

**Translating Selected Excerpts from Cesare
Beccaria's *Dei Delitti e Delle Pene* into Maltese:
Challenges and Strategies**

By

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Abstract

The highly specialised nature of philosophical language makes philosophical translation one of the most challenging forms of translation. Despite philosophy's dependence on translation for its development and dissemination, little systematic literature offers sustained attention or guidance on the challenges and strategies involved in the translation of philosophical texts, a limitation that is further exacerbated in lesser-translated languages such as Maltese. It is within this research gap that the present dissertation situates itself. The study pursues a twofold aim: first, to provide a Maltese translation of strategically selected excerpts from Cesare Beccaria's *Dei Delitti e Delle Pene* (1764); and second, to compile, apply, and critically evaluate strategies for addressing the distinctive challenges of translating eighteenth-century, Enlightenment juridico-philosophical prose through their systematic testing in the translation of Beccaria's text.

The central research question examines whether, and to what extent, the challenges and strategies identified in the literature are confirmed, nuanced, or problematised when applied to the Maltese translation of *Dei Delitti e Delle Pene*. This enquiry was operationalised through focused analysis of recurrent difficulties documented during the translation process. The findings demonstrate that rigorous pre-translational diagnosis, and iterative rereading are functionally indispensable to philosophical translation. At the syntactic and stylistic levels, the analysis confirms the importance of preserving argumentative structuration and rhetorical features, while demonstrating that carefully calibrated adjustments are sometimes required to maintain intelligibility in Maltese. The study concludes that the compiled strategies are largely confirmed in practice, though their effectiveness remains contingent upon disciplined, context-responsive judgment.

Keywords: Philosophical translation, Maltese, Cesare Beccaria, Enlightenment juridico-philosophical prose, Translation strategies.

Lilek, pellegrin

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List of Abbreviations

PTA Philosopher Translator-Advocate

SL Source Language

ST Source Text

TA Target Audience

TL Target Language

TT Target Text

Chapter 1

Introduction

1. Introduction

1.1 Philosophy and the translation of philosophy in Malta

Philosophical writing in Maltese remains exceptionally limited. Sultana (2011) identifies philosophy as one of the most underdeveloped domains in the Maltese language, a position echoed by Sammut Sassi (2021), who notes that philosophy in Maltese is an unusual occurrence. Xuereb (2020) affirms this scarcity, particularly in political philosophy, while Camilleri (2023) regards the publication of any Maltese philosophical text as a cause for celebration. Friggieri (2023) attributes the near-total absence of philosophical books in Maltese to a widespread misconception that the language cannot sustain abstract thought (c.f. Said 2019, 2021). His three-volume work *In-Nisġa tal-Ħsieb* (2000, 2007, 2014) was written, in part, to disprove this fallacy.

This is not to say that Malta lacks a philosophical tradition. Zarb Dimech (2017) traces its trajectory from the late sixteenth century across successive historical periods. Serracino Inglott and Mangion (1991) provide a comprehensive account of its development, although limitations of space preclude an extended discussion. According to Montebello (2007), notable Maltese philosophers include Mikiel Anton Vassalli, Manwel Dimech, Anastasio Cuschieri, Peter Serracino Inglott, Daniel Callus, Edward de Bono, Kenneth Wain, and Joe Friggieri.

This tradition is further reflected in a modest corpus of philosophical writing in Maltese, comprising both original works and translations. Original contributions include Friggieri's *Nisġa tal-Ħsieb* (3 vols., 2000, 2007, 2014), Montebello's *Il-Ktieb tal-Filosofija f'Malta* (2009), Baldacchino's *Sejjeħ il-Ħsieb* (2020), and Xuereb's *Riflessjonijiet dwar il-Ġid Komuni* (2020). Philosophical translations include Xuereb's *Ir-Repubblika* (2008), Zammit's *L-Apologija* (1995), Aquilina's *Is-Sajf* (2013) and *Il-Maqlub u s-Sewwa* (2019), Borg-Marks' *Dao*

De Jing (2010), Giuffrè's *L-Analetti* (2022), Friggieri's *Miti Platonicì* (2022) and Farrugia's *Il-Prinċep* (2024)¹.

Beyond Friggieri's (2023) brief reflections on lexical choices in *In-Nisġa tal-Ħsieb* (2000, 2007, 2014), which concern an original text rather than a translation, research on the translation of philosophy into Maltese is effectively non-existent. It is within this research gap that the present study situates itself.

1.2 Cesare Beccaria

Cesare Beccaria (1738–1794) is one of the central figures of the European Enlightenment and a foundational contributor to modern criminal law. His seminal treatise *Dei Delitti e Delle Pene* (1764) laid the intellectual foundations for penal reform by forcefully condemning arbitrary justice, torture, and capital punishment, and by grounding penal justice in rational legality and proportionality (Audegean 2023). His work rapidly achieved pan-European influence, earning the praise of Voltaire, who hailed him as a “beneficent genius”, while Frederick II affirmed that Beccaria had left “nothing to glean after him” (Bessler 2019, p. 112).

Born into Milanese nobility, Beccaria was educated by Jesuits in Parma and graduated in law from the University of Pavia in 1758. His intellectual development flourished after joining the *Accademia dei Pugni* in 1762, a reformist Enlightenment circle led by Pietro Verri (Putigna 2016). Within this milieu, Beccaria composed his *magnum opus* and published a series of essays on economics in the short-lived journal *Il Caffè* (1764–1766).

His meteoric rise was abruptly curtailed after a disastrous 1766 trip to Paris (Garnsey 2020). Estranged from the Verri brothers and unsettled by his overwhelming reception, Beccaria

¹ Despite their crucial value, these works are often difficult to obtain, frequently out of stock, and receive minimal promotion. Strengthening publication, distribution, and visibility is therefore essential for cultivating a sustainable Maltese philosophical culture.

withdrew from writing on criminal justice and devoted himself to public administration (Ortolja-Baird 2017). Later works, including *Ricerche intorno alla natura dello stile* (1770), failed to achieve the impact of his earlier masterpiece, and his projected *Ripulimento delle nazioni* remained incomplete (Sassi 2024). Beccaria remained an integral part of the Lombard administration until his sudden death from apoplexy on 28 November 1794 at the age of 57.

Although his mortal remains were lost in anonymity, his intellectual legacy endured, and from the nineteenth century onward, his name became inextricably linked with the international movement against the death penalty (Hostettler 2010). A statue in his honour was erected in central Milan in 1871. Through his daughter Giulia, he was also the grandfather of Alessandro Manzoni, author of *I Promessi Sposi*.

1.3 *Dei Delitti e Delle Pene*

Beccaria's *Dei Delitti e Delle Pene* (1764) is widely regarded as the most important work of the Italian Enlightenment (Bessler 2019). Published anonymously in Livorno, the treatise—structured in 47 concise chapters spanning little over 100 pages—provoked both acclaim and controversy (Putigna 2016, Ortolja-Baird 2017). Despite condemnation by religious authorities (Hostettler 2010), it rapidly became an Enlightenment bestseller, passing through six editions in eighteen months and being translated into 22 languages (c.f. Loretelli 2017).

The treatise constitutes the first systematic blueprint for a full-scale penal reform in modern Europe (Binmore 2021). Beccaria denounced torture, secret proceedings, arbitrary rulings, and capital punishment, calling instead for public, immediate, necessary, and proportionate punishments, oriented exclusively toward deterrence rather than retribution (Audegean 2017). He further challenges the credibility of witness testimony, advocates the decriminalisation of minor moral-based infractions, and argues for the separation of powers so that the sovereign

remains institutionally independent from judicial process² (Unger, Crete, Pavlich 2018). The Beccarean language employed is, according to Garnsey (2020), polemical, rhetorical, and aggressive, in an effort to mobilise Enlightenment ideals against systemic cruelty and injustice.

Remarkably, Beccaria composed the treatise at the age of 26 and with no professional experience in criminal law beyond his legal studies (Hostettler 2010). These infused the work with a philosophical tone rather than technical jurisprudence, a feature that greatly facilitated its diffusion among a broad educated readership (Sassi 2024, Bessler 2016). The text draws on Lockean empiricism and contractualism, while also engaging the thought of Montesquieu, Helvétius and Condillac (Logaldo 2015, Bruni, Porta 2014, Ippolito 2023).

Although reforms inspired by the treatise unfolded slowly, Beccaria lived to witness Leopold of Tuscany abolish the death penalty in 1786 under his influence, followed shortly by sweeping reforms under Joseph II in Austria (Ortolja-Baird 2017). As Bessler (2009) notes, the treatise ranked amongst the most influential texts of the American revolutionary period by the Founding Fathers. John Adams famously cited *Dei Delitti* during the 1770 Boston Massacre trial, while the work also informed the drafting of the U.S. Bill of Rights, and spurred reforms in Pennsylvania by 1794.

Nowadays, many of the principles enshrined in the Universal Declaration of Human Rights echo Beccaria's theory of justice, particularly the affirmation that all human beings are equal and equally entitled to the right to life, freedom, security and to the fair exercise of the law (Logaldo 2015). Amnesty International's 2025 report records state executions in only fifteen countries, the lowest figure since monitoring began, and notes continuing reductions across

² Beccaria is often erroneously described as a pioneer of criminology; however, as Ortolja-Baird (2017) observes, to claim that *Dei delitti e delle pene* sought to establish a science of criminology is anachronistic.

multiple jurisdictions³. Current trends, therefore, indicate that, with sustained advocacy, the global abolition of capital punishment is becoming increasingly attainable. At present, close to three-quarters of the world's states have abolished the death penalty either in law or in practice.

In Malta, the last execution at Corradino Prison took place in 1943. Parliament abolished capital punishment from the Criminal Code in 1971, and Malta's ratification of Protocol 13 to the European Convention on Human Rights and Fundamental Freedoms in 2002 completely abolished the death penalty in all circumstances (Buttigieg 2013). *Dei Delitti e Delle Pene's* (1764) arguments continue to resonate across legal, philosophical and human rights debates, consolidating Beccaria's place as one of the most consequential reformers of the modern era.

1.4 Aims and Significance of this study

The present study pursues a twofold aim. First, it provides a Maltese translation of strategically selected excerpts (refer to section 3.2) from Cesare Beccaria's *Dei Delitti e Delle Pene* (1764), presented in Chapter 4. Second, it endeavours to determine, apply, and critically evaluate the most effective strategies for addressing the distinctive challenges of translating philosophical texts, particularly within the domain of eighteenth-century political and legal thought. These strategies are derived from the pertinent literature reviewed in Chapter 2 and are tested through the practical translation process (Chapter 4) and subsequent analysis and findings in Chapters 5 and 6, respectively.

The central research question guiding this inquiry is, therefore, whether, and to what extent, the theoretical challenges and strategies identified in the literature are confirmed, refined, or problematised through the concrete act of translation, using *Dei Delitti e Delle Pene's* translation into Maltese as a case-study.

³ 37 of the 40 individuals on federal execution row had their death sentences commuted by outgoing US President Biden (Kavi 2023)

This study has important academic and cultural significance. At a scholarly level, no systematic examination of methods, strategies, or deliberative processes involved in translating philosophical texts into Maltese is currently on record. This lacuna mirrors the broader international marginalisation of philosophical translation as a research field (refer to sections 2.1 and 2.2). Against this backdrop, the present dissertation constitutes the first structured attempt to translate a substantial philosophical work into Maltese while simultaneously applying and testing theoretical and methodological strategies and approaches drawn from philosophical translation theory. By operationalising these frameworks in the translation of Beccaria's *Dei Delitti e Delle Pene* (1764) and critically evaluating them through a detailed analysis, the study seeks both to establish a foundation for future research in this severely underdeveloped domain.

At a cultural level, this contribution enables Maltese readers without competence in Italian to access one of the most influential works of the Enlightenment. In so doing, it contributes to a deeper public understanding of the intellectual foundations of modern jurisprudence, legal proportionality, and the limitation of state violence, achievements that are often taken for granted in contemporary society. The study also contributes directly to Malta's limited corpus of philosophical writing and translation.

This work may also encourage critical political acuity in an island-nation marked by polarised partisanship, persistent clientelism and recurring debates about the rule of law (Veenendaal 2019). In this sense, it affirms the civic importance of political philosophical literacy and sustained public engagement⁴.

⁴ Plato in *The Republic* cautions that voting is a skill requiring education and cultivated judgment, lest political choice fall to an uninformed majority rather than to those capable of exercising reasoned discernment.

1.5 Overview

This study comprises six chapters. Chapter 1 introduces the research by situating it within the Maltese philosophical tradition, or lack thereof, acquainting the author and his magnum opus, and outlining the aims and significance of the study. Chapter 2 provides a detailed literature review that establishes the theoretical and methodological background for translating philosophical texts, identifying the challenges and strategies most relevant to this study. Chapter 3 outlines the methodology, detailing the research design, rationale for excerpt selection, and translation process, including the resources consulted. Chapter 4 encompasses the Maltese translation of *Dei Delitti e Delle Pene* with its accompanying paratexts. Chapter 5 provides an in-depth analysis of the translation experience, assessing how it reflects (or not) the strategies discussed in the literature review. Chapter 6 concludes by summarising the key findings, noting the study's limitations, and proposing avenues for future research.

In this study, the terms 'strategies', 'methods', 'choices' and 'approaches' are used interchangeably.

Chapter 2

Literature Review

2. Literature Review

2.1 Translation and the Language of Philosophy

Categorising texts into different types is essential for determining the most suitable translation strategies, since each text type possesses features specific to its disciplinary domain that distinguish it from others (Arslan 2015). Any discussion on philosophical translation must therefore commence by determining what constitutes a ‘philosophical text’ (Large 2022). This immediately raises a central question: what specific features of philosophical discourse challenge the translator in ways that other forms of writing do not? The present section addresses this foundational issue.

Philosophical works engage with fundamental inquiries into existence, knowledge, truth, the world, and the human condition (Koňářiková 2023). Their abstract concepts, dialectical modes of reasoning, and what Rée (2001, p. 227) calls “positive obscurity” render them uniquely challenging to translate⁵. They are further distinguished by open-ended meanings, argumentative complexity, and the interplay of rival ideas (Arslan 2015). As Chico-Rico (2015) observes, philosophy ultimately aims at pure abstraction and universal reasoning, a form of thought conceived as metaphysical, timeless, ahistorical, and detached from sensory or material expression.

Referential meaning is seldom accessible at first reading, since much of its meaning lies beneath the surface and must be inferred ‘between the lines,’ thereby demanding that the readers infer what is implied rather than stated (Sadullaev 2020). Philosophical texts are therefore multifaceted, incomplete, and generative, producing multiple interpretations

⁵ Limitations of space and scope preclude an extended discussion on positive obscurity as a translation challenge. It is largely inapplicable to Beccaria’s treatise, which is commended for its relative clarity, lucidity, and rhetorical precision (Bessler 2019, Sassi 2024). For authoritative accounts, refer to Rée (2001) and Ingarden (1955/1991).

reflective of the very problems they seek to articulate (c.f. Jaitner 2020). These features subject translation to its most rigorous test, exposing the methodological complexities inherent in the translator's task (Noble 2023). Nonetheless, debate persists regarding the precise categorisation of these works.

Literary translators tend to situate philosophical translation at the margins of technical translation, emphasising its specialised terminology and conceptual-technical density (Vârlan 2014). However, philosophical literature cannot be classified as technical texts, amidst philosophers' tendency to invent their own terminology, reassign new meanings to existing terms, or assign new, philosophically charged meanings to commonplace words. This distinguishes philosophical discourse from strictly technical domains such as medicine, law or engineering (Parks 2004). Moreover, technical translation privileges the transfer of meaning over stylistic form, whereas philosophical translation must preserve both conceptual nuance and stylistic function (refer to section 2.4.3). Nor can philosophy be reduced to scientific-technical discourse, as it is a critical, conceptual discipline rather than an empirical science (Koňářiková 2023).

Conversely, technical translators tend to dismiss philosophical translation due to its polysemy, conceptual abstraction, and semantic indeterminacy—features alien to technical discourse (Vârlan 2014). Some philosophical texts do rely on rhetorical and literary devices typically associated with poetic or narrative writing (Parks 2004). However, despite stylistic affinities with literature, philosophical texts possess an argumentative structure that distinguishes them from literary works (Hussein, Abdullah 2019). Whereas literary narratives can shift freely in time and place, philosophical terminology is embedded in conceptual and historical networks

that resist free transference and often deviates from encyclopaedic definitions, operating instead within specialised semantic fields (Rée 2001)⁶.

Jean-René Ladmiral (1979, p. 22) acknowledges that philosophical texts occupy a middle ground between traditional categories, describing them as “an eccentric speciality” that unsettles the binary between literary and technical translation⁷. He therefore proposes a ternary classification: technical translation for informative or pragmatic texts; literary translation for aesthetic and expressive works; and philosophical translation, encompassing broader cultural and theoretical discourse.

Philosophical translation, he contends, cannot be adequately subsumed under ‘pragmatic’ or ‘non-literary’ translation because its meaning is simultaneously informative and author-oriented. It operates within a conceptual logic that unites the idiosyncrasy of neological invention, the cultural situatedness of philosophical thought, and the universal rationality toward which philosophy ultimately aspires. This tension is represented schematically in Figure 1.

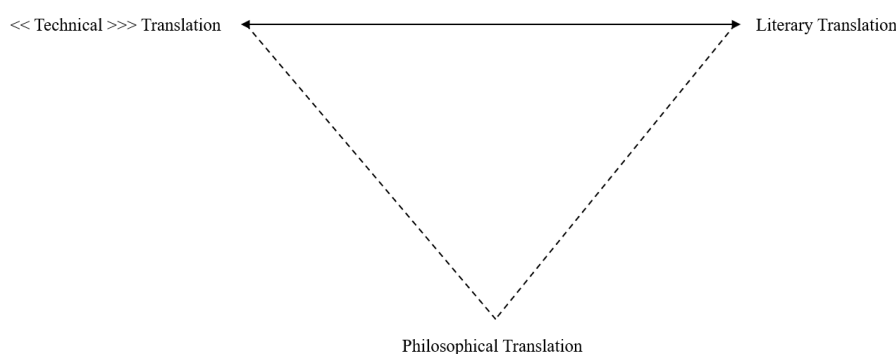


Figure 1: Ladmiral’s (1979) categorisation of philosophical translation

⁶ Limitations of space and scope preclude an extended discussion on this issue. For authoritative accounts, refer to Chico-Rico (2015), Atashdast and Rad (2023), Bichet (2016), Koňáříková (2023), Charlston (2018), Harden (2012), Ennebati (2018), and Gorlée (2019).

⁷ Ladmiral reviews various typologies of translation (Thiel, Seidler, Pottier, Mounin), including Katharina Reiß’s (1980) influential ternary model based on Bühler’s functional theory, before proposing his own tripartite distinction.

Given that philosophy critically reflects on every aspect of human life, its field of inquiry is exceptionally broad (Koňářková 2023). Philosophical writing encompasses a remarkably wide range of genres, extending from propositional logic, dialogue, aphorism, essay, tractate, and dogmatic treatise to autobiography, letter, novel, and prose-poem (Wilson 2020, Avtonomova 2020, Large 2022). Grayling (2019) lists epistemology, metaphysics, logic, ethics, aesthetics, philosophy of mind, language, history, and political philosophy as its major fields. Cesare Beccaria's *Dei Delitti e Delle Pene* is situated within political philosophy, which examines the principles of governance, the foundations of political authority, and the moral limits of state power, amongst others (Ortolja-Baird 2017). Owing to this textual and stylistic diversity of philosophical writings, Avtonomova (2020) argues that the translator's strategies must be conditioned by the specific nature of the philosophical material. This study will work within that premise.

2.2 Challenges and Strategies of Translating Philosophical Texts

The highly specialised nature of philosophical language makes it one of the most challenging types of translation (Ennebati 2018). As Jonathan Rée (2001, p. 226) remarks, “of all kinds of translation, none is trickier than the translation of philosophy.” Even Wittgenstein, assisting C. K. Ogden with the English version of his *Tractatus Logico-Philosophicus*, conceded that “it is a difficult business” (Wilson 2020, p. 406). Keohane (2019, p. 381) similarly characterises the task of translating Derrida as “a notoriously difficult enterprise,” in which the translator bears full responsibility for preserving the conceptual integrity of the philosophical text, while editors must safeguard accuracy, precision, and consistency across volumes.

This difficulty has led some scholars to describe philosophy as ‘untranslatable’ (c.f. Cassin et al. 2014). Steiner (1975, p. 255) cautions that, “problems of untranslatability strike at the heart

of the whole philosophic enterprise” (Rawling, Wilson 2019)⁸. Hussein and Abdullah (2023, p.6) go so far as to characterise philosophical translators as “heroes.” For this reason, philosophical translation has traditionally been undertaken by trained philosophers rather than general translators (Large 2014, 2019). It is, therefore, a worthwhile endeavour to investigate the strategies employed by the expert philosophical translators.

Notwithstanding these challenges, the two disciplines remain inextricably linked because, as Rée (2001, p. 231) notes: “no bookshelves are more heavily stocked with foreign books and translations than those of the philosopher.” In Anglophone contexts, philosophical texts are typically first encountered through translations, with non-English terminology, such as *eudaimonia*, entering modern debates through linguistic frameworks distant from their original contexts (Foran 2012). The translated text often becomes the primary object of study, to the point that philosophy has been described as a “translated science” (Lapidot 2012a, p. 25). This dependence, however, contrasts sharply with the marginal place translation occupies within philosophy’s own disciplinary self-understanding.

It is therefore striking that philosophy, in all its intellectual rigour, has devoted so little systematic attention to what Munday (2001, p. 163) aptly describes as “the inter-attraction of translation and philosophy.”⁹ Noble (2023) remarks that few topics so central to philosophy’s development have received so little explicit attention amongst its practitioners as translation. This marginalisation is further reflected in the near-total absence of the term from philosophical encyclopaedias, glossaries, and leading reference works (Pym 2007, Arrojo 2010). Even in

⁸ Limitations of space and scope preclude an extended discussion on the philosophy of translation. For authoritative accounts, refer to Basalamah (2019, 2023), Ricœur (2006), Malmkjær (2010, 2012), Raatikainen (2012), Tymoczko (2019), Kristal (2014), Weissbrod (2009), Marais (2014), Oliveira (2019), and Makurat-Snužik (2024).

⁹ Limitations of space and scope preclude an extended discussion on broader debates concerning the relationship between translation and philosophy. For authoritative accounts, refer to Pym’s (2007) tripartite mapping and subsequent interdisciplinary developments (Leal, Wilson 2023, Kokkola 2024, Rawling, Wilson 2019).

post-war analytical philosophy, where language has become a central concern, translation has rarely been recognised as a legitimate object of philosophical inquiry (Large 2019, 2022). This neglect prompted Venuti (1998, p. 115) to describe translation as philosophy's "dark secret," an embarrassment that faces philosophy when confronted with the problem of translation that underpins its own practice¹⁰.

Correspondingly, TS has offered only fragmentary engagement with philosophical translation (Harden 2012)¹¹. Aside from Ingarden's *On Translation* (1955/1991), which Rée (2001) identifies as perhaps the only sustained treatment of the topic, discussions remain scattered across brief essays, translator prefaces, or isolated case studies (Parks 2004, Knuuttila 2012, Bednárová-Gibová, Zákutná 2018, Rawling, Wilson 2019, Foran 2012). Venuti's seminal *Translation Studies Reader* (2021) highlights only Schleiermacher (1813/2021) and Venuti (1998) as major theorists substantively addressing philosophical translation. Keohane's (2019) catalogue of 21 challenges in translating Derrida remains specific to Derridean language and cannot be generalised to other philosophical authors.

This paucity becomes more evident when considered in light of the diversity of philosophical genres identified in section 2.1. Since philosophy encompasses a wide variety of genres, Avtonomova (2020) deemed that no uniform translational method can be assumed. To further complicate the matter, major philosophers with large corpora have been translated by different translators working independently, in different periods, without a shared framework or

¹⁰ Noble (2023) challenges Venuti's claim, arguing that it could not have been a secret to philosophers, let alone a dark one. Rather, it is notably the other way around; philosophy remains a 'dark secret' for translation.

¹¹ Unlike other domains such as feminist translation, subtitling, advertising, literary, medical, children's literature, scientific, or humour, which possess established methodological frameworks, philosophy extensively lacks comparable scholarship.

coordinated strategies (Rée 2001). Therefore, strategies must instead respond to the author's philosophical style, genre, conceptual density, and language pair. This list is not exhaustive.

Within this already underdeveloped area of research, the translation of Cesare Beccaria's *Dei Delitti e Delle Pene* has received virtually no sustained attention in Anglophone scholarship. Outside English-language studies, brief studies by Audegean (IT→FR) and Tonin (IT→ES) were carried out. Barring these, no studies were found that examine the linguistic, conceptual, or stylistic challenges posed by *Dei Delitti e Delle Pene* (1764), nor the strategic decisions adopted by its translators. Nor does the literature offer systematic guidance on the translation of philosophical texts in general, or of political and legal philosophy, Enlightenment thought, or IT→MT philosophical translation in particular. Existing research focuses instead on the historical context, reception, retranslations and influence of *Dei Delitti e Delle Pene* (cf. Loretelli 2017), which, while valuable, offer no practical guidance for translating his philosophical language.

It is within this lacuna that the present dissertation situates itself. Its aim is twofold: first, to provide a Maltese translation of strategically selected excerpts from Cesare Beccaria's *Dei Delitti e Delle Pene* (1764) (refer to Chapter 4); and second, to determine the most effective strategies for addressing the distinctive challenges of translating philosophical texts, particularly within eighteenth-century political and legal thought.

Given these limitations, and for reasons of economy of space, the present study does not purport to address the full range of challenges encountered in philosophical translation. Instead, it focuses selectively on those challenges most pertinent to translating *Dei Delitti e Delle Pene*, which are not necessarily the most commonly encountered across the broader scholarship¹².

¹² Limitations of space and scope preclude an extended discussion of historical explanations for why philosophy has been translated. For authoritative accounts, refer to Large (2014, 2019, 2022), Lapidot (2012b), Russell (2004), Rée (2001), Young (2014), Antognazza (2015), Hutton (2018), Grayling (2019), and Egid (2023).

For the purposes of the present study, the principal challenges have been grouped into three interrelated categories:

1. The pre-translational diagnosis of the philosophical text, involving the identification of its conceptual architecture, genre, argumentative aims, and historical-linguistic profile;
2. Fidelity and the limits of translation, encompassing issues of excessive literalism and readability, including considerations on domestication and foreignisation, the preservation of stylistic and rhythmic features, and the convoluted logical–syntactical structuring of philosophical discourse characteristic of Beccaria;
3. Paratextual integration, employed to facilitate the translation’s uptake by the target audience (TA).

These categories form the analytical structure through which the challenges and strategies of translating Beccaria will be examined in the sections below.

2.3 Pre-Translational Diagnosis of Philosophical Texts

Drawing on functionalist models, Bednárová-Gibová and Zákutná (2018) advocate for a systematic examination of the source text (ST)’s extratextual factors prior to the actual process of translation. These include the author, the intended audience, and the translator, which together constitute the pre-translational diagnosis of philosophical texts.

The first prerequisite concerns the authorial dimension. In philosophy, the author’s historical and cultural situatedness plays a decisive role, since philosophical concepts evolve through a continuous reconfiguration of preceding ideas and are embedded within coherent conceptual networks of meaning that embody the philosopher’s reasoning (Arslan 2015). Before translation begins, the translator must therefore study the historical and philosophical context in which the work was written, the author’s individualised language, and the intellectual

conditions under which the original was conceived (Ingarden 1955/1991). Parks (2004) similarly stresses that translators must familiarise themselves with the entirety of the philosopher's corpus, the conceptual traditions informing it, relevant secondary literature, and the socio-historical background of composition. This preparatory work, which may require as much time as the translation itself and is seldom remunerated, enables the translator to recognise, interpret, and accurately render complex philosophical notions, thereby overcoming many of the conceptual-terminological challenges inherent in the translation process (Vârlan 2014, Arslan 2015, Makurat-Snuzik 2024). A translator who understands the author's intellectual context, intentions, and argumentative orientation reduces the likelihood of interpretive error (Bednárová-Gibová, Zákutná 2018). As Ingarden (1955/1991) cautions, a translator who neglects this stage will ultimately find the translation result extremely unsatisfactory, for no degree of linguistic mastery can compensate for a lack of philosophical understanding.

The second prerequisite concerns the intended audience (Bednárová-Gibová, Zákutná 2018). Before translating, the translator must discern who the philosopher was originally writing for and whether the addressee corresponds to the profile of the modern TA (Hussein, Abdullah 2023). Nord (2018) distinguishes between translations aimed at the original addressee and those intended for modern chance receivers. This distinction matters because different audiences read differently. The general public tends to read semantically, focusing primarily on information content, whereas intended philosophical readers adopt a semiotic mode of reading, attending both to meaning and to the manner in which meaning is expressed (Eco 1994, 2003). Finally, since ST and target text (TT) audiences may be separated by several centuries, the translator must anticipate which historical references remain intelligible to modern readers and which necessitate paratextual clarification (Bednárová-Gibová, Zákutná 2018). This

interpretive calibration is essential when translating eighteenth-century works such as Beccaria's, where conceptual familiarity cannot be assumed three centuries onwards.

The third extra-textual prerequisite concerns the translator's own profile. According to Bednárová-Gibová and Zákutná (2018), philosophical translation requires a level of disciplinary expertise comparable to that expected of scholars within philosophy itself. Philosophical texts engage in intertextual dialogue, reinterpret inherited notions, or position themselves against earlier doctrines; thus, only translators with substantive knowledge of the history of philosophy can detect the implicit conceptual markers embedded in such works. Since philosophical texts are structured through a cumulative layering of theories that reflect historical transformations in terminology, without awareness of this development, crucial elements remain inaccessible, leading to interpretive and translational inaccuracies (Hussein, Abdullah 2023)¹³.

The arduous task of translating philosophy, therefore, demands both linguistic mastery and domain-specific expertise (Ennebati 2018). Many translators, however, lack adequate philosophical grounding, resulting in overly literal renderings that obscure, rather than convey meaning (Arslan 2015). Koňářiková (2023) attributes this difficulty partly to outdated educational systems that privilege linguistic training over interpretive and philosophical competencies. Contemporary translation programmes increasingly address this gap by integrating domain-specific specialisation, acknowledging that linguistic mastery alone is inadequate for achieving conceptual precision in fields such as philosophy (Arslan 2015). Doing so would equip the prospective translator of philosophy with different translation

¹³ Influence itself is a constitutive feature of the history of philosophy, since theories of philosophy typically stem from engagement (whether in agreement or dispute) with the positions of predecessors and/or contemporaries. Attending to these lines of influence, therefore, assists the translator in identifying conceptual continuities and interpretive frameworks that support a more accurate rendering of the philosophical text (Hussein, Abdullah 2023).

strategies so as not to limit themselves solely to the application of literal translation and avoid using unsuitable strategies like deletion (Atashdast, Rad 2023). The pre-translational phase, therefore, establishes the foundation upon which the success of the translation depends.

The aforementioned extra-textual diagnosis presupposes that the translator must already be a competent reader of philosophy¹⁴. In fact, reading constitutes the first, last, and perhaps the most sensitive and intellectually demanding stage of the translation process (Whitehead 2012). Hussein and Abdullah (2023) formalise this requirement by outlining four distinct readings that progressively prepare the translator of philosophy to undertake such a demanding task.

The first is the ‘introductory reading’, through which the translator familiarises themselves with the general content and structure of the text, its stylistic features, and the distribution of ideas. This is followed by ‘deliberative reading’, which involves a closer examination of the implicit aspects of the text, such as its unstated assumptions, marginal elements, key terminologies, basic conceptual vocabulary, and intellectual references to other philosophers or schools of thought. At this stage, the translator commences to situate the work within its broader intellectual and historical context and provides insight into the specificities and priorities that govern the author’s thought. A third stage, ‘hermeneutic reading’, demands sustained interpretive effort to uncover the text’s internal logic, discursive patterns, and dialogical structures. By engaging with the author’s conceptual lexicon, the translator begins to perceive how meaning is generated within the source language (SL) and prepared for its transfer into the target language (TL). The final stage, ‘philosophical reading’, which constitutes the highest level of engagement, involves articulating the author’s philosophical intent in another language while preserving the coherence, argumentative force, and conceptual

¹⁴ Limitations of space and scope preclude a fuller treatment of hermeneutics as a foundation for the inherently subjective nature of philosophical interpretation. For authoritative discussions, refer to Steiner (1975), Stolze (2010), Hermans (2019), Friggieri (2019).

integrity of the original. This stage demands intellectual acuity rather than mere imitation, since the philosophical thought must be conveyed faithfully anew within the expressive possibilities of the TL. Through this process, the translator becomes an active philosophical mediator, participating in the text's reconstruction, reanimating its conceptual force and shaping the conditions under which the text can be meaningfully and intelligibly received in a new linguistic environment (c.f. Swanson, Heisig 2005). The cumulative effect of these four readings qualifies the translator to interpret the text philosophically and thus forms the intellectual groundwork upon which a coherent philosophical translation depends.

