry, Prime Minister of Britain, 151,
163n6
- Pelli, Giuseppe Bencivenni, 3–6, 48–84, 127,
135, 150–153, 163nn1 and 6, 164n9 and 11,
165nn2, 4, 5, and 16, 166nn36 and 39, 167nn51
and 63, 170nn33, 37 and 39, 170–71n46,
171n64, 173n90, 174nn4 and 8, 175nn14, 17,
19, 21 and 22, 176nn30, 31, 32, 35 and 38,
177nn39, 40, 44, 46 and 48, 183n17, 185n2
(*see also* *Against the Death Penalty; Efemeridi*);
as abbate, 56; as author of biography of Dante,
72, 85; 171n63; and Beccaria, 48–53, 56–57,
67–70, 81–82, 85–86 (*see also* *Against the
Death Penalty*, comparison with Beccaria's
work); career in Tuscan administration, 3,
54–57, 68–69, 75–81, 168n13, 172nn77 and
83, 173nn84, 87 and 88; a Catholic, 5, 56, 58,
70, 100; and definition of punishment, 15–16,
37, 39, 96; as director of the Uffizi Gallery, 3,
55, 58, 83; as editor of *Novelle Letterarie*, 58,
70; family and background, 3, 57, 84, 168n10;
friends, 58, 61–62, 68–72, 74–76, 83, 85, 91;
as judge, 59, 64–67, 75, 77, 80–82, 169n25
(*see also* *Pratica Segreta di Pistoia e Pontremoli*);
as law student, 57, 75; as member of various
Academies, 70–72, 75; as a philosopher, 58,
65–66, 82, 91; *Serie dei ritratti degli uomini
illustri toscani*, 52; and torture, 65–66, 81–82,
85; as Verecundo, 72, 74, 171n63; and women,
58, 168n10; work (*see* *Against the Death
Penalty*)
- penal colonies, 157, 187n20, 188n36. *See also*
transportation
- penal law. *See* law, penal
- penal servitude. *See* slavery
- penal system, 5, 62, 69, 87, 94–95, 102, 138, 159,
176n32, 189n47 (*see also* law, legal system; law,
penal); critique of, 57, 77, 141; of Gelopolis,
72–74
- penitentiary. *See* prison
- Pennsylvania, 159, 190nn52 and 53. *See also*
America
- penology, 127, 151
- petitions of amortisation. *See* mortmain
- Philip II, king of Spain, 31, 166n28
- Phillimore, John George, British jurist, politician,
MP for Leominster, 187n20
- philosopher, 112, 136, 147, 150–51 9 (*see also*
philosophy); ancient, 29, 41–43 (*see also*
Cicero; Eustratius; Seneca); Beccaria (*see*
Beccaria, as a philosopher); Christian and
gentile, 41, 97; Dutch and German, 5; English
and British, 4, 126, 151–52, 154, 187n31,
188n41; French, 5, 60, 86, 99, 125, 128, 138,
149, 177n46 (*see also* Montesquieu; Rousseau;
Voltaire); Italian, 181n37; natural law, 5, 86, 97,
99–101; Pelli (*see* Pelli, as a philosopher);
Transalpine Enlightenment, 86, 149
- philosophy, 126, 129–30, 144, 146, 179n12
(*see also* philosopher); enlightened, 87;
secularist, 149
- Piccolomini, Tommaso, senator, 79, 81, 172n83
- Pisa, 54, 57, 71, 75
- Pistoia e Pontremoli. *See* Pelli, as judge; *Pratica
Segreta di Pistoia e Pontremoli*
- Plato, 36, 183nn17 and 21
- Pragmatic Sanction (1713), 54
- Pratica Segreta di Pistoia e Pontremoli*, 58–59, 64,
66, 68, 77, 79–80, 83, 169n24
- prejudice, 22, 35, 49, 50, 68, 98
- prevention. *See* ends of punishment, prevention
- prison, 46, 120, 142, 152–53, 156–59, 181n37,
187n19, 189n50 (*see also* hard labour,
imprisonment at; methods of punishment,
imprisonment; slavery; transportation);
Auburn prison NY, 159; bridewells, 156;
house of repentance, 159; hulks, 188n35
- prisoner, 156, 159, 161, 163n6, 187nn19 and 20,
188n35 (*see also* war, prisoner of); Protector of
Prisoners (*see* Verri, Alessandro, Protectors
of Criminals/Prisoners; Verri, Pietro, Protector
