

From Body to Soul: the Debate on Justice in the Italy of the Enlightenment¹

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A few years ago, in a contribution entitled 'Per un bilancio della giustizia in Età Moderna: costi e benefici'², presenting a sort of income statement of justice in the society of the *ancien régime*, I argued that the result of justice was largely positive for the prince, not only in a political sense but also in an economic sense.³ That is, I asserted, that the exercise of judicial power was a source of considerable revenue for the state treasury: revenue deriving from the distribution of pecuniary penalties, of both judicial and extra-judicial settlements, from the confiscation of property belonging to those condemned to death or to the galleys for life for crimes against religion (sacrilege, witchcraft, heresy, blasphemy) or against the prince (*lèse-majesté*, rebellion, disobedience), for homicide,

¹ For a fuller version of the questions relative to the debate which occurred between the highest representatives of the penal magistrature of Lombardy in the time of Maria Teresa cf. M.A. Romani, 'Haec est regula recti': tentativi di disciplinamento sociale nella Lombardia in epoca teresiana', in Berlinguer-F. Colao, *Le Politiche criminali nel XVIII secolo*, volume XI, (Milan 1990), pp.43-62.

² M. Cattini-M.A. Romani, 'Per un bilancio della giustizia in età pre-industriale: costi e benefici', in *Studi in memoria di Luigi Dal Pane*, (Bologna 1982), p.363 ff.

³ *Ibid.* The principal items of income and expenditure were the following:

Costs

- *Judicial expenditure*
- *Salaries of judges and police*
- *Expense and maintenance of prisons*

Benefits

- *(monetary): proceeds from convictions and settlements.*
- *(property): sequestrations and confiscations.*
- *(political-social): exercise of power; conservation of the status quo; social consensus towards the prince.*
- *(political-diplomatic): international prestige of the prince and of his state.*

theft, robbery, sexual abuses and so on. A rapid examination of the accounts of the ducal chancelleries of Mantua, Parma, and Ferrara between the sixteenth and seventeenth centuries led me to assert the view that these revenues constituted a more than marginal source of the financial income of these three duchies of the Po valley and perhaps one of the principal sources of increase in the wealth of the exchequer.⁴

The thesis was supported by a statement by Cesare Beccaria. The Lombard reformer, in a passage of 'Dei delitti e delle pene', observed:

'It was already a time in which almost all sentences were pecuniary. The crimes of men were the patrimony of the prince: attacks on public safety were an item of gain: it was in the interest of those whose task it was to defend it to see it offended. The object of punishment was therefore a suit between the treasury (the exactor of this punishment) and the offender, a civil action which was private rather than public and which gave the treasury rights other than those that came from the need to set an example. The judge was therefore an advocate of the treasury rather than an indifferent searcher after the truth, an agent of the public treasury rather than a protector and administrator of the laws. But since, in this system, to admit guilt was to admit liability to the treasury...in this way admission of guilt...became, and remains, the centre around which all criminal devices moved.... with this admission the judge becomes master of the body of the offender and racks him with methodological formality to extract from him, as if from a purchased property, all the profit he can'.⁵

The idea that the exercise of justice was transformed into a mere

⁴ To give further examples: in 1593, in the balance sheet of the state of Farnese, judicial expenditure came to 12,645 scudi; revenues at 22,322 scudi (6.6% of total income). Regarding increases in property, in 1580, in the duchy of Mantua, property sequestered from the convicted came to 158,292 lire; while in 1612, in Parma, following the arrest and confiscation of property of some of the richest feudal vassals of the state, accused of conspiring against the duke, the treasury took possession of 1,500 hectares of land, as well as castles, houses, paintings, jewels, etc. The income from the expropriated property produced an increase of 12% in ducal income. (cf. M.A. Romani, 'Finanza pubblica e potere politico: il caso dei Farnese (1545 - 1593)', in *Le corti Farnesiane di Parma e di Piacenza*, I, (Rome 1978), p.44 ff.