2.4 Fidelity in the translation of philosophical discourse

The translation of philosophical discourse raises several foundational questions concerning fidelity, literalism, readability, accessibility and intelligibility. Vârlan (2014) identifies two central dilemmas that influence the translator's strategies.

The first concerns whether a philosophical translator should pursue a strictly faithful and unaltered rendering, thereby prioritising maximum familiarity with the specific zeitgeist and expectations of the TA for whom it was conceivably written. The alternative approach favours adapting the translation to the linguistic norms and cultural conditions of contemporary readers, improving intelligibility, but necessarily reducing proximity to the ST.

A further dilemma concerns whether literal translation should be preferred for preserving the abstraction characteristic of many philosophical texts, albeit at the expense of naturalness and accessibility. Conversely, a freer translation increases readability and cultural resonance for the present-day reader, but inevitably introduces interpretive intervention that may shift the text away from its original context.

To address these preliminary dilemmas, the present study adopts a more systematic orientation grounded in Roman Ingarden's (1995/1991) phenomenological account of what constitutes

fidelity in philosophical translation. As reconstructed by Bukowski (2024), he identifies several interrelated dimensions of fidelity that together define the methodological obligations of the philosophical translator and provide the structural framework for the remainder of this section. Fidelity will be examined first in relation to literalism and readability, focusing on how strictly word-for-word strategies can obscure meaning or impede accessibility. It will then be considered in terms of logical–syntactic structuring, given the dense argumentative sequencing and complex sentence architecture characteristic of Beccaria. A further challenge concerns stylistic fidelity, encompassing the rhetorical, rhythmic, and register-related features through which philosophical meaning is conveyed. Finally, domestication and foreignisation will be addressed, namely the extent to which the translation should adapt to Maltese linguistic–cultural norms or preserve the eighteenth-century Italian texture of the source. These will be supplemented with examples of canonical philosophical translations undertaken by leading scholars and philosopher-translators.

2.4.1 Fidelity versus literalness in the translation of philosophical texts

A fundamental distinction must be drawn between faithful and literal translation. According to Ingarden (1955/1991), a translation is faithful when it reproduces the sense of the original sentences with precision, whereas a literal translation reproduces the dictionary meanings of individual words. Although the ideal scenario would see both coincide, structural and semantic divergences between languages make this largely unattainable in philosophy since a literal rendering often proves unfaithful, and a faithful rendering is seldom literal.

The anxieties that prompt translators toward literalism are well documented. Swanson and Heisig (2005) underline that translators tend to presume that fidelity must be demonstrated through visible adherence to the surface features of the ST, fearing that any interpretative strategy risks misreading or omitting essential features of the philosophical text and

inadvertently carrying such errors into the TT. This anxiety fosters an overcautious attachment to lexical and syntactic correspondence, which, instead of preserving meaning, result in the loss of conceptual interconnections that are normally evident in the ST. Rée (2001) explains that this anxiety is intensified in language pairs that share high lexical proximity, particularly French and English. Anxious to be faithful, this encourages translators to transliterate French terms such as ‘discours’ and ‘formation’, through overly literal English equivalents like ‘discourse’ and ‘formation.’ The result is a stilted, pseudo-philosophical English that sounds alien, awkward, and stylistically jarring, which Rée (2001, p. 234) characterises as a “sad mid-channel dialect” that is neither transparent nor faithful.

Although celebrated for its scrupulous fidelity, Spivak’s meticulous translation of Derrida’s *De la grammatologie* does sometimes veer into excessively literal and overly cautious approaches. For instance, Rée (2001) implores that her translation, “[t]he concept of the sign is here exemplary. We have just marked its metaphysical appurtenance,” is utterly faithful and transparent, yet is excessively literal and opaque; thereby unnecessarily distorting the clarity and naturalness of Derrida’s intended meaning to the point of unintelligibility. The French verb *marquer* is more naturally rendered as ‘to note’ rather than ‘to mark,’ and the phrase *son appartenance métaphysique* simply conveys its belonging to metaphysics, not the overly ornate and misleading “metaphysical appurtenance.” The result, as Rée (2001, p. 237, 233) observes, is a form of “petrified scrupulousness” that risks turning philosopher translators into what he calls “translators-in-terror or translators-at-bay.” Over time, according to Swanson and Heisig (2005), this brings about catastrophic consequences as readers are misled into valuing obscurity for its own sake, which in turn prompts translators to deliberately enhance the unintelligibility of their texts unnecessarily, just to gratify the public taste.

The effects of such anxiety-driven literalism are further evidenced in Ladmiral’s (1981, p. 24) critique of Badia’s French translation of Marx’s *Theses on Feuerbach (1888)*. By rendering

both *Objekt* and *Gegenstand* as *objet*, Badia eliminates the conceptual and argumentative opposition on which Marx's reasoning depends. This loss is further compounded by a hyper-literal imitation of the German syntax, producing a convoluted sentence that appears as "an undecipherable mystery, [and is a] completely incomprehensible absurdity"¹⁵ He explains that this is not accidental but symptomatic of a deliberate transparency-driven strategy (literalism), which generate what he terms a "translation artefact," a surface-level overly-literal replica of the original that appears formally faithful, but in fact generates conceptual collapse, unintelligibility and outright nonsense. In such cases, literalism and fidelity stand in direct contradiction.

In response to these tendencies, Swanson and Heisig (2005, p. 124) advocate for a "radical liberalisation" of philosophical translation, encouraging translators to embrace rhetorical elegance rather than remaining bound to literalist strategies. Venuti (1998) likewise calls for a more experimental, minoritising strategies that foreground the foreign's visibility, deliberately using linguistic oddities, archaisms, or awkwardness to remind readers they are reading something from another world of thought. However, Large (2019) cautions that such creative strategies are viable only in a very narrow subset of cases. The highly experimental strategies employed by Heidegger's English translators are justified only because Heidegger's prose is linguistically disruptive, operating at the poetic and metalinguistic end of the philosophical spectrum. Outside these stylistically exceptional cases, philosophical translation rarely accommodates such freedoms. Empirical evidence further reinforces this point.

¹⁵ The reduction of the French translation produces the unintelligible formulation "l'objet est saisi sous la forme d'objet" ["the object is grasped only in the form of an object"], effectively collapsing Marx's argument into the tautology *objet = objet*. For the full passage, where additional readability issues related to hyper-literal syntactic translation are identified, refer to Ladmiral (1981, pp. 24–25).

A large-scale quantitative analysis of English–Persian philosophical translations, undertaken by Atashdast and Rad (2023) and based on Vinay and Darbelnet’s (2000) model, found that translators overwhelmingly default to literal translation ($\approx 70\%$) across genders¹⁶. Similar patterns appear across the contemporary history of philosophical translation (Wilson 2020). French translations of Kant’s *Critique of Judgment*, for instance, showcase a progressive tendency towards greater philological precision at the expense of readability (Ladmiral 1979). Likewise, Audegean (2015), in translating *Dei Delitti e Delle Pene* into French, opted for a literal strategy to foreground the Enlightenment-linguistic context in which Beccaria’s prose was originally written.

Philosophical writing, as Bednárová-Gibová and Zákutná (2018) stress, constitutes a specialised discourse whose primary aim is the precise communication of ideas. This helps explain why philosopher–translators have historically erred on the side of literalness even at the expense of both reduced fluency and stylistic experimentation (Large 2014). Ultimately, Ingarden (1955/1991) provides the most comprehensive criterion; since the goal in translating philosophical works is to reconstruct, as closely as possible, the thought-content of the original, and since this content is articulated at the level of sentence sense, or even across clusters of sentences, and not through isolated lexical items, whenever fidelity and literalness come into conflict, fidelity must take precedence.

2.4.2 Syntactic-Logical Structurisation of Philosophical Texts

Sentence length and complexity constitute an inherent characteristic of the philosopher's style and a significant property of the syntactic-textual level of the philosophical text (Chico-Rico 2015). Philosophical meaning is therefore shaped not only by lexical-semantic properties of

¹⁶ Limitations of space and scope preclude an extended discussion on wider taxonomic models of translation strategies. For authoritative accounts, refer to Sun (2013), Atashdast and Rad (2023), Ginting (2022), Khudaybergenova (2021).

the text's terminology but also by the logical–syntactic structuring through which states of affairs and their relations are formulated (Ingarden 1955/1991). For this reason, translating philosophy necessitates careful attention to how that content is embedded in specific syntactic patterns that produce distinct interpretive effects. Meschonnic's (1985) observation that philosophical writing demands knowledge of what is done with words and how this is done reinforces this principle. Fidelity in philosophical translation, thus, presupposes an awareness that alterations to the sentence structure of the original can transpose its underlying mode of thought and modify the reality it seeks to faithfully express (Bukowski 2024).

Philosophical works tend to encompass a marked predominance of long, hypotactic, convoluted, and often periodic constructions, especially when articulating conditional reasoning (Ingarden 1955/1991). Audegean (2015) encountered these challenges when translating Beccaria's *Dei Delitti e Delle Pene*, noting that its convoluted syntactic passages caused considerable logical, rhythmic and grammatical constraints. Faced with such syntactic intricacies, philosopher-translators may be tempted to simplify these structures for clarity and naturalness. However, as Bednárová-Gibová and Zákutná (2018) observe, overgeneralising syntactic patterns can produce sentences that are even more elaborate and confusing. Their analysis of German translations of Hume illustrates this difficulty, wherein the standard placement of the finite verb at the end of German clauses results in ultra-long constructions that require multiple readings and risk obscuring the syntactic-logical structuring of the text. The inherent difficulty of German philosophical syntax even prompts German university students to resort to English translations of German philosophers, namely, Kant.

The nature of the reality under discussion, the author's cognitive habits and purely linguistic limitations are the main reasons as to why philosophical texts employ complex syntactic constructions (Ingarden 1955/1991). For this reason, he proposes a set of principled guidelines

to determine when such intricacy must be preserved or when and how far the translator may legitimately intervene.

First, the translator is strictly obliged to preserve the logical–syntactic structuration whenever the syntax reflects the structure of the reality the text seeks to articulate. In such cases, altering it would distort the mode of presentation through which the philosophical content is constituted. Second, when syntactic features stem from the philosopher’s characteristic mode of thinking, the requirement of preservation is less absolute, but still crucial. The style in which a philosopher reconstructs the world is an essential part of their intellectual identity. The philosopher-translator must make sure not to lose sight of the fact that philosophical works function as primary sources for the history of philosophy, and thus failing to preserve this would entail falsifying the progression of philosophical thought across history.

Third, greater flexibility is permissible when convoluted syntax stems from deficiencies in the author’s linguistic ability, as in some writings of Kant. Here, Ingarden allows the translator a limited degree of restructuring, but only when such intervention is indispensable for conveying the essential sense of the sentence. Even then, translators must distinguish between cases where syntactic form carries conceptual weight and those where it does not. If complexity arises from the immaturity of a concept or the inherent difficulty of the subject matter, it should be preserved, since it represents a transitional phase of philosophical inquiry. Finally, in otherwise well-constructed texts, some sentences play only a marginal role in the main line of argument. In these peripheral cases, the translator may apply more freedom in reorganising the syntactic structure of the original.

Ingarden (1955/1991) concedes that certain liberties may appear to violate fidelity. Therefore, he implores that under no circumstance can the author be falsified. Any structural modifications or clarificatory additions must be transparently and clearly indicated through paratextual aids

so that readers can readily identify divergences from the original. Furthermore, because philosophical classics are scholarly works aimed at conveying knowledge, translators may correct purely technical defects, owing to rather accidental circumstances (Ingarden does not specify), that the author would likely have amended, provided such adjustments clarify rather than distort the original thought. Carefully executed technical improvements that clarify the author's thought are, therefore, permissible, provided they remain strictly non-deformative and rest on an optimal understanding of the ST. Therefore, everything possible must be done to avoid arbitrary modification of the syntactic constructions of the philosophical text, as it belongs to the scope of its significant characteristics (Bukowski 2024). However, in practice, this is often very difficult to achieve.

These principles will guide the present study in approaching Beccaria's hypotactic, convoluted and periodic philosophical language.

2.4.3 Stylistic Fidelity in Philosophical Translation

Early debates on fidelity in philosophical translation were significantly influenced by Renaissance humanists (Bukowski 2024). Seeking to supersede the prevailing medieval tradition, humanist translators, as Domanski (2006, p. 83) notes, aimed to free earlier versions from the "fearful fidelity to syntactic and phraseological structures" inherited from Greek, and particularly from Aristotelian models.

Within this intellectual movement, Leonardo Bruni's most celebrated and controversial project, a new translation of Aristotle's *Nicomachean Ethics*, replaced the literal medieval versions with Latin prose modelled on Ciceronian eloquence (Botley 2004)¹⁷. To defend these strategies,

¹⁷ Bruni (1370–1444), leading humanist translator, apostolic secretary to four popes and later as Chancellor of Florence, produced widely circulating Latin and vernacular translations of Aristotle, Plato and others (Maxson 2022). Bruni's critics, notably Alfonso da Cartagena, accused him of subordinating philosophical precision to Ciceronian eloquence and introducing errors in logical terminology through an overly rhetorical Latin (Botley 2004, Maxson 2022), though later scholars (e.g. Schütrumpf 2014) argue otherwise.

Bruni composed *De interpretatione recta* (*On the Correct Way to Translate*) between 1420 and 1426, the first systematic treatise on translation in Western Europe since Jerome's *Letter to Pammachius* (395 AD), and widely regarded as the earliest 'modern' theory of translation¹⁸ (Bistué 2017, De Lucca 2024).

Bruni (1420/1426/1987) acknowledges that a correct translation of philosophical works is exceptionally difficult and therefore sets out by identifying the principal challenges that his ideal philosophical translator must overcome. Foremost is the ability to master the idiomatic character of both the source and the TLs (Botley 2004). Such competence, he argues, cannot be attained through grammar alone but requires extensive and varied reading of the full literary tradition from which the philosopher writes:

Aristotle himself and Plato were, I may /say, the very greatest masters of literature, and practiced a most elegant kind of writing filled with the sayings and maxims of the old poets and orators and historians, and frequently employed tropes and figures of speech that have acquired idiomatic meanings far different from their literal meanings.

(Bruni 1420/1426/1987, p. 218)

Plato and Aristotle, for instance, embed meanings that presuppose prior acquaintance with Homer, Pindar, and Euripides (Zaharia 2014). Such erudition enables the translator to fully comprehend idioms, tropes, and literary allusions interwoven within philosophical texts, such as the distinction between expressions "to be free from" and "to lack" and the expressive meaning of metaphors like "a hundred soldiers were lost in battle," which conveys death rather than mere absence.

¹⁸ Pade (2018) notes that modern TS often overlook humanist theory; Dolet, writing in the mid-sixteenth century, is often credited to be the first to formulate a theory of translation, ignoring Bruni's *De interpretatione recta*, written a century earlier.

Mastery of the TL is equally indispensable. Bruni (1420/1426/1987, p. 231) requires translators to command the TL so thoroughly that they never resort to transliteration or borrowings from the source “out of ignorance” of their own linguistic resources, as “nothing said in Greek cannot be expressed in Latin.” He rebukes the medieval translator of Aristotle’s *Politics* for producing a version almost half-Greek, leaving πολιτεία (politeia), ὀλιγαρχία (oligarchia), δημοκρατία (demokratia), and ἀριστοκρατία (aristokratia) instead of idiomatic Latin equivalents such as *res publica*, *paucorum potentia*, *popularis status*, or *optimatum gubernation*. However, as Parks (2004) notes, such prescriptions proved difficult to sustain. Philosophemes, which are central concepts within a philosophical system, are hardly translatable without a long paraphrase or semantic extension or without simply giving the modern term a new meaning to bring it as close as possible to the original meaning of Aristotle’s expression (c.f. Saunders 1994)¹⁹. For instance the Aristotelian concept of *eudaimonia*, usually erroneously translated as ‘happiness’, and although the two concepts can be made to overlap only by adding explanatory footnotes where necessary, and in effect giving the familiar English word a foreign ring a much better alternative is to use the Greek term in English, requiring the reader to learn a new, foreign word to correspond to a foreign concept. According to Rée (2001), these ordinary, non-technical concepts provide the biggest challenges to the philosophical translator (such as *dasein*, *aufheben*, *différance*) and not the specialised technical vocabulary, such as phenomenology, utilitarianism, temporality, and ethics (with some exceptions), that have stable one-to-one equivalents in most languages. Only with this degree of competence in the TL could subtle distinctions between the nature and the force of words be discerned (Pade 2019). For instance, a translator ought not to write ‘courage’ when he means ‘strength’, or ‘city’ when he

¹⁹ Limitations of space and scope preclude an extended discussion on ambiguity of philosophical terminology. For authoritative accounts, refer to Ingarden (1955), Rée (2001), Chico-Rico (2015), Swanson and Heisig (2005), Vârlan (2014), Wilson (2020), Knuuttila (2012), Large (2022), Makurat-Snuzik (2024), Gorlée (2019), Keohane (2019), Charlston (2012), Walker (2019), and Cassin (2014). Beccaria does not employ metaphysically dense philosophemes or deliberate polysemy. As Audegean (2015) shows, Beccaria’s rare lexical indeterminacy, such as *reo*, stem from underdeveloped eighteenth-century legal vocabulary.

means 'city-state'. Distinctions must also be made between 'to be fond of' and 'to love,' and between 'to desire' and 'to wish'. This list is, of course, not exhaustive.

Philosophical translation demands such a high standard that even the expertise outlined above is insufficient on its own. The translator must also identify the style of their author and reproduce it faithfully in translation (Botley 2004). Hence, when translating Cicero, whose prose is rich and expansive, the translator must fill the entire period with equally copious and full phrasings, at times rushing them along, and at times building them up. Bruni describes the translator as one who must be "carried away by the power of the original's style," and who cannot preserve the sense unless:

he insinuates and twists himself into the original's word order and periodic structure with verbal propriety and stylistic faithfulness. This then is the best way to translate: to preserve the style of the original as well as possible, so that polish and elegance be not lacking in the words, and the words be not lacking in meaning.

Bruni (1420/1426/1987, p. 221)

Such a conception of translation required self-effacement: the translator is to suppress his own voice and conform entirely to that of his author (Zaharia 2014).

Translating philosophical prose becomes especially challenging when the original author writes with rhythm and literary refinement. For this reason, the translator must possess a cultivated ear to comprehend and reproduce the fullness and rhythmical characteristics of the original. In polished writers such as Plato and Aristotle, rhythm arises from the organisation of sentences into *commata* (short clause units), *cola* (longer, balanced segments), and periods (full, rounded sentences). To illustrate, he draws on several passages from Plato's *Phaedrus*, such as these equally spaced, paired clauses that form a cola: "[w]hy this is said, is perhaps now clear; but to explain it more fully, will be clearer still." Such passages, in Bruni's view, display verbal nicety,

artistic sense of rhythm and intellectual brilliance. The translator who neglects these features, or fails to mark them precisely in the TL, commits what he describes as a shameful act.

The philosophical translator must also possess literary knowledge, so with great diligence comprehend, preserve and reproduce figures of speech (schemes) and thought (tropes) in the TL. Figures of speech often depend on rhythmical effects, including balanced syllable counts or antithesis, while figures of thought illuminate the argument through metaphoric language. Bruni again turns to *Phaedrus*, referring to metaphors such as the “seditious soul” or the “tyranny of drink,” and to paired antithetical formulations like “innate desire” versus “acquired judgment.” Such features, he maintains, are integral to the stylistic and philosophical character of the text as they endow brilliance and persuasive force on philosophical prose.

Bruni concludes that the majesty of classical philosophy cannot survive in translation unless rhythm, figures, and stylistic architecture are faithfully preserved. A loose or clumsy rendering destroys both the intellectual and literary integrity of the source, which is why Bruni (1420/1426/1987, p. 224) considers it “an inexcusable act of wickedness ” for an unlettered translator to attempt such philosophical work.

Subsequent theorists similarly maintain that fidelity in translating classical philosophical works necessitates preserving the stylistic character of the original. This is because the cognitive efficiency of philosophical argumentation is inseparable from the linguistic form and means of expression that conveys it (Bukowski 2024). Venuti (1998, p. 109) illustrates this principle through his praise of Anscombe’s translation of Wittgenstein’s *Philosophical Investigations*, which succeeds not only by conveying the ideas accurately but also by having “mimicked his style of writing.”

In this spirit, Ingarden (1955/1991) systematically examined how a Polish translation of Kant’s *Critique of Pure Reason* should negotiate these stylistic demands. Posing the question of

whether the translation should use modern Polish or try to recreate the language style of the epoch in which the original was written, he argues decisively against archaicising the translation. Philosophical works are primarily scholarly texts whose purpose lies in their cognitive effectiveness rather than in the linguistic features of the style of a given time period. Archaic language, therefore, obstructs comprehension and provides no significant cognitive gain. For this reason, translations should be written in idiomatic, modern Polish while still preserving historical meanings embedded in key philosophical terms. This view is strengthened by the fact that artificial archaisations and imitations of stylistic features of the earlier language are very difficult and, in most cases, unsuccessful. Furthermore, Ingarden (1995/1991) insists that the translator must avoid uncritically importing foreign structural and syntactic habits, such as German passive constructions, rigid word order, or characteristic idioms. A text written with Polish vocabulary but German syntactic logic is, in his view, not written in Polish at all.

Nevertheless, the philosopher-translator is very limited in this pursuit because fidelity must remain the overriding priority. Where terminological precision or the preservation of the logical-syntactical structuring of sentences requires repetition of the key philosophical words, or the retention of syntactic heaviness, such features must be strictly retained, even if they appear stylistically inelegant. Removing them for the sake of 'beautifying' the work risks effacing the author's stylistic individuality, the character of the original thought or, worse, misrepresenting the cognitive struggle embedded in theoretical problems of the original²⁰.

With respect to technical vocabulary, Ingarden (1955/1991) maintains that Polish philosophical terms derived from Latin and Greek roots, such as 'konsekwencja', 'idea', 'aksjom,' must be

²⁰ Beautifying the work is typically superficial, since what appears more 'beautiful' often amounts to smoothing over the author's language, thereby erasing stylistic features and compromising fidelity. Likewise, replacing repeated philosophical nouns with pronouns merely smooths the prose without improving its cognitive efficacy and should generally be avoided (Ingarden 1955/1991)

retained in three different scenarios: whenever they have become naturalised, i.e., they don't sound strange anymore in the TL, whenever there are no genuinely accepted Polish terms that faithfully render their meaning, or else, when these terms appear in the translation as a technical terms, wherein they carry an established, discipline-specific meaning for which no genuinely Polish equivalent exists carries the semantic range of meaning; such as the philosophically charged concept of *idea* in Hume or Locke cannot be rendered as *pojęcie [notion]*. Conversely, replacement of Latin-derived terms is justified only when a stable, widely accepted native Polish term conveys the same semantic range without loss of precision, and where avoidance of the foreign-derived term does not result in the introduction of artificial neologisms.

These considerations are central for the present study, since Beccaria's eighteenth-century prose is, of course, disparate from contemporary Maltese usage.

2.4.4 Domestication versus foreignisation

A central dilemma in philosophical translation concerns whether the translator should preserve the foreignness of the original text or render it in a form that reads naturally to the TA (Eco 2003). This tension is examined by Friedrich Schleiermacher in *On the Different Methods of Translating* (1813/2021, p. 56), wherein he distinguished two opposed translation strategies: “either the translator leaves the writer in peace, [...] and moves the reader towards him; or he leaves the reader in peace, [...] and moves the writer towards him.”²¹ Two centuries later, Venuti (1995/2021) reformulated this dichotomy as foreignisation and domestication, respectively.

²¹ Friedrich Schleiermacher (1768–1834) produced extensive German translations of Plato's dialogues, a project that established his reputation as a skilled translator and underpinned his influential reflections on translation (Al-Ali, Hmood Le'Ibi 2018, Hermans 2019).

Domestication designates the strategy of moving the author towards the reader by rendering the text in a fluent, transparent style that minimises the foreignness of the original and helps TL readers to access the translation with ease (Wang 2013, Chouit 2019). It emphasises readability and familiarity, producing a smooth textual flow that appears to have been originally authored in the TL (Bichet 2016). In practice, domestication entails adapting natural-sounding TL stylistic conventions and modifying or removing culture-specific references to ensure that the translation is situated within the norms and expectations of the receiving TA (Zare-Behtash, Firoozkoobi 2009). Communicative clarity and the immediate intelligibility of philosophical argumentation are therefore prioritised.

However, Venuti (2008, p. 15) denounces domestication as an “ethnocentric reduction” that perpetuates the translator’s invisibility (Munday 2022). By effacing the foreignness of the original, domestication reinforces the dominant cultural norms of the TC, thereby suppressing unfamiliar modes of thought embedded in the source context (Myskja 2013). Schleiermacher (1813/2021, p. 64, 67) himself rebuked domestication as a viable method of philosophical translation, declaring the method “null and void,” and its applicability “well-nigh zero.” By assuming that a foreign author could have produced the same work had he grown up in the TL, domestication overlooks the formative role of language in shaping thought²². Since a philosopher’s ideas remain bound to his native tongue, a translation that seeks to naturalise the philosopher within the TC is neither faithful nor authentic (Al-Ali, Hmood Le’ibi 2018, Hermans 2019). The difficulty is heightened in philosophy proper, where philosophical terminology derives its meaning not from its lexical value but from its position within a single conceptual architecture.

²² Schleiermacher (1813/2021) maintained that if an author had grown up in another language, he would necessarily have been a different person with different thoughts, since thought is rooted in the soil of the mother tongue and cannot exist independently of it. Therefore, a method that prompts the translator to show the work as it would be had the author himself written it originally in the reader’s tongue is untenable.

Foreignisation, by contrast, constitutes Schleiermacher's preferred method of translation, i.e., moving the reader towards the writer. This translation strategy implores the translator to deliberately retain the foreignness of the original work within the TT, producing a translation that unsettles the conventions of the receiving culture and makes the reader conscious of engaging with a foreign work (Wang 2013, Hussein, Abdullah 2023). It seeks to approximate the interpretative experience of ST's original audience (Hermans 2019). In practice, foreignisation is achieved through lexical and syntactic borrowings, calques and structural disruptions (Munday 2009). Shuttleworth and Cowie (2014) note that this entails adopting a non-fluent style and incorporating culture-specific references and archaisms, while Bichet (2016) points to devices such as colloquialisms and non-standard orthography. These strategies carry over the conceptual and stylistic phrasing of the original and bring the readers closer to experiencing the otherness of the TT, whilst challenging the appropriation of the original into dominant TL discourses (Myskja 2013). Foreignisation thus primarily functions as an ethical commitment to countering ethnocentric appropriation and cultural homogenisation (Chouit 2019, Suo 2015). In this light, Tymoczko (2000) and Tee (2015) warn that reliance on politically charged categories and substituting standards of political correctness for a workable theoretical framework for translation risks thwarting TS' progress; a concern that may explain Venuti's (1995/2021) later concession that domestication and foreignisation should be understood merely as heuristic tools rather than rigid dichotomous strategies.

Despite its merits, Schleiermacher recognised that foreignisation poses significant challenges for translators and readers alike (Al-Ali, Hmood Le'ibi 2018). Foreignised translations render the TT opaque and stylistically awkward (Munday 2009). Venuti (1995/2021) also acknowledges that excessive adherence to ST structures can produce unreadable or ungrammatical prose, collapsing into literalism and producing texts that appear foreign but are in fact distorted. Nevertheless, Schleiermacher (1813/2021, p. 61) insists that the translator

must “depart from the quotidian” without lapsing into wooden or graceless prose. Achieving this balance with “art and measure,” which he calls “perhaps the greatest difficulty,” requires the sacrifice of smoothness and the willingness to accept criticism for producing prose that may appear “harsh and stiff,” so long as it conveys the impression of the foreign. At the same time, he also cautions against underestimating readers’ competence; rather, the translator must take their knowledge and experience into account, emphasising that even foreignised prose can be meaningfully comprehended by an informed audience (Al-Ali, Hmood Le’ibi 2018)²³.

A significant rebuttal to foreignisation proponents for philosophical translation is articulated by Rée’s (2001, p. 253) statement that serious philosophy already “sounds like a translation” irrespective of the language. Philosophy habitually estranges ordinary language and destabilises familiar semantics; it is in this sense, polyglot by nature, detached from linguistic rootedness or cultural homogeneity. Rather, philosophical terminology is historically constituted through translation, continuously recalibrating itself across linguistic boundaries. National dictionaries are unable to capture this inherently translingual philosophical lexicon, for Rée (2001, p. 253) maintains that the language of philosophy “is not a mighty tree, immovable and reassuringly familiar; it is flocks of strange birds, dispersing and regrouping, landing for a moment, and then flying away.” Hence, philosophy does not require deliberate estrangement to appear foreign, and that is precisely why philosophy cannot be foreignised.

A case study of the 2009 English translation of Simone de Beauvoir’s *Le Deuxième Sexe* illustrates the risks of philosophically foreignised prose (Bichet 2016). Attempts to reproduce rigid syntax (e.g. overuse of semicolons), retain French terminology, and translate citations and intertextual references literally obscured the TT and disoriented the target reader.

²³ Several criticisms have been raised both for and against foreignisation (Pym 1995, Tee 2015, Chouit 2019, Myskja 2013), but these fall beyond the scope of this study.

Mismanagement of philosophical vocabulary and overzealous paratextual interventions, such as explanatory footnotes wherein translators give more detail than what appears in the original, further diluted nuance and led to mistranslation (refer to section 2.5). In light of Chesterman's (1997) principle that translation should minimise misunderstanding, a philosophical translator should not exacerbate the opacity already embedded in philosophical discourse. From this perspective, domestication can at times offer a more adequate strategy for facilitating access to philosophical argumentation (Bichet 2016). On the other hand, the translator should not simplify the TT, since this would betray its complexity, and discriminate against the intellectual capacities of the modern TA.

Circling back to the question of fidelity, what is deemed as a faithful philosophical translation depends entirely on the chosen path; what is deemed as "faithful and true-to-meaning in the one method" may appear "too literal or too free" when judged from the standpoint of the other (Schleiermacher 1813/2021, p. 57). Therefore, all conventional descriptors ultimately collapse back into these two strategies, with their value shifting according to the translator's orientation²⁴. In fact, Schleiermacher does not prescribe any specific strategy, leaving it to others to formulate a practical strategic manual of guidelines for philosophical translation. To this day, for reasons outlined in sections 2.1 and 2.2, this has never been achieved.

²⁴ Classical debates on word-for-word versus sense-for-sense translation are not examined here, as their core principles are already subsumed under domestication and foreignisation.

2.5. Paratextual integration

The term paratext, introduced by Gérard Genette in *Paratexts: Thresholds of Interpretation* (1987/1997, p. 1), delineates the various verbal or non-verbal elements that “surround [the text] and extend it”, enabling it “to become a book.”²⁵ Paratexts, thus, act as a threshold between the text and its reception within the publishing world, facilitating consumption (Li, Tan 2023). They are broadly categorised into peritexts, which are materially integrated into the interstices of the text, and epitexts, which circulate externally (Albooshi, Alasfour 2025). Peritexts include titles, subtitles, pseudonyms, footnotes and endnotes, forewords, dedications, translators’ prefaces, epilogues, and framing components such as the book cover and blurb, while epitexts encompass promotional content, authorial correspondence, interviews, advertisements, and critical discourse such as reviews and scholarly analysis (Munday et al. 2022, Porter 2023, Tas 2018).

Philosophical translations particularly employ paratextual aids (Large 2014). Bachelor’s (2018) study demonstrates how such paratexts can function as instruments of ideological mediation. In response to Nietzsche’s posthumous association with fascism, Kaufmann’s introductions to *The Will to Power* (1968) and *Thus Spake Zarathustra* (1978) openly contest Förster-Nietzsche’s editorial distortions, repositioning Nietzsche within a European intellectual lineage rather than a proto-fascist thinker. Comparable interpretive functions are observed in Evdokimov’s (2022) analysis of Bibihin’s afterword to the first Russian translation of *Sein und Zeit* and in Huaqian’s (2023) study of *Daodejing*, where Lin Yutang’s footnotes mediate culturally specific concepts such as qì (契). Keohane (2019) also highlights the pedagogical

²⁵ Genette’s paratextual theory has faced criticism, particularly regarding its ambiguous terminology and definitions (Andrist 2020, Khan 2020). Bachelor (2018, 2020) proposes several revisions in response but these debates fall beyond the scope of the present study.

value of Reginald Lilly's bilingual glossaries in his translation of Heidegger's *The Principle of Reason*, which clarify the semantic range of key cognate terms.

