

MARAT, (J.P.)

Plan de législation criminelle. Ouvrage dans lequel on traite de délits et des peines, de la force des preuves et des présomptions, et de la manière d'acquiescer ces preuves et ses présomptions durant l'instruction de la procédure, de manière à ne blesser ni la justice, ni la liberté, et à concilier la douceur avec la certitude des châtimens, et l'humanité avec la sûreté de la société civile.

Référence : 16840

A Paris, Chez Rochette, 1790. With engraved portrait as frontispiece. 155 (misnumbered 157) pp. 8vo. Modern half morocco, spine with raised bands and gilt lettering, top edge gilt, corners. Bougeart, p. 367; Martin & Walter 22850; INED 3053. Second edition, the first being published in 1780 in Neuchâtel at Marat's own expenses. Both Bougeart and Martin & Walter list the edition offered here. According to Cheveremont, in the Index du Bibliophile, the first edition is 'introuvable dans le commerce.' 'Droit criminel. Relation entre la situation économique d'un état et la délinquance. Un chapitre sur les délits contre les mœurs; moyens de prévenir les crimes qui naissent du dérèglement social.' (INED). Marat here argues, among other things, that the king is merely the first minister of the law; he speaks only in its name and, should he exceed his legitimate power, may justly be resisted by his people. (See for an analysis: Louis R. Gottschalk, Jean Paul Marat. A Study in Radicalism, pp. 22-24). Jean-Paul Marat (1743-1793), radical, editor, Montagnard deputy to the National Convention. He was one of the foremost radicals of the Revolution, notorious for his denunciations of conspirators, his calls for popular violence, and his advocacy of a dictatorship. Marat's treatise is divided into four parts. The first one, a discussion of the general principles of criminal laws shows him to be a follower of Beccaria, whose treatise *Dei delitti e delle Pene* (1764) had revolutionized penal law. In the second chapter he classifies crimes and punishments, then considers different forms of proof, and in the fourth and last section presents the rules of judicial procedure. Comparisons with the legal codes of other countries, amongst them Japan and Russia, help to illustrate his enlightened viewpoint. Marat maintains that the rate of delinquency within a society depends on its economic situation. This outline of criminal law was partly incorporated into the penal code adopted by the Emperor Joseph II.

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