

## **The Beccaria Awards and the Internacional Society of Social Defence**

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Is it possible that tomorrow's readers will ask themselves why, some years ago, the ISSD decided to put in motion the initiative of awarding a medal which would be named after the great Cesare Beccaria. The answer to such a question can, in fact, be divided up into two parts, beginning by asking ourselves how and why the organizing body of this initiative — and, as such, the same movement of social defence for humane criminal policy — believed that this could be pinpointed back to the name and great teachings of Beccaria. The answer to such a question was actually given some time back by Marc Ancel. On the occasion of the international congress, which took place in 1989, the 250th anniversary of the birth of the illustrious Lombardian was commemorated in Milan by the National Centre of Social Prevention and Defence, at which Marc Ancel wrote: "With the purpose of eradicating iniquity and barbarism from the criminal legal system and, at the same time, with the task of taking on the responsibility of guaranteeing its absolute efficiency, (Beccaria) proposed, with this end in mind, adapting it to the social, economic and cultural conditions of the society in which this should be applied, or rather the society which the great movement of the Age of Enlightenment hoped to create. In keeping with this, Beccaria set out the basis for the intellectual and moral path forward which, taking into consideration classical criminal law, would lead to the development of humane criminal policy. It is as a result of this, and in these precise terms, replete with nuances and intertwined questions, that the current followers of Social Defence perceive in Beccaria an undisputable pioneer"<sup>1</sup>.

This is followed by a second part to the initial question, which merits an answer: that is to say, how and why it occurred to the *Société* that they could give life to Beccaria's memory through a special commemorative medal, year after year. In relation to this, the answer is more simple and, up and to a point more reserved, inasmuch as it relates to our own experiences. Thus, at the Board of Director's meeting held in Toledo at the beginning of November, 2003, the new President Elect, Dr. Prof. Arroyo Zapatero (pg 4 of the act), addressed a member of the Board with the express intention of asking them to give some thought to "a concrete symbol of recognition on the part of the ISSD in respect of those who, through their own efforts within their specific fields in relation to the defence of humane criminal policy have marked themselves out as being worthy of special merit (a medal, for example)".

The idea of a medal was thus settled upon immediately; to be made of gold in order to express its great symbolic value, as a result of the generous gesture on the part of the Milan Town Council, which made available to us the model that had been minted some year previous to mark the aforementioned 250th anniversary<sup>2</sup>. The medal was first awarded in December 2004, to the Honorary President of the Society Mme Simone Rozès, who was also the former President of the French Cour de Cassation. Successively, it has been awarded to Hans Henrich Jescheck and Giuliano Vassalli. However, owing to organisational reasons, the initial award ceremony to Mme Rozès had to be delayed for some time, finally taking place in Courmayeur, in December 2005, under the organisation of the ISPAC. *The laudatio* given by President Arroyo Zapatero in reference to the reasons for awarding the medal underlined “...il suffirait de dire que Simone Rozès a été notre Président durant des nombreuses années et qu'elle a représenté d'une manière formidable les idées de nos fondateurs, notre programme minimal renouvelé, et nous même”<sup>3</sup>. Thus, Prof. Jescheck, in conjunction with celebrating his ninetieth birthday, was awarded the medal at the first award ceremony, which was held in Freiburg, on the 10th January, 2005. Delegated by the President of the Society, the medal was presented by Klaus Tiedemann, whose summary of the main points of the career of the great German master was as follows: “*apport essentiel au développement de la science pénale, spécialement à travers l'inclusion des garanties de l'Etat de droit et du droit comparé; orientation humaniste de la politique criminelle (...); insistance sur les aspects sociaux du système du droit pénal*”<sup>4</sup>.

The following award ceremony was held in Milan on 18th March, 2005, at which the medal was awarded to Giuliano Vassalli, who was the President of the Italian Constitutional Court and Ministry of Justice. The points that President Zapatero touched on in his introductory speech would be reiterated in his main address by way of celebrating not only a great Italian lawyer but Vassalli's scientific excellence too, “*un exemple prodigieux de dévouement aux études pénales et de ferveur créatrice multi forme et de courage civique*”<sup>5</sup>.

The Beccaria Medal was awarded for the fourth time at the XV International Congress of the Society (held in Toledo in September, 2007). On this occasion the honours were given to the personage and work of Juan Guzman Tapia, at the time a magistrate at the High Court of Appeal in Santiago de Chile, and an individual who would be an important figure in the process of transition to democracy in this country<sup>6</sup>. In his speech of thanks, J. Guzman recalled, amongst other things, that “..Before anyone else had addressed the issue of human rights, Cesare Bonesana, Marquis de Beccaria, began the pioneering crusade of these principles and rights which, two hundred years on, are to be found within the treaties, international conventions and constitutions of the most advanced nations”.