Davies and Vaughan's 1997 edition of the *Republic* (1997) is accompanied by S. Watt's detailed introduction on the dialogue's background, structure, and main philosophical arguments, supplemented by notes to each book and guides for further reading. This is followed by an analytical section a posteriori to the translation. Similarly, Hammond's translation of Marcus Aurelius' *Meditations* (2006) includes a substantial scholarly introduction by D. Clay as well as an extensive ninety-three-page notes section. Skinner and Price's edition of *The Prince* (2019) incorporates a wide range of paratexts, including editorial notes, biographical context, thematic introduction, translators' notes, wherein he explains the general challenges and strategies employed, a map of Renaissance Italy, appendices of related correspondence, and a vocabulary section analysing key political-philosophical terms such as *stato*, *città* and *virtù*. By contrast, Cranston's 1968 translation of Rousseau's *The Social Contract* offers a less exhaustive paratextual apparatus, comprising a brief foreword but a very long introduction reconstructing Rousseau's intellectual background and recreation of ideas encompassing a very extensive analytical overview of the text. Within the Maltese context, Friggieri's *Miti Platonicì* (2022) includes a short foreword explaining the work's structure and the selection of the eleven Platonic myths, followed by a section on Plato's life and fundamental doctrines and concluding with selective bibliographies and indices.

Paratexts have been central to the reception of Beccaria's *Dei Delitti e Delle Pene*. As noted by Courriol (2010), Audegean's introduction to his French translation provides readers with the historical and intellectual background necessary to understand the treatise's Enlightenment reception. He concludes by outlining his own translation strategies, favouring a literal approach grounded in coherence, grammatical fidelity, syntactic imitation, and a principled refusal to interpret or smooth the text, aiming instead to preserve the substance of the original language.

In his *Traité des délits et des peines*, Morellet attached a fifteen-page preface to his 1766 translation, explaining chapter by chapter the principal structural modifications introduced, thereby enabling readers to compare his translation with the original (Pandolfi 1977). He reduced the number of chapters from 47 to 42 and reorganised the work both macrotextually and microtextually, altering the sequence of chapters and paragraphs. He also extracted a passage from § VIII of the Italian text and elevated it into an autonomous section, § XXVI, *Des crimes de lèse-majesté*, a chapter that Beccaria himself had never envisaged as a separate treatment of such offences (Tonin 2024).

Schliesser's (2018) account of the philosophical translator-advocate (PTA) clarifies why such interventions can become necessary²⁶. When a philosophical work enters a distant linguistic and conceptual environment, successful translation alone may not guarantee intelligibility, requiring the PTA to reorganise and recontextualise the text to secure uptake within that receiving community. Morellet's reorganisation of *Dei Delitti e Delle Pene*, sought to align Beccaria with the systematic expectations of French Enlightenment readers and arguably facilitated its reception. This strategy remained contested, as the anonymous English translator condemned Morellet on the grounds of moral and semantic distortion, a tension that merits further examination. The present study does not take a position on this dispute.

Despite their clear value, paratexts must be employed with restraint. In the foreword to *The Death Penalty* (2013), Derridean translators note that annotations were kept deliberately minimal to avoid overshadowing the main text (Keohane 2019). Courriol (2010) praises Audegean's footnotes in his French translation of *Dei Delitti e Delle Pene* precisely because they are sophisticated but simultaneously non-pedantic. Wilson (2018), analysing translations

²⁶ Schliesser (2018) argues that the philosophical translator-advocate is most needed when translating from non-hegemonic languages, where epistemic injustice can impede reception. Such capacities need not be fully developed prior to translation, since much of the necessary learning only emerges through the translation process itself. Full discussion lies beyond the scope of this study.

of Irigaray, likewise cautions that excessive use of footnotes risks overwhelming the readers. She advocates instead for integrated paratextual strategies, such as translator's prefaces and extended commentaries, which provide contextual support without fragmenting the reading experience.

Reliance on paratexts as indicators of translation strategy has its limitations. Lines and Puliafito (2019) caution that such declarations do not always correspond to actual translational practice. Translators who publicly profess strict fidelity to the source text may still introduce significant modifications in practice. Consequently, they argue that any assessment of philosophical translation must consider both the discursive framing provided in supplementary paratexts and the concrete strategies embodied within the TT itself.

The challenges and strategies outlined in this chapter inform the translation of the extracts chosen from Beccaria's *Dei Delitti e Delle Pene*, which is discussed in the Analysis. Beforehand, however, the Methodology will set out the selection criteria for these extracts, outline the research design and determine the translation's TA²⁷.

²⁷ Limitations of space and scope preclude an extended discussion of functionalist theories of philosophical translation, reader-response models and audience-oriented typologies. For authoritative treatments on the former, refer to Vermeer (1989/2021), Pym (2023), Reiß and Vermeer (1984), Nord (1997/2018, 2010, 2013, 2023) and Schäffner (2009). For authoritative treatments on the latter, refer to Eco (1979, 2003), Iser (1974), Culler (2005), and Mason (2000).

Chapter 3

Methodology

3. Methodology

3.1 Research Design

A case study design is well-suited to translation research because it enables an in-depth examination of a “single unit of investigation” situated within a real-world context (Saldanha, O’Brien 2014, p. 206). By focusing on *Dei Delitti e Delle Pene* (1764) as a single case, this study investigates how philosophical translation strategies operate when applied to Enlightenment political philosophy prose and assesses their effectiveness within the sociolinguistic environment of contemporary Maltese, a language with limited precedent in the publication of philosophical translations. The preparatory work underpinning this design involved extensive critical engagement of peer-reviewed literature on philosophical translation, allowing the translation process to test whether and to what extent the strategies advocated in the literature are borne out in practice.

This study adopts a qualitative methodology, which aligns with an interpretivist paradigm that “calls on inductive as well as deductive logic, appreciates subjectivities, [and] accepts multiple perspectives and realities” (Saldanha, O’Brien 2014, p. 22). A qualitative approach is methodologically appropriate because the research questions concern interpretive decision-making, contextual reasoning, and the textual consequences of choosing one strategy over another, rather than quantifiable measurements (Mellinger, Hanson 2022, Flynn, Gambier 2011).

Central to the methodology is a structured reflective journal maintained throughout the translation process. Saldanha and O’Brien (2014) highlight such logbooks as key tools for the orderly documentation required in case study research. The logbook records each major translation challenge and its resolution, including alternative renderings considered, theoretical sources consulted, and the rationale for the final choice of strategy. To guard against

anecdotalism, the reflections were continually cross-checked against the theoretical literature underpinning this study. Entries were kept in an Excel-based log and later analysed to identify recurring patterns and principles. The findings will be presented in Chapter 5 and synthesised in Chapter 6 to formulate evidence-based conclusions on strategies for translating Enlightenment philosophical texts into Maltese.

As with all qualitative case studies, the findings of this research are context-bound and not statistically generalisable. This study does not purport to establish a universal theory of philosophical translation that can be straightforwardly extrapolated to all philosophical texts. The results derive from one text, one translator, and one linguistic-cultural context. Nevertheless, qualitative case studies can produce transferable evidence when supported by rigorous documentation and analytical transparency (Saldanha, O'Brien 2014, Mellinger, Hanson 2022). The insights generated here may therefore inform comparable translation endeavours, particularly Enlightenment political philosophy into Maltese or into other less-translated languages, while also contributing to the theoretical refinement of existing strategies by illustrating how established principles hold up in practice.

3.2 The Selection Of Excerpts

While the macro-level rationale for selecting *Dei Delitti e Delle Pene* has been established in Sections 1.2 and 1.3, the present section addresses the micro-level rationale governing the selection of specific excerpts for translation. The primary constraint shaping this selection was the fixed word limit allocated to the TT, which required the translation to remain within approximately 7,000 to 8,000 words (refer to Section 6.2). This constraint made a complete translation of the treatise impracticable and necessitated a selective approach (c.f. Mellinger, Hanson 2022).

The excerpts were therefore chosen on the basis of their philosophical significance and their capacity to be translated as a coherent body of argument rather than as isolated fragments. The selection was further informed by the scholarly literature. In the *ad lectorem*, Beccaria explicitly addresses his enlightened readership and signals the interpretive stance through which the work should be approached. The introduction and first eight chapters function as a deliberate preparatory framework grounded in the logic of the social contract, culminating in the extended and consequential critique of capital punishment developed in Chapter 28, the longest and most substantial chapter of *Dei Delitti e Delle Pene*. A philosophical analysis of each chapter lies beyond the scope of the present study. All selected chapters are translated in their entirety.

3.3. The Translation Process

The *Edizione Nazionale delle Opere di Cesare Beccaria* (1984), edited by eminent scholars Gianni Francioni and Luigi Firpo, was selected as the modern critical edition to work with, in accordance with established scholarly consensus that national critical editions constitute the most authoritative textual basis for translating Italian philosophical classics²⁸.

Before commencing the first full reading, extensive secondary research on Beccaria and his treatise was undertaken, as reflected in Sections 1.2, 1.3 and 3.2. This included a close reading of three major English translations, especially those by Davies and Cox (1995) and Thomas and Prazen (2008), both based on the *Edizione Nazionale* and offering valuable annotations.

Excerpt selection followed the rationale discussed in Section 3.2. The pre-translational criteria outlined in Sections 2.2.1 and 2.3.3., were applied as far as feasibility allowed. Lack of space

²⁸ The *Edizione Nazionale delle opere di Cesare Beccaria* constitutes the only exhaustive and most authoritative critical edition of Beccaria's writings. The complete corpus comprises sixteen volumes published between 1984 and 2014. Refer to <https://read-me.org/beccaria-collection>.

precludes a full restatement here, but limitations in meeting these ideal conditions are discussed in section 6.2.

The translation was calibrated for a learned Maltese readership with tertiary-level education, without presupposing specialist expertise in law, philosophy, or criminology. While translation into Maltese has at times been accompanied by strategies of simplification on the assumption of limited, local intellectual accessibility (refer to Section 2.4.4), this study explicitly rejects such an approach. The translation, therefore, sought to emulate the intellectual profile of Beccaria's eighteenth-century audience (refer to Section 3.2.2), and preserved the complexity of the ST without concession or simplification.

The translation process was guided not only by preparatory research but by continuous and critical engagement with the theoretical framework outlined in Chapter 2. Translation strategies were revisited and evaluated throughout, with decisions systematically documented in a reflective translation log (refer to Section 3.1), which underpins the basis for the analytical discussion in Chapter 5.

The translator undertook six full revisions, two proofreading cycles, and one final quality assessment in order to verify the coherence of the translation as a whole and to ensure alignment between the ST and the final Maltese rendering. The resulting version was further strengthened by detailed feedback from Prof. Portelli, an Italian language expert and seasoned translator, and Prof. De Lucca, a specialist in Political and Legal Philosophy, particularly early modern thought.

For readability and comparative clarity, the translation is presented paragraph by paragraph, following the internal segmentation of the *Edizione nazionale*. Each paragraph begins on a new page, with source and target texts aligned side by side, resulting in 88 pages of parallel text.

3.4 Use of Supporting Resources

In conducting this case study, the researcher made prudent use of supporting resources, including reputable English translations of *Dei Delitti e Delle Pene* and the principal Maltese dictionaries and glossaries available. These resources served strictly as auxiliary tools to inform arduous translation decisions. They were not primary objects of analysis, nor does this dissertation undertake a comparative study of translations. The aim of this study is as stated in 1.4 and 2.2.

Given the absence of Italian–Maltese philosophical dictionaries, Italian terms were cross-referenced through Treccani and standard Italian–English dictionaries, after which suitable Maltese equivalents were identified using the most authoritative English–Maltese lexicographical sources. The following tables 1-5 present all of the reference works consulted throughout the translation process.

English Translations Consulted		
Translator(s)	Date of Publication	Title of Translation
Richard Davies and Virginia Cox	1995	<i>On Crimes and Punishments and Other Writings</i>
Aaron Thomas and Jeremy Prazen	2008	<i>ON CRIMES AND PUNISHMENTS and Other Writings</i>
Anonymous (unknown)	[1767] 1983	<i>An Essay on Crimes and Punishments</i>

Table 1: English translations of Dei Delitti e Delle Pene consulted

Original Maltese Philosophical Texts Consulted		
Author	Date of Publication	Book(s) Title
Friggieri, Joe	2000-2014	<i>In-Nisġa tal-Ħsieb, Vol 1-3.</i>

Table 2: Original Maltese philosophical works consulted

Maltese Philosophical Translations Consulted		
Translator	Date of Publication	Title of Translation
Friggieri, Joe	2022	<i>Miti Platoniċi</i>
Zammit, Michael	1995	<i>L-Apologija</i>

Table 3: Maltese translations of philosophical works consulted

Dictionaries and Glossaries Consulted		
Author(s)	Date of Publication	Dictionary
Aquilina, Joseph	1999	<i>Maltese-English Dictionary, Vol. 1-2</i>
Psaila, Carmelo	1947-1955	<i>Dizzjunarju Inġliż u Malti, Vol. 1-3</i>
Andrews, Joyce et al.	2009	<i>Oxford Essential Italian Dictionary</i>
Sultana, Carmelita R.	2011	<i>Il-Malti Tekniku: Ir-Registru Filosofiku</i>
Montebello, Mark	2001	<i>Il-Ktieb Tal-Filosofija F'Malta, Vol. 1-2</i>

Table 4: Dictionaries and glossaries consulted

Online Terminological Resources Consulted	
Resource	URL
IATE	https://iate.europa.eu/home
TRECCANI	https://www.treccani.it/
Il-Miklem.com	https://www.ilmiklem.com/

Table 5: Online terminological resources consulted

Taken together, these sources provided sustained linguistic and terminological support throughout the translation process and informed the application of the strategies identified in Chapter 2. Chapter 4 will present the Maltese translation of *Dei Delitti e Delle Pene* with its accompanying paratexts, constituting the primary site in which these strategies are tested in practice.

Chapter 4

The Translation

4. The Translation

4.1 Translating the Frontespizio

<p><i>In rebus quibuscumque difficilioribus non expectandum, ut qui simul, et serat, et metat, sed praeparatione opus est, ut per gradus maturescant</i></p> <p>BACON, Sermones fideles, n. XLV.</p>	<p><i>F'kull tip ta' kwistjoni diffiċli, wieħed m'għandux jistenna li jiżra 'u jaħsad fl-istess ħin, pjuttost, hija meħtieġa preparazzjoni sabiex l-affarijiet ikunu jistgħu jimmaturaw pass pass.</i></p> <p>BACON, Sermones fideles, n. XLV²⁹.</p>
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²⁹ Francis Bacon (1561–1626) kien filosof u ġurista Inġliż, meqjus bħala l-pijunier tal-metodu empiriku u tal-ħsieb xjentifiku modern. F'*Sermones Fideles (Essays or Counsels, Civil and Moral)*, jiddiskuti l-etika, il-politika u l-liġi, u jenfasizza l-importanza ta' governanza pragmatika.

4.2 Translating A Chi Legge

A CHI LEGGE	LILL-QARREJ
<p>Alcuni avanzi di leggi di un antico popolo conquistatore fatte compilare da un principe che dodici secoli fa regnava in Costantinopoli, frammischiate poscia co' riti longobardi, ed involte in farruginosi volumi di privati ed oscuri interpreti, formano quella tradizione di opinioni che da una gran parte dell'Europa ha tuttavia il nome di leggi; ed è cosa funesta quanto comune al dì d'oggi che una opinione di Carpzovio, un uso antico accennato da Claro, un tormento con iracunda compiacenza suggerito da Farinaccio sieno le leggi a cui con sicurezza</p>	<p>Xi fdalijiet tal-ligijiet ta' poplu antik u hakkiem, ikkompilati minn prinċep li tnax-il seklu ilu kien jirrenja f'Kostantinopli³⁰, aktar tard imħallta mad-drawwiet Lombardi³¹ u midfuna f'volumi goffi ta' interpreti privati u oskuri, jiformaw dik it-tradizzjoni ta' opinjonijiet li f'parti kbira tal-Ewropa taqa' taħt ir-rubrika tal-ligi. Huwa fatali daqskemm huwa komuni li opinjoni ta' Carpzovio³², drawwa antika msemmija minn Claro³³, jew metodu ta' tortura mnebbah b' kompjaċenza vendikattiva minn Farinaccio³⁴, jiġu meqjusa bhala l-ligijiet li</p>

³⁰ Il-*Corpus Juris Civilis*, ingabar fuq ordni tal-Imperatur Bizantin, Ġustinjanu I (482–565). Għalkemm wara l-waqgħa tal-Imperu Ruman dan il-kodiċi ġie traskurat, ġuristi Medjevali tawh attenzjoni kbira. Il-kummentarji tagħhom għenu sabiex irawmu mill-ġdid il-ligi Rumana, li aktar tard saret il-bażi tas-sistemi ġuridiċi ċivili fl-Ewropa kontinentali u fl-Amerika Latina.

³¹ Il-kritika ta' Beccaria lejn ligijiet skaduti estendiet ukoll għat-tradizzjonijiet legali Lombardi, poplu Ġermaniku li ħakem partijiet mill-Italja (568–774 WK). Il-ligijiet tagħhom, ikkodifikati fl-Editt ta' Rothari (643 WK), thalltu mat-tradizzjonijiet Rumani u Medjevali.

³² Benedikt Carpzov (1595–1666), ġurist Ġermaniż meqjus bhala l-fundatur tax-xjenza legali u tal-ligi ekkleżjastika Protestanta fil-Ġermanja. Ix-xogħol tiegħu, *Practica nova imperialis Saxonica rerum criminalium* (1635), kellu influwenza qawwija fuq l-iżvilupp tal-ligi kriminali Ġermaniża.

³³ Giulio Claro (1525–1575), ġurist Lombard li serva f'diversi karigi fid-Dukat ta' Milan. *Practica criminalis*, li jiġi l-hames volum tax-xogħol tiegħu *Receptae sententiae* (1568), kellu impatt sinifikanti fuq il-ligi kriminali fl-Italja u fil-Ġermanja, fejn kien ta' influwenza fuq Caprov.

³⁴ Prospero Farinacci (1544–1618), serva bhala avukat għall-Papiet Klement VIII u Pawlu V. Ix-xogħol tiegħu *Praxis et theorica criminalis* (1616), li jinkludi ġurisprudenza dwar it-tortura, kellu influwenza fuq il-prattiki penali Taljani u Ewropej sal-aħħar tas-seklu 18.

<p>obbediscono coloro che tremando dovrebbero reggere le vite e le fortune degli uomini. Queste leggi, che sono uno scolo de' secoli i piú barbari, sono esaminate in questo libro per quella parte che risguarda il sistema criminale, e i disordini di quelle si osa esporli a' direttori della pubblica felicità con uno stile che allontana il volgo non illuminato ed impaziente. Quella ingenua indagine della verità, quella indipendenza delle opinioni volgari con cui è scritta quest'opera è un effetto del dolce e illuminato governo sotto cui vive l'autore. I grandi monarchi, i benefattori della umanità che ci reggono, amano le verità esposte dall'oscuro filosofo con un non fanatico vigore, detestato solamente da chi si avventa alla forza o alla industria, respinto dalla ragione; e i disordini presenti da chi ben n'esamina tutte le circostanze sono la satira e il rimprovero delle passate età, non già di questo secolo e de' suoi legislatori.</p>	<p>fihom, jobdu b'ċertezza dawk li, b'biża' kbir għandhom imexxu l-ħajjiet u x-xorti tal-bnedmin. Dawn il-liġijiet, li huma fdalijiet tas-sekli l-aktar barbari, huma eżaminati f'dan il-ktieb sa fejn jikkonċernaw is-sistema tal-gustizzja kriminali u t-taqlib tagħhom huwa espost għal dawk inkarigati mill-benesseri pubbliku u bi stil maħsub sabiex ibiegħed il-mases mhux illuminati u bla sabar. Dik it-tfittxija sinciera tal-verità, dik l-indipendenza mill-opinjoni vulgari li biha nkitbet din l-opra, hija l-prodott tal-gvern benevolenti u illuminat li taħtu jgħix l-awtur³⁵. Il-monarki l-kbar, il-benefatturi tal-umanità li jmexxuna, iħobbu l-veritajiet esposti minn filosofu umli b'ħila mhux fanatika, mibgħud biss minn dawk li, miċhuda mir-raġuni, jirrikorru għall-forza jew għall-qerq. It-taqlib tal-preżent, jekk wieħed jeżaminah sew f'kull ċirkostanza tiegħu, huwa s-satira u ċ-ċanfir tal-imgħoddi, mhux ta' dan is-seklu u tal-leġislaturi tiegħu.</p>
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³⁵ Beccaria qed jirreferi għall-gvern Awstrijak fil-Lombardija mmexxi mir-riformatur, il-Konti Carlo Firmian (1718–1782), il-plenipotenżjarju tal-Imperatriċi Maria Theresa f'Milan. Firmian kien patrun tal-Accademia dei Pugni u kellu rwol kruċjali sabiex Beccaria jikseb siġġu fl-istess Accademia.

<p>Chiunque volesse onorarmi delle sue critiche cominci dunque dal ben comprendere lo scopo a cui è diretta quest'opera, scopo che ben lontano di diminuire la legittima autorità, servirebbe ad accrescerla se più che la forza può negli uomini la opinione, e se la dolcezza e l'umanità la giustificano agli occhi di tutti. Le mal intese critiche pubblicate contro questo libro si fondano su confuse nozioni, e mi obbligano d'interrompere per un momento i miei ragionamenti agl'illuminati lettori, per chiudere una volta per sempre ogni adito agli errori di un timido zelo o alle calunnie della maligna invidia.</p>	<p>Kull min jixtieq jonorani bil-kritika tiegħu għandu l-ewwel jifhem sew l-għan ta' din l-opra, għan li, mhux talli ma jnaqqasx l-awtorità legittima, iżda minflok, għandu jservi sabiex issaħħaħha, jekk l-opinjoni għandha aktar setgħa fuq il-bniedem mill-forza, u jekk il-benevolenza u l-umanità jistgħu jiggustifikaw din l-awtorità f'għajnejn kulhadd. Il-kritika żbaljata li giet ippubblikata kontra dan il-ktieb hija msejsa fuq kuncetti konfużi u tobligani ninterrompi momentarjament ir-raġunament tiegħi mal-qarrejja illuminati sabiex nagħlaq darba għal dejjem kull aċċess għall-iżbalji ta' żelu timidu jew għall-kalunnji ta' għira malinna³⁶.</p>
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³⁶ Ferdinando Facchinei (1724/5–1812) kien patri u kritiku ewlieni tax-xogħol ta' Beccaria *Dei delitti e delle pene* (*Note ed osservazioni*, 1765). Il-kritika tiegħu kienet immirata kontra t-tendenzi illuministi fix-xogħol ta' Beccaria, partikolarment l-eskluzjoni ta' konsiderazzjonijiet reliġjużi u l-importanza tal-libertà politika.

<p>Tre sono le sorgenti delle quali derivano i principii morali e politici regolatori degli uomini. La rivelazione, la legge naturale, le convenzioni fattizie della società. Non vi è paragone tra la prima e le altre per rapporto al principale di lei fine; ma si assomigliano in questo, che conducono tutte tre alla felicità di questa vita mortale. Il considerare i rapporti dell'ultima non è l'escludere i rapporti delle due prime; anzi siccome quelle, benché divine ed immutabili, furono per colpa degli uomini dalle false religioni e dalle arbitrarie nozioni di vizio e di virtù in mille modi nelle depravate menti loro alterate, così sembra necessario di esaminare separatamente da ogni altra considerazione ciò che nasca dalle pure convenzioni umane, o espresse, o supposte per la necessità ed utilità comune, idea in cui ogni setta ed ogni sistema di morale deve necessariamente convenire; e sarà sempre lodevole intrappresa quella che sforza anche i più pervicaci ed increduli a conformarsi ai</p>	<p>Tlieta huma s-sorsi li minnhom jitnisslu l-prinçipji morali u politici li jirregolaw il-bniedem: ir-rivelazzjoni, il-ligi naturali, u l-konvenzjonijiet artifiçjali tas-soçjetà. M'hemmx paragon bejn l-ewwel u l-oħrajn fir-rigward tal-għan aħħari tagħhom; iżda t-tlieta li huma b'mod simili jwasslu għall-kuntentizza ta' din il-ħajja mortali. Il-kunsiderazzjoni tar-rabtiet tal-aħħar waħda ma teskludix ir-rabtiet tal-ewwel tnejn; anzi, bħalma dawk, għalkemm divini u immutabbli, ġew mibdula b'elf mod fl-imħuħ depravati tal-bnedmin mill-iżbalji tagħhom permezz ta' reliġjonijiet foloz u kunçetti arbitrarji tal-vizzju u l-virtù; jidher meħtieġ li jġu eżaminati, indipendentement minn kull konsiderazzjoni oħra, dawk li jitnisslu mill-konvenzjonijiet purament umani, kemm espressi kif ukoll preżunti minn ħtieġa u utilità komuni - idea li fuqha kull setta u kull sistema morali għandhom bilfors jaqblu. Dejjem se titqies bħala intrapriża ta' min ifaħħarha li ġgiegħel anke l-aktar stinati u inkreduli jikkonformaw mal-prinçipji li</p>
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principii che spingon gli uomini a vivere in società.	jmexxu lill-bnedmin sabiex jgħixu fis-socjetà.
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<p>Sonovi dunque tre distinte classi di virtù e di vizio, religiosa, naturale e politica. Queste tre classi non devono mai essere in contraddizione fra di loro, ma non tutte le conseguenze e i doveri che risultano dall'una risultano dalle altre. Non tutto ciò che esige la rivelazione lo esige la legge naturale, né tutto ciò che esige questa lo esige la pura legge sociale: ma egli è importantissimo di separare ciò che risulta da questa convenzione, cioè dagli espressi o taciti patti degli uomini, perché tale è il limite di quella forza che può legittimamente esercitarsi tra uomo e uomo senza una speciale missione dell'Essere supremo. Dunque l'idea della virtù politica può senza taccia chiamarsi variabile; quella della virtù naturale sarebbe sempre limpida e manifesta se l'imbecillità o le passioni degli uomini non la oscurassero; quella della virtù religiosa è sempre una costante, perché rivelata immediatamente da Dio e da lui conservata.</p>	<p>Hemm, għalhekk, tliet klassijiet distinti ta' vizzji u virtù: reliġjużi, naturali u politiċi. Dawn it-tliet klassijiet m'għandhom qatt ikunu f'kontradizzjoni ma' xulxin, iżda mhux il-konsegwenzi u d-dmirijiet kollha li jirriżultaw minn klassi jsegwu mill-oħrajn. Mhux dak kollu li tesigi r-rivelazzjoni huwa meħtieġ mil-liġi naturali, u lanqas dak kollu li tesigi l-liġi naturali mhu meħtieġ mil-liġi soċjali pura. Iżda huwa importantissimu li jiġi trattat separatament dak li jitnissel minn din il-konvenzjoni, jiġifieri, mill-kuntratti espressi jew taċiti tal-bnedmin. Dan għaliex dan huwa l-limitu tal-forza li tista' tiġi eżerċitata legittimament bejn bniedem u ieħor mingħajr missjoni speċjali mill-Essri Suprem. Għalhekk, l-idea tal-virtù politika tista' ġustament tissejjaħ varjabbli; l-idea tal-virtù naturali dejjem tkun ċara u evidenti jekk mhux għall-imbecillità jew il-passjonijiet umani li joskurawha; u l-idea tal-virtù reliġjuża hija dejjem kostanti, għaliex hija żvelata direttament minn Alla u ppreservata Minnu.</p>
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<p>Sarebbe dunque un errore l'attribuire a chi parla di convenzioni sociali e delle conseguenze di esse principii contrari o alla legge naturale o alla rivelazione; perché non parla di queste. Sarebbe un errore a chi, parlando di stato di guerra prima dello stato di società, lo prendesse nel senso hobbesiano, cioè di nessun dovere e di nessuna obbligazione anteriore, in vece di prenderlo per un fatto nato dalla corruzione della natura umana e dalla mancanza di una sanzione espressa. Sarebbe un errore l'imputare a delitto ad uno scrittore, che considera le emanazioni del patto sociale, di non ammetterle prima del patto istesso.</p>	<p>Għalhekk ikun żball li jiġu attribwiti prinċipji li jmorru kontra l-liġi naturali jew ir-rivelazzjoni, lil min jitkellem fuq il-konvenzjonijiet soċjali u l-konsegwenzi tagħhom; għaliex ma jitkellimx dwarhom. Ikun żball li wieħed, meta jitkellem dwar l-istat ta' gwerra qabel l-istat ta' soċjetà, jinterpretah fis-sens Hobbesjan³⁷, jiġifieri bħala stat mingħajr dmir jew obbligu anterjuri, minflok ma jifhmu bħala stat li joriġina mill-korruzzjoni tan-natura umana u n-nuqqas ta' sanzjoni espressa. Ikun żball ukoll li kittieb jiġi akkużat b'delitt għaliex jirrikonoxxi l-emanazzjonijiet tal-kuntratt soċjali bi preċedenza fuq il-formazzjoni tal-kuntratt innifsu.</p>
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³⁷ Thomas Hobbes (1588–1679), filosofu Ingliz u l-awtur ta' *Leviathan* (1651), li fih isostni li s-soċjetà għandha tevita l-anarkija billi tissottometti ruħha għal sovranià assoluta. Beccaria jopponi din il-viżjoni u, minflok, jipprova li għaliex razzjonali msejsa fuq ir-raġuni u l-ħtieġa umana.

<p>La giustizia divina e la giustizia naturale sono per essenza loro immutabili e costanti, perché la relazione fra due medesimi oggetti è sempre la medesima; ma la giustizia umana, o sia politica, non essendo che una relazione fra l'azione e lo stato vario della società, può variare a misura che diventa necessaria o utile alla società quell'azione, né ben si discerne se non da chi analizzi i complicati e mutabilissimi rapporti delle civili combinazioni. Sí tosto che questi principii essenzialmente distinti vengano confusi, non v'è piú speranza di ragionar bene nelle materie pubbliche. Spetta a' teologi lo stabilire i confini del giusto e dell'ingiusto, per ciò che riguarda l'intrinseca malizia o bontà dell'atto; lo stabilire i rapporti del giusto e dell'ingiusto politico, cioè dell'utile o del danno della società, spetta al pubblicista; né un oggetto può mai pregiudicare all'altro, poiché ognun vede quanto la virtù puramente politica debba cedere alla immutabile virtù emanata da Dio.</p>	<p>Il-ġustizzja divina u l-ġustizzja naturali huma essenzjalment immutabbli u kostanti, għaliex ir-relazzjoni bejn żewġ oġġetti identiċi hija dejjem l-istess. Izda l-ġustizzja umana jew politika, billi mhi xejn għajr relazzjoni bejn azzjoni u l-istat varjabbli tas-soċjetà, tista' tvarja sal-punt li dik l-azzjoni ssir meħtieġa jew utli għas-soċjetà, u tista' tiġi magħrufa biss minn min janalizza r-relazzjonijiet kumplessi u li dejjem jinbidlu tal-assocjazzjoni ċivili. Hekk kif dawn il-prinċipji essenzjalment distinti jiġu mħallta, m'għadx jifdal tama ta' raġunament tajjeb fl-affarijiet pubbliċi. Huwa l-kompitu tat-teologi li jistabilixxu l-konfini tal-ġust u l-ingust, fir-rigward tal-malizzja jew it-tjubija intrinsika tal-azzjoni; bl-istess mod, huwa l-kompitu tal-akkademiku tad-dritt pubbliku li jistabilixxi x'inhu ġust u ingust politikament, jiġifieri, x'inhu utli u ta' ħsara għas-soċjetà. L-ebda kompitu ma jista' jippreġudika lill-iehor, għaliex kulhadd jista' jara kif il-virtù purament politika għandha</p>
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	<p>òccedi għall-virtù immutabbli li titnissel minn Alla.</p>
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<p>Chiunque, lo ripeto, volesse onorarmi delle sue critiche, non cominci dunque dal supporre in me principii distruttori o della virtù o della religione, mentre ho dimostrato tali non essere i miei principii, e in vece di farmi incredulo o sedizioso procuri di ritrovarmi cattivo logico o inavveduto politico; non tremi ad ogni proposizione che sostenga gl'interessi dell'umanità; mi convinca o della inutilità o del danno politico che nascer ne potrebbe dai miei principii, mi faccia vedere il vantaggio delle pratiche ricevute. Ho dato un pubblico testimonio della mia religione e della sommissione al mio sovrano colla risposta alle <i>Note ed osservazioni</i>; il rispondere ad ulteriori scritti simili a quelle sarebbe superfluo; ma chiunque scriverà con quella decenza che si conviene a uomini onesti e con quei lumi che mi dispensino dal provare i primi principii, di qualunque carattere essi siano, troverà in me</p>	<p>Nerġa' ntenni, kull min irid jonorani bil-kritika tiegħu, għaldaqstant m'għandux jibda bl-assunzjoni li jien inhaddan principji distruttivi kemm għall-virtù jew għar-religjon, meta jien urejt li dawn il-principji ma nhaddanhomx. Minflok ma tpingini bhala inkredulu u sedizzjuż għandek tipprova ssibni bhala logiku fqir jew hassieb politiku traskurat. Lanqas m'għandek tirtogħod quddiem kull proposizzjoni li ssostni l-interessi tal-umanità. Pjuttost, għandek tikkonvincini jew mill-inutilità jew mill-ħsara politika li tista' titnissel mill-principji tiegħi, u turini l-vantaġġ tal-prattiki stabbiliti. Tajt xhieda pubblika tar-religjon tiegħi u tal-ubbidjenza volontarja lis-sovran tiegħi fit-twegiba għan-<i>Noti u l-Osservazzjonijiet</i>³⁸. Li nerġa' nwiegebb għal kitbiet oħra simili jkun superfluwu. Izda kull min jikteb b'dik id-deċenza li tixraq lill-bnedmin onesti u dawk l-illuminati li jeħlisuni mill-ħtieġa li jkolli nerġa' nipprova l-ewwel principji, ta'</p>
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³⁸ *Risposta ad uno scritto che s'intitola 'Note ed osservazioni sul libro Dei delitti e delle pene'* (Lugano, 1765) kienet risposta anonima għall-kritika ta' Facchinei, miktuba minn Alessandro u Pietro Verri, żewġ intellettuali u riformaturi minn Milan li kienu kruċjali fit-tixrid tal-ideat ta' Beccaria. Minkejja dan, Beccaria qatt ma rrikonnoxxihom pubblikament bhala l-awturi, li wassalhom sabiex ma jibqgħux f'kuntatt miegħu.

non tanto un uomo che cerca di rispondere quanto un pacifico amatore della verità.	kwalunkwe tip li jistgħu jkunu, se jsibu fija mhux biss raġel li qiegħed jipprova jwieġeb izda pjuttost ammiratur paċifiku tal-verità ³⁹ .
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³⁹ It-test li jinsab bejn is-sinjali * * jinkludi l-ewwel sett ta' židiet, filwaqt li dak li jinsab bejn is-sinjali † † jindika t-tieni sett ta' židiet mill-istess awtur [Nota ta' Cesare Beccaria].