⁵ Cf. C. Beccaria, 'Dei delitti e delle pene', in M. Maestro, *Cesare Beccaria e le origini della riforma penale*, (Milan 1977), p.244.

dispute between the judicial machinery and the accused with the primary aim of seeking at all costs the accused's guilt in order to wring money and property from him, is perhaps excessive; it is, however, certain that in the judicial process the interests of the treasury were anything but marginal. And they would have been no less so in the second half of the eighteenth century, when the rise of economic forces which tended to subvert the old social order, the break-down in the solidarity between individuals and groups, and the tensions deriving from the affirmation of individual rather than collective rights had brought to the forefront the inadequacy of repressive-punitive measures in overcoming and eradicating the conflicts which had exploded in the heart of Italian society in the twilight of the *ancien régime*.

The trenchant criticisms of the social reformers were not unconnected to the increasingly visible crisis of a punitive system based on corporal punishment: death, the whip, the banishment of the condemned from civil society (exile and the galley), pecuniary punishment and the sequestration of property. These reformers became the spokesmen for a section of civil society which demanded an end to practices now seen as a burdensome inheritance from the past. These practices were closely linked to the condemnations made by well-off citizens and magistrates in relation to the disruption of public order in the wake of a growing wave of crimes which seemed increasingly concerned with wealth and property.⁶

These preoccupations were not only felt by the high magistrates of Austrian Lombardy, who in these very years were given the task by Maria Teresa of rethinking the entire punitive system in order to bring it into line with the new social awareness about the problems of justice⁷, but also the ordinary magistrates and the police, who were struggling with the crisis in the traditional system of punishment. In particular, the sudden

⁶ A phenomenon which, as Nicole Castan has clearly shown, did not only affect northern Italy, but the whole of Mediterranean Europe. Cf. N. Castan, *Justice et répression en Europe à l'époque des lumières*, *idem*, *Les criminels de Languedoc. Les exigences d'ordre et les voies du ressentiment dans une société pré-révolutionnaire (1750-1790)*, (Toulouse 1980).

⁷ On these themes cf. I. Berlinguer and G. Colao, 'La Leopoldina. Criminalità e giustizia criminale nelle riforme del '700 europeo', *cit.*, vols. I-XIII.

refusal of the Venetian Republic to take onto its own ships Lombards condemned to the galleys created embarrassing problems of public order. Those condemned to the galleys were heaped up in the police prisons, coming into contact with felons, rogues, prisoners on remand and placed an intolerable strain upon a prison structure that was designed to be a simple transit area and not for the carrying out of sentences.

Reformist tendencies, social tensions, the multiplication of crimes against property, the demands of public order, fear for life and property, obsolete legislative structures, police prisons overflowing with those condemned to galleys but without galleys to go to, forced Lombardy's political and cultural élites to consider the problem of justice. They asked themselves, in fact, the same questions which the 'philosophical class' of the Accademia Virgiliana, had in these same years put forward to the international scientific community: 'to identify the causes of crimes, to suggest a way of removing them as far as possible or of curbing their effects, in order to make the death penalty rarer without weakening public safety'⁸

The debate was carried out on at different levels and among diverse participants:

- A) The members of the Accademia, who in replying to the question posed by the 'philosophical class' were given the opportunity to discuss the great principles of law, justice, punitive systems and so on.
- B) The representatives of the imperial government who were entrusted with the task of finding a penal system that could guarantee public safety and the peaceful enjoyment of property.
- C) The administrators of justice who, unlike the above groups, had pressing problems of public order to face. What interested them was the control of 'the infection' and 'the undisciplined customs of the lower classes and dregs of the populace,' a 'mob' which responded in a very unruly manner to the advice of the representatives of judicial power and whose behaviour, in the eyes of 'respectable people' was the result of:

⁸Archive of the Accademia Nazionale Virgiliana di Mantova. Memorie della Vecchia Accademia (A.A.V.Mn.). Legislazione A. Busta 57.