The "*cercle privilégié*" -as Tiedemann has referred to them in the past - of awardees of our prestigious medal, now stretches beyond the confines of Europe. In 2009, in Madrid, the ISSD awarded the Medal to two great lawyers of our time, both of different nationalities and whose vocations and scientific merits are distinct: Mireille Delmas Marty and Cherif Bassiouni. The respective *laudationes* were made, respectively by Sergio García Ramírez and Francisco Muñoz Conde, with great admiration and gratitude.

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**The list of the receiver of the medal is in 2015:**

**Simone Rozès**, President of the Cassation Court de France and President of the SIDS.

**Hans Heinrich Jescheck**, President of AIDP and Director of Max Planck Institut In Freiburg.

**Giuliano Vassalli**, Justice Minister and President of the Constitutional Court of Italy.

**Juan Guzmán**. Judge in Chile.

**Mireille Delmas-Marty**, Professor of Criminal Law in Sorbonne, Paris, and member of the Collège de France.

**Cherif Basiouni**, President of The AIDP and of the Institut of Human Rigths of De Paul University, Chicago. USA.

**Sergio Garcia Ramirez**. Former President of the Interamerican Human Rights Cour and suprem General Attorney of Mexico.

**David Baigún**. Director of Postgraduate Studies in Law of University Buenos Aires.Argentine.

**Roger Hood**, Director of the Center for Criminology of Oxford.

**Mario Pisani**. Professor of procedure and penal Law in Milan University and Director of the Cahiers de Défense Sociale.

**Pedro David**. President of the Cassation Court of Argentina. Former Interregional Adviser on Crime Prevention and Criminal Justice of the UNODC (1981-1993)

**Klaus Tiedemann**. Director of the Institut for Criminology and Economic Criminal Law, University of Freiburg. Germany.

**Jorge Figueiredo Dias**. Director of the Institut for European and economic Criminal Law of Coimbra, Portugal. President of the International Penal and Penitentiary Fondation.

**Adolfo Beria di Argentina**. President of the Centro Nazionale di Prevenzione e Difesa Sociale.

**Gao Mingxuan.** Emeritus Professor of the College of Criminal Sciences of the Normal University of Beijing.

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Traslated into English by Rachel Davy, English Teacher, Faculty of Law, UCLM.

1. This is the last fragment of the speech given by Marc Ancel in the Congres. The proceedings were published under the title "Cesare Beccaria and the Modem Criminal Policy", edited in 1990 (Milano, ed. Giuffré). This rich volume (457 pages) contains the general reports and communications by Vassalli, Badinter, Pisapia, Barbero Santos and Delmas-Marty, among other.

2. The stamp of this medal has been faithfully reproduced in the Cahiers de Defense Sociale since 2003. (see p. 93, which gives a brief profile of Cesare Beccaria by the author of these lines). On the occasion of the 250th Anniversary, the Milan Town Council had promoted other important journées entitled Cesare Beccaria between Milan and Europe. The proceedings were published by Cariplo-Laterza in 1990, p. 668 onwards.

3. In addition to this, Arroyo Zapatero summed up three more reasons, which can be read in the full version of the laudatio published in the Cahiers de Défense Social in 2006, p. 85 onwards. Mention was also given there to Mme Rozés having been recently awarded the Grand Cross of the Legion of Honor by the French President. In showing her appreciation of "*cette superbe récompense*", Mme Rozés recalls, amongst other things, the fact that "*la SIDS a toujours affirmé le rôle dominant de la prévention dans la politique criminelle: un cap qu'il faut courageusement maintenir à une époque où la société contemporaine se métamorphose sous l'effet d' une mondialisation capable de générer des riques accrus pour l'homme, sa responsabilité et la reconnaissance de ses droits individuels*".

4. "Remise de la Médaille Beccaria de la Société Intemationale de Défense Sociale", in Cahiers de Défense Sociale, 2007, p. 99 onwards. This was followed by Jeschecks answer: "To be given an award associated with the name of the most important Italian reformer makes me feel both happy and proud. To sum up, the award is also connected, through the name of Cesare Beccaria, with Italy, a country to which a large part of my scientific works were devoted and whose language has enabled both my wife and myself to discover a noble treasure of the world's culture. In addition to this, I have very close ties with this country owing to the many friends I have there".

5. The speech and the allocution can be seen in Cahiers de Défense Sociale, 2005, p. 167 onwards. See also "Laurea <<Honoris Causa>> au Professeur Giuliano Vasalli", in Cahiers, 2003, p. 373.

6. A brief overview can be seen in H. HORMAZABAL-MALARÉE, Juan Gúzman: "*En el borde del mundo*", in Cahiers de Défense Social, 2005, p. 173. See also L. ROTHER, "*Shining a Light into the abyss of Chile's dictatorship*", in *The New York Times*, 25th February, 2006.