4.3 Translating the Introduzione

Introduzione	Introduzzjoni
<p>Gli uomini lasciano per lo piú in abbandono i piú importanti regolamenti alla giornaliera prudenza o alla discrezione di quelli, l'interesse de' quali è di opporsi alle piú provide leggi che per natura rendono universali i vantaggi e resistono a quello sforzo per cui tendono a condensarsi in pochi, riponendo da una parte il colmo della potenza e della felicità e dall'altra tutta la debolezza e la miseria. Perciò se non dopo esser passati framezzo mille errori nelle cose piú essenziali alla vita ed alla libertà, dopo una stanchezza di soffrire i mali, giunti all'estremo, non s'inducono a rimediare ai disordini che gli opprimono, e a riconoscere le piú palpabili verità, le quali appunto sfuggono per la semplicità loro alle menti volgari, non avvezze ad analizzare gli oggetti, ma a riceverne le impressioni tutte di un pezzo, piú per tradizione che per esame.</p>	<p>Il-bnedmin, fil-biçça l-kbira tagħhom, iħallu r-regolamenti l-aktar importanti fl-abbandun tal-prudenza ta' kuljum jew għad-diskrezzjoni ta' dawk li l-interess tagħhom huwa li jopponu l-aktar ligijiet provvidenti. Ligijiet li min-natura tagħhom stess irendu l-benefiçċji universali u jirreżistu l-isforzi u t-tendenza li bihom l-istess benefiçċji jikkoncentraw f'idejn il-ftit, sabiex ipoġġuhom fil-quçcata tal-poter u l-kuntentizza, filwaqt li l-bqija jibqgħu mgħaddsa fid-dgħufija u l-miżerja. Għalhekk, huwa biss wara li jgħaddu minn eluf ta' żbalji dwar l-aktar kwistjonijiet essenzjali għall-ħajja u għal-libertà, u wara li jkunu xebgħu jsoffru l-aktar ħażen estrem, li l-bnedmin ikunu mgiegħla jirrimedjaw għat-taqlib li joppresahom u jirrikonoxxu l-aktar veritajiet palpabli li, minħabba s-semplicità tagħhom jaħarbu mill-imħuħ mhux edukati. Dawn l-imħuħ mhumiex imdorrija janalizzaw l-affarijiet, minflok għandhom it-</p>

	tendenza jaċċettaw l-impressjonijiet kollha fl-intier tagħhom, aktar permezz tat-tradizzjoni milli tal-eżami.
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<p>Apriamo le istorie e vedremo che le leggi, che pur sono o dovrebbero esser patti di uomini liberi, non sono state per lo più che lo stromento delle passioni di alcuni pochi, o nate da una fortuita e passeggera necessità; non già dettate da un freddo esaminatore della natura umana, che in un sol punto concentrasse le azioni di una moltitudine di uomini, e le considerasse in questo punto di vista: <i>la massima felicità divisa nel maggior numero</i>. Felici sono quelle pochissime nazioni, che non aspettarono che il lento moto delle combinazioni e vicissitudini umane facesse succedere all'estremità de' mali un avviamento al bene, ma ne accelerarono i passaggi intermedi con buone leggi; e merita la gratitudine degli uomini quel filosofo ch'ebbe il coraggio dall'oscuro e disprezzato suo gabinetto di gettare nella moltitudine i primi semi lungamente infruttuosi delle utili verità.</p>	<p>Jekk nifflu l-kotba tal-istorja tagħna se naraw li l-ligijiet, li huma jew li għandhom ikunu kuntratti bejn bnedmin ħielsa, kienu fil-biċċa l-kbira l-ghodod tal-passjonijiet tal-ftit jew imnissla minn ħtiega fortuita u momentarja. Dawn il-ligijiet ma gewx iddettati minn osservatur imparzjali tan-natura umana li jiddistilla l-azzjonijiet tal-maġġoranza u jikkunsidrahom minn din il-perspettiva: <i>l-akbar kuntentizza mferrxa fost l-akbar numru</i>. Tabilhaqq hienja dawk il-veru ftit nazzjonijiet li ma qagħdux jistennew is-suċċessjoni kajmana fiċ-ċirkostanzi u l-ġrajjet tal-bniedem biex tinqabad it-triq tas-sewwa wara l-estremità tal-ħażen, imma ħaffew il-pass tal-bidliet intermedji permezz ta' ligijiet tajbin. U jisthoqqlu l-gratitudni tal-umanità dak il-filosfu li kellu l-kuraġġ, li mill-istudju mudlam u disprezzat tiegħu jxerred fost il-folla l-ewwel zerriegħa tal-veritajiet utli, li damet ħafna ma trendi frott.</p>
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<p>Si sono conosciute le vere relazioni fra il sovrano e i sudditi, e fralle diverse nazioni; il commercio si è animato all'aspetto delle verità filosofiche rese comuni colla stampa, e si è accesa fralle nazioni una tacita guerra d'industria la piú umana e la piú degna di uomini ragionevoli. Questi sono frutti che si debbono alla luce di questo secolo, ma pochissimi hanno esaminata e combattuta la crudeltà delle pene e l'irregolarità delle procedure criminali, parte di legislazione cosí principale e cosí trascurata in quasi tutta l'Europa, pochissimi, rimontando ai principii generali, annientarono gli errori accumulati di piú secoli, frenando almeno, con quella sola forza che hanno le verità conosciute, il troppo libero corso della mal diretta potenza, che ha dato fin ora un lungo ed autorizzato esempio di fredda atrocità. E pure i gemiti dei deboli, sacrificati alla crudele ignoranza ed alla ricca indolenza, i barbari tormenti con prodiga e inutile severità moltiplicati per delitti o non provati o chimerici, la squallidezza e gli orrori d'una prigione, aumentati dal piú crudele carnefice dei</p>	<p>Saru magħrufa r-relazzjonijiet veri bejn is-sovrani u s-sudditi, u bejn in-nazzjonijiet differenti; l-kummerç ġie stimulat bis-saħħa tal-veritajiet filosofici li saru disponibbli b'mod wiesa' mill-istampa, u faqqgħet gwerra taçita ta' industrija fost in-nazzjonijiet, li hija l-aktar tip ta' gwerra umana u denja tal-bnedmin raġonevoli. Dan huwa l-frott dovut għal dan is-seklu illuminat, iżda ftit li xejn eżaminaw u ġġieldu kontra l-ħruxija tal-pieni u l-irregolarità tal-proċeduri kriminali, qasam ta' leġislazzjoni daqstant fundamentali u madankollu tant traskurat fil-biċċa l-kbira tal-Ewropa. Ftit huma dawk li, billi reġġġu lura għall-principji ġenerali, qerdu l-iżbalji akkumulati ta' ħafna sekli; għallinqas irnexxielhom irazznu, bil-forza unika tal-veritajiet magħrufa, ir-riedni mhux imrażżan tal-poter immexxi ħażin, li s'issa stabbilixxa eżempju twil u awtorizzat ta' atrocità mdemmija. U xorta waħda, il-biki tad-dgħajfa, sagrifikati għall-injoranza krudili u l-indolenza għanja; it-torturi barbari miżjuda bi ħruxija eċċessiva</p>
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<p>miseri, l'incertezza, doveano scuotere quella sorta di magistrati che guidano le opinioni delle menti umane</p>	<p>u bla siwi għal delitti jew mhux ippruvati jew kimeriċi; l-iskwallidezza u l-orruri tal-ħabs, intensifikati mill-aktar eżekutur krudili tal-miżerabbli: l-incertezza - kellhom iriegħdu dik ix-xorta ta' maġistrati li jiggwidaw l-opinjoni tal-imħuħ umani.</p>
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<p>L'immortale Presidente di Montesquieu ha rapidamente scorso su di questa materia.</p> <p>L'indivisibile verità mi ha forzato a seguire le tracce luminose di questo grand'uomo, ma gli uomini pensatori, pe' quali scrivo, sapranno distinguere i miei passi dai suoi. Me fortunato, se potrò ottenere, com'esso, i segreti ringraziamenti degli oscuri e pacifici seguaci della ragione, e se potrò ispirare quel dolce fremito con cui le anime sensibili rispondono a chi sostiene gl'interessi della umanità!</p>	<p>Il-President immortali Montesquieu ttratta fil-qosor dan is-sugġett. Il-verità indivizibbli ġegħlitni nsegwi l-passi illuminati ta' dan ir-raġel kbir, iżda l-ħassieba, li għalihom qiegħed nikteb, se jkunu jafu jiddistingwu l-passi tiegħi minn tiegħu. Ixxurtjat inkun, jekk bħalu, nista' nikseb il-gratitudni sigrieta tas-segwaċi ħiemda u paċifiċi tar-raġuni, u jekk jirnexxieli nispira dak it-treġhid ħlejju li bih l-ispiriti sensitivi jirrispondu lil min jiddefendi l-interessi tal-umanità!</p>
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4.4 Translating § I - Origine delle pene

<p style="text-align: center;">§ I.</p> <p style="text-align: center;"><i>Origine delle pene.</i></p> <p>Le leggi sono le condizioni, colle quali uomini indipendenti ed isolati si unirono in società, stanchi di vivere in un continuo stato di guerra e di godere una libertà resa inutile dall'incertezza di conservarla. Essi ne sacrificarono una parte per goderne il restante con sicurezza e tranquillità. La somma di tutte queste porzioni di libertà sacrificate al bene di ciascheduno forma la sovranità di una nazione, ed il sovrano è il legittimo depositario ed amministratore di quelle; ma non bastava il formare questo deposito, bisognava difenderlo dalle private usurpazioni di ciascun uomo in particolare, il quale cerca sempre di togliere dal deposito non solo la propria porzione, ma usurparsi ancora quella degli altri.</p>	<p style="text-align: center;">Kapitlu 1:</p> <p style="text-align: center;">L-origini tal-pieni</p> <p>Il-liġijiet huma l-kundizzjonijiet, li permezz tagħhom bnedmin indipendenti u iżolati nġhaqdu sabiex jiffurmaw soċjetà. Dan wara li xebgħu jgħixu fi stat ta' gwerra dejjiemi, fejn it-tgawdija tal-libertà saret inutili minhabba l-incertezza tal-preservazzjoni tagħha. Huma ssagrifikaw parti minn din il-libertà sabiex ikunu jistgħu jgawdu l-kumplament tagħha fis-sigurtà u l-paċi. Is-somma ta' dawn il-porzjonijiet kollha ta' libertà, issagrifikati għall-benefiċċju ta' kull individwu, tikkostitwixxi fis-sovranità ta' nazzjon. Is-sovran huwa d-depożitarju legittimu u l-amministratur ta' dawk il-porzjonijiet. Izda ma kienx biżżejjed li jinholoq dan id-depożitarju; kien hemm ukoll il-ħtieġa li jiddefenduh mill-użurpazzjonijiet privati ta' kull individwu partikolari, li dejjem ifittex mhux biss li jieħu</p>
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	lura l-porzjon tiegħu, iżda wkoll li jużurpa dik ta' haddiehor.
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<p>Vi volevano de' motivi sensibili che bastassero a distogliere il dispotico animo di ciascun uomo dal risommergere nell'antico caos le leggi della società. Questi motivi sensibili sono le pene stabilite contro agl'infrattori delle leggi. Dico <i>sensibili motivi</i>, perché la speranza ha fatto vedere che la moltitudine non adotta stabili principii di condotta, né si allontana da quel principio universale di dissoluzione, che nell'universo fisico e morale si osserva, se non con motivi che immediatamente percuotono i sensi e che di continuo si affacciano alla mente per contrabilanciare le forti impressioni delle passioni parziali che si oppongono al bene universale: né l'eloquenza, né le declamazioni, nemmeno le più sublimi verità sono bastate a frenare per lungo tempo le passioni eccitate dalle vive percosse degli oggetti presenti.</p>	<p>Għalhekk, kienu meħtieġa miżuri sensibbli sabiex jiskoraġġixxu l-ispirtu despotiku ta' kull individwu milli jerga' jgħaddas il-liġijiet tas-soċjetà lura fil-kaos preċedenti. Dawn il-miżuri sensibbli huma l-pieni stabbiliti kontra min jikser il-liġi. Nghid <i>miżuri sensibbli</i>, minħabba li l-esperjenza wriet li l-maġġoranza ma tadottax prinċipji stabbli ta' kondotta u lanqas ma titbiegħed mill-prinċipju universali tat-taħsir. Dan il-prinċipju jista' jiġi osservat kemm fl-univers fiżiku kif ukoll f'dak morali, sakemm dawn il-miżuri ma jkollhomx impatt dirett fuq is-sensi u b'mod ripetut jipprezentaw lilhom infushom f'moħħ il-maġġoranza, sabiex jikkontrobalanċjaw l-impressjonijiet qawwija tal-passjonijiet parzjali li jopponu l-ġid universali. La l-elokwenza, la d-deklamazzjonijiet u lanqas l-aktar veritajiet sublimi ma rnexxielhom irazznu fit-tul il-passjonijiet mqanqla mill-impatti qawwija tal-oġġetti immedjatement preżenti.</p>
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4.5 Translating § II - Dritto di punire

§ II.	Kapitlu 2:
<p data-bbox="384 376 600 412"><i>Dritto di punire.</i></p> <p data-bbox="204 472 783 1832">Ogni pena che non derivi dall'assoluta necessità, dice il grande Montesquieu, è tirannica; proposizione che si può rendere più generale così: ogni atto di autorità di uomo a uomo che non derivi dall'assoluta necessità è tirannico. Ecco dunque sopra di che è fondato il diritto del sovrano di punire i delitti: sulla necessità di difendere il deposito della salute pubblica dalle usurpazioni particolari; e tanto più giuste sono le pene, quanto più sacra ed inviolabile è la sicurezza, e maggiore la libertà che il sovrano conserva ai sudditi. Consultiamo il cuore umano e in esso troveremo i principii fondamentali del vero diritto del sovrano di punire i delitti, poiché non è da sperarsi alcun vantaggio durevole dalla politica morale se ella non sia fondata su i sentimenti indelebili dell'uomo. Qualunque legge devii da questi</p>	<p data-bbox="967 376 1230 412">Id-dritt li tikkastiga.</p> <p data-bbox="807 472 1390 1854">Kif jgħid il-kbir Montesquieu⁴⁰, kull piena li ma tirriżultax minn ħtieġa assoluta hija tirannika. Din il-proposizzjoni tista' tiġi iktar iġġeneralizzata bil-mod li ġej: kull att ta' awtorità ta' bniedem fuq ieħor li ma jirriżultax minn ħtieġa assoluta huwa tiranniku. Għalhekk, dan huwa l-pedament li fuqu huwa msejjes id-dritt tas-sovran li jikkastiga d-delitti: il-ħtieġa li jiġi difiż id-depożitu tal-benesseri pubbliku minn użurpazzjonijiet privati; u aktar ma jkunu ġusti l-pieni, aktar is-sigurtà tkun sagra u invjolabbli u aktar tkun kbira l-libertà li s-sovran jippreserva għas-sudditi tiegħu. Ejja nikkonsultaw il-qalb tal-bniedem, u fiha nsibu l-prinċipji fundamentali tad-dritt veru tas-sovran li jikkastiga d-delitti, għaliex ma jista' jkun mistenni l-ebda vantaġġ dejjiemi mill-politika morali, sakemm din ma tkunx</p>

⁴⁰ Montesquieu (1689–1755), imwieded Charles-Louis de Secondat, Barun ta' La Brède u Montesquieu, kien imħallef, filosofu tal-politika u ħassieb soċjali Franciż. Huwa magħruf l-aktar għall-*Esprit des Lois* (1748), li kien ta' influwenza kbira fuq Beccaria u l-filosofija tiegħu.

<p>incontrerà sempre una resistenza contraria che vince alla fine, in quella maniera che una forza benché minima, se sia continuamente applicata, vince qualunque violento moto comunicato ad un corpo.</p>	<p>msejsa fuq sentimenti indelibbliment umani. Kwalunkwe liġi li tiddevja minn dawn is-sentimenti, dejjem tiltaqa' ma' rezistenza kuntrarja li fl-aħħar mill-aħħar tipprevali. Hekk bl-istess mod li forza, tkun kemm tkun żgħira, jekk tiġi applikata kontinwament tipprevali fuq kull forza vjolenti trażmessa lil kwalunkwe ġisem.</p>
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<p>Nessun uomo ha fatto il dono gratuito di parte della propria libertà in vista del ben pubblico; questa chimera non esiste che ne' romanzi; se fosse possibile, ciascuno di noi vorrebbe che i patti che legano gli altri, non ci legassero; ogni uomo si fa centro di tutte le combinazioni del globo.</p>	<p>L-ebda bniedem qatt ma ċeda volontarjament parti mil-libertà tiegħu stess fl-interess tal-ġid pubbliku; din il-kimera teżisti biss fir-romanzi. Kieku kien possibbli, kull wieħed minna jkun jixtieq li l-kuntratt li jorbot lill-oħrajn, ma jorbotx lilna; u kull bniedem jibda jara lilu nnifsu bħala ċ-ċentru tal-univers.</p>
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<p>* La moltiplicazione del genere umano, piccola per se stessa, ma di troppo superiore ai mezzi che la sterile ed abbandonata natura offriva per soddisfare ai bisogni che sempre piú s'incrocicchiavano tra di loro, riuní i primi selvaggi. Le prime unioni formarono necessariamente le altre per resistere alle prime, e cosí lo stato di guerra trasportossi dall'individuo alle nazioni. *</p>	<p>* Il-mezzi li n-natura verġni u abbandunata setgħet toffri sabiex tissodisfa l-ħtiġijiet dejjem aktar interkonnessi tal-bnedmin fid-dawl taż-żieda – għalkemm żgħira fiha nnifisha – fl-ispeċi umana, ma kinux suffiċjenti. Dan ġiegħel lill-ewwel slavaġ jingħaqdu flimkien. L-ewwel unjonijiet inevitabilment wasslu għall-formazzjoni ta' oħrajn sabiex dawn tal-aħħar jirreżistu lil ta' qabilhom, u b'hekk l-istat ta' gwerra ġie ttrasferit mill-individwi għan-nazzjonijiet. *</p>
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<p>Fu dunque la necessità che costrinse gli uomini a cedere parte della propria libertà: egli è adunque certo che ciascuno non ne vuol mettere nel pubblico deposito che la minima porzion possibile, quella sola che basti a indurre gli altri a difenderlo. L'aggregato di queste minime porzioni possibili forma il diritto di punire; tutto il di più è abuso e non giustizia, è fatto, ma non già diritto. Osservate che la parola <i>diritto</i> non è contraddittoria alla parola <i>forza</i>, ma la prima è piuttosto una modificazione della seconda, cioè la modificazione più utile al maggior numero. E per giustizia io non intendo altro che il vincolo necessario per tenere uniti gl'interessi particolari, che senz'esso si scioglierebbono nell'antico stato d'insociabilità; tutte le pene che oltrepassano la necessità di conservare questo vincolo sono ingiuste di lor natura. Bisogna guardarsi di non attaccare a questa parola <i>giustizia</i> l'idea di qualche cosa di reale, come di una forza fisica, o di un essere esistente; ella è una semplice maniera di concepire degli uomini, maniera che influisce infinitamente</p>	<p>Kienet il-ħtieġa li ġiegħlet il-bnedmin iċedu parti mil-libertà tagħhom u għalhekk huwa żgur li kull wieħed minnhom huwa lest li jqiegħed fid-depożitu pubbliku l-iżgħar porzjon possibbli, mhux aktar minn dak li huwa meħtieġ sabiex l-oħrajn jiġu persważi jiddefenduh. L-aggregat ta' dawn l-iżgħar porzjonijiet possibbli jikkostitwixxi d-dritt tal-ikkastigar; kull haġa lil hinn minn dan huwa abbuż, u mhux ġustizzja; hija kwistjoni ta' fatti, mhux ta' drittijiet. Innotaw li l-kelma <i>dritt</i> mhijiex f'kontradizzjoni mal-kelma <i>forza</i>; iżda pjuttost tal-ewwel hija modifika tat-tieni, jiġifieri, il-modifika l-aktar utli għall-akbar numru. U b'ġustizzja ma rrid infisser xejn għajr ir-rabta meħtieġa sabiex jinżammu l-interessi individwali magħquda flimkien, li mingħajrhom jikkollassaw fl-istat preċedenti ta' insoċjabbiltà. Il-pieni kollha li jeċċedu dak li huwa meħtieġ sabiex tiġi ppreservata din ir-rabta huma ingusti min-natura tagħhom stess. Għandha tingħata attenzjoni sabiex ma tiġix attribwita lill-kelma <i>ġustizzja</i>, l-idea ta' xi haġa reali,</p>
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<p>sulla felicità di ciascuno; nemmeno intendo quell'altra sorta di giustizia che è emanata da Dio e che ha i suoi immediati rapporti colle pene e ricompense della vita avvenire.</p>	<p>bħalma hija xi forza fiżika jew xi essri eżistenti. <i>Il-ġustizzja</i> hija sempliciment mod uman ta' kif il-bnedmin jikkonċepixxu l-affarijiet, mod li jinfluwenza infinitament il-kuntentizza ta' kull individwu. Lanqas m'jien nirreferi għal dik ix-xort'oħra ta' ġustizzja, li titnissel minn Alla u li għandha r-rabta immedjata tagħha mal-pieni u l-premjijiet tal-ħajja ta' dejjem.</p>
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4.6 Translating § III - Conseguenze

§ III. <i>Conseguenze.</i>	Kapitlu 3: Konsegwenzi
<p>La prima conseguenza di questi principii è che le sole leggi possono decretar le pene su i delitti, e quest'autorità non può risedere che presso il legislatore, che rappresenta tutta la società unita per un contratto sociale; nessun magistrato (che è parte di società) può con giustizia infligger pene contro ad un altro membro della società medesima. Ma una pena accresciuta al di là dal limite fissato dalle leggi è la pena giusta piú un'altra pena; dunque non può un magistrato, sotto qualunque pretesto di zelo o di ben pubblico, accrescere la pena stabilita ad un delinquente cittadino.</p>	<p>L-ewwel konsegwenza ta' dawn il-prinċipji hija li l-liġijiet biss jistgħu jiddekrétaw pieni għad-delitti. Din l-awtorità tista' tirisjedi biss fil-leġislatur, li jirrappreżenta s-soċjetà kollha magħquda b'kuntratt soċjali; l-ebda maġistrat (li huwa membru tas-soċjetà) ma jista' b'mod ġust jimponi pieni fuq membru ieħor tal-istess soċjetà. Izda piena li teċċedi l-limitu stabbilit mil-liġi hija piena ġusta li magħha ġiet miżjuda piena oħra. Għalhekk, maġistrat ma jista' għall-ebda raġuni, ta' żelu jew ta' tħassib għall-ġid pubbliku, iżid il-piena stabbilita għal ċittadin delinkwenti.</p>

<p>La seconda conseguenza è che se ogni membro particolare è legato alla società, questa è parimente legata con ogni membro particolare per un contratto che di sua natura obbliga le due parti. * Questa obbligazione, che discende dal trono fino alla capanna, che lega egualmente e il più grande e il più miserabile fra gli uomini, non altro significa se non che è interesse di tutti che i patti utili al maggior numero siano osservati. La violazione anche di un solo, comincia ad autorizzare l'anarchia. * Il sovrano, che rappresenta la società medesima, non può formare che leggi generali che obblighino tutti i membri, ma non già giudicare che uno abbia violato il contratto sociale, poiché allora la nazione si dividerebbe in due parti, una rappresentata dal sovrano, che asserisce la violazione del contratto, e l'altra dall'accusato, che la nega. Egli è dunque necessario che un terzo giudichi della verità del fatto. Ecco la necessità di un magistrato, le di cui sentenze sieno inappellabili e</p>	<p>It-tieni konsegwenza hija li jekk kull membru individwali huwa marbut mas-soċjetà, is-soċjetà hija bl-istess mod marbuta ma' kull membru individwali b'kuntratt li min-natura tiegħu jqiegħed liż-żewġ partijiet taħt obbligu. * Dan l-obbligu⁴¹ jitnissel mit-tron sal-gharix u jorbot bl-istess mod l-aktar bnedmin setghana u l-aktar miżerabbli fost il-bnedmin. Dan ma jfisser xejn għajr li huwa fl-interess ta' kulhadd li l-ftehim utli għall-maġġoranza jiġu osservati. Il-ksur ta' anke wieħed minn dawk il-kuntratti jibda jawtorizza l-anarkija. * Is-sovran, li jirrappreżenta lis-soċjetà nnifisha, jista' jillegisla biss liġijiet generali li jorbtu lill-membri kollha. Dana iżda ma jistax jiġġudika jekk xi hadd kisirx il-kuntratt soċjali, inkella n-nazzjon jinqasam f'żewġ partijiet: waħda rappreżentata mis-sovran, li jafferma l-ksur tal-kuntratt, u l-oħra mill-akkużat, li jiċhad dan il-ksur. Huwa għalhekk meħtieġ li jkun hemm parti terza biex</p>
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⁴¹ * It-terminu 'obbligu' jintuza ħafna aktar fil-filosofija morali milli fi kwalunkwe dixxiplina oħra, u fi kliem sempliċi jfisser linja ta' hsieb, aktar milli xi idea fissa. Jekk tipprova ssib idea fissa li taqa' taħt it-terminu 'obbligu' ma ssib xejn; iżda jekk tirraguna dwaru se tifhmu u se tiġi mifhum [Nota ta' Cesare Beccaria]. *

<p>consistano in mere assertions o negative di fatti particolari.</p>	<p>tiġġudika l-veracità tal-fatti; il-maġistrat, li s-sentenzi tiegħu ma jistgħux jiġu appellati u għandhom jikkonsistu biss f'affermazzjonijiet jew çahdiet ta' fatti specifici.</p>
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<p>La terza conseguenza è che quando si provasse che l'atrocità delle pene, se non immediatamente opposta al ben pubblico ed al fine medesimo d'impedire i delitti, fosse solamente inutile, anche in questo caso essa sarebbe non solo contraria a quelle virtù benefiche che sono l'effetto d'una ragione illuminata che preferisce il comandare ad uomini felici piú che a una greggia di schiavi, nella quale si faccia una perpetua circolazione di timida crudeltà, ma lo sarebbe alla giustizia ed alla natura del contratto sociale medesimo.</p>	<p>It-tielet konsegwenza hija, li meta jigi ppruvat li l-atroçità tal-pieni, anke jekk mhux direttament opposta għall-gid pubbliku u għall-istess għan li tipprevjeni d-delitti, kienet sempliciment bla siwi, allura anke f'dan il-każ, din tkun kuntrarja għal dawk il-virtujiet ta' benefiçenza li huma r-riżultat ta' raġuni illuminata. Din ir-raġuni tippreferi tiggverna bnedmin kuntenti milli merħla ta' skjavi, maqbuda f'çiklu perpetwu ta' krudeltà timida u tkun ukoll kuntrarja għall-gustizzja u għan-natura tal-kuntratt soçjali nnifsu.</p>
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4.7 Translating § IV - Interpretazione delle leggi

§ IV.	Kapitlu 4:
<i>Interpretazione delle leggi.</i>	L-interpretazzjoni tal-ligijiet
<p>Quarta conseguenza. Nemmeno l'autorità d'interpentrare le leggi penali può risiedere presso i giudici criminali per la stessa ragione che non sono legislatori. I giudici non hanno ricevuto le leggi dagli antichi nostri padri come una tradizione domestica ed un testamento che non lasciasse ai posteri che la cura d'ubbidire, ma le ricevono dalla vivente società, o dal sovrano rappresentatore di essa, come legittimo depositario dell'attuale risultato della volontà di tutti; le ricevono non come obbligazioni d'un antico giuramento, nullo, perché legava volontà non esistenti, iniquo, perché riduceva gli uomini dallo stato di società allo stato di mandra, ma come effetti di un tacito o espresso giuramento, che le volontà riunite dei viventi sudditi hanno fatto al sovrano, come vincoli necessari per frenare e reggere l'intestino fermento degl'interessi particolari. Quest'è la fisica e reale autorità delle leggi. Chi sarà</p>	<p>Ir-raba' konsegwenza. Lanqas l-awtorità li tintierpreta l-ligijiet penali ma tista' tirisjedji f'idejn l-imħallfin tal-kriminal, għall-istess raġuni li mhumiex legislaturi. L-imħallfin ma rċevewx il-ligijiet mingħand missirijietna daqslikieku kienu xi tradizzjoni tal-familja jew xi testment li ma jħalli xejn lill-werrieta għajr l-obbligu li jobduhom. Minflok, jirċevuhom minn soċjetà ħajja jew mis-sovran li jirrapprezentaha bħala d-depożitarju legittimu tas-somma attwali tar-rieda ta' kulħadd. L-imħallfin jirċievu l-ligijiet mhux bħala obbligi ta' ġurament antik, li huwa, kemm null, għaliex kien jorbot ir-rieda ta' dawk li għadhom ma twildux, kif ukoll, ingust, għax kien jirriduċi l-bnedmin minn stat tas-soċjetà, għal stat ta' merħla, iżda bħala riżultat ta' ġurament taċitu jew esplicitu, li r-ridiet kollettivi tas-sudditi l-ħajjin għamlu lis-sovran, bħala r-rabtiet meħtieġa sabiex irażżnu u jirregolaw it-taqlib</p>