'an evil produced and fomented by idleness, the abandonment of every regulated trade and that strong inclination, encouraged by a mistaken cleverness, of the lower classes to turn so easily to offences, insults, blows, the use of weapons and other instruments and private vendettas; and finally from that voluntary indigence which leads to theft, fraud and other similar crimes. Such degenerate habits, which are greatest among the young who are already made susceptible by a bad education, is the daily source ... of such frequent minor crimes, which dispose the mind to greater deviance and daring, so that, given the opportunity, they rush into serious and atrocious crimes'.⁹

The results arising from these reflections and discussions clearly reflected the various concerns of the participants in the debate. A measure of the interest stimulated by the initiative taken by the Accademia Virgiliana is the number of contributions which came from the whole of Europe. The replies to the question covered a very wide period, at the extremes of which we could ideally place, on the one hand, the learned and articulate observations of Jean Henry de la Berardière de Roussel, Professor of French law at the University of Caen, whose contribution was named the best by the academics of Mantua; on the other, the ingenious and fabulous intuitions of Pasqual Le Glain 'pintre de laquadémie di Paris' [sic].

Having identified the primary cause of all evil 'as original sin, which deprived man of his innocence', de la Berardière argues that all the contingent causes of the crimes which disturb civil society - inequality of wealth, the decadence of customs, idleness, the desire for gold and silver, superstition, unchecked luxury - lead back to the corruption of the human heart since the fall of the first man¹⁰. He follows this diagnosis

⁹ Cf. S. Di Noto, 'Documenti del dibattito su tortura e pena capitale nella Lombardia austriaca', in *Studi parmensi*, XIX, 1977, p. 270 ff.

¹⁰ Reply of J. H. de la Berardière, in utroque jure doctor, juris gallici in celeberrima cadomensis universitate professor, Galliarum regi honorarie a consiliis in suprema presidiali curia cadomensis, to the proposed theme, in 1773, from the Accademia Virgiliana di Mantova: 'Assegnare le cagioni de delitti, additare il modo di toglierle al possibile o d'impedirne gli effetti, affine di rendere più rari i supplizi senza che resti indebolita la pubblica sicurezza (A. A.V.M., Busta 57).

with his prognosis, which is summarised as a system intended to prevent crime and to reward those who act with respect for the law and to safeguard social conformity. Thus he extols the virtues of education, religion, work, modesty and edifying examples as a means of prevention and stresses the need for an extremely efficient judiciary and police system and exemplary punishments as a means of repression to defend the law and punishment.¹¹ These were issues on which a large part of the culture and civil society of Europe in the seventeenth century would be built; the reflections of Montesquieu, Beccaria, Diderot and Condillac shine through those of de la Berardière.

Pasqual Le Glain's arguments go in an entirely different direction. He puts forward as the origins of deviant behaviour:

'first the injustice of the inequality of conditions and of wealth [which] create envy in those who have not been favoured by fortune,' and further 'wine, money, women, luxury, gambling, the mistaken cleverness of believing oneself above others, the freedom to follow one's inclination and will in all things.'¹²

If the source of every crime is the inequality of fortune, the remedies are easy:

'if everyone has his share of work and his share of what is necessary for life everything returns to legitimacy.'

¹¹The Caen Professor summarised his proposals in the following way: '1) Inspire love for religion and the law; 2) define just parameters for crimes and do not give this odious name to actions which do not deserve it; 3) less harsh sentences, the extreme rigour of which leads to atrocity and not to virtue, imposing less harsh but more lasting punishments, which will consist of forced, unpleasant labour; 4) make the guilty, their punishment and their infamy visible to the people, in the same place in which the crime was committed; 5) ensure the infallibility of the punishment, by selecting magistrates of integrity, and above all by the establishment of an inflexible and vigilant public ministry; 6) reform, if it is possible, the manners of the people; 7) restrain luxury which leads to the ruin of individual fortunes and so leads to the ruin of the public treasury; 8) abolish public gaming, or restrain them so that they cease to be dangerous; 9) establish rewards for virtuous fathers of families, in the same way that there are punishments for crimes; 10) occupy the people by establishing workshops and houses of instruction, work, punishment and charity; 11) eliminate beggary.'

¹²P. Le Glain, 'pintre de laquadémie de Paris et deselle de dessins di Florence à Paris reue Méllé' (A.A.V.Mn.Busta 57). 'Observons la loi du partage il ny aura plus de criminels' (See the appendix).

Once everybody has been assured work and the privileges of property have been abolished, all distinctions will certainly disappear and automatically every propensity for crime will diminish and a new social order will be established. This would not be a utopian order, but one which would be easily realisable on the condition that society is organised 'in work regiments' within which collective property and pleasant, well paid work would guarantee the full satisfaction of everyone's needs, in parallel with peace and social progress.