of Criminals); treatment of, 131, 133
- privileges, 123; of the Church, 56, 124, 167n2
- Ps.-Quintilian, 20, 90, 165n12
- public labour. *See* hard labour, as public labour
- Pufendorf, Samuel, Baron von, German jurist and
political philosopher, 86, 97, 100, 146, 174n8,
175n14, 181n3, 185n44
- Pugliesi, Filippa, character in *Decameron*, 47,
177n44
- punishment, 18–19, 29, 31–35, 39, 44–45, 64–65,
89, 95, 141, 158, 160–61, 190n52 (*see also*
chastisement; cruelty; death penalty; ends of
punishment; evil; hard labour; methods of
punishment; sanction; slavery; State of Nature;
torture; transportation; utility; vengeance and
revenge; violence; war); as alternative to death
penalty (*see* death penalty, alternative to; hard

- labour, as alternative to death penalty); appropriateness, 32, 41, 46, 85, 94, 98, 106, 121, 144, 152 (*see also* death penalty, as appropriate); barbarity of, 30, 32, 93, 181n4 (*see also* death penalty, barbarity of; torture, barbarity of); capital (*see* death penalty); civil, 14, 17, 19, 37, 88–89, 165n7, 175n12; conventional, 14, 17, 19, 37–38, 88–90, 165n7, 175n12; corporal, 14, 23, 39, 105–6, 155, 186n13, 188n39 (*see also* ends of punishment, physical suffering; torture); criminal, 37; of criminals (*see* criminals, punishment of); definition of, 14, 17, 37, 100 (*see also* Grotius, and definition of punishment; Heineccius, and punishment; Pelli, and definition of punishment); execution, 4, 25, 30, 86, 92–94, 110, 116–17, 141–44, 146, 163n6, 185n1; exile (*see* methods of punishment, exile); extreme (*see* death penalty); fear of, 14–15, 32, 73, 106, 144, 176n30 (*see also* death penalty, as deterrent; ends of punishment; hard labour, as deterrent; slavery, as deterrent); in Gelopolis, 73; harshness of (*see* punishment, scale or severity of); by Heaven, 46; ideal, 91; inevitability of, 106, 118–19; intensity of (*see* punishment, scale or severity of); as just, 20, 38, 46, 90, 101, 117, 120, 141, 182n16 (*see also* death penalty, as just or unjust punishment); legitimacy of, 17, 19, 24, 27, 97, 141 (*see also* death penalty, as a legitimate measure); leniency (*see* punishment, moderation in); method of (*see* methods of punishment); minimalisation of (*see* punishment, moderation in); moderation in, 14, 33, 87, 92, 98, 106, 108, 113–14, 139–40, 148 (*see also* utilitarianism); natural, 14, 22, 32, 38, 90; nature of, 61, 112; necessity of, 13, 15, 26, 37, 42, 48, 92, 120, 126, 139, 141, 182–83n16 (*see also*, death penalty, as necessary; death penalty, as unnecessary); pecuniary (*see* methods of punishment, pecuniary); proportionality of, 33, 46, 87, 94, 98, 106, 113, 116, 118, 137, 140, 176n29; as a public spectacle, 32, 118, 144 (*see also* death penalty, as a public spectacle); reversibility of, 120 (*see also* death penalty, irreversibility of; hard labour, a reversible punishment); scale or severity of, 31, 33, 38–39, 44–46, 56, 86, 94–96, 98, 106–8, 117–18, 121, 137, 140–41, 144, 152, 181n4, 182–83n16, 183n19; in Scriptures, 45–46; secondary (*see* hard labour; slavery); and Social Contract, 139–40, 182–83n16; structure of, 95, 137; Talion (*see* law, Talion); theory of, 148; ultimate (*see* death penalty, as ultimate punishment); unnecessary (*see* punishment, necessity of); usefulness of, 97–98, 182–83n16 (*see also* death penalty, usefulness of); as vice, 86; visibility of, 120, 153; wheel (*see* methods of punishment, wheel)