<p>dunque il legittimo interprete della legge? Il sovrano, cioè il depositario delle attuali volontà di tutti, o il giudice, il di cui ufficio è solo l'esaminare se il tal uomo abbia fatto o no un'azione contraria alle leggi?</p>	<p>intern li jirriżulta minn interessi individwali. Din hija l-awtorità tangibbli u reali tal-liġi. Min, imbagħad, se jkun l-interpretu legittimu tal-liġi? Is-sovrán, jiġifieri d-depożitarju tar-rieda attwali ta' kulhadd, jew l-imħallef, li l-uniku dmir tiegħu huwa li jiddetermina jekk bniedem partikolari wettaqx azzjoni li tmur kontra l-liġijiet?</p>
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<p>In ogni delitto si deve fare dal giudice un sillogismo perfetto: la maggiore dev'essere la legge generale, la minore l'azione conforme o no alla legge, la conseguenza la libertà o la pena. Quando il giudice sia costretto, o voglia fare anche soli due sillogismi, si apre la porta all'incertezza.</p>	<p>Għal kull delitt, l-imħallef irid jibni sillogiżmu perfett: il-premessa ewlenija għandha tkun il-liġi generali; il-premessa minuri, jekk l-azzjoni inkwistjoni hijiex konformi mal-liġi jew le; u l-konklużjoni, il-ħelsien jew il-piena. Meta l-imħallef ikun kostrett jew ikun jixtieq jagħmel imqar żewġ sillogiżmi, jinfetaħ il-bieb għall-incertezza.</p>
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<p>Non v'è cosa piú pericolosa di quell'assioma comune che bisogna consultare lo spirito della legge. Questo è un argine rotto al torrente delle opinioni. Questa verità, che sembra un paradosso alle menti volgari, piú percossa da un piccol disordine presente che dalle funeste ma remote conseguenze che nascono da un falso principio radicato in una nazione, mi sembra dimostrata. Le nostre cognizioni e tutte le nostre idee hanno una reciproca connessione; quanto piú sono complicate, tanto piú numerose sono le strade che ad esse arrivano e partono. Ciascun uomo ha il suo punto di vista, ciascun uomo in differenti tempi ne ha un diverso. Lo spirito della legge sarebbe dunque il risultato di una buona o cattiva logica di un giudice, di una facile o malsana digestione, dipenderebbe dalla violenza delle sue passioni, dalla debolezza di chi soffre, dalle relazioni del giudice coll'offeso e da tutte quelle minime forze che cangiano le apparenze di ogni oggetto nell'animo fluttuante dell'uomo.</p>	<p>M'hemm xejn aktar perikoluż minn dik l-assjoma popolari li biha l-ispirtu tal-ligi huwa meħtieġ jiġi kkonsultat. Dan huwa bħal diga li, ladarba tinkiser, tirrorilaxxa għargħar t'opinjonijiet. Din il-verità, paradossali għall-imħuħ mhux edukati, li huma aktar milquta' mit-taqlib trivjali preżenti milli mill-konsegwenzi perikolużi iżda mbieghda, li jirriżultaw minn prinċipju falz imsejjes f'nazzjon, jidhirli li hija evidenti. L-għarfien tagħna u l-ideat kollha tagħna huma konnessi b'mod reċiproku; aktar ma jkunu kkumplikati, aktar ikunu numerużi t-toroq li jwasslu għalihom u jtilqu minnhom. Kullhadd għandu l-perspettiva tiegħu, u fi żminijiet differenti, kull bniedem għandu waħda differenti. L-ispirtu tal-ligi jkun għalhekk ir-riżultat tal-logika tajba jew ħażina tal-imħallef, tal-istat ta' digestjoni tiegħu; ikun jiddependi fuq il-vjolenza tal-passjonijiet tiegħu, fuq id-dgħufijiet tal-parti ingurjata, fuq ir-relazzjonijiet tal-imħallef mal-attur, u fuq dawk il-fatturi kollha li</p>
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	jkangu d-dehra ta' kull oggett fil-moħħ iffluttwat tal-bniedem.
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<p>Quindi veggiamo la sorte di un cittadino cambiarsi spesse volte nel passaggio che fa a diversi tribunali, e le vite de' miserabili essere la vittima dei falsi raziocini o dell'attuale fermento degli umori d'un giudice, che prende per legittima interpretazione il vago risultato di tutta quella confusa serie di nozioni che gli muove la mente. Quindi veggiamo gli stessi delitti dallo stesso tribunale puniti diversamente in diversi tempi, per aver consultato non la costante e fissa voce della legge, ma l'errante instabilità delle interpretazioni.</p>	<p>Għalhekk, naraw id-destin ta' ċittadin jinbidel diversi drabi hekk kif jgħaddi minn qradi differenti, u l-ħajjiet tal-miżerabbli jisfgħu vittmi ta' raġunament fallaċi jew tal-ferment momentarju tal-burdata tal-imħallef, li jieħu bħala interpretazzjoni legittima r-riżultat vag ta' dik is-sensiela konfuża ta' kuncetti li jinfluwenzaw fehmtu. Għaldaqstant, naraw li l-istess delitti, mill-istess qorti, jiġu kkastigati b'mod differenti f'żminijiet differenti, minħabba li din tkun ikkonsultat l-instabbiltà żbaljata tal-interpretazzjonijiet u mhux il-lehen kostanti u fissa tal-liġi.</p>
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<p>Un disordine che nasce dalla rigorosa osservanza della lettera di una legge penale non è da mettersi in confronto coi disordini che nascono dalla interpretazione. Un tal momentaneo inconveniente spinge a fare la facile e necessaria correzione alle parole della legge, che sono la cagione dell'incertezza, ma impedisce la fatale licenza di ragionare, da cui nascono le arbitrarie e venali controversie. Quando un codice fisso di leggi, che si debbono osservare alla lettera, non lascia al giudice altra incombenza che di esaminare le azioni de' cittadini, e giudicarle conformi o difformi alla legge scritta, quando la norma del giusto e dell'ingiusto, che deve dirigere le azioni sí del cittadino ignorante come del cittadino filosofo, non è un affare di controversia, ma di fatto, allora i sudditi non sono soggetti alle piccole tirannie di molti, tanto piú crudeli quanto è minore la distanza fra chi soffre e chi fa soffrire, piú fatali che quelle di un solo, perché il dispotismo di molti non è correggibile che dal dispotismo di un solo e</p>	<p>M'hemmx paragun bejn l-irregolaritajiet li jirriżultaw mill-osservanza rigoruża u stretta tal-liġi penali u l-irregolaritajiet li jirriżultaw mill-interpretazzjoni tal-liġi. L-inkonvenjent momentarju kkawżat mill-ewwel iwassal sabiex isiru korrezzjonijiet faċli u meħtieġa fil-kliem tal-liġi, l-istess kliem li kienu l-kawża tal-incertezza. Madanakollu, din il-korrezzjoni tirrestringi l-liċenzja kruċjali li biha wieħed jista' jargumenta l-każ tiegħu u tagħti lok għal kontroversji arbitrarji u venali. Meta kodiċi fiss ta' liġijiet, li jrid jiġi osservat kelma b'kelma, ma jhalli l-ebda komputu ieħor lill-imħallef għajr li jeżamina l-azzjonijiet taċ-ċittadini u li jiġġudika jekk humiex konformi jew le mal-liġi kif miktuba, u meta l-istandard ta' x' inhu ġust u mhuwiex, li għandu jidderiegi l-azzjonijiet kemm taċ-ċittadin injorant u kemm daww taċ-ċittadin filosofu, ma jkunx kwistjoni ta' kontroversja iżda ta' fatt; f'dak il-każ, is-sudditi ma jibqgħux esposti għat-tiranniji ż-żgħira ta' ħafna, li huma aktar krudili aktar ma tkun żgħira d-distanza bejn min qiegħed ibati u</p>
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<p>la crudeltà di un dispotico è proporzionata non alla forza, ma agli ostacoli.</p>	<p>min qiegħed jikkawża t-tbatija. Dawn it-tiranniji huma aktar fatali mit-tiranniji ta' individwu wieħed għaliex id-despotiżmu ta' ħafna ma jistax jitrażżan ħlief mid-despotiżmu ta' individwu wieħed u l-moħqrija ta' despota wieħed hija proporzjonali mhux għas-setgħa tiegħu, iżda għall-ostakli li jħabbat wiċċu magħhom.</p>
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<p>Così acquistano i cittadini quella sicurezza di loro stessi che è giusta perché è lo scopo per cui gli uomini stanno in società, che è utile perché gli mette nel caso di esattamente calcolare gl'inconvenienti di un misfatto. Egli è vero altresì che acquisteranno uno spirito d'indipendenza, ma non già scuotitore delle leggi e ricalcitante a' supremi magistrati, bensì a quelli che hanno osato chiamare col sacro nome di virtù la debolezza di cedere alle loro interessate o capricciose opinioni. Questi principii spiaceranno a coloro che si sono fatto un diritto di trasmettere agl'inferiori i colpi della tirannia che hanno ricevuto dai superiori. Dovrei tutto temere, se lo spirito di tirannia fosse componibile collo spirito di lettura.</p>	<p>B'hekk, iċ-ċittadini jiksbu sens ta' sigurtà li hija ġusta, għaliex dan huwa l-għan li għalih il-bnedmin jingħaqdu flimkien f'soċjetà utli li tippermettilhom jikkalkulaw b'mod preċiż l-inkonvenjenzi ta' misfatt. Huwa wkoll minnu li se jiksbu spirtu ta' indipendenza, iżda mhux wieħed li jinjora il-liġijiet jew li se jkun ta' sfida għall-maġistrati supremi. Pjuttost dan l-ispirtu t'indipendenza jopponi lil dawk li jazzardaw isejħu bl-isem sagrosant tal-virtù, id-dgħufija tagħhom li biha jċedu għall-opinjonijiet influwenzati mill-interessi u l-kapriċċi personali tagħhom. Dawn il-prinċipji mhux ser jogħġbu lil dawk li jsostnu li għandhom id-dritt divin li jittrasmettu lill-inferjuri tagħhom l-impatti tiranniċi li jkunu rċevew mis-superjuri tagħhom. Ikolli kull raġun għalfejn nibża' jekk l-ispirtu tat-tirannija jimxi id f'id mal-ispirtu tal-qari.</p>
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4.8 Translating § V - Oscurità delle leggi

§ V.	Kapitlu 5:
<p style="text-align: center;"><i>Oscurità delle leggi.</i></p> <p>Se l'interpretazione delle leggi è un male, egli è evidente esserne un altro l'oscurità che strascina seco necessariamente l'interpretazione, e lo sarà grandissimo se le leggi sieno scritte in una lingua straniera al popolo, che lo ponga nella dipendenza di alcuni pochi, non potendo giudicar da se stesso qual sarebbe l'esito della sua libertà, o dei suoi membri, in una lingua che formi di un libro solenne e pubblico un quasi privato e domestico. Che dovremo pensare degli uomini, riflettendo esser questo l'inveterato costume di buona parte della colta ed illuminata Europa! Quanto maggiore sarà il numero di quelli che intenderanno e avranno fralle mani il sacro codice delle leggi, tanto men frequenti saranno i delitti, perché non v'ha dubbio che l'ignoranza e l'incertezza delle pene aiutino l'eloquenza delle passioni.</p>	<p style="text-align: center;">L-oskurità tal-liġi</p> <p>Jekk l-interpretazzjoni tal-liġi hija hażina, huwa evidenti li l-oskurità tagħha hija hażina wkoll għaliex tagħmel din l-interpretazzjoni meħtieġa. U l-ħażin ikun ħafna akbar jekk il-liġijiet jinkitbu b'lingwa barranija għan-nies, li tagħmilhom dipendenti fuq xi ftit individwi, u ma jkunux kapaċi jiġġudikaw għalihom infushom l-eżitu tal-libertà tagħhom jew dik tal-proxxmu. Din il-lingwa tittrasforma ktieb solenni u pubbliku f'xi ħaġa l-kważi privata u domestika. X'għandna naħsbu fuq l-bnedmin meta nirriflettu fuq il-fatt li din ilha Prattika antika u stabbilita mill-Ewropa kolta u illuminata?! Aktar ma jkun kbir in-numru ta' dawk li jifhmu u jkollhom f'idejhom il-kodiċi sagrosant tal-liġi, wisq anqas frekwenti jitwettqu d-delitti, għaliex m'hemmx dubju li l-injoranza u l-inċertezza tal-pieni se thejji triq għall-elokwenza tal-passjonijiet.</p>

<p>Una conseguenza di quest'ultime riflessioni è che senza la scrittura una società non prenderà mai una forma fissa di governo, in cui la forza sia un effetto del tutto e non delle parti e in cui le leggi, inalterabili se non dalla volontà generale, non si corrompano passando per la folla degli'interessi privati. L'esperienza e la ragione ci hanno fatto vedere che la probabilità e la certezza delle tradizioni umane si sminuiscono a misura che si allontanano dalla sorgente. Che se non esiste uno stabile monumento del patto sociale, come resisteranno le leggi alla forza inevitabile del tempo e delle passioni?</p>	<p>Konsegwenza ta' dawn ir-riflessjonijiet tal-aħħar hija li mingħajr il-kitba, soċjetà qatt mhi se tikseb forma fissa ta' gvern li fiha s-setgħa tkun riżultat tal-kollektiv u mhux tal-partijiet individwali, u li fiha l-ligijiet, li jistgħu jinbidlu biss bir-rieda ġenerali, ma jikkorrompux hekk kif iħabbtu wiċċhom mal-firxa ta' interessi privati. L-esperjenza u r-raġuni juruna li l-probabbiltà u ċ-ċertezza tat-tradizzjonijiet umani jixxejnu aktar ma jitbiegħdu mis-sors tagħhom. Jekk ma jkunx hemm monument stabbli tal-kuntratt soċjali, il-ligijiet kif se jifilhu għall-forzi inevitabbli taż-żmien u l-passjonijiet?</p>
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<p>Da ciò veggiamo quanto sia utile la stampa, che rende il pubblico, e non alcuni pochi, depositario delle sante leggi, e quanto abbia dissipato quello spirito tenebroso di cabala e d'intrigo che sparisce in faccia ai lumi ed alle scienze apparentemente disprezzate e realmente temute dai seguaci di lui. Questa è la cagione, per cui veggiamo sminuita in Europa l'atrocità de' delitti che facevano gemere gli antichi nostri padri, i quali diventavano a vicenda tiranni e schiavi. Chi conosce la storia di due o tre secoli fa, e la nostra, potrà vedere come dal seno del lusso e della mollezza nacquero le più dolci virtù, l'umanità, la beneficenza, la tolleranza degli errori umani.</p>	<p>Minn dan naraw kemm hija utli l-istampa, li tagħmel lill-pubbliku, u mhux lill-ftit, id-depożitarju tal-liġijiet sagri. Naraw ukoll id-dekadenza tal-ispirtu mudlam li jgħib miegħu intriċċi u konfoffi mistura. Dan l-ispirtu jisparixxi meta jiġi kkonfrontat bl-illuminizmu u x-xjenza, li s-segwaċi tiegħu mal-ewwel daqqa t'għajn jidhru li jobogħdu iżda fil-verità jkunu jibzġħu minnhom. Din hija r-raġuni għalfejn fl-Ewropa nosservaw tnaqqis fl-atrocità tad-delitti li missirijietna ġew milquta bihom u wiehed wiehed saru jew tiranni jew skjavi. Kull min huwa familjari mal-istorja ta' dawn l-aħħar żewġ jew tliet sekli, kif ukoll ma' tas-seklu tagħna, jista' japprezza kif minn hoġor il-lussu u l-kumdità tnisslu l-isbaħ virtujiet: l-umanità, il-karità, u t-tolleranza għall-iżball uman.</p>
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<p>Vedrà quali furono gli effetti di quella che chiamasi a torto antica semplicità e buona fede: l'umanità gemente sotto l'implacabile superstizione, l'avarizia, l'ambizione di pochi tinger di sangue umano gli scrigni dell'oro e i troni dei re, gli occulti tradimenti, le pubbliche stragi, ogni nobile tiranno della plebe, i ministri della verità evangelica lordando di sangue le mani che ogni giorno toccavano il Dio di mansuetudine, non sono l'opera di questo secolo illuminato, che alcuni chiamano corrotto.</p>	<p>Huwa se jara x'kienu l-effetti ta' dik li b'mod żbaljat tissejjaħ semplicità antika u bona fidi: l-umanità oppressa taħt is-superstizzjoni implakabbli, ir-regħba u l-ambizzjoni tal-ftit li ttabba' bid-demm uman is-sniedaq tad-deheb u t-troni tar-rejiet, it-tradimenti moħbija, il-massakri pubbliċi, kull nobbli tirann tal-plebej, u l-ministri tal-verità evangelika li jħammgu idejhom bid-demm li bihom kuljum imissu lil Alla tal-Manswetudini. Dawn mhumiex l-opri ta' dan is-seklu illuminat, li xi wħud isejhulu korrott.</p>
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4.9 Translating § VI - Proporzione fra i delitti e le pene

§ VI .	Kapitlu 6:
<p data-bbox="272 376 711 416"><i>Proporzione fra i delitti e le pene.</i></p> <p data-bbox="204 472 783 1099">Non solamente è interesse comune che non si commettano delitti, ma che siano piú rari a proporzione del male che arrecano alla società. Dunque piú forti debbono essere gli ostacoli che risospingono gli uomini dai delitti a misura che sono contrari al ben pubblico, ed a misura delle spinte che gli portano ai delitti. Dunque vi deve essere una proporzione fra i delitti e le pene.</p>	<p data-bbox="847 376 1350 416">Proporzjonalità bejn id-delitti u l-pieni</p> <p data-bbox="807 472 1390 1249">Mhuwiex biss fl-interess komuni li ma jitwettqux delitti, iżda li jkunu anqas frekwenti b'mod proporzjonat mal-ħsara li jikkawżaw lis-socjetà. Għalhekk, l-ostakli li jiskoraġġixxu lill-bnedmin milli jwettqu delitti għandhom ikunu aktar b'saħħithom, aktar ma daww id-delitti jmorru kontra l-ġid pubbliku, u aktar ma jkunu qawwija l-motivazzjonijiet sabiex dawn jitwettqu. Għalhekk, għandu jkun hemm proporzjon bejn id-delitti u l-pieni.</p>

<p>È impossibile di prevenire tutti i disordini nell'universal combattimento delle passioni umane. Essi crescono in ragione composta della popolazione e dell'incrocicchiamento degl'interessi particolari che non è possibile dirigere geometricamente alla pubblica utilità. All'esattezza matematica bisogna sostituire nell'aritmetica politica il calcolo delle probabilità. † Si getti uno sguardo sulle storie e si vedranno crescere i disordini coi confini degl'imperi, e, scemando nell'istessa proporzione il sentimento nazionale, la spinta verso i delitti cresce in ragione dell'interesse che ciascuno prende ai disordini medesimi: perciò la necessità di aggravare le pene si va per questo motivo sempre piú aumentando. †</p>	<p>Huwa impossibbli li jiġi evitat it-taqlib kollu kkawżat mill-kunflitt universali tal-passjonijiet umani. Dawn jiżdiċdu proporzjonalment mat-tkabbir fil-popolazzjoni u l-interkonnessjoni ta' interessi individwali li ma jistgħux jiġu diretti bi preċiżjoni geometrika lejn l-utilità pubblika. Fl-aritmetika politika, jeħtieġ li nissostitwixxu l-preċiżjoni matematika għall-kalkolu tal-probabbiltajiet. † Biżżejjed li wieħed jixhet ħarstu fuq l-istorja sabiex jara t-taqlib jiżdiċ mal-espansjoni tal-konfini tal-imperi u, fl-istess proporzjon, is-sentiment nazzjonali jonqos; l-inklinazzjoni lejn id-delitti tiżdiċ proporzjonalment mal-motivazzjonijiet ta' kull individwu fir-rigward tal-istess taqlib. Għal din ir-raġuni, il-ħtieġa li jiħraxu l-pieni tkompli tiżdiċ. †</p>
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<p>Quella forza simile alla gravità, che ci spinge al nostro ben essere, non si trattiene che a misura degli ostacoli che gli sono opposti. Gli effetti di questa forza sono la confusa serie delle azioni umane: se queste si urtano scambievolmente e si offendono, le pene, che io chiamerei <i>ostacoli politici</i>, ne impediscono il cattivo effetto senza distruggere la causa impellente, che è la sensibilità medesima inseparabile dall'uomo, e il legislatore fa come l'abile architetto di cui l'ufficio è di opporsi alle direzioni rovinose della gravità e di far conspirare quelle che contribuiscono alla forza dell'edificio.</p>	<p>Dik il-forza, simili għall-gravità, li twassalna lejn il-benesseri tagħna tista' tigi mrażżna biss bi proporzjon mal-ostakli li jiġu opposti għaliha. L-effetti ta' din il-forza huma s-serje konfuża tal-azzjonijiet umani. Jekk dawn jiġu f'kunflitt ma' xulxin u jagħmlu ħsara, il-pieni, li jien insejhlhom <i>ostakli politici</i>, jimpedixxu l-effetti ħżiena tagħhom mingħajr ma jeqirdu il-kawża impellanti, li hija l-istess sensibbilità inseparabli mill-bniedem. Il-legislatur jaqdi l-parti ta' perit għaref li l-kompitu tiegħu huwa li jopponi l-forzi distruttivi tal-gravità u li jwahhad flimkien dawk il-forzi li jikkontribwixxu għas-saħħa u l-istabbiltà tal-binja.</p>
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<p>Data la necessità della riunione degli uomini, dati i patti, che necessariamente risultano dalla opposizione medesima degl'interessi privati, trovasi una scala di disordini, dei quali il primo grado consiste in quelli che distruggono immediatamente la società, e l'ultimo nella minima ingiustizia possibile fatta ai privati membri di essa. Tra questi estremi sono comprese tutte le azioni opposte al ben pubblico, che chiamansi delitti, e tutte vanno, per gradi insensibili, decrescendo dal più sublime al più infimo. Se la geometria fosse adattabile alle infinite ed oscure combinazioni delle azioni umane, vi dovrebbe essere una scala corrispondente di pene, che discendesse dalla più forte alla più debole: ma basterà al saggio legislatore di segnarne i punti principali, senza turbar l'ordine, non decretando ai delitti del primo grado le pene dell'ultimo. Se vi fosse una scala esatta ed universale delle pene e dei delitti, avremmo una probabile e comune misura dei gradi di tirannia e di libertà, del</p>	<p>Meta tikkunsidra l-ħtieġa li l-bnedmin jingħaqdu flimkien, u l-kuntratti li inevitabilment jirriżultaw mill-istess oppożizzjoni tal-interessi privati, insibu skala ta' taqlib, fejn l-ewwel grad tagħha jikkonsisti f'dawk li immedjatament jeqirdu s-soċjetà, u l-aħħar grad jikkonsisti fl-anqas ingustizzja possibbli imposta fuq il-membri privati tagħha. Bejn dawn iż-żewġ estremi nsibu distribwiti fi gradazzjonijiet impercettibbli mill-ogħla sal-aktar baxxi, l-azzjonijiet kollha li huma opposti għall-gid pubbliku u li jissejħu delitti. Kieku l-geometrija setgħet tiġi applikata għall-kombinazzjonijiet infiniti u oskuri tal-azzjonijiet umani, suppost tkun teżisti skala korrispondenti ta' pieni, li tonqos minn dik l-aktar ħarxa għal dik l-aktar ħanina. Izda għal-legislatur għaqli jkun biżżejjed li jimmarka l-punti ewlenin mingħajr ma jfixkel l-ordni tagħhom, u mingħajr ma jagħti lid-delitti tal-ewwel grad, il-pieni tal-aħħar grad. Kieku kien hemm skala eżatta u universali tad-delitti u l-pieni, ikollna kejl</p>
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fondo di umanità o di malizia delle diverse nazioni.	pjuttost affidabbli u ġenerali tal-gradi ta' tirannija u libertà tan-nazzjonijiet differenti, u ta' jekk humiex imsejsa l-aktar fuq il-hniena jew il-kattiverija.
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<p>Qualunque azione non compresa tra i due sovraccennati limiti non può essere chiamata delitto, o punita come tale, se non da coloro che vi trovano il loro interesse nel così chiamarla. La incertezza di questi limiti ha prodotta nelle nazioni una morale che contraddice alla legislazione; più attuali legislazioni che si escludono scambievolmente; una moltitudine di leggi che espongono il più saggio alle pene più rigorose, e però resi vaghi e fluttuanti i nomi di <i>vizio</i> e di <i>virtù</i>, e però nata l'incertezza della propria esistenza, che produce il letargo ed il sonno fatale nei corpi politici.</p>	<p>Kwalunkwe azzjoni li ma taqax bejn iż-żewġ limiti msemmija hawn fuq ma tistax tissejjaħ delitt jew tiġi kkastigata bħala tali, għajr minn dawk li huwa fl-interess tagħhom jsejħulha hekk. L-incertezza dwar dawn il limiti ħolqot fin-nazzjonijiet moralità li tikkontradixxi l-leġislazzjoni; diversi leġislazzjonijiet fil-preżent jeskludu lil xulxin; għadd kbir ta' liġijiet li jesponu lill-aktar bnedmin għorrief għall-pieni l-aktar ħorox, u jhallu t-termini <i>vizzju</i> u <i>virtù</i>, vagi u varjabbli. B'hekk ħolqu incertezza dwar l-eżistenza tal-bniedem stess, li tipproduċi indolenza u stagħnar fatali fil-korpi politici.</p>
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<p>Chiunque leggerà con occhio filosofico i codici delle nazioni e i loro annali, troverà quasi sempre i nomi di <i>vizio</i> e di <i>virtù</i>, di <i>buon cittadino</i> o di <i>reo</i> cangiarsi colle rivoluzioni dei secoli, non in ragione delle mutazioni che accadono nelle circostanze dei paesi, e per conseguenza sempre conformi all'interesse comune, ma in ragione delle passioni e degli errori che successivamente agitarono i differenti legislatori. Vedrà bene spesso che le passioni di un secolo sono la base della morale dei secoli futuri, che le passioni forti, figlie del fanatismo e dell'entusiasmo, indebolite e rose, dirò così, dal tempo, che riduce tutti i fenomeni fisici e morali all'equilibrio, diventano a poco a poco la prudenza del secolo e lo strumento utile in mano del forte e dell'accorto. In questo modo nacquero le oscurissime nozioni di onore e di virtù, e tali sono perché si cambiano colle rivoluzioni del tempo che fa sopravvivere i nomi alle cose, si cambiano coi fiumi e colle montagne che sono bene spesso i confini,</p>	<p>Kull min jaqra l-kodiċi tan-nazzjonijiet u l-annali tagħhom b'lenti filosofika jsib kważi dejjem li t-tifsiriet tat-termini <i>vizzju</i> u <i>virtù</i>, ta' <i>cittadin tajjeb jew ħati</i>, ikangu mat-taqlib tas-sekli. Dan mhux minħabba l-bidliet li jseħħu fiċ-ċirkostanzi tal-pajjiżi, u għalhekk dejjem konformi mal-interess komuni, iżda minħabba l-passjonijiet u l-iżbalji li sussegwentement influwenzaw lil-leġislaturi differenti. Il-qarrej ħafna drabi jara li l-passjonijiet ta' seklju jiffurmaw il-pedament tal-moralità tas-sekli futuri, u li l-passjonijiet qawwija, imnissla mill-fanatizmu u l-entuzjażmu, imdgħajfa u sabiex ngħidu hekk, mittiekla, miż-żmien - li jirriduċi kull fenomenu fiżiku u morali għall-bilanċ - sakemm bil-mod il-mod isiru l-prudenza tas-seklju u l-għodda utli f'idejn bnedmin setgħana u għaqlin. B'dan il-mod tnisslu l-aktar kuncetti oskuri tal-unur u l-virtù; u dawn huma oskuri għaliex jinbidlu mar-rivoluzzjonijiet taż-żmien, li jippreserva l-ismijiet minflok it-tifsir tagħhom. Jinbidlu wkoll max-xmajjar u mal-muntanji, li ħafna</p>
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non solo della fisica, ma della morale geografia.	drabi jiffurmaw il-fruntieri mhux biss tal- geografija fizika iżda wkoll ta' dik morali.
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<p>Se il piacere e il dolore sono i motori degli esseri sensibili, se tra i motivi che spingono gli uomini anche alle piú sublimi operazioni, furono destinati dall'invisibile legislatore il premio e la pena,</p> <p>dalla inesatta distribuzione di queste ne nascerà quella tanto meno osservata contraddizione, quanto piú comune, che le pene puniscano i delitti che hanno fatto nascere. Se una pena uguale è destinata a due delitti che disugualmente offendono la società, gli uomini non troveranno un piú forte ostacolo per commettere il maggior delitto, se con esso vi trovino unito un maggior vantaggio.</p>	<p>Jekk il-pjaċir u l-uġiġħ huma l-forzi li jmexxu lill-essri sensibbli, jekk fost il-motivazzjonijiet li jmexxu lill-bnedmin anke għall-aktar għemejjel sublimi, u jekk il-premju u l-piena kienu maħluqa mil-legislatur invizibbli, allura mid-distribuzzjoni impreciza ta' dawn il-pieni titnissel dik il-kontradizzjoni, li ftit li xejn giet osservata, daqskemm hija komuni; li l-pieni jikkastigaw id-delitti li huma stess ħolqu. Jekk l-istess piena tiġi preskritta għal żewġ delitti li jagħmlu l-ħsara lis-soċjetà fi gradi differenti, il-bnedmin mhux ser jiffaċċjaw deterrent aktar b'saħħtu sabiex ma jwettqux l-akbar delitt jekk isibuha fil-vantaġġ tagħhom li jagħmlu dan.</p>
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4.10 Translating § VII - Errori nella misura delle pene

§ VII .	Kapitlu 7:
<p data-bbox="295 376 694 414"><i>Errori nella misura delle pene.</i></p> <p data-bbox="204 472 783 1682">Le precedenti riflessioni mi danno il diritto di asserire che l'unica e vera misura dei delitti è il danno fatto alla nazione, e però errarono coloro che credettero vera misura dei delitti l'intenzione di chi gli commette. Questa dipende dalla impressione attuale degli oggetti e dalla precedente disposizione della mente: esse variano in tutti gli uomini e in ciascun uomo, colla velocissima successione delle idee, delle passioni e delle circostanze. Sarebbe dunque necessario formare non solo un codice particolare per ciascun cittadino, ma una nuova legge ad ogni delitto. Qualche volta gli uomini colla migliore intenzione fanno il maggior male alla società; e alcune altre volte colla più cattiva volontà ne fanno il maggior bene.</p>	<p data-bbox="954 376 1246 414">Żbalji fil-kejl tal-pieni</p> <p data-bbox="809 472 1388 1720">Ir-riflessjonijiet preċedenti jagħtuni d-dritt nasserixxi li l-unika u veru kejl tad-delitti huwa l-ħsara li ssir lin-nazzjon u, għalhekk, kienu żbaljati dawk li emmnu li l-vera kejl tad-delitti jinsab fl-intenzjoni ta' min iwettaqhom. L-intenzjoni tiddependi fuq l-impressjoni attwali tal-oġġetti u mid-dispożizzjoni preċedenti tal-moħħ: dawn ivarjaw fost u fi ħdan kull individwu, bil-ħeffa kbira tas-suċċessjoni tal-ideat, tal-passjonijiet u taċ-ċirkostanzi. Għalhekk, ikun meħtieġ li jinħoloq mhux biss kodiċi legali speċifiku għal kull ċittadin, iżda wkoll liġi ġdida għal kull delitt. Xi drabi l-bnedmin bl-aħjar intenzjonijiet jagħmlu l-akbar ħsara lis-soċjetà; u xi drabi oħra jagħmlu l-akbar ġid, bl-aktar rieda kattiva.</p>