It is a very synthetic dissertation, full of grammatical and syntactical errors, but quite charming and is a part of the great current of French naturalistic and utopian communism of the eighteenth century which echoed themes dear to Morelly, Rousseau, Mably and seems to anticipate the utopias of the nineteenth century, such as those of Fourier, Cabet, Proudhon etc.¹³

The debate which, on the instigation of the Empress, opened between the two principal judicial organs of Austrian Lombardy (the Senate of Milan and the Supreme Council of Justice of Mantua) saw the members of the two institutions aligned in two very different positions. The disagreement centred above all on judicial torture, which the Supreme Council of Justice proposed abolishing, while the Milanese senate continued to consider it an essential part of the preliminary investigative process. The Mantuan legal experts underlined the anachronism of the institution, they considered it unworthy of a civilised country, they demonstrated the uncertainty of the *quaestio* as a means of obtaining proof and proposed 'abandoning completely this fallacious experiment and moving instead to extraordinary sentences if the trial provided evidence sufficient to merit torture.'¹⁴ It would be better to condemn the

¹³ 'A regiment whose soldiers, woken at the break of day by drums, led by detachment to various labours which are necessary for us, followed by music ... work for 4 - 6 hours at the most, return to their comfortably built barracks, sing a short prayer, said with a good heart. And a good dinner with their officers (accompanied) by wine, a pint for each man per day. After dinner an hour of military exercises, six hours of amusement; then a good supper and each man with his wife to a good bed.'

¹⁴ It is, however, doubtful that Le Glain was familiar with the works of his contemporaries. Perhaps it was the spirit of the times? It is difficult to say. It is certain that, although expressed in a much calmer tone, some of his ideas are present in the writings in which

suspect, if found guilty, with an extraordinary sentence, rather than to put him to torture without probative evidence. According to the Mantuans, the search for truth should take the form of the discovery of 'legitimate evidence' rather than *indagatio per tormentum*. Such evidence should be capable of providing the magistrates with 'moral certainties' rather than 'metaphysical certainties'.¹⁵

The attitude of the Milanese senators was very different. They considered torture as a means of obtaining evidence which could not be given up, regardless of the victims, and whether they were guilty or innocent. They believed that a system of justice with a more human aspect would lead to an unacceptable lengthening of criminal trials, frustrating the exemplary nature of the punishment. *Tortura ad eruendum veritatem* and *tortura ad irrogandum poenam* were to be considered essential aspects of legal policy. This was the logical consequence of a hypothesis which held that only the fear of suffering, cruel physical punishment and death could ensure order and social harmony.¹⁶

In the end the views of the more enlightened reformers prevailed and the choices taken by the supreme magistrates led to a radical transformation of the penal system. Death would be reserved for the more atrocious crimes; harsh military discipline would be used to correct petty thieves, rogues and, the idle; while those condemned to the galleys and without galleys to go to now, would be locked up in penitentiaries or prisons, and their labour used for great public works, textile manufacture within the prison, or hired out to private entrepreneurs.

an ignorant French shop-keeper declared himself an admirer of Cesare Beccaria and tried to answer the questions of the Accademia Virgiliana (A.A.V.Mn.Busta 57): 'To destroy to some extent the vast pride of the rich ... destroy that strange prejudice which seems to accord two types of air, one to the rich and one to the poor, to the strong and to the weak. To make justice reign, equality, well-directed benevolence, sincere piety, fear of God ... To strike down vice which walks head held high. To raise up trodden-down virtue, embellish it, it is needed in this century above all. I submit that a way to reduce crime is through economy, because the opulence, the fineries of dress and of the table, greed, drunkenness, which lead to crime through the excess which takes away the fortune and even the necessities of families. This economy and modesty are not esteemed enough in this century, no more in fact than in a pagan state'.

¹⁵ A.A.V.Mn.Busta 57. B. Risenfeld, 'Sopra la pena di morte. Dissertazione.'

¹⁶ S. Di Noto, *op. cit.*, p. 282.