- rationality, principle of, 99
- Ravaillac, François, assassin of Henry IV, 26, 165n17
- Reautan (Monsieur), held a position in Secretariat of State, 80, 173n84
- reform, 4, 6, 11, 38, 47, 54–55, 70, 82, 122–23; of the Church, 56, 87, 123–24; of criminals (*see* ends of punishment, reform of criminal); of criminal law (*see* reform, legal); of judicial practice, 63; legal, 6, 60, 63, 65, 82, 88, 101, 113, 126, 146, 152, 173n90; penal, 56, 59–60, 74, 83, 101, 127, 130, 136, 164n10, 170n39, 190n52; of prison system, 156; programme of, 55, 124; reform of judicial administration, 55, 126
- Regency Councils, 54, 76–80
- religion, 13, 29, 35, 58, 71–72, 86–87, 93, 110–11, 124, 145, 174nn4 and 6, 176n31. *See also* Catholicism; Christianity
- responsibility: of individuals, 11, 17, 22, 36, 96, 117; of various powers, 33, 35, 39, 42, 83, 88, 113, 172n77, 179nn23 and 24, 184n40
- revenge. *See* ends of punishment, revenge; vengeance and revenge
- revolution, 107–8, 149; revolutionaries, 123; revolutionary activities, 176n31
- Richard, Domenico, 80, 168n3
- Richecourt, Emmanuel, Count de, president of the Regency Council of Tuscany, 54–55, 167n2
- right, 13–14, 22, 33, 39–40, 42–44, 94, 98, 106, 120, 139, 184n29 (*see also* French Declaration of Rights); to obtain satisfaction, 18, 30, 44 (*see also* vengeance and revenge); human rights, 185n2; individual, 19, 28, 31, 37, 42, 60, 106, 124, 127, 130, 158; to kill, 20, 30, 37, 45, 90, 106–7, 142–43 (*see also* suicide); to live, 90, 143; to punish, 20–21, 23, 39, 42–44, 90, 98, 139, 142; to self-defence or self-preservation, 18–19, 21, 27–29, 37, 89–90, 92–93, 142, 176n35, 184n26; to vengeance, 98; to war, 21, 23, 44, 100–101, 143, 177n48
- Risi, Paolo, associate of the Accademia dei Trasformati, 148, 184n40, 186n11; *Opinion of*

- Risi, Paolo (*continued*)
Beccaria, Gallarati Scotti and Risi against the death penalty, 115–21
- Robespierre, Maximilien de, French lawyer and revolutionary, 184n40
- Romans (ancient), 12, 20, 32–33, 36, 73, 90, 94, 149, 151. *See also* Antonines; Cicero; jurist, Roman; Livy; Salvius Julianus; Seneca; sovereign, Roman emperors; Ulpian
- Rome, 165n4; ancient, 12, 32, 34, 94, 113, 152, 176n32
- Romilly, Samuel, lawyer and politician, 126
- Rousseau, Jean-Jacques, 9, 57, 87, 142, 147, 149, 168n17, 174n4, 177n46, 183 n23, 184n29; *Confessions*, 57, 174n4; *Social Contract*, 86, 130, 143, 181n3, 183n23, 184n28, 187n30; *Discourse on the Arts and Science*, 86, 165n2; *Discourse on the Origin and Foundations of Inequality*, 86, 165n2; *New Eloise*, 174n4; *Emile or on Education*, 165n2, 174n4
- Rucellai, Giulio, friend of Pelli, Secretary of State for Ecclesiastical Affairs (Tuscany), 70, 167n2
- Rush, Benjamin, American politician and social reformer, 190n52
- Salvius Julianus, Roman jurist, 151, 162, 188n4. *See also* jurist, Roman; law, Roman; Romans (ancient)
- sanction; as approbation, 41, 97–98; in Gelopolis, 73; of law, 28, 48, 89, 175n41 (*see also* Pragmatic Sanction); as punishment, 14, 18, 88–89, 92, 175n12, 185n41; in State of Nature, 88–89, 92, 182n12
- secondary penalty. *See* hard labour; slavery; transportation
- self-preservation. *See* right, to self-defence or self-preservation