<p>Altri misurano i delitti piú dalla dignità della persona offesa che dalla loro importanza riguardo al ben pubblico. Se questa fosse la vera misura dei delitti, una irrivenza all'Essere degli esseri dovrebbe piú atrocemente punirsi che l'assassinio d'un monarca, la superiorità della natura essendo un infinito compenso alla differenza dell'offesa.</p>	<p>Oħrajn ikejlu d-delitti aktar skont id-dinjità tal-parti ingurjata milli skont is-sinifikat tagħhom fir-rigward tal-ġid pubbliku. Jekk dan kellu jkun il-kejl veru tad-delitti, n-nuqqas ta' qima lejn is-Essri Suprem għandha tiġi kkastigata b'mod aktar atroci mill-qtil ta' monarka, għaliex s-superjorità tan-natura divina Tiegħu tikkumpensa b'mod infinit għad-differenza tal-offiża.</p>
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<p>Finalmente alcuni pensarono che la gravezza del peccato entrasse nella misura dei delitti. La fallacia di questa opinione risalterà agli occhi d'un indifferente esaminatore dei veri rapporti tra uomini e uomini, e tra uomini e Dio. I primi sono rapporti di uguaglianza. La sola necessità ha fatto nascere dall'urto delle passioni e dalle opposizioni degl'interessi l'idea della <i>utilità comune</i>, che è la base della giustizia umana; i secondi sono rapporti di dipendenza da un Essere perfetto e creatore, che si è riserbato a sé solo il diritto di essere legislatore e giudice nel medesimo tempo, perché egli solo può esserlo senza inconveniente. Se ha stabilito pene eterne a chi disobbedisce alla sua onnipotenza, qual sarà l'insetto che oserà supplire alla divina giustizia, che vorrà vendicare l'Essere che basta a se stesso, che non può ricevere dagli oggetti impressione alcuna di piacere o di dolore, e che solo tra tutti gli esseri agisce senza reazione? La gravezza del peccato dipende dalla imperscrutabile malizia del cuore. Questa da esseri finiti non può senza rivelazione sapersi. Come dunque da questa</p>	<p>Fl-aħħar, xi wħud ħasbu li l-gravità tad-dnub għandha titqies fil-kejl tad-delitti. Il-fallaċja ta' din l-opinjoni tidher immedjatament ċara għal min, b'mod imparzjali, jeżamina r-relazzjonijiet veri bejn il-bnedmin u bejn il-bnedmin u Alla. Tal-ewwel huma relazzjonijiet ta' ugwaljanza. Il-ħtieġa waħedha tat lok għall-idea tal-<i>utilità komuni</i>, li tnisslet mill-konfrontazzjoni tal-passjonijiet u l-oppożizzjoni tal-interessi, li hija l-pedament tal-ġustizzja umana. It-tieni huma relazzjonijiet ta' dipendenza fuq l-Essri perfett u kreattiv, li żamm Għalih biss id-dritt li jkun leġislatur u mħallef fl-istess ħin, għaliex Huwa biss jista' jeżerċita dan id-dritt mingħajr inkonvenjent. Jekk Huwa stabbilixxa pjeni eterni għal kull min ma jobdix l-onnipotenza Tiegħu, min huwa dak l-insett li jazzarda jieħu post il-ġustizzja divina, sabiex jivvendika lill-Essri li Huwa suffiċjenti Għalih innifsu, li ma jistax jirċievi l-ebda impressjoni ta' pjaċir jew uġiġħ mill-oġġetti, u li waħdu fost l-esseri kollha jaġixxi mingħajr reazzjoni? Il-gravità tad-dnub</p>
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<p>si prenderà norma per punire i delitti?</p> <p>Potrebbero in questo caso gli uomini punire quando Iddio perdona, e perdonare quando Iddio punisce. Se gli uomini possono essere in contraddizione coll'Onnipossente nell'offenderlo, possono anche esserlo col punire.</p>	<p>tiddependi fuq il-ħażen inskrutinabbli tal-qalb, li l-esseri limitati ma jistgħux isiru jafu mingħajr rivelazzjoni. Għalhekk, kif tista' din tiġi wżata bħala kejl sabiex jiġu kkastigati d-delitti? F'dan il-każ, il-bnedmin jistgħu jikkastigaw meta Alla jaħfer, u jaħfru meta Alla jikkastiga. Jekk l-bnedmin jistgħu jkunu f'kontradizzjoni mal-Onnipotenti meta Joffenduh, jistgħu wkoll ikunu f'kontradizzjoni meta jamministraw il-pieni.</p>
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4.11 Translating § VIII - *Divisione dei delitti*

§ VIII.	Kapitlu 8:
<p style="text-align: center;"><i>Divisione dei delitti.</i></p> <p>Abbiamo veduto qual sia la vera misura dei delitti, cioè il <i>danno</i> della <i>società</i>. Questa è una di quelle palpabili verità che, quantunque non abbian bisogno né di quadranti, né di telescopi per essere scoperte, ma sieno alla portata di ciascun mediocre intelletto, pure per una meravigliosa combinazione di circostanze non sono con decisa sicurezza conosciute che da alcuni pochi pensatori, uomini d'ogni nazione e d'ogni secolo. Ma le opinioni asiatiche, ma le passioni vestite d'autorità e di potere hanno, la maggior parte delle volte per insensibili spinte, alcune poche per violente impressioni sulla timida credulità degli uomini, dissipate le semplici nozioni, che forse formavano la prima filosofia delle nascenti società ed a cui la luce</p>	<p style="text-align: center;">Il-klassifikazzjoni tad-delitti</p> <p>Rajna x'inhw l-veru kejl tad-delitti, jigifieri, il-<i>ħsara</i> li ssir lis-<i>socjetà</i>. Din hija waħda biss minn daww il-veritajiet palpabbli li, għalkemm la jeħtiegu kwadranti⁴² u lanqas teleskopji sabiex jigu skoperti, għaliex huma fil-<i>ħakma</i> anke tal-aktar intellett medjokri, xorta waħda, minħabba sett ta' kumbinazzjonijiet straordinarji ta' ċirkostanzi, dawn il-veritajiet huma rikonoxxuti bis-<i>shih</i> minn ftit <i>ħassieba</i> biss, ta' kull nazzjon u ta' kull sekl. Izda l-opinjoni Asjatiċi⁴³, u l-passjonijiet mistura fl-awtorità u l-poter, il-biċċa l-kbira tal-<i>ħin</i>, b'mod insensibbli, u xi kultant b'impressjonijiet vjolenti fuq il-kredulità timida tal-bnedmin, xerrdu l-kunċetti sempliċi, li forsi kienu jiffurmaw l-ewwel</p>

⁴² Il-kwadrant huwa strument astronomiku u navigazzjonali wżat matul l-Epoka tal-Illuminiżmu sabiex ikejjel angoli u l-altitudni ta' korpi ċelesti. Fit-test qiegħed antropomorfikament jissimbolizza għodda avvanzata ta' osservazzjoni u analiżi.

⁴³ F'konformità mal-fehmiet ta' Montesquieu dwar id-*'despotiżmu Asjatiku'*. Ir-regimi orjentali, fosthom l-Imperu Ottoman, ir-Russja u ċ-Ċina, kienu meqjusa bħala mudelli ta' awtoritarjanizmu assolut.

<p>di questo secolo sembra che ci riconduca, con quella maggior fermezza però che può essere somministrata da un esame geometrico, da mille funeste sperienze e dagli ostacoli medesimi.</p>	<p>filosofija tas-soċjetajiet naxxenti. Id-dawl ta' dan is-seklu jidher li qiegħed iwassalna lura għalihom, b'konvinzjoni akbar iżda li tista' tiġi amministrata minn eżami matematiku, minn għadd kbir ta' esperjenzi traġiċi, u mill-istess ostakli.</p>
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<p>Or l'ordine ci condurrebbe ad esaminare e distinguere tutte le differenti sorte di delitti e la maniera di punirgli, se la variabile natura di essi per le diverse circostanze dei secoli e dei luoghi non ci obbligasse ad un dettaglio immenso e noioso. Mi basterà indicare i principii piú generali e gli errori piú funesti e comuni per disingannare sí quelli che per un mal inteso amore di libertà vorrebbero introdurre l'anarchia, come coloro che amerebbero ridurre gli uomini ad una claustrale regolarità.</p>	<p>Issa, ir-raġuni twassalna sabiex neżaminaw u niddistingwu t-tipi differenti ta' delitti u l-modi li jiġu kkastigati, li kieku n-natura varjabbli tagħhom, minħabba ċ-ċirkostanzi differenti tas-sekli u l-postijiet, ma ġegħlitniex nidhlu f' dettall enormi u tedjanti. Se jkun biżżejjed għalija nindika l-prinċipji l-aktar ġenerali u l-iżbalji l-aktar fatali u komuni sabiex niddisswadi kemm lil dawk li, minħabba li jifhmu b'mod żbaljat l-imħabba għal-libertà, jixtiequ jintroduċu l-anarkija, kif ukoll lil dawk li jixtiequ jirriduċu lill-bnedmin għal regolarità klawstrali.</p>
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<p>Alcuni delitti distruggono immediatamente la società, o chi la rappresenta; alcuni offendono la privata sicurezza di un cittadino nella vita, nei beni, o nell'onore; alcuni altri sono azioni contrarie a ciò che ciascuno è obbligato dalle leggi di fare, o non fare, in vista del ben pubblico. I primi, che sono i massimi delitti, perché più dannosi, son quelli che chiamansi di lesa maestà. La sola tirannia e l'ignoranza, che confondono i vocaboli e le idee più chiare, possono dar questo nome, e per conseguenza la massima pena, a' delitti di differente natura, e rendere così gli uomini, come in mille altre occasioni, vittime di una parola. Ogni delitto, benché privato, offende la società, ma ogni delitto non ne tenta la immediata distruzione. Le azioni morali, come le fisiche, hanno la loro sfera limitata di attività e sono diversamente circoscritte, come tutti i movimenti di natura, dal tempo e dallo spazio; e però la sola cavillosa interpretazione, che è per l'ordinario la filosofia della schiavitù, può</p>	<p>Xi delitti jeqirdu s-soċjetà direttament, jew lil dawk li jirrapprezentawha; oħrajn jimminaw is-sigurtà privata taċ-ċittadin billi jattakkawlu ħajtu, ħwejġu jew l-unur tiegħu; ċertu oħrajn huma azzjonijiet li jmorru kontra dak li kull ċittadin huwa obligat li jagħmel jew ma jagħmilx, fid-dawl tal-ġid pubbliku. Tal-ewwel, li huma l-akbar delitti għaliex l-aktar li jagħmlu ħsara, jissejġu lesa maestà⁴⁴. It-tirannija biss u l-injoranza, li jħawdu l-aktar kliem u ideat ċari, jistgħu jagħtu dan l-isem u konsegwentement l-akbar pjeni, lil delitti ta' natura differenti, u b'hekk jagħmlu lill-bnedmin, kif jiġri f'għadd kbir ta' każijiet oħra, vittmi ta' kelma waħda. Kull delitt, anke wiehed privat, jagħmel ħsara lis-soċjetà, iżda mhux kull delitt jipprova jeqridha direttament. L-azzjonijiet morali, bħal dawk fiżiċi, għandhom l-isfera limitata tagħhom ta' attività , u, bħall-movimenti tan-natura kollha, huma ristretti b'mod differenti miż-żmien u mill-ispazju. Għalhekk, biss</p>
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⁴⁴ *Lèse-majesté* tirreferi għal delitti kontra d-dinjità jew l-awtorità ta' sovrani; eżempju tradiment fil-konfront ta' monarka.

confondere ciò che dall'eterna verità fu con immutabili rapporti distinto.	interpretazzjoni fiergħa u qarrieqa li ħafna drabi hija l-filosofija tal-iskjavitù, tista' tħawwad dak li l-verità eterna għamlet distint b'relazzjonijiet immutabbli.
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<p>Dopo questi seguono i delitti contrari alla sicurezza di ciascun particolare. Essendo questo il fine primario di ogni legittima associazione, non può non assegnarsi alla violazione del dritto di sicurezza acquistato da ogni cittadino alcuna delle pene più considerabili stabilita dalle leggi.</p>	<p>Wara dawn isegwu d-delitti li jmorru kontra is-sigurtà ta' kull individwu. Peress li dan huwa l-għan ewlieni ta' kull assoċjazzjoni legittima, il-ksur tad-dritt għas-sigurtà miksub minn kull ċittadin għandu jingħata waħda mill-aktar pieni ħorox stabbiliti mill-igi.</p>
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<p>L'opinione che ciaschedun cittadino deve avere di poter fare tutto ciò che non è contrario alle leggi senza temerne altro inconveniente che quello che può nascere dall'azione medesima, questo è il dogma politico che dovrebb'essere dai popoli creduto e dai supremi magistrati colla incorrotta custodia delle leggi predicato; sacro dogma, senza di cui non vi può essere legittima società, giusta ricompensa del sacrificio fatto dagli uomini di quell'azione universale su tutte le cose che è comune ad ogni essere sensibile, e limitata soltanto dalle proprie forze. Questo forma le libere anime e vigorose e le menti rischiaratrici, rende gli uomini virtuosi, ma di quella virtù che sa resistere al timore, e non di quella pieghevole prudenza, degna solo di chi può soffrire un'esistenza precaria ed incerta. Gli attentati dunque contro la sicurezza e libertà dei cittadini sono uno de' maggiori delitti, e sotto questa classe cadono non solo gli assassinii e i furti degli uomini plebei, ma quelli ancora dei grandi e dei magistrati, l'influenza dei quali agisce ad una maggior distanza e con</p>	<p>L-opinjoni li kull ċittadin għandu jkollu l-fakultà li jagħmel dak kollu li ma jmurx kontra l-liġi mingħajr ma jibza' minn ebda inkonvenjent hliief minn dak li jista' jinqala' mill-azzjoni nnifisha — din hija d-domma politika li għandha tkun emnuta mill-popli u ppridkata mill-ogħla magiistrati permezz tal-ħarsien inkorruttibbli tal-liġi. Domma sagra, li mingħajrha ma tistax teżisti soċjetà legittima, u lanqas ma jista' jkun hemm kumpens ġust għas-sagrificċju magħmul mill-bnedmin tas-setgħa universali tagħhom fuq l-affarijiet kollha, li huma komuni għal kull essri sensibbli, u limitat biss mill-forzi tagħhom stess. Din id-domma tiffirma l-ispirti ħielsa u vigorużi u l-imħuħ illuminati, li jrendu lill-bnedmin virtwużi, iżda dik il-virtù li ma taf l-ebda biża', mhux dik il-prudenza flessibbli, li hija xierqa biss għal dawk li jridu jgħixu eżistenza prekarja u inċerta. Għalhekk, l-attakki kontra s-sigurtà u l-libertà taċ-ċittadini huma fost l-akbar delitti. Taħt din il-kategorija jaqgħu mhux biss il-qtil u s-serq tal-plebej, iżda wkoll</p>
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<p>maggior vigore, distruggendo nei sudditi le idee di giustizia e di dovere, e sostituendo quella del diritto del piú forte, pericoloso del pari in chi lo esercita e in chi lo soffre.</p>	<p>dawk tan-nobbli u l-maġistrati, li l-influwenza testendi aktar u taġixxi b'qawwa akbar, teqred fis-sudditi l-ideat ta' ġustizzja u d-dmir, u tissostitwihom bl-idea tad-dritt tal-aktar b'saħħtu, li hija ugwalment perikoluża kemm għal dawk li jeżerċitawha kif ukoll għal dawk li jbatuha.</p>
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4.12 Translating § XXVIII - Della pena di morte

§ XXVIII.	Kapitlu 28:
<p data-bbox="359 376 625 412"><i>Della pena di morte.</i></p> <p data-bbox="204 472 783 1906">Questa inutile prodigalità di supplicii, che non ha mai resi migliori gli uomini, mi ha spinto ad esaminare se la morte sia veramente utile e giusta in un governo bene organizzato. Qual può essere il diritto che si attribuiscono gli uomini di trucidare i loro simili? Non certamente quello da cui risulta la sovranità e le leggi. Esse non sono che una somma di minime porzioni della privata libertà di ciascuno; esse rappresentano la volontà generale, che è l'aggregato delle particolari. Chi è mai colui che abbia voluto lasciare ad altri uomini l'arbitrio di ucciderlo? Come mai nel minimo sacrificio della libertà di ciascuno vi può essere quello del massimo tra tutti i beni, la vita? E se ciò fu fatto, come si accorda un tal principio coll'altro, che l'uomo non è padrone di uccidersi, e doveva esserlo se ha potuto dare altrui questo diritto o alla società intera?</p>	<p data-bbox="959 376 1241 412">Fuq il-piena tal-mewt</p> <p data-bbox="809 472 1394 1854">Dan l-eċċess bla siwi ta' pieni korporali, li qatt ma tejjeb lill-bnedmin, ipperswadieni sabiex neżamina jekk il-piena tal-mewt hijiex tassew utli u ġusta fi gvern organizzat tajjeb. B'liema dritt il-bnedmin jistgħu jimmassakkraw lil xulxin? Żgur mhux dak id-dritt li fuqu huma msejsa s-sovranità u l-ligijiet. Dawn mhumieq għajr is-somma tal-iżgħar porzjonijiet tal-libertà privata ta' kull individwu; huma jirrapprezentaw ir-rieda ġenerali, li hija l-aggregat tar-riediet individwali. Min hu dak li qatt ried iħalli f'idejn bnedmin oħra s-setgħa li joqtluh? Kif jista' jkun li l-iżgħar sagrificcju tal-libertà ta' kull individwu jinkludi l-oghla ġid, il-ħajja nnifisha? U anke jekk dan sar, kif jista' dan il-principju jirrikoncilja mal-ieħor, jigiġifieri, li l-bniedem mhuwiew liberu li joqtol ruħu b'idejh, li huwa kellu jkun, li kieku kellu</p>

	tassew jċedi dan id-dritt lil haddieħor jew lis-soċjeta kollha?
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<p>Non è dunque la pena di morte un diritto, mentre ho dimostrato che tale essere non può, ma è una guerra della nazione con un cittadino, perché giudica necessaria o utile la distruzione del suo essere. Ma se dimostrerò non essere la morte né utile né necessaria, avrò vinto la causa dell'umanità.</p>	<p>Għalhekk, kif digà wrejt, il-piena tal-mewt mhijiex dritt, iżda l-gwerra tan-nazzjon kontra ċittadin, għaliex tqis il-qerda tal-essri tiegħu bħala meħtieġa jew utli. Iżda jekk nista' nuri li l-mewt la hija utli u lanqas meħtieġa, inkun irbaħt il-kawża tal-umanità.</p>
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<p>La morte di un cittadino non può credersi necessaria che per due motivi. Il primo, quando anche privo di libertà egli abbia ancora tali relazioni e tal potenza che interessi la sicurezza della nazione; quando la sua esistenza possa produrre una rivoluzione pericolosa nella forma di governo stabilita. La morte di qualche cittadino divien dunque necessaria quando la nazione ricupera o perde la sua libertà, o nel tempo dell'anarchia, quando i disordini stessi tengon luogo di leggi; ma durante il tranquillo regno delle leggi, in una forma di governo per la quale i voti della nazione siano riuniti, ben munita al di fuori e al di dentro dalla forza e dalla opinione, forse più efficace della forza medesima, dove il comando non è che presso il vero sovrano, dove le ricchezze comprano piaceri e non autorità, io non veggo necessità alcuna di distruggere un cittadino, se non quando la di lui morte fosse il vero ed unico freno per distogliere gli altri dal commettere delitti,</p>	<p>Il-mewt ta' ċittadin ma tistax titqies biss meħtieġa għal żewġ raġunijiet. L-ewwel, meta anke jekk imċaħħad mil-libertà tiegħu, huwa jżomm rapporti u setgħat li jpoġġu f'periklu s-sigurtà tan-nazzjon; meta l-eżistenza tiegħu tista' thedded rivoluzzjoni perikoluża kontra l-forma stabbilita ta' gvern. Il-mewt ta' ċittadin issir għalhekk meħtieġa meta n-nazzjon ikun se jitlef jew se jerġa' jikseb il-libertà tiegħu, jew f'perjodi ta' anarkija meta t-taqlib jieħu post il-liġijiet. Iżda meta tirrenja t-trankwillità fl-istat tad-dritt, taħt forma ta' gvern sostnut mix-xewqat kollettivi tan-nazzjon, imsaħħaħ sew minn barra u sew minn ġewwa, kemm mill-forza, kif ukoll mill-opinjoni - li forsi hija iktar effikaċi mill-forza nnifisha - u li fih is-setgħa tat-tmexxija hija mqieghda biss fis-sovrano veru, fejn il-ġid jista' jixtri l-pjaċiri u mhux l-awtorità, ma nara l-ebda ħtieġa li jinqered ċittadin. Dan dejjem japplika sakemm mewtu mhijiex il-veru u l-uniku ostaklu sabiex tiskoraġġixxi lill-oħrajn milli jwettqu delitti.</p>
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secondo motivo per cui può credersi giusta e necessaria la pena di morte.	Din hija t-tieni raġuni għaliex il-piena tal-mewt tista' titqies ġusta u meħtieġa.
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<p>Quando la speranza di tutt'i secoli, nei quali l'ultimo supplicio non ha mai distolti gli uomini determinati dall'offendere la società, quando l'esempio dei cittadini romani, e vent'anni di regno dell'imperatrice Elisabetta di Moscovia, nei quali diede ai padri dei popoli quest'illustre esempio, che equivale almeno a molte conquiste comprate col sangue dei figli della patria, non persuadessero gli uomini, a cui il linguaggio della ragione è sempre sospetto ed efficace quello dell'autorità, basta consultare la natura dell'uomo per sentire la verità della mia asserzione.</p>	<p>Jekk sekli ta' xhieda li matulhom l-akbar piena korporali qatt ma skoraġġiet lill-bnedmin deċiżi li jagħmlu ħsara lis-soċjetà; jekk l-eżempju taċ-ċittadini Rumani u tal-ghoxrin sena renju tal-Imperatrici Elizabetta ta' Moska⁴⁵, li matulhom tat lill-mexxejja tal-popli kollha eżempju illustri li jiswa mill-anqas daqs ħafna konkwisti mixtrija bid-demmm ta' wlied il-patrija; ma jipperswadix lil dawk il-bnedmin li għalihom il-lehen tar-raġuni hija dejjem suspettuża, filwaqt li dik tal-awtorità hija konvinċenti, biżżejjed tikkonsulta n-natura umana bħala prova tal-affermazzjoni tiegħi.</p>
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⁴⁵ Elizabetta Petrovna (1709–1761), Imperatrici tar-Russja mill-1741 sal-1761 harget żewġ digrieti sabiex tabolixxi l-piena tal-mewt. Madankollu, l-istima li għet mogħtija minn riformisti bħal Beccaria ma kinitx kompletament misthoqqa, għaliex din il-piena għet sostitwita b'pieni korporali horox li saħansitra xorta kienu fatali. Dawk li jibqgħu hajjin kienu tipikament jġgu deportati għal xogħol ta' skjavitù fis-Siberja. Minkejja dan, il-moratorju ta' Elizabetta influwenza mexxejja Russi u Ewropej u xpruna legat usa' ta' riformi penali.

<p>Non è l'intensione della pena che fa il maggior effetto sull'animo umano, ma l'estensione di essa; perché la nostra sensibilità è piú facilmente e stabilmente mossa da minime ma replicate impressioni che da un forte ma passeggero movimento. L'impero dell'abitudine è universale sopra ogni essere che sente, e come l'uomo parla e cammina e procacciasi i suoi bisogni col di lei aiuto, così l'idee morali non si stampano nella mente che per durevoli ed iterate percosse. Non è il terribile ma passeggero spettacolo della morte di uno scellerato, ma il lungo e stentato esempio di un uomo privo di libertà, che, divenuto bestia di servizio, ricompensa colle sue fatiche quella società che ha offesa, che è il freno piú forte contro i delitti. Quell'efficace, perché spessissimo ripetuto ritorno sopra di noi medesimi, <i>io stesso sarò ridotto a così lunga e misera condizione se commetterò simili misfatti</i>, è assai piú possente che non l'idea della morte, che gli uomini veggon sempre in una oscura lontananza.</p>	<p>Mhijiex l-ħruxija tal-piena li tħalli l-aktar effett fuq moħħ il-bniedem iżda t-tul tagħha. Dan ġħaliex is-sensibbiltà tagħna hija mqanqla b'mod aktar faċli u dejjiemi minn impressjonijiet żġħar iżda ripetuti milli minn azzjoni qawwija iżda momentarja. L-istat tad-drawwa huwa universali ġħal kull essri sensibbili u bl-istess mod kif dan jġħin lill-bniedem jitkellem, jimxi u jaqdi l-bżonnijiet tiegħu, hekk ukoll l-ideat morali huma stampati fil-moħħ biss permezz ta' impressjonijiet dejjiema u ripetuti. Mhuwiex l-ispettaklu terribbli iżda momentarju tal-mewt ta' xxellerat l-akbar deterrent kontra d-delitti, iżda l-eżempju dejjiemi u diffiċli ta' bniedem imċaħħad mil-libertà tiegħu. Dan il-bniedem isir bhima tat-tagħbija u b'hekk jikkumpensa bit-tbatija tiegħu lis-soċjetà li lilha jkun ġħamel ħsara. Ħafna aktar konvinċenti mill-idea tal-mewt, li l-bnedmin dejjem jipperċepixxu mbieġħda u vaga, hija r-riflessjoni li spiss nirrepetu lilna nfusna u hija ġħalhekk effikaci, <i>jiena wkoll ser niġi</i></p>
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	<i>ridott għal dan l-istat deġġemi u miżeru jekk inwettaq delitti bħal dawn.</i>
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<p>La pena di morte fa un'impressione che colla sua forza non supplisce alla pronta dimenticanza, naturale all'uomo anche nelle cose piú essenziali, ed accelerata dalle passioni. Regola generale: le passioni violenti sorprendono gli uomini⁴⁶, ma non per lungo tempo, e però sono atte a fare quelle rivoluzioni che di uomini comuni ne fanno o dei Persiani o dei Lacedemoni; ma in un libero e tranquillo governo le impressioni debbono essere piú frequenti che forti.</p>	<p>Minkejja l-qawwa kollha tagħha, l-piena tal-mewt ma tikkumpensax għat-tendenza naturali tal-bniedem li jinsa malajr. Din it-tendenza, xprunata mill-passjonijiet, timmanifesta ruħha fl-aktar affarijiet essenzjali. Bħala regola ġenerali, l-impressjonijiet vjolenti jaħsdu lill-bnedmin, iżda mhux għal żmien twil, u għalhekk huma adatti sabiex iwasslu għal dawk ir-rivoluzzjonijiet li jbiddu lill-bnedmin komuni f'Persjani jew fi Spartani⁴⁷. Iżda taħt gvern ħieles u paċifiku l-impressjonijiet għandhom ikunu aktar frekwenti milli qawwija.</p>
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⁴⁶ Fl-ewwel edizzjoni ta' *Dei Delitti e Delle Pene* sar żball tipografiku li baqa' jintiret f'edizzjonijiet sussegwenti: 'passioni' issa ġiet sostitwita b' 'impressioni'.

⁴⁷ Il-Persjani u l-iSpartani jissimbolizzaw żewġ arketipi: il-Persjani bħala rġiel skjavi u korrotti, mjassra kemm mit-tiranni kif ukoll mill-vizzji, u l-iSpartani bħala rġiel kuragġużi u ħielsa, xempji tad-dixxiplina, l-awtonomija, u l-virtù.

<p>La pena di morte diviene uno spettacolo per la maggior parte e un oggetto di compassione mista di sdegno per alcuni; ambidue questi sentimenti occupano piú l'animo degli spettatori che non il salutare terrore che la legge pretende ispirare. Ma nelle pene moderate e continue il sentimento dominante è l'ultimo perché è il solo. Il limite che fissar dovrebbe il legislatore al rigore delle pene sembra consistere nel sentimento di compassione, quando comincia a prevalere su di ogni altro nell'animo degli spettatori d'un supplicio piú fatto per essi che per il reo.</p>	<p>Il-piena tal-mewt issir spettaklu għall-biċċa l-kbira tan-nies u oġġett ta' kompassjoni mħallat b'għadab għal xi wħud. Dawn iż-żewġ sentimenti jokkupaw l-imħuħ tal-ispettaturi aktar mill-biża' salutari li l-liġi tipprowa tnissel. Izda meta jingħataw pieni moderati u dejjiema, is-sentiment ewlieni jkun dan tal-aħħar, għaliex huwa l-uniku wieħed. Il-limitu li l-leġislatur għandu jiffissa fuq il-ħruxija tal-pieni jidher li huwa dak il-punt li fih is-sentiment ta' kompassjoni jgħleb fuq kull sentiment ieħor fl-imħuħ tal-ispettaturi ta' piena korporali, li hija maħsuba aktar għalihom milli għall-ħati.</p>
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<p>* Perché una pena sia giusta non deve avere che quei soli gradi d'intensione che bastano a rimuovere gli uomini dai delitti; ora non vi è alcuno che, riflettendovi, scieglier possa la totale e perpetua perdita della propria libertà per quanto avvantaggioso possa essere un delitto: dunque l'intensione della pena di schiavitù perpetua sostituita alla pena di morte ha ciò che basta per rimuovere qualunque animo determinato; aggiungo che ha di piú: moltissimi risguardano la morte con viso tranquillo e fermo, chi per fanatismo, chi per vanità, che quasi sempre accompagna al di là dalla tomba, chi per un ultimo e disperato tentativo o di non vivere o di sortir di miseria; ma né il fanatismo né la vanità stanno fra i ceppi o le catene, sotto il bastone, sotto il giogo, in una gabbia di ferro, e il disperato non finisce i suoi mali, ma gli comincia. L'animo nostro resiste piú alla violenza ed agli estremi ma passeggeri dolori che al tempo ed all'incessante noia; perché egli può per dir cosí condensar tutto</p>	<p>* Sabiex piena tkun ġusta, għandu jkollha biss il-grad ta' intensità li huwa meħtieġ sabiex tiskoraġġixxi lill-bnedmin milli jwettqu delitti. Issa, m'hemm hadd li, meta jirrifletti, jasal jagħżel it-telf totali u perpetwu tal-libertà tiegħu stess, irrispettivament minn kemm ikun jaqbillu jwettaq id-delitt. Għalhekk, l-ħruxija tal-piena ta' skjavitù perpetwa⁴⁸, bħala sostitut għall-piena tal-mewt, għandha dak kollu li huwa meħtieġ sabiex tiskoraġġixxi anke l-aktar bniedem determinat. Tabilhaqq, ngħid li għandha saħansitra aktar. Hafna jharsu lejn il-mewt b'ħarsa kalma u soda, xi wħud kawża tal-fanatizmu, oħrajn tal-kburija, li kważi dejjem takkumpanja lill-bniedem lil hinn minn mewtu, u wħud f'tentattiv aħħari u ddisprat sabiex jew jeħilsu mill-ħajja jew jaħarbu mill-miżerja. Izda la l-fanatizmu u lanqas il-kburija ma jissaportu fil-manetti jew fil-ktajjen, taħt il-bastun u l-madmad, jew ġo ċella; u l-għali tal-iddisprat, mhux talli ma jkunx intemm, izda jkun għadu kif</p>
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⁴⁸ *Skjavitù perpetwa* hawn ma tfissirx skjavitù fis-sens tradizzjonali, jġigifieri bniedem jaħkem fuq ieħor, izda kastig penali dejjiemi flok il-piena tal-mewt. F'dan il-kuntest, tfisser ħidma sfurzata fil-ħabs għal żmien twil jew indefinit, fejn il-ħati jaħdem għall-istess soċjetà li lilha jkun għamel ħsara.