Moreover, in a well developed utilitarian spirit, an equivalent from among the new punishments was sought for each of the former corporal punishments. And in order to set up a justice system in some way commutative with the past, and to obtain considerable savings for the exchequer, it was decided that the harshness of the prisoner's treatment could considerably reduce the term of detention.

This attitude characterised, for example, the imperial decree of 1784 which reduced the number of crimes punishable by the death sentence, replacing it with life imprisonment. It also established that the lighter nature of this punishment should be compensated by the branding of the condemned on the left cheek. In addition, the sentence should be made more severe: 'according to circumstances, with more exemplary harshness better able to impress the populace, and where possible to be suffered by the condemned in public. Such punishments are, for example, public flogging, to be repeated after a certain interval in the public square; the harshest treatment to be accompanied by a diet of bread and water; the condemned to be put to the hardest and most humiliating labour; the punishment to be worsened by the use of chains and the returning of the condemned to the most squalid and obscure places, and similar expedients'.¹⁷

Among the police and judiciary primarily, the increase in petty crime, poverty and vagabondage led to the formulation of a kind of 'political arithmetic' of deviancy which appeared to contradict the ideas expressed by the intellectual élites of the time. The purpose of the police, expressed with great lucidity and a certain boorishness, was to extirpate evil at the root, through a whole series of operations with the following objectives:

- 1) To carry out a review of the poor, both local and non-local in origin, able and disabled, genuine and false. The census was designed to limit beggary only to those who had no alternative and to redeem the remainder by their reclusion in houses of forced labour.
- 2) To re-establish the old institution of 'district chiefs' who would be

¹⁷ Cf. M.A. Romani, 'Alle Origini del sistema carcerario nella Lombardia austriaca. L'Imperial Casa di Pena di Mantova', in *Atti e memorie del museo del Risorgimento di Mantova*, XVIII, 1982-83, p.81 ff.

given the task of keeping urban society under strict supervision and reporting to the police authorities all crimes and demonstrations which were harmful to public order.

- 3) To keep statistics of all 'infected members of society' (vagabonds, the idle, petty thieves, frauds, false beggars) from whom society would be freed by their enforced enrolment in the imperial armies.
- 4) to supervise all taverners, owners of eating-houses, hotellers, wine sellers and renters of rooms and close all such places with a bad reputation.

A complex system of *Freiwillege und Zwangarbeithäuse*, of *Strafbäuse* and of *Correctionhäuse* soon resulted, a system of prisons and houses of correction and forced labour. Their establishment reflected the definitive transition from a system of corporal punishment to a penal system based on detention¹⁸: a system which, according to the utopian vision of the eighteenth-century reformers, would have assured the 'entrepreneurial state' the same proceeds, through the use of labour available in prisons and houses of correction, which the Prince had received in the past from the exercise of justice. Unfortunately, a simple truth was forgotten: the exploitation of forced labour raises almost insoluble management problems related to the low productivity of such labour and the difficulty of applying it to activities requiring the producer's active and careful participation. Nor was it taken into account that there was no guarantee over the consumption of the product of houses of correction. Warehouses were needed to stock the goods; intermediaries were needed to place them on the market; a minimum of quality control was required as well as the use of raw materials; some products were in poor demand among a public with low incomes; and so on. These were the causes of the disappointment felt by those who sought to set up factories, shipyards and farms using forced labour. It was quickly realised that, unlike in the past, zero-cost justice - let alone justice able to provide income for the exchequer - was a pious illusion, an illusion which, in some cases, does not appear to be completely dead, even today.

¹⁸ *Ibid.*

APPENDIX

Observons la loi du partage il n'y aura plus de criminels

Le Glain Pasqual pintre de l'aquadémie de Paris et de selle de déssins de Florence à Paris reue Méllé. Une grande maison neuve vis à vis le commendant de la garde de Paris.

L'académie de Mantoue propose pour le prix de philosophie de sette année le sujet si humain et si intéressant d'assigner la cause des crimes, les moyens de les détruire, s'il est possible, ou d'en prévenir les effets à fine de rendre les suplises plus rares sans que la surété publique en souffre. Sette proposition fait l'éloge de sette Academie.

