On the other side of the Atlantic, Thomas Jefferson (1743–1826) was among the first Americans to be influenced by Beccaria’s philosophy of punishment. Although Jefferson was not in favor of the complete abolition of capital punishment, he appears to have been impressed by Beccaria’s ideas on proportioning punishments to fit crimes. Shortly before becoming Governor of Virginia in 1779, and some twenty-two years before he was inaugurated as President of the United States, Jefferson drafted A Bill for Proportioning Crimes and Punishments in Cases Heretofore Capital for submission to the Virginia legislature. In it, he cited Beccaria several times.

The bill proposed the elimination of the death penalty in Virginia for all crimes except murder and treason. For other crimes, such as manslaughter, rape, and robbery, Jefferson advocated specific penalties such as a number of years at hard labor, loss of land and goods, repARATION, or a physical punishment based upon the crime committed.

However, while Beccaria’s philosophies eventually would gain a wide following in America during the decades that followed, Jefferson’s bill was slightly ahead of its time. It was not adopted, and the Virginia legislature did not reform its penal code until 1796.

Whereas it frequently happens that wicked and dissolute men resigning themselves to the dominion of inordinate passions, commit violations on the lives, liberties and property of others, and, the secure enjoyment of these having principally induced men to enter into society, government would be defective in it’s principal purpose were it not to restrain such criminal acts, by inflicting due punishments on those who perpetrate them; but it appears at the same time equally deducible from the purposes of society that a member thereof, committing an inferior injury, does not wholly forfeit the protection of his fellow citizens, but, after suffering a punishment in proportion to his offence is entitled to their protection from all greater pain, so that it becomes a duty in the legislature to arrange in a proper scale the crimes which it may be necessary for them to repress, and to adjust thereto a corresponding gradation of punishments.

And whereas the reformation of offenders, tho’ an object worthy the attention of the laws, is not effected at all by capital punishments, which exterminate instead of reforming, and should be the last melancholy resource against those whose existence is become inconsistent with the safety of their fellow citizens, which also weaken the state by cutting off so many who, if reformed, might be restored sound members to society, who, even under a course of correction, might be rendered useful in various labors for the public, and would be living and long continued spectacles to deter others from committing the like offences.

And forasmuch the experience of all ages and countries hath shew
that cruel and sanguinary laws defeat their own purpose by engaging the benevolence of mankind to withhold prosecutions, to smiles, to money, or to listen to it with bias, when, if the punishment were proportioned to the injury, men would feel it their inclination as well as their duty to see the laws observed.

For rendering crimes and punishments therefore more proportioned to each other: be it enacted by the General assembly that no crime shall be henceforth punished by deprivation of life or limb except that hereinafter ordained to be so punished.

If a man do levy war against the Commonwealth or be adherent to the enemies of the Commonwealth giving to them aid or comfort in such commonwealth, or elsewhere, and thereof be convicted of open deed by the evidence of two sufficient witnesses, or his own voluntary confession, the said cases, and no others, shall be adjudged treasons which except to the commonwealth, and the person so convicted shall suffer death by hanging, and shall forfeit his lands and goods to the Commonwealth.

If any person commit petty treason, or a husband murder his wife, if any person commit petty treason, or a husband murder his wife, and his body be delivered to Anatomists to be dissected.

Whosoever committeth murder by poisoning shall suffer death by poison.

Whosoever committeth murder by way of duel, shall suffer death by hanging; and if he were the challenger, his body, after death, shall be gibbeted. He who removeth it from the gibbet shall be guilty of a misdemeanor; and the officer shall see that it be replaced.

Whosoever shall commit murder in any other way shall suffer death by hanging.


My Young Friends.

To you the present scene speaks in striking language, teaching you the value of a parent’s tender care.—Think not that crimes are peculiar to the complexion of the prisoner, and that ours is pure from these stains. Surely an idea so illiberal and contracted cannot find a place in the breast of a generous youth.—Know, my brothers, that that casket, notwithstanding its colour, contains an immortal soul, a Jewel of inestimable value; which, polished by divine grace, would shine in yonder world with a glorious lustre: while the Jewel in a brighter casket, being left in its natural state, would be blackness and darkness forever.

There behold, my young brethren, the fate of one, who, with a mind not below the common level, has been left unrestrained to the guidance of guilty passions and a corrupt heart.—Have you virtuous and affectionate parents who, with anxious concern, endeavour to instruct you in those principles which are necessary to secure you from infamy like this? Can you refuse them an unreserved obedience and the returns of grateful affection?—Can you wish to add one pang to those which a parent’s heart has already felt on your account?—Think, O heart-rending thought! think what would be their feelings, if they whom their souls love should for their over-much wickedness be made, as this unhappy criminal, a public spectacle of infamy and guilt.—Could there be any sorrow like unto this sorrow?—Spare, O spare a parent’s aching heart.