<p>se stesso per un momento per respinger i primi, ma la vigorosa di lui elasticità non basta a resistere alla lunga e ripetuta azione dei secondi.</p>	<p>beda. Il-bniedem jiflaħ aktar għall-vjolenza u għall-uġiġħ estrem iżda momentarju milli għal żmien twil ta' dwejjaq mingħajr heda. Dan għaliex, biex ngħidu hekk, l-bniedem jista' jikkonsolida s-saħħa kollha tiegħu għal mument sabiex jirreżisti lil tal-ewwel, iżda l-elasticità wtejqa tiegħu xorta mhijiex biżżejjed sabiex tiflaħ l-azzjoni dejjiema u ripetuta tal-aħħar.</p>
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<p>Colla pena di morte ogni esempio che si dà alla nazione suppone un delitto; nella pena di schiavitù perpetua un sol delitto dà moltissimi e durevoli esempi, e se egli è importante che gli uomini veggano spesso il poter delle leggi, le pene di morte non debbono essere molto distanti fra di loro: dunque suppongono la frequenza dei delitti, dunque perché questo supplicio sia utile bisogna che non faccia su gli uomini tutta l'impressione che far dovrebbe, cioè che sia utile e non utile nel medesimo tempo. Chi dicesse che la schiavitù perpetua è dolorosa quanto la morte, e perciò egualmente crudele, io risponderò che sommando tutti i momenti infelici della schiavitù lo sarà forse anche di più, ma questi sono stesi sopra tutta la vita, e quella esercita tutta la sua forza in un momento; ed è questo il vantaggio della pena di schiavitù, che spaventa più chi la vede che chi la soffre; perché il primo considera tutta la somma dei momenti infelici, ed il secondo è dall'infelicità del momento presente distratto dalla futura. Tutti i mali s'ingrandiscono nell'immaginazione, e</p>	<p>Bil-piena tal-mewt, kull eżempju mogħti lin-nazzjon jippresupponi delitt ġdid; bil-piena tal-iskjavitù perpetwa, delitt wiehed jipprovdi ħafna eżempji dejjiema. U jekk huwa importanti li l-bnedmin spiss jixhdu l-qawwa tal-liġi, il-pieni tal-mewt m'għandhomx ikunu mbiegħda minn xulxin. Dana jimplika l-ħtieġa li d-delitti jitwettqu b'mod frekwenti. Għaldaqstant, sabiex din il-piena korporali tkun utli, ma jeħtieġ li tagħti l-impressjoni sħiħa tagħha, jiġifieri, li tkun utli u inutli fl-istess ħin. Lil dawk li jgħidu li l-iskjavitù perpetwa hija gravi daqs il-mewt, u għalhekk, daqstant krudili, inwieġeb li jekk il-mument i koroh kollha tal-iskjavitù jiġu magħduda flimkien, dawn saħansitra jistgħu jkunu aġar minnha. Madanakollu, dawn huma mifruxa tul il-ħajja kollha, filwaqt li l-mewt teżercita s-saħħa kollha tagħha f'mument wiehed. Dan huwa l-vantaġġ tal-iskjavitù penali, li tbeżza' aktar lil dawk li jixhduha minn dawk li jsoffruha; għaliex tal-ewwel jikkunsidraw is-somma sħiħa ta' mument i koroh, filwaqt li tal-aħħar minħabba n-nuqqas ta' kuntentizza tal-</p>
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<p>chi soffre trova delle risorse e delle consolazioni non conosciute e non credute dagli spettatori, che sostituiscono la propria sensibilità all'animo incallito dell'infelice. *</p>	<p>preżent jinstabu distratti min-nuqqas ta' kuntentizza tal-ġejjieni. Il-ħażen kollu jiżdied fl-immaginazzjoni, u min isofri jsib ir-rizorsi u l-konsolazzjonijiet li la jingħarfu u la jitwemmnu mill-ispettaturi, li jipproġettaw is-sensibbiltà tagħhom fuq il-qalb imsamma tal-imdejjaq. *</p>
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<p>Ecco presso a poco il ragionamento che fa un ladro o un assassino, i quali non hanno altro contrappeso per non violare le leggi che la forza o la ruota. So che lo sviluppare i sentimenti del proprio animo è un'arte che s'apprende colla educazione; ma perché un ladro non renderebbe bene i suoi principii, non per ciò essi agiscono meno. <i>Quali sono queste leggi ch'io debbo rispettare, che lasciano un così grande intervallo tra me e il ricco? Egli mi nega un soldo che li cerco, e si scusa col comandarmi un travaglio che non conosce. Chi ha fatte queste leggi? Uomini ricchi e potenti, che non si sono mai degnati visitare le squallide capanne del povero, che non hanno mai diviso un ammuffito pane fralle innocenti grida degli affamati figliuoli e le lagrime della moglie. Rompiamo questi legami fatali alla maggior parte ed utili ad alcuni pochi ed indolenti tiranni, attacchiamo l'ingiustizia nella sua sorgente. Ritornero nel mio stato d'indipendenza naturale, vivrò libero e felice</i></p>	<p>Konxju li l-awto-riflessjoni hija hila li tigi mgħallma u żviluppata permezz tal- edukazzjoni; iżda l-fatt li ħalliel ma jkunx kapaċi jartikola l-principji tiegħu sew, ma jfissirx li dawn għandhom anqas influwenza fuq azzjonitu. Ħalliel jew qattiel, li m'għandu xejn li jaġixxi bhala kontrapiz sabiex ma jiksirx il-liġi, għajr il-forka jew r-rota tax-xfafar⁴⁹, jirraguna xi ftit jew wisq, fuq dawn il-linji: <i>X'inhuma dawn il-liġijiet li jien suppost għandi nirrispetta, li jhallu distakk daqshekk kbir bejni u bejn l-għani? Nittallab għal sold, jichaduli u jiggustifika ruħu billi jordnali xogħol li huwa qatt m'għamel. Min għamel dawn il-liġijiet? Bnedmin għonja u setgħana li qatt ma ndenjaw irwieħhom iżuru l-għerejjex skwallidi tal-foqra u li qatt ma kissru l-ħobż immuffat fost il-krib innocenti tat-tfal imgewħa u l-biki tal-omm. Ejja nkissru dawn ir-rabtiet, fatali għall-maġġoranza u utli biss għal ftit tiranni indolenti; ejja nattakkaw l-ingustizzja fl-għeruw tagħha. Nerga' lura</i></p>
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⁴⁹ Metodu brutali ta' eżekuzzjoni pubblika li kien jintuża f'diversi pajjiżi Ewropej sas-seklu 19. Dan m'għandux jiġi miġxul mar-rota tal-giġġifogu (*St. Catherine's Wheel*), li fil-Malti tirreferi għall-piroteknika.

<p><i>per qualche tempo coi frutti del mio coraggio e della mia industria, verrà forse il giorno del dolore e del pentimento, ma sarà breve questo tempo, ed avrò un giorno di stento per molti anni di libertà e di piaceri. Re di un piccol numero, correggerò gli errori della fortuna, e vedrò questi tiranni impallidire e palpitare alla presenza di colui che con un insultante fasto posponevano ai loro cavalli, ai loro cani. Allora la religione si affaccia alla mente dello scellerato, che abusa di tutto, e presentandogli un facile pentimento ed una quasi certezza di eterna felicità, diminuisce di molto l'orrore di quell'ultima tragedia.</i></p>	<p><i>għall-istat ta' awtonomija naturali, u għal ftit żmien ngħix ħieles u kuntent bil-frott tal-kuraġġ u l-bżulija tiegħi. Forsi jasal il-jum tat-tbatija u tal-ndiema, iżda daż-żmien ikun qasir, u jkolli jum wiehed ta' tbatija għal hafna snin ta' libertà u pjaċir. Re tal-ftit, nikkoreġi l-ingustizzji tax-xorti, u nara lil dawn it-tiranni jibjadu u jitriegħdu fil-preżenza ta' dak li b'ostentazzjoni insolenti stmaw inqas miż-żwiemel u l-klieb tagħhom. Imbagħad, ir-religjon titfaċċa fil-moħħ tal-ixxellerat, li jabbuża minn kollox, u billi toffrilu ndiema faċli u kważi ċertezza ta' kuntentizza eterna, tnaqqas bil-kbir l-orrur ta' dik it-tragedja finali.</i></p>
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<p>Ma colui che si vede avanti agli occhi un gran numero d'anni, o anche tutto il corso della vita che passerebbe nella schiavitù e nel dolore in faccia a' suoi concittadini, co' quali vive libero e sociabile, schiavo di quelle leggi dalle quali era protetto, fa un utile paragone di tutto ciò coll'incertezza dell'esito de' suoi delitti, colla brevità del tempo di cui ne goderebbe i frutti. L'esempio continuo di quelli che attualmente vede vittime della propria inavvedutezza, gli fa una impressione assai piú forte che non lo spettacolo di un supplicio che lo indurisce piú che non lo corregge.</p>	<p>Iżda dak li jgħib quddiem għajnejh għadd kbir ta' snin, jew saħansitra l-kors kollu ta' ħajtu mgħoddija fl-iskjavitù u t-tbatija quddiem il-konċittadini tiegħu - li magħhom kien jgħix ħieles u soċjevoli - bħala skjav tal-istess ligijiet li darba kienu jipproteġuh, jagħmel paragon utli bejn l-eżitu incert tad-delitti tiegħu, u l-qasir żmien li matulu jkun jista' jgawdi l-frott tagħhom. L-eżempju dejjiemi ta' dawk li fil-preżent iqis bħala vittmi tat-traskuraġni tagħhom stess, jagħmel impressjoni ħafna aktar b'saħħitha fuqu mill-ispettaklu ta' piena korporali, li ssammu aktar milli tirriformah.</p>
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<p>Non è utile la pena di morte per l'esempio di atrocità che dà agli uomini. Se le passioni o la necessità della guerra hanno insegnato a spargere il sangue umano, le leggi moderatrici della condotta degli uomini non dovrebbero aumentare il fiero esempio, tanto più funesto quanto la morte legale è data con istudio e con formalità. Parmi un assurdo che le leggi, che sono l'espressione della pubblica volontà, che detestano e puniscono l'omicidio, ne commettono uno esse medesime, e, per allontanare i cittadini dall'assassinio, ordinino un pubblico assassinio. Quali sono le vere e le più utili leggi? Quei patti e quelle condizioni che tutti vorrebbero osservare e proporre, mentre tace la voce sempre ascoltata dell'interesse privato o si combina con quello del pubblico. Quali sono i sentimenti di ciascuno sulla pena di morte? Leggiamoli negli atti d'indegnazione e di disprezzo con cui ciascuno guarda il carnefice, che è pure un innocente esecutore della pubblica volontà, un buon cittadino che contribuisce al ben pubblico, lo stromento necessario alla</p>	<p>Il-piena tal-mewt mhijiex utli minhabba l-eżempju atroci li tagħti lill-bnedmin. Jekk il-passjonijiet jew il-ħtiġiet tal-gwerra għallmuna kif inxerrdu d-demm uman, il-liġijiet, li jirregolaw l-imġiba tal-bnedmin, m'għandhomx iżidu dan l-eżempju krudili, li huwa ħafna aktar gravi meta jiġi applikat qtil legali b'deliberazzjoni u b'formalità. Jidhirli li huwa assurd li l-liġijiet, li huma l-espressjoni tar-rieda pubblika, u li jikkundannaw u jikkastigaw l-omicidju, iwettqu wieħed huma stess, u, li sabiex jiskoraġġixxu liċ-ċittadini mill-qtil, għandhom jordnaw qtil pubbliku. Liema huma l-vera u l-aktar liġijiet siewja? Dawk il-kuntratti u dawk il-kundizzjonijiet li kulhadd ikun irid josserva u jipproponi, meta l-lehen dejjem mismugh tal-interess privat, jaqa' sieket jew ikun allinjat ma' dak pubbliku. X'inhuma s-sentimenti ta' kull individwu dwar il-piena tal-mewt? Nistgħu naqrawhom fl-azzjonijiet t'għadab u disprezz li bihom kulhadd iħares lejn il-bojja, li huwa, eżekutor innocenti tar-rieda pubblika, ċittadin tajjeb li</p>
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<p>pubblica sicurezza al di dentro, come i valorosi soldati al di fuori. Qual è dunque l'origine di questa contraddizione? E perché è indelebile negli uomini questo sentimento ad onta della ragione? Perché gli uomini nel più secreto dei loro animi, parte che più d'ogn'altra conserva ancor la forma originale della vecchia natura, hanno sempre creduto non essere la vita propria in potestà di alcuno fuori che della necessità, che col suo scettro di ferro regge l'universo.</p>	<p>jikkontribwixxi għall-gid pubbliku, għodda kif meħtieġa għas-sigurtà pubblika fi ħdan s-socjeta, bħalma huma s-soldati qalbiena barra mill-pajjiż. Mela x'inhi, l-orijini ta' din il-kontradizzjoni? U għaliex dan is-sentiment huwa indelibbli fil-bnedmin, minkejja l-ħila tar-raġuni? Għaliex il-bnedmin fl-aktar parti profonda ta' ruħhom – il-parti li, aktar minn kull parti oħra, tippreserva l-forma oriġinali tan-natura primordjali tagħhom – dejjem emmnu li hadd u xejn ma jista' jkollu s-setgħa fuq il-ħajjithom, b'eċċezzjoni tal-ħtieġa, li bix-xettru tal-ħadid tagħha tmexxi l-univers.</p>
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<p>Che debbon pensare gli uomini nel vedere i savi magistrati e i gravi sacerdoti della giustizia, che con indifferente tranquillità fanno strascinare con lento apparato un reo alla morte, e mentre un misero spasima nelle ultime angosce, aspettando il colpo fatale, passa il giudice con insensibile freddezza, e fors'anche con segreta compiacenza della propria autorità, a gustare i comodi e i piaceri della vita? Ah!, diranno essi, <i>queste leggi non sono che i pretesti della forza e le meditate e crudeli formalità della giustizia; non sono che un linguaggio di convenzione per immolarci con maggiore sicurezza, come vittime destinate in sacrificio, all'idolo insaziabile del dispotismo.</i></p>	<p>X'għandhom jaħsbu l-bnedmin meta jaraw maġistrati għorrief u saċerdoti solenni tal- gustizzja, li bi trankwillità indifferenti, jordnaw sabiex il-ħati jitkaxkar għal mewtu f'ritwal lajman? U x'għandhom jaħsbu l- bnedmin meta filwaqt li l-miżeru msejken b'taħrik u rogħda tal-gisem fl-aħħar agunija tiegħu, ikun qiegħed jistenna d-daqqa tal- mewt, l-imħallef b'ekwanimità insensibbli u forsi anke b'kompjaċenza sigrieta għall- awtorità tiegħu stess, ikompli jgawdi l- kumdità u l-pjaċiri tal-ħajja? Ah!, jgħidu huma, <i>dawn il-liġijiet mhumiex għajr pretesti għall-poter u għall-formalitajiet ikkalkulati u krudili tal-gustizzja; mhumiex għajr lingwaġġ konvenzjonali sabiex jissagrifikawna b'mod aktar sigur, bħall- vittmi offruti b'sagrificċju lill-allat bla xeba' tad-despotiżmu.</i></p>
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<p><i>L'assassinio, che ci vien predicato come un terribile misfatto, lo veggiamo pure senza ripugnanza e senza furore adoperato. Prevalghiamoci dell'esempio. Ci pareva la morte violenta una scena terribile nelle descrizioni che ci venivan fatte, ma lo veggiamo un affare di momento. Quanto lo sarà meno in chi, non aspettandola, ne risparmia quasi tutto ciò che ha di doloroso!</i></p> <p>Tali sono i funesti paralogismi che, se non con chiarezza, confusamente almeno, fanno gli uomini disposti a' delitti, ne' quali, come abbiám veduto, l'abuso della religione può piú che la religione medesima.</p>	<p><i>Il-qtil, li jigi pprikat lilna bhala misfatt terribbli, narawh istitwit minghajr stmerrija u rabja. Ejjew niehdu vantaġġ minn dan l-eżempju. Fid-deskrizzjonijiet li nghatajna, il-mewt vjolenti dehret bhala xena terribbli, iżda narawha bhala affari momentarja. Kemm se tkun anqas terribbli għal min, ma jkunx qed jistenniha, u għalhekk jiffranka kwazi kull tbatija li ggor magħha! Dawn huma l-paralogiżmi fatali li, jekk mhux b'mod ċar, almenu b'mod konfuż, iwasslu lill-bnedmin – li fihom, kif rajna, l-abbuż tar-religjon jista' jkun aktar b'saħħtu mir-religjon innifisha – sabiex jwetqu d-delitti.</i></p>
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<p>Se mi si opponesse l'esempio di quasi tutt'i secoli e di quasi tutte le nazioni, che hanno data pena di morte ad alcuni delitti, io risponderò che egli si annienta in faccia alla verità, contro della quale non vi ha prescrizione; che la storia degli uomini ci dà l'idea di un immenso pelago di errori, fra i quali poche e confuse, e a grandi intervalli distanti, verità soprannuotano. Gli umani sacrifici furon comuni a quasi tutte le nazioni, e chi oserà scusargli? Che alcune poche società, e per poco tempo solamente, si sieno astenute dal dare la morte, ciò mi è piuttosto favorevole che contrario, perché ciò è conforme alla fortuna delle grandi verità, la durata delle quali non è che un lampo, in paragone della lunga e tenebrosa notte che involge gli uomini. Non è ancor giunta l'epoca fortunata, in cui la verità, come finora l'errore, appartenga al più gran numero, e da questa legge universale non ne sono andate esenti fin ora che le sole verità che la Sapienza infinita ha voluto divider dalle altre col rivelarle.</p>	<p>Kieku wiehed kellu jopponi bl-eżempju li kważi f'kull seklu u kważi f'kull nazzjon giet preskritta l-piena tal-mewt għal xi delitti, jien inwiegeb li din l-oġġezzjoni tirriduċi fix-xejn quddiem il-verità, li kontriha m'hemmx preskrizzjoni. L-istorja tal-bniedem tagħtina l-immagini ta' baħar vast ta' żbalji, li fosthom hemm xi ftit veritajiet oskuri jżommu f'wiċċ l-ilma u mbiegħda minn xulxin. Is-sagrificċji umani kienu komuni fost kważi n-nazzjonijiet kollha, iżda llum min se jazzarda jiskuzahom? Li xi soċjetajiet, u għal ftit żmien biss, żammew lura milli jużaw il-piena tal-mewt hija aktar favorevoli milli detrimentali għall-argument tiegħi. Dan għaliex, dan kollu huwa konformi mad-destin tal-veritajiet l-kbar, li ma jtulux aktar minn leħha ta' berqa meta mqabbla mal-lejl twil u mudlam li jaħkem lill-bniedem. Għadha ma waslitx l-epoka xxurtjata, fejn il-verità, bħalma sal-lum kien l-iżball, tappartjeni għall-maġġoranza; u minn din il-liġi universali, s'issa, ġew eżentati biss dawk il-veritajiet li s-Sapjenza t'Alla għażlet li</p>
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	Tiżvelahom u b'hekk iddistingwithom minn veritajiet oħra.
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<p>La voce di un filosofo è troppo debole contro i tumulti e le grida di tanti che son guidati dalla cieca consuetudine, ma i pochi saggi che sono sparsi sulla faccia della terra mi faranno eco nell'intimo de' loro cuori; e se la verità potesse, fra gl'infiniti ostacoli che l'allontanano da un monarca, mal grado suo, giungere fino al suo trono, sappia che ella vi arriva co' voti segreti di tutti gli uomini, sappia che tacerà in faccia a lui la sanguinosa fama dei conquistatori e che la giusta posterità gli assegna il primo luogo fra i pacifici trofei dei Titi, degli Antonini e dei Traiani.</p>	<p>Il-lehen ta' filosofu huwa wisq dgħajjed kontra l-għagħa u l-għajjed ta' hafna li huma mmexxija minn drawwiet għomja. Izda daww il-ftit għorrief imferrxa fuq wiċċ id-dinja se jidwuni fil-fond ta' qalbhom. U jekk il-verità, minkejja l-ostakli infiniti li jbiegħduha mill-monarka, tista' tilhaq it-tron tiegħu kontra xewqtu, se jkun jaf li l-verità waslet hemm bl-appoġġ sigriet tal-bnedmin kollha, u se jkun jaf li l-fama mdejjima tal-konkwistaturi se tibqa' siekta quddiemu u li l-gustizzja tal-generazzjonijiet futuri tagħtih post preminent i fost it-trijonfi pacifici ta' Titi, l-Antonini, u t-Traiani⁵⁰.</p>
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⁵⁰ Titu, Antoninu Piju, Marku Aurelju, u Trajanu kienu fost l-aktar imperaturi Rumani rispettati, magħrufa għall-governanza ġusta u paċifika.

<p>Felice l'umanità, se per la prima volta le si dettassero leggi, ora che veggiamo riposti su i troni di Europa monarchi benefici, animatori delle pacifiche virtù, delle scienze, delle arti, padri de' loro popoli, cittadini coronati, l'aumento dell'autorità de' quali forma la felicità de' sudditi perché toglie quell'intermediario dispotismo piú crudele, perché men sicuro, da cui venivano soffogati i voti sempre sinceri del popolo e sempre fausti quando posson giungere al trono! Se essi, dico, lascian sussistere le antiche leggi, ciò nasce dalla difficoltà infinita di togliere dagli errori la venerata ruggine di molti secoli, ciò è un motivo per i cittadini illuminati di desiderare con maggiore ardore il continuo accrescimento della loro autorità.</p>	<p>Kuntenta tkun l-umanità, jekk għall-ewwel darba jiġu dekretati liġijiet għaliha stess; issa li qegħdin naraw bilqiegħda fuq it-troni tal-Ewropa, monarki benevolenti, sostenituri tal-virtujiet tal-paċi, tax-xjenzi u tal-arti, missirijiet ta' nieshom u ċittadini inkurunati. Iż-żieda fl-awtorità tagħhom tiffurma l-kuntentizza tas-sudditi tagħhom, għaliex tneħhi dak id-despotiżmu intermedjarju, li huwa aktar krudili għaliex anqas sigur, u li kien ifixkel ix-xewqat dejjem sinċiera u awspicji tal-poplu, kull meta dawn setgħu jilhqqu t-tron! Jekk dawn, ngħid jien, iħallu l-liġijiet antiki sussistenti, dan jiġri minħabba d-diffikultà infinita li tneħhi l-iżbalji ta' ħafna sekli mis-sadid meqjum. Din hija r-raġuni għala ċ-ċittadini illuminati jixtiequ b'hegga kbira ż-żieda dejjiema tal-awtorità tagħhom.</p>
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Chapter 5

Analysis

5. Analysis

This chapter analyses the translated corpus presented in Chapter 4 with the aim of evaluating, in practice, the translation challenges and strategies identified in Chapter 2, in direct response to the research question guiding this study. It is not the purpose of this chapter to reiterate the theoretical framework in full. Reference to Chapter 2 is therefore made selectively, only insofar as necessary to confirm, nuance, or problematise the strategies previously compiled when confronted with the concrete demands of translating Cesare Beccaria's eighteenth-century juridico-philosophical prose into contemporary Maltese.

Given the scale and complexity of the translation process, an exhaustive number of translational decisions were executed and systematically documented in the translation log (refer to Sections 3.1 and 3.3). While each decision contributed to the final TT, it would have been neither tenable nor methodologically sound to account for all of them within the spatial constraints of this chapter (refer to Section 6.2). The analysis, therefore, focuses on a selected set of challenges deemed most analytically significant on the basis of their recurrence, complexity, and relevance to the strategies outlined in Chapter 2⁵¹.

For clarity and coherence, the chapter is structured into thematic subsections, each corresponding to a particular philosophical translation challenge. Section 5.1 examines the role of pre-translational diagnosis in shaping subsequent decisions. Section 5.2 analyses syntactic challenges arising from Beccaria's extended hypotaxis and periodicity. Section 5.3 investigates stylistic issues, with particular attention to negative formulations, while Section 5.4 assesses the controlled use of paratextual aids. These challenges and strategies are selected with the

⁵¹ Alongside its evaluative aim, this study was equally governed by the production of a successful philosophical translation in Maltese (refer to section 1.4); accordingly, while the strategies were granted a presumption of validity and tested in practice, their application was continuously weighed against the requirement to produce an accessible, idiomatic, and philosophically intelligible text for the TA defined in Section 3.3.

explicit aim of testing the research question through representative and analytically productive exemplifications from Beccaria's case study.

5.1 The impact of pre-translational diagnosis in *Dei Delitti e Delle Pene*

The translation process was preceded by a methodical pre-translational diagnosis conducted over several months. This section evaluates the practical impact of that preparatory phase by testing the principal prerequisites outlined in Chapter 2 against the translation produced in Chapter 4, to confirm, nuance, or delimit their effectiveness in practice, in line with the research question.

As established in Section 2.3, philosophical texts cannot be translated in isolation from the intellectual traditions and historical circumstances that inform them. *Dei Delitti e Delle Pene* is embedded in Enlightenment debates on law, punishment, and political authority, and presupposes familiarity with eighteenth-century penal practices, contemporary reformist discourse, and the writings of major figures such as Montesquieu, Rousseau, and Voltaire. Beccaria's polemical stance against earlier legal commentators likewise permeates the text. Systematic consultation of secondary scholarship on Beccaria, his works, and their reception (refer to Sections 1.2 and 1.3), and in particular the Italian critical edition edited by Firpo and Francioni (1984), enabled the identification of allusions and conceptual lineages that would otherwise risk misinterpretation. In practice, this contextual grounding significantly reduced interpretive error and informed more precise lexical and conceptual choices. While Section 6.2 will acknowledge the practical limits of exhaustive historical research, the analysis confirms that this first prerequisite is not ancillary but foundational to philosophical translation.

The second prerequisite concerns the identification of the intended target audience. Beccaria (1764/1984, p.18) explicitly addresses his readers as "gli illuminati," signalling an educated, learned readership rather than a narrow specialist audience. The translation was, therefore,

oriented towards a contemporary, tertiary-educated Maltese readership without presupposing a specialised training in law or philosophy (refer to Section 3.3). In practice, as will be demonstrated later in Sections 5.2–5.5, audience awareness occasionally necessitated the adaptation of otherwise theoretically preferable strategies, particularly where excessive syntactic density risked impeding comprehension and producing a text that was formally faithful but pragmatically inaccessible.

The third prerequisite encompasses the translator’s subject-matter competence. Chapter 2 advanced the claim that philosophical translation presupposes philosophical literacy, a position strongly confirmed by the present case study. Beccaria’s text operates through dense conceptual layering, drawing on social contract theory, early utilitarian thought, and Enlightenment moral philosophy. The translator’s academic background in philosophy enabled the recognition of these layers and informed critical interpretive decisions. This was evident, for instance, in the rendering of *stato d’indipendenza naturale* as *stat ta’ awtonomija naturali*. The literal false friend (refer to Section 2.4.1) *indipendenza* was avoided, as it may suggest political sovereignty in Maltese rather than philosophical autonomy. By contrast, *awtonomija* captured the Rousseauian conception of the state of nature (an unchained or unfettered state) as a condition of self-regulation rather than subjugation, thereby preserving the conceptual integrity of Beccaria’s argument⁵².

Particularly significant was the treatment of Beccaria’s formulation *la massima felicità divisa nel maggior numero*. As noted by Ortolja-Baird (2017, p. 34), the common rendering “the greatest happiness of the greatest number” misleadingly aligns Beccaria with later utilitarian doctrine. A more accurate interpretation is “the greatest happiness shared among the greater

⁵² Comparable interpretive decisions were informed by recognition of intertextual philosophical resonances, such as the treatment of *l’impero dell’abitudine* through the Aristotelian–Thomistic concept of *habitus*, and maxims like *tutti i mali s’ingrandiscono nell’immaginazione*, whose Stoic resonance guided a proverbially inflected rendering.

number,” a reading adopted in the Maltese translation to reflect Beccaria’s conception that a good government aims not at maximising aggregate happiness, but at securing the equal happiness of each individual, so that no person’s welfare may be sacrificed to the majority⁵³. While numerous further examples could have been adduced, spatial constraints limits analysis to representative cases.

Cutting across all three prerequisites is the act of iterative reading. As anticipated in Chapter 2, this study confirms that reading is not a discrete preliminary stage but a continuous hermeneutic process accompanying the entire translation. Successive readings of *Dei Delitti e Delle Pene* revealed new conceptual connections, refined earlier decisions, and exposed latent ambiguities. Practical limits to exhaustive rereading and research are acknowledged in Section 6.2.

Taken together, the findings demonstrate that rigorous pre-translational diagnosis exerts a decisive influence on interpretive accuracy and philosophical fidelity. Although largely inconspicuous and rarely remunerated, this preparatory phase informed all subsequent translation decisions and proved indispensable to the successful translation of *Dei Delitti e Delle Pene*.

5.2 Translating the syntactic-logical structure of *Dei Delitti e Delle Pene*

Dei Delitti e Delle Pene is characterised by a marked prevalence of ultra-long, convoluted, hypotactic, compound-complex, and densely periodic sentences, a feature typical of Enlightenment-era political philosophy and Italian prose. Throughout the translation process, this syntactic density emerged as the most recurrent and technically arduous challenge encountered.

⁵³ Although the formulation is not entirely explicit, Beccaria consistently frames happiness in individual rather than collective terms (Garnsey 2020), thereby combining a social-contract foundation with a proto-utilitarian concern for the avoidance of public harm and the promotion of private good.

The point of departure for addressing this challenge derived from the strategies outlined in Sections 2.4.2 and 2.4.3. Without reiterating them here, it suffices to note that philosophical translation theory generally advocates the preservation of syntactic structure whenever syntax reflects the author's mode of thinking or the internal logic of the argument. On this basis, the strategies compiled in Chapter 2 were granted a presumption of validity and subjected to systematic testing through translation practice, in line with the research question of the study.

To operationalise this analysis, eight ultra-long, hypotactic and densely periodic sentences exceeding 80 words are selected, the longest comprising 148 words. These are drawn from multiple chapters to minimise chapter-specific bias and enhance the transferability of findings. Owing to constraints of space, three representative examples are presented here. Each is presented through an early draft (retaining the full heaviness of the ST's syntax) and the final revised translation (as presented in Chapter 4), shaped through rigorous multi-stage revision and expert consultation (refer to Section 3.3). Reference to English translations is introduced solely for comparative orientation.

Table 6 illustrates how extreme hypotaxis in an ultra-long sentence (81 words) from the *Ad Lectorem* was negotiated in translation.

Source text (ST)	Draft translation (TT)	Final translation (TT)
Chiunque, lo ripeto, volesse onorarvi delle sue critiche, non cominci dunque dal supporre in me principii distruttori o della virtù o della religione, mentre ho dimostrato tali non essere i	Nerġa' nteni, kull min irid jonorani bil-kritika tiegħu, għaldaqstant m'għandux jibda bl-assunzjoni li jien inħaddan prinċipji distruttivi, kemm għall-virtù jew għar-religjon, meta jien urejt li	Nerġa' nteni, kull min irid jonorani bil-kritika tiegħu, għaldaqstant m'għandux jibda bl-assunzjoni li jien inħaddan prinċipji distruttivi kemm għall-virtù jew għar-religjon, meta jien

<p>miei principii, e in vece di farmi incredulo o sedizioso procuri di ritrovarmi cattivo logico o inavveduto politico; non tremi ad ogni proposizione che sostenga gl'interessi dell'umanità; mi convinca o della inutilità o del danno politico che nascer ne potrebbe dai miei principii, mi faccia vedere il vantaggio delle pratiche ricevute.</p>	<p>dawn il-prinċipji ma nħaddanhomx; u minflok tpingini bhala inkredulu u sedizzjuż, għandek ttiprova ssibni bhala loġiku fqir jew ħassieb politiku traskurat; tirtogħodx quddiem kull proposizzjoni li ssostni l-interessi tal-umanità; ikkonvincini jew mill-inutilità jew mill-ħsara politika li tista' titnissel mill-prinċipji tiegħi; urini l-vantaġġ tal-prattiki stabbiliti.</p>	<p>urejt li dawn il-prinċipji ma nħaddanhomx. Minflok ma tpingini bhala inkredulu u sedizzjuż għandek ttiprova ssibni bhala loġiku fqir jew ħassieb politiku traskurat.</p> <p>Lanqas m'għandek tirtogħod quddiem kull proposizzjoni li ssostni l-interessi tal-umanità.</p> <p>Pjuttost, għandek tikkonvincini jew mill-inutilità jew mill-ħsara politika li tista' titnissel mill-prinċipji tiegħi, u turini l-vantaġġ tal-prattiki stabbiliti.</p>
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Table 6: Source text and alternative target-language renderings illustrating syntactic preservation and segmentation

In the ST, Beccaria advances his argument through extended hypotaxis, whereby successive clauses accumulate within a single syntactic unit, each qualifying and reinforcing the preceding one. The initial draft closely mirrors this structure, retaining the sentence in full and replacing some *commata* with two *cola*, allowing for a clearer demarcation of logical breaks. Nonetheless, the resulting sentence proved excessively demanding and insufficiently intelligible for the intended readership.

The revised version addressed this limitation through controlled segmentation into four shorter syntactic units. Propositional content and argumentative hierarchy are faithfully preserved, whilst clarity and intelligibility are markedly improved. Full stops replace *cola* and *commata* at selected breakpoints and connective discourse markers, such as ‘minflok’, ‘lanqas m’ghandek’, and ‘pjuttost’, are introduced to sustain cohesion and guide argumentative progression.

This approach aligns with the English translations by Davies and Cox (1995), who segment the sentence into three units, and Thomas and Prazen (2008), who divide it into four.

Table 7 illustrates how extreme hypotaxis in an ultra-long sentence (106 words) from Chapter 4 was negotiated in translation.