Causes des crimes

Premièrement l'injustice de l'inégallitté des conditions et des richesses donne de la jalousie à ceux qui ne sont pas favorisés de la fortune; à leur gré cherchent à se la procuré par le crime qui leur paroit la voye la plus courte jointe à l'espérance qu'ils ont de se soustraire au chatiment.

Le vin, l'argent, les femmes, le luxe, le jeu, la fausse bravoure de se croire au dessus des autres, la liberté de suivre son gout et la volonté sur toutes les choses amène insensiblement plusieurs de nos malheureux frères à tombé dans le crime.

Moyens de les détruire ou qu'ils soits pliés

Que chacun est sa pard de travail et sa pard de se qui est nécessaire à la vie tout rentra dans légitté.

Il viendra rarement dans l'idée d'un homme de faire du mal à son semblable quant il sera seur d'avoir toujours son nécessaire et qu'il ne vaira pas les autres mieux que lui.

Ten qu'il aura des jens plus riches les uns que les autres il y aura toujours des criminels et des boureaux.

Le partage paraitra impossible dans nos servelles. Mes il ne lasse pas dans l'équitté. Arengon nous de la manière à observer le partage nous trouverons le bonneur, l'équitté et les plaisirs.

Un régiment dont les soldats éveillé par des tambours à la pointe du jour, conduits per détachemen aux divers travaux nécessaire à nos besoins, suivi de musique dont plusieurs jouerest divers instruments, des caroses pour ceux des agriculteurs qui y rest travaillé loin dans les campagnes exportarest leurs déjuné; travaillé 4 ou 6 heures tout au plus; rentrer dans leurs caserne construite comodement; chanté une courte prière dite de bon coeur; et un bon diné avec leurs officié fiesé de vin, une pinte à chaque jour. Après le diné une heure d'exercise militaire, 6 heures de divertissements; en suite un jolli soupé et allé se couché chacun avec sa femme dans un bon lit.

Se régiment serest heureux, en état de fournir dans des magasins de quoy nourrir leurs vieillards offisié, leurs femmes, enfans, les malades et impotens.

Metté donc tous les hommes en régiment, se serest l'état social le plus sage, le plus agréable, le plus utile, le plus réglé, le plus facile à gouverné.

Tout sela serest possible avec du tens quand le souverain et le peuple le désireront. Le plus difisille est d'arangé les femmes par raport aux longemens. Mes il n'est pas impossible qu'elles vivent en comunotté et que les logement soits pratiqué de manière que chacune ne puisse voir que son mary. Quelles est de leur cotté des grands jardins, des miroirs dans leurs appartements; se qu'il y a de plus délicat sur leurs tables; de jolli vin blanc modérément; 6 heures par jour de récréation à des ameusemens désents; le rest du tens travaillé aux abillements. La nuit leurs épous fidèles qu'elles aimeront sertément ne pouvant pas en voir d'autres elles seront heureuses, honèttes et plus libres. Elles ne dépenderet plus du caprisse des hommes gouverné par la loix. Seux passé 50 ans obligé de la faire suivre et la suivre eux meme sans pouvoir rien changé et chargé de l'éducation des jeunes filles.

Tous les hommes officié à l'age de 50 ans parviendront aux grades les plus hauts par droit d'ansieneté. Sans jamais avoir plus de fortune ils commanderest en pères des soldats qui viverest en frères.

Sette manière de nous arengé serest la plus sure de nous éloigné de toutes sortes de crimes, aussi de nois vices, de nos folies et de nos injustises. Il n'y oret plus d'ivroge puisque il n'y oret plus de cabaret et le vice serest fiesé. On ne pourest pas se ruiné au jeu, il n'y orest plus d'argent qui est fort inutile et très pernisioux, par l'échange on peut tout avoir. Le pernisioux libertinage avec les femmes serest détruit, personne ne pourest voir que la sienne, le moyen de la trouvé toujours exellente. Personne ne pourest ny ne seret tenté de vollé, et le vol amène à l'assasin.

La tiranie, l'ambition, l'avarice, la paresse, l'insollense, l'esclavitude, la povreté, tout sela s'anéantiret ne pouvant être, ny ne voyant personne miéux que soy.