- Seneca, Roman philosopher, 41, 97, 99, 167n54, 183n17. *See also* Romans (ancient)
- servitude. *See* slavery
- slavery, 31, 148, 151, 155, 157, 159–62 (*see also* abolition, of slavery; hard labour; law, Thirteenth Amendment; liberty, deprivation of); anti-slavery movement, 157; as deterrent, 108–10, 117–18, 144, 184n33; domestic servitude, 188n43; hard labour as, 4, 6, 149–51, 153, 158–59; involuntary servitude, 154, 160–61, 189n49, 190n60, 191n65; as just, 155, 162; penal servitude, 151, 153–55, 157–59, 161–62, 186nn15 and 17, 187n19, 188nn43 and 44, 191n64 (*see also* Beccaria; transportation); Penal Servitude Bill (*see* hard labour, Hard Labour Bill); perpetual slavery or servitude, 106, 109–10, 117–18, 144–45, 150, 152–53, 155, 184n33; as punishment, 106, 109, 112, 118, 148–49, 151–52, 155, 158, 160, 162, 163–64n6, 186n8, 188n39, 189n47, 190n52; qualified servitude, 187n20; *servus poenae* or *servitus poenae*, 149, 151, 162, 186nn4 and 6; as substitute for death penalty, 4, 6, 108, 117, 144, 150–51, 158; temporary, 106, 155
- Smith, Richard, English civil servant, editor of Bentham, 158, 188n44
- sociability, 60, 124, 127. *See also* equality
- Social Contract, 5, 38, 92, 100–101, 106, 130, 137–40, 142–43, 145–46, 148, 155, 177n51, 182nn10 and 15, 182–83n16, 183 n19 (*see also* contractualism; convention; Hobbes, Covenant; obligation; punishment, and Social Contract; Rousseau, *Social Contract*; utility)
- social pact. *See* Social Contract
- society: civil, 5, 27, 88, 90–92, 100, 166n39. *See also* Social Contract; state, civil; State of Nature
- Socrates, 12, 36, 87
- Solon Secundus, 4, 163n6
- sovereign, 14, 16–17, 22, 24, 26, 31, 33, 44, 48, 50, 65, 93, 97, 107, 115–17, 120, 139, 182n15 (*see also* despot; God; legislator; monarch; tyrant); Christian emperors, 186n5; emperor of Austria, 54, 76–78, 80, 123, 129, 168n13, 178n7 (*see also* Charles VI; Francis I; Habsburgs; Joseph II; Maria Theresa); Roman emperors, 32, 36, 46, 94, 186nn4 and 5 (*see also* Antonines); European, 126; Grand-duke of Tuscany (*see* Leopold II); legislator (*see* legislator, sovereign-legislator); tsarina (*see* Catherine the Great; Elisabeth)
- sovereignty, 106, 123
- Sparta, Spartans (ancient), 26, 34, 38, 108, 166n34
- State of Nature, 5, 17–22, 27–28, 39, 90, 92, 100–101, 110, 142–43, 147, 166n39 (*see also* duty; justice, in State of Nature; law, natural; obligation, in State of Nature; Social Contract; society, civil; war, in State of Nature); and punishment, 17–20, 25, 28, 39, 43, 88–90, 100, 139, 182n12; and Talion, 43–45, 98
- State Secretariat (Tuscany), 76–82, 168n13, 169n24, 170n33, 173nn84 and 87. *See also* Pelli, career in Tuscan administration
- state, 21, 24, 31, 34–36, 56, 83, 95, 99, 114, 116–17, 120, 159–60, 162, 175n22, 177n45,

- 183n17, 185n2 (*see also* America; Grand Duchy of Tuscany; government; Regency Councils; State Secretariat; State of Nature); Florentine State, 55, 82; preservation of, 143; civil, 19, 25, 90
- Steele, Richard, Irish writer and politician. *See* Addison
- suffering. *See* ends of punishment, physical suffering; pain
- suicide, 36–37, 96, 107, 176nn35 and 36. *See also* right, to kill
- Sumner, Charles, senator from Massachusetts, 160, 190n61
- Supreme Economic Council, 135, 179n17
- Talion. *See* death penalty, and Talion; law, Talion; State of Nature, and Talion; vengeance and revenge, and Talion
