Cesare Beccaria: The Rights of the Accused

Cesare Beccaria was born in Milan, Italy, in 1738. He was a pioneer in the field of criminology. His work stressed the rights of accused people to fair treatment.

The son of an aristocrat, Beccaria attended a Catholic school as a boy. In 1758, he received a degree in law from the University of Pavia. When he finished his studies, he returned to Milan. There he was soon caught up in the intellectual excitement of the Enlightenment.

In 1763, Beccaria began a study of criminal law and the justice system. He was upset by the harsh practices that were common in his day. Torture was often used to get confessions from accused persons or statements from witnesses to a crime. People might have their thumbs crushed in a device called a thumbscrew. Or they might have their bodies stretched on a device called a rack until their bones were separated.

Beccaria objected to other practices as well. It wasn’t unusual for trials to be held in secret. Judges were often corrupt. People found guilty of crimes were often sentenced to death.

Beccaria attacked these practices in a famous book called On Crimes and Punishments. He argued that laws exist to preserve security and order. Punishments, he said, should be designed to serve this purpose. Like other people, criminals made rational decisions. To stop people from committing crimes, punishment did not have to be brutal. It only had to be certain and just severe enough to outweigh the potential benefits of the crime.

Beccaria also argued for other specific rights. A person accused of a crime, he said, should receive a fair and speedy trial. Torture should never be used. In addition, it was wrong to punish some people more harshly than others for the same crime. Punishment, he said, should fit the seriousness of the crime. And capital punishment (putting someone to death) should be done away with completely.

Beccaria’s book encouraged the scientific study of crime. His ideas about rights and punishment influenced reform movements throughout Europe. In the United States, many laws concerning crime reflect his ideas.

Questions
1. What practices in the justice system upset Beccaria?
2. In Beccaria’s book On Crimes and Punishment, he shared his ideas on how criminals should be treated. What were some of Beccaria’s main ideas?
The Impact of the Enlightenment on Government

Enlightenment thinkers proposed new ideas about human nature and the best forms of government. Let’s take a look at the influence of these ideas in Europe and America.

Enlightened Rule by Monarchs Several European monarchs tried to apply Enlightenment ideas during the 1700s. Among them were Frederick the Great of Prussia, Catherine the Great of Russia, and Joseph II of Austria. These rulers became known as “enlightened monarchs.” They are also called “benevolent despots.” (Benevolent means having people’s best interests at heart.)

Enlightened monarchs founded universities and scientific societies. They introduced reforms such as greater religious tolerance and an end to torture and capital punishment. But these rulers pushed change only so far. They did not want to anger the noble classes, whose support they needed. Nor did they want to lose their own power.

The American and French Revolutions Enlightenment ideas had a major influence on the leaders of the American Revolution. English colonists in America shared with John Locke the traditions of the Magna Carta and the English Bill of Rights. When the colonists rebelled in 1775, they pointed to the abuse of their rights by the English king. The Declaration of Independence echoed Locke’s ideas on natural rights and the purpose of government.

Other Enlightenment ideas can be seen in the U.S. Constitution. America’s basic law includes Montesquieu’s idea of separation of powers. The Bill of Rights protects the freedom of religion and speech championed by Voltaire. It also supports some of the rights promoted by Beccaria, such as the right to a speedy trial.

In 1789, revolution broke out in France. The National Assembly adopted the Declaration of the Rights of Man and Citizen. This document proclaimed liberty and equality. It upheld the rights to own property and to resist oppression. It also guaranteed freedom of speech and religion. All these ideas grew out of the Enlightenment.

Soon, however, the French Revolution unleashed terrible passions and violence. Thousands of aristocrats and other supposed enemies of the revolution were sent to the guillotine. (The guillotine was a machine that cut off people’s heads.) The bloody chaos brought a strange end to the Enlightenment dream of peaceful progress based purely on reason.

Questions
1. Who were some of Europe’s “enlightened monarchs”? What were some of the reforms they introduced?
2. Which Enlightenment thinkers and ideas are reflected in important U.S. documents like the Declaration of Independence, the Constitution, and the Bill of Rights?
Women of the Enlightenment

The women of the 1700s did not enjoy the same rights or status as men. Yet a number of women played an important role in the Enlightenment. Some helped nurture and spread Enlightenment thinking by hosting salons. Others extended ideas about rights and equality to women. Let’s meet a few of these women.

Madame Geoffrin  One of the most prominent sponsors of salons was Madame Marie-Therese Rodet Geoffrin. Beginning in the mid 1700s, the brightest talents in Europe met in her home for lively talk about the latest ideas. Madame Geoffrin also gave financial support to the Encyclopedists, a group of men who put together the first encyclopedia.

At Madame Geoffrin’s salons, princes and politicians mingled with artists, writers, and philosophers. Madame led these gatherings with a firm hand. She reserved Mondays for artists and Wednesdays for writers and philosophers. When discussions became heated, she would say, “There, that will do.” The men quickly shifted their conversation to another topic.

Abigail Adams  Abigail Adams was married to John Adams, a leader of the American Revolution. Abigail firmly supported the movement for independence from England. She reminded John not to forget women. “Remember all men would be tyrants if they could,” she wrote. “If particular care and attention is not paid to the Ladies, we are determined to foment [start] a Rebellion.” Women, she went on, “will not hold ourselves bound by any Laws in which we have no voice.” Abigail also spoke out for a woman’s right to education.

Olympe de Gouges  The Frenchwoman Olympe de Gouges was the daughter of a butcher. Despite being poorly educated, she became a writer and social reformer. In 1791, she published the Declaration of the Rights of Woman and the Female Citizen. This document was her answer to the National Assembly’s Declaration of the Rights of Man and Citizen. De Gouges argued for women’s equality with men in every aspect of public and private life. Women, she said, should have the right to vote, hold office, own property, and serve in the military. They should have equal power to men in family life and in the church.

The French revolutionaries mocked de Gouges’s ideas and her efforts to organize women. When she spoke out against the bloodshed of the revolution, they branded her a traitor. In 1793, she was sent to the guillotine.

Mary Wollstonecraft  English writer Mary Wollstonecraft was another early leader in the struggle to gain equal rights for women. In an essay published in 1792, she argued that women deserved the same rights and opportunities as men. “Let woman share the rights,” she wrote, “and she will emulate [imitate] the virtues of men, for she must grow more perfect when emancipated [free].”

Wollstonecraft believed that education was the key to gaining equality and freedom. She called for reforms to give women the same education as men. In the 19th century, her ideas about equality for women inspired early leaders of the women’s rights movement in the United States.

Questions
1. What role did women like Madame Geoffrin play in supporting and promoting the ideas of the Enlightenment?
2. What important rights did women like Abigail Adams, Olympe de Gouges, and Mary Wollstonecraft argue and fight for?