L'origine de nos crimes et de nos malleurs previent des engages que nos ayeux ont suivi les croyant les meilleurs sependant si contraires à la raison que nous suivons sans avoir le courage ny l'aviszement de les changé.

Se qui pourest pourtant se faire sans faire du mal à personne il faudrét dire d'autres choses pour le faire. Entendre il serest fasille d'en prouvé la possibilité, refutté les inconvenians que l'on puret y apréhendé.

Mes essayons des moyens relatif à nos engages. Si nous méconnéssons le partage la seule loix on peut se trové la vray probité et le vray bonneur du moins devrét on faire en sorte qu'il hyeut pas une si grande desproportion dans les richesses trop dur d'un cotté il y aura immanquablement de la misère de l'autre.

Combien de maleureux faute de travail ou occupé à des traveaux dont le gain n'est pas sufisant pour les soutenir, dans les couvents ou d'autres endroits ou il y orest des ateliers de diverses sortes d'ouvrages ou on les ferest travaillé, nourri trété humainement et proprement, se serest en meme tems des bureaux d'adresse pour les mettres qui orest besoin de compagnon. Tout homme qui

travaille mérite de vivre. Et le gouvernement occupé du soin de se procuré de l'ouvrage à ceux qui n'en ont pas vous enpeché à ceux si le dézespoir causé par la misère qui les porte quelque fois au crimes. Les pauvres filles et femmes dans des communotés en travaillant elle ne couterest rien à l'état quand meme leurs travaux serest modéré, à moins que les superieurs ne veulent se enrichi. Sela en soverest beaucoup d'une movaize conduite et on pourest les y marié.

A l'égard des filles prostitué les enfermé et les faire travaillé.

Les vacabons, jens sans aveu, pillié de cabarest, de plases, de caffé, de jeu en faire des régiments, les faire travaillé a défriché, amélioré des terres, à entratenir les chemins, à remué et conservé le grains ou à d'autres travaux utiles. Et marié que leur femmes travaillent aussi bien nourri proprement entretenu quelques heures de récréation. Vous aboliré bien du libertinage et bien des crimes et l'état s'enrichira.

Il me parait fassille d'entindre le faux point d'honneur, le cruel préjugé du duel en recompensant seluy qui a été réelemet insulté et qui a seu se modéré et punir l'agresseur. Il me paret plus honorable de savoir se modéré que de tué: la bravoure ne doit avoir lieu que à la guerre contre l'enemy et contre les volleurs pruve qu'il est possible d'enpéché bien des crimes. Depuis qu'on a etabli des maison d'anfans trouvé il est rare que les filles détruizet leurs enfans. Mais pour suivre le course de la nature il serest à soitté que les filles feuset marié ausitôt nubilles. Elles ne serest pas victime de l'intétest mal entendu de leurs parents qui différet leurs etablissement dans l'espérense de trouvé de meilleurs partis, on eviterest bien des crimes quaché.

Une femme juive de mon cartié infecté du mal venerien par son mary se fait gérer chez elle, essaye plusieurs remédes qui ne reussiset pas. Derengé de son travail elle s'endette, se refuge dans un hopital ou l'on tréte ses maladies à la rigueur. Revenu chez elle s'apersoit qu'elle n'est pas guéry. Malade et dans la misère elle se pant de dézespoir. Un azille ou sette famme oroit peu confié ses chagrins l'a flatté de l'esperiense de la gérison payé ses dettes, sette femme ne se serest pas pendu.

De rendre les suplices plus rares

Il vaudrait mieux les supprimé. Il est singullié que l'on est imaginé de punir le crime par le crime. Un voleur a fait un crime de vollé, on en fait plus un grand de la faire mourir d'asasinat. Le plus grand des crimes irréparable croit on le réparé par un pareil crime. Et se trouvé tranquillement plusieurs complices qui opinet au suplice, sans conté la curiosité inumaine des espectateurs. Ses exemples cruels sont oublié peu de jours après et il y a toujours de tens en tens des criminels qui s'expozet au suplise avec la consolation barbare de n'avoir q'un movais quard d'eure a passé: les brullé, les rompus, pendus, têtes cassé ne sont bons à rien qu'a prouvé qu'on n'a pas seu trouvé le moyen de les punir d'une manière moins inumaine.