- terror, 15, 108–9, 114
- Tertullian, early Christian author, 47, 177n44
- The Spectator* (magazine), 124
- Thirteenth Amendment. *See* law, Thirteenth Amendment
- torments. *See* torture
- Torriggia, Giovanni Battista, 125
- torture, 26, 60, 102, 106, 119, 125, 127, 147–48 (*see also* abolition, of torture; ends of punishment, physical suffering; pain; Pelli, and torture); barbarity of, 65, 147
- translation: of Beccaria (*see On Crimes and Punishments*); of Bentham, 158, 188n44; of Pelli (*see Against Death Penalty*)
- transportation, 154, 156, 159, 187nn19 and 20, 189n45. *See also* abolition, of transportation; slavery, penal servitude
- Tuscany, 50, 54–56, 76, 83, 113–14, 120, 122–23, 125, 168n3. *See also* Grand Duchy of Tuscany; Leopold II; Regency Councils
- tyranny, 26, 32–33, 105, 140 (*see also* despotism); and Gelopolis, 73
- tyrant, 26, 31–33, 38, 94, 106, 110. *See also* despot
- Uffizi Gallery. *See* Pelli, director of the Uffizi Gallery
- Ulpian, Roman jurist, 28, 151. *See also* jurist, Roman
- United States. *See* America
- utilitarianism, 5, 86, 138, 148, 187n31. *See also* necessity; Social Contract; utility
- utility, 30, 93, 127, 139 (*see also* equality; necessity); principle of, 4, 99, 143, 147, 182n9, 189n47 (*see also* utilitarianism); public, 92, 124, 182nn6 and 10 (*see also* sociability); of punishment, 139, 141, 149 (*see also* death penalty, usefulness of; punishment, necessity of); and Social Contract, 143
- Vattel, Emer de, lawyer, 20, 86, 90, 100, 142, 175n14, 181n3
- vengeance and revenge, 11–12, 16, 24, 27, 29–30, 37, 41–47, 64, 91–93, 97–99, 175n19, 177n44, 185n41 (*see also* ends of punishment, revenge; injury); inhuman, 41, 91, 96–97; private, 15, 43, 89, 98, 175n22; public, 26, 43, 64, 98, 175n22; and Talion, 41, 43–44, 47, 97–99; uselessness of, 91–92
- Verecundo. *See* Pelli, as Verecundo
- Verri, Alessandro (younger brother of Pietro), Italian author, 52, 127–34, 178n6, 179nn21 and 22, 180nn30 and 33, 181n4; Protector of Criminals/Prisoners, 130–32
- Verri, Pietro, Lord Count (older brother of Alessandro), Italian economist, historian and philosopher, patron and mentor of Beccaria, 51–52, 85, 89, 128–36, 138, 178nn3, 6, 7 and 8, 179nn15, 17, 21 and 22, 180nn26, 28, 30, and 33, 181n4; family, 179n16; founder and leader of the Accademia dei Pugni, 123–24, 127–28; member of the Supreme Economic Council, 135, 179n17; Protector of Criminals, 180n30; as Sulla, 178n6
- Vienna, 54–55, 76–81, 122, 124, 136, 178n8
- violence, 29, 34, 31, 105–6, 109, 116, 157, 171n64; and punishment, 126, 141
- Virginia. *See* America
- Voltaire, French philosopher and historian, 52, 56, 99, 125, 129, 149, 177n46, 178nn9 and 11, 180n28, 182n9
- war, 110, 117, 124, 160, 171n64, 185n2, (*see also* death penalty, as an act of war; right, to war); civil, 94, 161; of criminals against the state, 143; Grotius and just war, 20–21, 175n14; prisoner of, 156; as punishment, 20, 23, 77, 175n14; in State of Nature, 20, 37, 44, 90, 98
- warfare, 17, 20–21, 26, 175n14; in the State of Nature, 88, 90
- Webster, Daniel, United States Secretary of State, 162, 191n65
- Winstanley, Gerrard, English radical, 4, 163n4
- women, 14, 42, 47, 74, 168n10 (*see also* hard labour, and women; imprisonment, and women); in Gelopolis, 74, 171n61