Je conviens qu'il est maleureusement nécessaire qu'il y est des genrez de punition ausi les malfacteur les plus coupables condenné aux traveaux les plus

vils, les plus sales, les plus pénibles me paraissent une punition d'autant plus capable de donner de l'honneur pour le crime qu'on verroit ses criminels journellement dans un état maleureux. Et il seroit utile les villes, les campagnes seroient plus saines par la propreté que les travaux de ses maleureux pourroient procurer. Défense à qui se soit de leur donner azile, ni nourriture, ny rien. Qu'ils est une marque visible sur le visage, ils ne pourroient se sauver ny s'écarter; tout le monde les reconnoît et s'en méfieroit ne leur donnant rien; ils seroient nécessairement forcé à rentrer sous la discipline de ceux qui les conduisent. Un seul soldat pourroit en conduire 12, 20, 30 et les faire travailler, car s'il falloit autant de gardes que de gallerien se la seroit trop coûteux, ils seroient plus à charge qu'utile à l'état. Ceux qui voudroient se sauver ou insulté ou apporté quelque préjudice au public les enfermés, leur donner des travaux encore plus pénibles. Et la vie plus maleureuse le moyen de maintenir ses maleureux à des travaux publics sans rien craindre pour la sûreté publique. Les enchaînés plus ou moins selon qu'ils seroient plus ou moins méchants. Un habillement particulier pour eux parsemé de grelon qu'ils ne puissent pas remuer qu'ils ne soit entendu que tout le monde puisse être sur ses gardes qu'il soit possible de les faire entrer jusque dans les maisons surtout chez ceux qui n'ont pas le moyen d'avoir des domestiques. Les faire nettoyer les lieux, les cours, écuries, les rues, les places, les égouts, les ruisseaux, que tout soit propre. On seroit moins exposé à des maladies épidémiques et même à la peste.

Enfin ses maleureux pourroient être utile expiés leurs crimes, un exemple continuel aux yeux de tout le monde capable d'éloigner les autres du crime sans avoir à se reprocher des genres de punition aussi contraires à l'humanité.

Se qui ferait Messieurs Votre satisfaction ainsi que celle de tous les honnêtes gens.

Il en résulteroit encore un grand avantage pour l'humanité tel qui aura été condamné à mort quoiqu'il soit innocent comme se la arrive maleureusement que trop souvent. Il seroit alors possible de le réhabiliter et réparer le mal qu'on lui aura fait par une pension et une réparation authentique, se qui ne peut se faire à ceux qu'on a fait mourir.

J'oublie aussi de vous parler des déserteurs. En faisant travailler les soldats 4 ou 6 heures par jour à des travaux utiles il en résulteroit un avantage pour l'état qui se trouveroit alors plus dans le moyen de les rendre plus heureux. Que les soldats soient mieux logés, mieux nourris, une pinte de vin à chacun par jour, chacun leur femme, 4 heures de récréation, ils n'auront pas envie de déserté, ils auront encore le temps de faire 2 heures d'exercice militaire par jour. Se qui est suffisant pour faire de bons soldats. En cas de guerre leurs ouvrages interrompent qu'ils reprendroient aussitôt la paix.

Que les officiers soient d'une richesse moins disproportionnée; pas un seul cout de [...] sur le pauvre soldat, il n'en auront pas moins l'autorité de leur faire faire leurs devoirs. Bien loin de déserté on trouvera beaucoup de monde disposé à être soldats dans se goût là.

Mieux seroit que chaque soldat, qui oseroit bien remplir son devoir surtout

selui du travail devint offisié à 50 ans, sans devenir plus riche; il n'orest pas moins d'ottorité et de gloire; ils serest heureux, exent de travail, à set âge ils oret etté utiles à la patrie ten en gérre qu'en paix. Ils le serest encore en fesant faire aux autres les premiers de voir le travail utile prinripalement selui de la terre, Notre Mère Nourise, partagé que tous est leurs nécessaire. Seul moyen de trouvé la justice et le bonneur alors il serest a soitté que nous fussions tous soldats. Bien loin d'avoir des criminels nous serions tous forzé à agir en amis et en frères.