Source text (ST)	Draft translation (TT)	Final translation (TT)
I giudici non hanno ricevuto le leggi dagli antichi nostri padri come una tradizione domestica ed un testamento che non lasciasse ai posteri che la cura d'ubbidire, ma le ricevono dalla vivente società, o dal sovrano rappresentatore di essa, come legittimo depositario dell'attuale risultato della volontà di tutti; le ricevono non come obbligazioni d'un antico giuramento, nullo, perché legava volontà non esistenti, iniquo, perché riduceva gli uomini dallo stato di società allo stato di mandra, ma come effetti di un tacito o espresso giuramento, che le volontà riunite dei viventi sudditi	L-imħallfin ma rċevewx il-ligijiet mingħand missirijietna daqsliekieku kienu xi tradizzjoni tal-familja jew xi testment li ma jħalli xejn lill-werrieta għajr l-obbligu li jobduhom, iżda jirċevuhom minn soċjetà ħajja, jew mis-sovrani li jirrappreżentaha, bħala depożitarju legittimu tas-somma attwali tar-rieda ta' kulħadd; jirċevuhom mhux bħala obbligi ta' għurament antik, null għaliex kien jorbot ir-rieda ta' dawk li għadhom ma twildux, ingust għaliex kien jirriduċi l-bnedmin minn stat tas-soċjetà, għal stat ta' merħla, riżultat ta' għurament taċitu jew esplicitu, li r-ridiet kollettivi tas-sudditi l-ħajjin	L-imħallfin ma rċevewx il-ligijiet mingħand missirijietna daqsliekieku kienu xi tradizzjoni tal-familja jew xi testment li ma jħalli xejn lill-werrieta għajr l-obbligu li jobduhom. Minflok, jirċevuhom minn soċjetà ħajja jew mis-sovrani li jirrappreżentaha bħala depożitarju legittimu tas-somma attwali tar-rieda ta' kulħadd. L-imħallfin jirċievu l-ligijiet mhux bħala obbligi ta' għurament antik, li huwa, kemm null, għaliex kien jorbot ir-rieda ta' dawk li għadhom ma twildux, kif ukoll, ingust, għax kien jirriduċi l-bnedmin minn stat tas-

<p>hanno fatto al sovrano, come vincoli necessari per frenare e reggere l'intestino fermento degl'interessi particolari.</p>	<p>għamlu lis-sovran, bħala r- rabtiet meħtieġa sabiex irazznu u jirregolaw it-taqlib intern li jirriżulta minn interessi individwali.</p>	<p>soċjetà, għal stat ta' merħla, iżda bħala riżultat ta' gurament taċitu jew esplicitu, li r-ridiet kollettivi tas-sudditi l-ħajjin għamlu lis-sovran, bħala r- rabtiet meħtieġa sabiex irazznu u jirregolaw it- taqlib intern li jirriżulta minn interessi individwali.</p>
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Table 7: Source text and alternative target-language renderings illustrating syntactic preservation and segmentation

As with Table 6, the initial draft in Table 7 closely mirrors the ST's structure, preserving the sentence in full. This again results in an excessively loaded construction that proves idiomatically unnatural and unintelligible in contemporary Maltese. The revised translation, therefore, adopts controlled segmentation into three sentences, while preserving propositional content and the overall argumentative hierarchy.

This decision is supported by three English translations. Davies and Cox (1995) segment the sentence into four units, Thomas and Prazen (2008) into two, while the anonymous English translation of 1767 divides it into three. Notwithstanding, although segmentation is necessary, the final clause—extending to 66 words—should be retained as a single unit, as further division risks abruptness and loss of argumentative force. Retaining greater length in the closing sentence is justified given the clarity and brevity of the preceding units, while the removal of a *commata* after 'sovran' further facilitated syntactic flow.

Table 8 illustrates how extreme hypotaxis in an ultra-long sentence (148 words) from Chapter 28 was negotiated in translation.

Source text (ST)	Draft translation (TT)	Final translation (TT)
<p>* Perché una pena sia giusta non deve avere che quei soli gradi d'intensione che bastano a rimuovere gli uomini dai delitti; ora non vi è alcuno che, riflettendovi, scieglier possa la totale e perpetua perdita della propria libertà per quanto avvantaggioso possa essere un delitto: dunque l'intensione della pena di schiavitù perpetua sostituita alla pena di morte ha ciò che basta per rimuovere qualunque animo determinato; aggiungo che ha di piú: moltissimi risguardano la morte con viso tranquillo e fermo, chi per fanatismo, chi per vanità, che quasi sempre</p>	<p>* Sabiex piena tkun ġusta għandu jkollha biss il-grad ta' intensità li huwa meħtieġ sabiex tiskoraġġixxi lill-bnedmin milli jwettqu delitti; issa m' hemm ħadd li, meta jirrifletti, jasal jagħżel it-telf totali u perpetwu tal-libertà tiegħu stess irrispettivament minn kemm ikun jaqbillu jwettaq id-delitt: għalhekk, l-intensità tal-piena ta' skjavitù perpetwa, bħala sostitut għall-piena tal-mewt, għandha dak kollu li huwa meħtieġ sabiex tiskoraġġixxi anke l-aktar bniedem determinat; inżid li għandha saħansitra aktar: ħafna jħarsu lejn il-mewt b'ħarsa kalma u soda, xi wħud kawża tal-fanatizmu, oħrajn tal-kburija, li kważi</p>	<p>* Sabiex piena tkun ġusta, għandu jkollha biss il-grad ta' intensità li huwa meħtieġ sabiex tiskoraġġixxi lill-bnedmin milli jwettqu delitti. Issa, m'hemm ħadd li, meta jirrifletti, jasal jagħżel it-telf totali u perpetwu tal-libertà tiegħu stess, irrispettivament minn kemm ikun jaqbillu jwettaq id-delitt. Għalhekk, l-intensità tal-piena ta' skjavitù perpetwa, bħala sostitut għall-piena tal-mewt, għandha dak kollu li huwa meħtieġ sabiex tiskoraġġixxi anke l-aktar bniedem determinat. Tabilhaqq, ngħid li għandha saħansitra aktar. Ħafna</p>

<p>accompagna al di là dalla tomba, chi per un ultimo e disperato tentativo o di non vivere o di sortir di miseria; ma né il fanatismo né la vanità stanno fra i ceppi o le catene, sotto il bastone, sotto il giogo, in una gabbia di ferro, e il disperato non finisce i suoi mali, ma gli comincia.</p>	<p>dejjem takkumpanja lill-bniedem lil hinn minn mewtu, u whud f'tentattiv aħhari u ddisprat sabiex jew jehilsu mill-ħajja jew jaħarbu mill-miżerja; iżda la l-fanatizmu u lanqas il-kburija ma jissaportu fil-manetti jew fil-ktajjen, taħt il-bastun u l-madmad, jew ġo ċella; u l-ġhali tal-iddisprat, mhux talli ma jkunx intemm, iżda jkun ġhadu kif beda.</p>	<p>jħarsu lejn il-mewt b'ħarsa kalma u soda, xi whud kawża tal-fanatizmu, oħrajn tal-kburija, li kważi dejjem takkumpanja lill-bniedem lil hinn minn mewtu, u whud f'tentattiv aħhari u ddisprat sabiex jew jehilsu mill-ħajja jew jaħarbu mill-miżerja. Iżda la l-fanatizmu u lanqas il-kburija ma jissaportu fil-manetti jew fil-ktajjen, taħt il-bastun u l-madmad, jew ġo ċella; u l-ġhali tal-iddisprat, mhux talli ma jkunx intemm, iżda jkun ġhadu kif beda.</p>
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Table 8: Source text and alternative target-language renderings illustrating syntactic preservation and segmentation

Table 8 presents an extreme case of syntactic density: a single sentence of 148 words, unprecedented within the corpus examined. This construction amplifies the challenges identified in the preceding examples. When retained in full, as in the initial draft, the Maltese version proved unintelligible and idiomatically strained.

The revised translation segments the sentence into six shorter units, still substantial in length but markedly more accessible. As in the previous cases, existing *cola* and *commata* are preserved wherever possible to maintain rhetorical rhythm and argumentative progression. Where segmentation is unavoidable, full stops are introduced at major logical breakpoints, approximating the original syntactic architecture despite the different functional value of the period. This approach is supported by comparative evidence. Davies and Cox (1995) segment the sentence into five units, Thomas and Prazen (2008) into four, while the anonymous 1767 English translation divides it into five sentences.

The analysis demonstrates that, in cases of extreme syntactic density, full syntactic retention generates excessive cognitive load and compromises intelligibility and idiomaticity for the identified TA. Such constructions force readers to process multiple argumentative premises simultaneously, often obscuring the sentence's logical trajectory before its resolution. This difficulty is exacerbated by Beccaria's conceptual terminology, which requires sustained interpretive effort even before syntactic considerations are taken into account.

These findings align with Ingarden's caution, outlined in Section 2.4.3, against the uncritical transfer of foreign syntactic habits into the TL. A literal reproduction of Enlightenment-era Italian syntax risks producing a text that is lexically Maltese yet functionally alien. At the same time, the analysis confirms Ingarden's insistence that segmentation must not be motivated by aesthetic smoothing or stylistic beautification, as such practices risk undermining philosophical precision and, thus, the progression of the history of philosophy.

Furthermore, the study conditionally confirms Ingarden's requirement that structural modifications be made transparent through paratextual signalling. However, such signalling is here restricted to the translator's preface or endnotes rather than footnotes, as excessive in-text

intervention would risk pedantry, overburden the reader, and intrude upon the author's voice (refer to Section 2.5).

The findings also congruently corroborate Bruni's emphasis on rhythm and periodic structure. While strict syntactic retention often preserved rhetorical cadence more effectively, controlled segmentation inevitably entailed some loss of rhythmic continuity. This loss was mitigated by introducing full stops at points corresponding to rhetorical breaks and preserving sentence length where comprehension permitted. In this sense, the study supports Bruni's insistence on stylistic fidelity while acknowledging that rhythm alone cannot override intelligibility. A translation that preserves rhythm at the cost of comprehension ultimately undermines the communicative function of philosophical discourse.

Schleiermacher's (1813/2021, p. 61) warning regarding the risks of excessive foreignisation is likewise borne out by the findings. While a degree of syntactic harshness is consciously retained to reflect the foreignness of Beccaria's prose (refer to Table 7), the analysis confirms that beyond a certain threshold, such harshness lapses into "wooden or graceless prose." The translator's task, therefore, lies in negotiating this threshold with "art and measure", accepting a degree of stiffness where it serves fidelity but intervening where comprehension and intelligibility would otherwise be compromised. Schleiermacher (1813/2021, p.61) was spot on in deeming this "perhaps the greatest difficulty" in philosophical translation.

Taken together, these findings nuance the syntactic strategies outlined in Chapter 2. Syntactic preservation remains the guiding principle, but its application must be counterbalanced by intelligibility and accessibility. Controlled segmentation, when applied with precision and restraint, emerges not as a violation of fidelity but as a context-sensitive recalibration of it. These observations will be synthesised in Chapter 6 in direct response to the research question.

5.3 Stylistic considerations in translating *Dei Delitti e Delle Pene*

Beccaria's philosophical treatise systematically exploits stylistic techniques and rhetorical language to guide interpretation, reinforce normative claims, and intensify argumentative force. These stylistic choices are not merely ornamental but structurally embedded within the functional architecture of philosophical reasoning and are thus integral to the philosophical character of the texts.

Given the breadth of stylistic phenomena present in *Dei Delitti e Delle Pene*, and in view of strict spatial constraints, this section focuses on the most recurrent and analytically consequential stylistic challenge encountered during translation: Beccaria's systematic use of negative formulations, whereby arguments are advanced through denial rather than affirmation.

The analysis examines how this stylistic device was negotiated in translation, with the aim of assessing to what extent the relevant theoretical strategies in Section 2.4.3 are confirmed, nuanced, or problematised in practice.

5.3.1 Translating Beccaria's negative form

Dei Delitti e Delle Pene systematically employs negative constructions to formulate philosophical claims that could otherwise be expressed affirmatively. Rather than asserting what is, Beccaria repeatedly defines what is not, using negation to delimit, constrain, and categorically exclude alternative interpretations. This stylistic preference is deliberate and serves a precise rhetorical and argumentative function. As noted by Liebrecht, Hustinx, and Van Mulken (2019), negative phrasing can impart greater persuasive force than equivalent affirmative formulations.

A paradigmatic example occurs in Chapter 28, where Beccaria asserts that “la morte di un cittadino non può credersi necessaria che per due motivi.” While an affirmative reformulation would convey a comparable propositional content, the negative construction imposes a far

stronger normative constraint, presenting capital punishment as fundamentally unjustifiable except under narrowly circumscribed conditions. Negation thus functions as a rhetorical mechanism that amplifies Beccaria’s abolitionist stance.

Table 9 illustrates how the Maltese rendering preserves the negative construction, maintaining the argument’s exclusionary force rather than diluting it through affirmation.

Source text (ST)	Final translation (TT)
La morte di un cittadino <i>non può credersi</i> necessaria che per due motivi.	Il-mewt ta’ ċittadin <i>ma tistax titqies</i> meħtieġa ħlief għal żewġ raġunijiet.

Table 9: Source text and the final target-language renderings illustrating the application of stylistic translational strategies

Although the translation could have adopted an affirmative alternative such as “*il-mewt ta’ ċittadin tista’ titqies meħtieġa biss għal żewġ raġunijiet,*” such a choice, while semantically accurate, would diminish the rhetorical force imposed by the original negation. Comparative evidence supports this assessment. Both Thomas and Prazen’s (2008) English translation and the anonymous English translation of 1767 retain the negative formulation, whereas Davies and Cox (1995) adopt an affirmative rendering. (“there are only two grounds on which...”). Although the latter conveys the core meaning, it attenuates the restrictive force achieved through negation. This showcases that semantic fidelity alone is insufficient to preserve Beccaria’s argumentative posture. In line with the strategies outlined in Chapter 2, the negative form should therefore be retained unless it seriously compromises idiomaticity or intelligibility for the identified TA.

A similar rhetorical function is observable in the *Introduzione*, where Beccaria characterises laws as entities that “non sono state... che lo stromento delle passioni di alcuni pochi.” The construction “non sono state... che” functions as an explicit denial of any redeeming

justification, leaving no interpretive space for mitigation and delivering a scathing normative judgement. A more straightforward formulation would be factually equivalent but lacks the sharpness of “*have been nothing but* [a tool]...” which conveys a tone of condemnation and disappointment.

Table 10 illustrates how the Maltese rendering negotiates Beccaria’s negative construction in order to preserve argumentative force while improving idiomaticity and intelligibility.

Source text (ST)	Final translation (TT)
[...] le leggi, che pur sono o dovrebbon esser patti di uomini liberi, <i>non sono state</i> per lo piú <i>che</i> lo stromento delle passioni di alcuni pochi...	[...] l-ligijiet, li huma jew li għandhom ikunu kuntratti bejn bnedmin ħielsa, <i>kienu</i> fil-biċċa l-kbira, l-għodod tal-passjonijiet tal-ftit...

Table 10: Source text and the final target-language renderings illustrating the application of stylistic translational strategies

A literal preservation of the negative form in Maltese would have been possible and not entirely opaque⁵⁴. However, its cumulative interaction with dense juridico-philosophical terminology and extended syntactic-logical structuring risked producing an unnecessarily heavy and stylistically strained construction. In this instance, retaining the negative would have marginally affected idiomatic flow while yielding little additional persuasive force within the broader argumentative structure. The translational decision was therefore guided by a context-sensitive assessment of the negation’s functional contribution.

Comparative evidence supports this assessment. Thomas and Prazen (2008) and the anonymous English translation of 1767 similarly adopt affirmative formulations, whereas

⁵⁴ “[...] l-ligijiet, li huma jew li għandhom ikunu kuntratti bejn bnedmin ħielsa, *ma kinux*, għall-biċċa l-kbira, *ħlief* l-għodod tal-passjonijiet tal-ftit...”

Davies and Cox (1995) retain a negative structure. This variation indicates that no rigid rule governs the treatment of Beccaria’s negation; rather, translators exercise context-sensitive judgment, balancing the retention of rhetorical force against readability and TA requirements.

Another recurrent exemplification of Beccaria’s negative style is his systematic use of contrastive pairs, whereby one position is explicitly rejected in order to affirm another with greater force. This structure is particularly evident in Chapter 28, where he challenges a widespread assumption about deterrence by stating: “Non è l’intensione della pena che fa il maggior effetto... ma l’estensione di essa” The formulation of “*non è X, ma è Y,*” functions as a corrective mechanism, dismantling the belief that harsher penalties are more effective, and replacing it with the counterintuitive claim that duration, rather than severity, exerts the strongest deterrent effect.

As shown in Table 10, the Maltese translation retains the negative construction. An affirmative alternative would have diminished the rhetorical impact without offering any compensatory gain in clarity or idiomaticity. In this case, the sentence length and terminological density posed no significant obstacles, allowing the negative form to be maintained without strain.

Source text (ST)	Final translation (TT)
<i>Non è</i> l'intensione della pena che fa il maggior effetto sull'animo umano, <i>ma</i> l'estensione di essa...	<i>Mhijiex</i> l-intensità tal-piena li tħalli l-aktar effett fuq l-ispirtu tal-bniedem, <i>iżda</i> t-tul tagħha.

Table 11: Source text and the final target-language renderings illustrating the application of stylistic translational strategies

A neutral affirmative reformulation, such as “*It-tul tal-piena għandu effett akbar mill-intensità tagħha,*” would preserve the propositional content but debilitate its rhetorical force. Contrastingly, the negative formulation explicitly excludes the first factor, leaving no

conceptual space for compromise and thereby reinforcing the argumentative authority of the second. The TA is thus guided away from a false premise before being led toward the author's preferred conclusion, enhancing the didactic force of the claim.

Comparative evidence further supports this choice. All three English translations consulted retain the negative construction, indicating a shared recognition of its argumentative function. This example thus confirms that, where syntactic and stylistic conditions permit, preserving Beccaria's negative formulations is not only viable but desirable, as it safeguards both the logical structure and the persuasive force.

This analysis demonstrates that in Beccaria's *Dei Delitti e Delle Pene*, negative formulations function as a deliberate rhetorical strategy integral to his philosophical method. In this respect, the findings largely support Bruni's contention, as identified in Section 2.4.3, that the philosophical translator must identify the style of the author and reproduce it faithfully in translation, suppressing their own stylistic preferences to preserve the intellectual character of the original work⁵⁵.

At the same time, the case study nuances this position by demonstrating that stylistic fidelity cannot be applied mechanically. While preservation of Beccaria's negative constructions constituted the default strategy, the analysis indicates that their cumulative interaction with dense periodic syntax and specialised juridico-philosophical terminology can overburden the target text. In such contexts, strict retention risks compromising idiomaticity and intelligibility

⁵⁵ Although this study does not adopt a quantitative research methodology, a provisional review was conducted for orientational purposes. Across eleven chapters and the frontispiece, Beccaria employed explicit negative constructions approximately 129 times; these were retained in the Maltese translation in roughly 86% of cases. This figure is indicative only and lies outside the formal scope of the dissertation, but it nonetheless provides a contextual measure that supports the conclusion that Bruni's stylistic strategies, as outlined in Section 2.3.4, were largely upheld in practice, albeit with necessary nuance and context-sensitive exceptions.

for the identified TA, thereby undermining the communicative function of the philosophical argument itself.

Stylistic preservation, therefore, remains the guiding principle, but selective adjustment is justified where rigid foreignisation would impede comprehension. This balance confirms that fidelity in philosophical translation is achieved not through uncritical replication, but through disciplined, context-sensitive deliberation that remains accountable to both the ST and the conditions of reception in the TL. Philosophical translators must leverage their expertise to seamlessly achieve this delicate balance (refer to Sections 2.3 and 5.1).

5.4 Paratextual aids in *Dei Delitti e Delle Pene*

In the Maltese translation of *Dei Delitti e Delle Pene* produced for this study, the use of paratextual aids was carefully calibrated in light of the theoretical insights outlined in Section 2.5 and the practical limitations of the dissertation format (refer to Section 6.2)⁵⁶. Within these parameters, footnotes constitute the sole paratextual device employed in Chapter 4. In total, the final Maltese translation contains a total of just 22 footnotes distributed across 88 pages of translated text. Although the categories outlined below are not exhaustive, they account for the overwhelming majority of paratextual interventions in the translation.

The first and most frequent function of footnotes concerns historical and contextual clarification. Brief explanatory notes are provided where Beccaria refers to historical figures, jurists, political actors, or legal doctrines that may not be immediately recognisable to a contemporary reader. This includes references to foreign rulers, such as Elizabeth of Russia, early modern jurists like Prospero Farinacci, Benedikt Carpzovio, and Giulio Claro, as well as implicit allusions to foundational legal frameworks such as Roman law. Similarly, obsolete

⁵⁶ As established in 2.5, their use is governed by clearly defined criteria and limited to cases where paratextual intervention performs a demonstrable explanatory function without interrupting the reading process or displacing the authorial voice.

crimes and doctrines, including *lèse-majesté*, are clarified where their historical meaning differs from modern associations. Occasional references to philosophers such as Hobbes or Montesquieu are likewise accompanied by succinct footnotes identifying the relevant work or idea engaged by Beccaria.

A second function is the transparent preservation of Beccaria's own authorial notes. In the Italian source text, Beccaria occasionally supplements his argument with marginal footnotes and symbols such as asterisks to provide clarifications or asides. These notes are retained in the Maltese translation and explicitly marked as authorial, for example, through the label “[Nota ta' Beccaria],” in order to distinguish them from translator interpolations. This practice aligns with the conventions of the critical editions consulted, particularly that of Firpo and Francioni (1984), and ensures that readers can readily identify which explanatory elements originate from the author himself, thereby enjoying a reading experience closer to that of the original audience.

A third, more limited use of footnotes concerns terminological clarification in cases where a literal rendering could mislead or obscure meaning. For instance, Beccaria's reference to *schiavitù perpetua* is not intended to denote slavery in a colonial or racial sense, but rather lifelong penal servitude. A brief footnote is therefore employed to disambiguate the concept without altering the translated wording. Paratextual aids are also used on rare occasions to signal textual issues identified in the critical apparatus of modern editions, such as recognised typographical errors in the ST. This practice enhances scholarly transparency while preserving the integrity of the translated text.

Within the aforementioned constraints, the selective footnoting strategy adopted proved both sufficient and effective. It showcases that judicious paratextual intervention can support the accessibility of eighteenth-century juridico-philosophical discourse in Maltese without

compromising its rhetorical flow or philosophical integrity. Excessive annotation was consciously avoided, as it would have risked fragmenting the reading experience and shifting attention away from Beccaria's prose. This case study, therefore, confirms the strategies outlined in Section 2.5: paratextual aids, when employed sparingly and purposefully, can resolve specific translational challenges without distorting authorial voice or reader engagement.

The analysis developed in this chapter provides the empirical and interpretative foundation for the synoptic discussion in Chapter 6, where the findings are brought to bear directly on the research question. There, the extent to which the theoretical strategies compiled in Chapter 2 are confirmed, nuanced, or problematised through the analyses conducted in Chapter 5 is synthesised, alongside general remarks on the study's scope, strengths, and limitations. The chapter also recommends possible avenues for future research.

Chapter 6

Conclusion

6. Conclusion

As evidenced in Chapters 4 and 5, the translation of Beccaria's *magnum opus* demanded a high degree of philosophical literacy, extensive socio-historical research, and continuous hermeneutic vigilance (refer to Sections 2.3 and 5.1), corroborating long-standing claims in both philosophical and translation-theoretical scholarship (refer to Section 2.2) regarding the exceptional difficulty of this type of translation.

The scarcity of philosophical translations into Maltese (refer to Section 1.1) must therefore be understood in relation to the highly specialised expertise such work demands, its limited economic viability (refer to Section 2.3 and 5.1), and the heightened intellectual responsibility involved in translating canonical philosophical texts. Such translation entails accountability not merely to the author-philosopher or the target readership, but toward intellectual history itself, a responsibility rendered explicit through the translational decisions systematically documented in this study.

If philosophical translation into Maltese is to develop in a meaningful and sustainable manner, it must be recognised as a national, cultural and academic endeavour rather than relegated to individual initiative. In the absence of such recognition, translators are compelled to assume disproportionate intellectual and ethical responsibility under conditions that render sustained, research-intensive work economically unviable. The findings of this study, therefore, call not only for greater institutional recognition of philosophical translation but for material support commensurate with the level of expertise, time investment, and disciplinary competence that such work demonstrably requires.

6.1 Synopsis of Salient Findings

In line with its twofold aim, the present study produced a Maltese translation of selected excerpts from *Dei Delitti e Delle Pene* (refer to Chapter 4) and examined, through sustained

translational practice, whether the challenges and strategies identified in Chapter 2 are confirmed, refined, or problematised when applied to Beccaria's eighteenth-century juridico-philosophical prose. This enquiry was operationalised in Chapter 5 through a focused analysis of recurrent translational difficulties extracted from the translation log (refer to Sections 3.1 and 3.3), and through an assessment of their implications for philosophical fidelity in relation to an explicitly defined TA (refer to Section 3.3).

The findings demonstrate that rigorous pre-translational diagnosis of philosophical texts is not a preliminary formality, but a functional necessity. Contextual immersion, audience specification, and subject-matter competence are shown to materially reduce interpretive error and to enable conceptually accountable translation decisions, while iterative rereading emerges as a continuous hermeneutic practice structuring the translation process in its entirety. At the syntactic level, the case study substantiates the theoretical presumption in favour of preserving logical–syntactic structuration where it encodes argumentative architecture; however, it also refines this position by demonstrating that extreme hypotaxis and periodicity frequently require controlled segmentation in order to maintain intelligibility and avoid idiomatic strain in Maltese.

At the stylistic level, Beccaria's systematic deployment of negation emerges as a deliberate rhetorical strategy through which exclusionary reasoning and didactic progression are enacted. In the majority of instances, its preservation proves indispensable, as affirmative reformulation consistently attenuates argumentative force. Nevertheless, the analysis also demonstrates that indiscriminate retention becomes counterproductive where the cumulative convergence of negation, dense syntax, and specialised terminology generates disproportionate stylistic pressure without commensurate argumentative gain. Finally, footnotes are shown to function effectively as paratextual interventions only when deployed in a deliberately minimal and

purpose-bound manner, enhancing comprehension and scholarly transparency without pedantically encroaching upon the authorial voice.

The central research question may therefore be answered decisively. Taken together, the findings demonstrate that the strategies compiled in Chapter 2 are largely confirmed through translational practice; however, their efficacy is contingent upon disciplined, context-sensitive judgment by the philosophical translation, oriented simultaneously toward Beccaria's argumentative method and the conditions of reception governing contemporary Maltese readership.

6.2 Strengths, Limitations and Suggestions for Further Research

Although it would be premature to characterise the findings of the present study as a definitive or fully generalisable set of principles—given their application to a single ST, within a single language pair, and by a single translator (refer to Section 3.1)—it nonetheless offers a robust and transferable methodological foundation for future research. By providing a replicable procedure for testing translation strategies in similarly under-researched linguistic contexts, it may serve as a practical template for further studies in philosophical translation, particularly within lesser-translated languages such as Maltese.

Within this scope, the study represents one of the earliest systematic attempts within Maltese academic scholarship to compile and examine a set of translational challenges and strategies relevant to the translation of philosophical texts into Maltese, and to subject these to immediate evaluation through sustained translational practice (refer to Section 2.2). A further strength, therefore, lies in its empirical validation of theory through practice, as the translation process and analysis documented in Chapters 4 and 5 function as a sustained testing ground in which challenges and strategies of philosophical translation are tested under concrete translational

constraints, thereby contributing to interdisciplinary dialogue between Translation Studies and Philosophy.

While the dissertation confirms and, in certain respects, refines the strategies compiled in Chapter 2 through translational practice, it is necessary to acknowledge several limitations that delimit the scope of its findings.

A first limitation concerns the relative scarcity of sustained scholarship on philosophical translation in general and on philosophical translation into Maltese in particular (refer to Section 2.2). The absence of an established research tradition inevitably constrained comparative grounding and required the study to proceed within a largely under-theorised field. While this lacuna simultaneously constitutes one of the study's strengths, it nevertheless limited opportunities for direct methodological triangulation against prior models, especially within the Maltese context.

A second limitation arises from practical constraints of space and time inherent to a Master's dissertation. These constraints precluded extended analytical treatment of several recurrent challenges noted during the translation process, such as terminological choices within Maltese's stratified language system, which would merit independent investigation beyond the scope of philosophical translation alone⁵⁷. Similarly, while the analysis confirms the indispensability of extensive pre-translational research and iterative rereading, the study necessarily problematises the threshold at which such practices remain feasible under academic and professional deadlines, particularly when dealing with extensive philosophical corpora

⁵⁷ Beccaria employs juridical–philosophical terminology that is largely stable and displays clear one-to-one equivalents in Maltese, mitigated through the systematic use of dictionaries and glossaries (see Tables 1–5). While Maltese's stratified lexicon often presents parallel Semitic and Romance-rooted variants, a systematic treatment of such choices would have constituted a study in its own right and fell outside the spatial constraints of the present analysis. As discussed in Section 2.4.3, the most persistent terminological challenges in philosophical translation arise not from specialised technical vocabulary, but from everyday lexemes that acquire philosophically resemanticised meanings (e.g. *Dasein*), a feature largely absent in Beccaria; analytical focus was therefore directed toward more complex and recurrent syntactic and stylistic challenges.

(refer to Sections 2.3 and 5.1). These constraints were mitigated through targeted contextual research and sustained engagement with secondary scholarship (refer to Sections 1.2 and 1.3), but exhaustive historical coverage remains neither attainable nor methodologically warranted within the present framework.

A further limitation concerns the paratextual apparatus. Unlike a standalone published translation, the dissertation format imposed strict structural and word-limit constraints that precluded the inclusion of a dedicated translator's preface, glossary, or extended commentary. As a result, functions typically fulfilled by paratexts had to be integrated selectively across the analytical chapters, limiting the extent to which certain explanatory interventions could be foregrounded independently (refer to Sections 2.5 and 5.4).

It should also be acknowledged that the evaluation of the effectiveness of the translation strategies identified in the analysis represents a limitation of the present study. Since both the translation and its subsequent examination were conducted by a single researcher, the assessment of these strategies inevitably involves an element of translator self-evaluation. While such subjectivity cannot be entirely eliminated, it was mitigated insofar as possible through consultation with subject-matter experts in Philosophy and Translation Studies (refer to Section 3.3).

Finally, the findings remain necessarily context-bound. As reiterated in Sections 3.1 and 6.2, given this study's application to a single ST, within a single language pair, and by a single translator, the strategies identified as particularly effective for translating Beccaria cannot be assumed to apply uniformly across all philosophical texts. While they may plausibly extend to other eighteenth-century Enlightenment political philosophers with comparable stylistic and argumentative features, such as Rousseau, Hume, or Locke, confirming this hypothesis would require further systematic testing by multiple philosophical translators across additional

authors and corpora. As with all qualitative case studies, the present findings are not statistically generalisable, but they nonetheless offer transferable insights grounded in rigorous documentation and analytical transparency.

This concluding chapter also identifies directions for future research that build on the findings of the present study and contribute to a deeper understanding of how philosophical translation strategies operate across texts, authors, and linguistic frameworks.

A first and primary avenue for further research lies in the systematic testing and refinement of the compiled set of strategies through additional case studies. While the present dissertation is necessarily context-bound, its findings remain transferable rather than generalisable in the statistical sense, as articulated by Saldanha and O'Brien (2014). Applying the same set of strategies to the translation of other Enlightenment political philosophers, such as Rousseau or Montesquieu, would allow for comparative evaluation and gradual refinement, thereby moving incrementally towards greater methodological robustness.

A second promising direction concerns the development of philosophical terminological resources in Maltese. Building on existing initiatives, such as Friggieri's *In-Nisġa tal-Ħsieb* (2000-2014), future research could focus on compiling a structured glossary of philosophical terminology grounded in both original Maltese philosophical writing and translated canonical works. Integrating material from existing Maltese philosophical texts, alongside the present translation (Chapter 4), would represent a significant step toward consolidating a shared terminological base, with clear benefits for translators, students, and scholars working in this under-resourced linguistic context.

Finally, at a more applied level, the present study points toward the potential value of extending the translation project beyond the dissertation format. A complete Maltese translation of *Dei Delitti e Delle Pene* would allow for fuller engagement with Beccaria's conceptual architecture

and stylistic consistency across the work as a whole. While such an undertaking would necessarily depend on external factors and practical considerations, it represents a natural continuation of the research trajectory initiated here and would further contribute to the visibility and accessibility of philosophical texts in Maltese.

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Appendix

Translation Logbook Selected Entries

As discussed in Sections 3.1 and 3.3, the translational decisions undertaken throughout the study were systematically documented in a reflective translation logbook. The methodological rationale for its use, together with its role in supporting the analytical discussion in Chapter 5, is outlined in the main body of the dissertation and will therefore not be reiterated here.

Notwithstanding the logbook's important role during the translation process, it did not constitute an object of analysis in its own right. The central concern of the present study, as articulated in the aims and research question (refer to Section 1.4), was to examine the principal challenges and strategies involved in translating selected excerpts from *Dei Delitti e Delle Pene* by Cesare Beccaria into Maltese, rather than to provide an exhaustive record of every individual decision undertaken during the translation process.

For this reason, the present appendix does not reproduce the logbook in its entirety. Instead, it provides a limited number of representative entries corresponding to, but not limited to, the principal categories of translational challenges and strategies identified in Chapter 5. These entries are included solely to illustrate the form of reflective documentation referred to throughout the dissertation and to clarify what is meant by the translation logbook when it is invoked in the methodological and analytical discussion. While the systematic recording of translation decisions played an important supporting role in structuring the analytical framework of the study, a comprehensive examination of translator decision-making would require a distinct methodological focus and therefore falls outside the scope of the present research.

Table 12 therefore presents a selection of representative logbook entries illustrating how specific translational challenges were identified, evaluated, and ultimately resolved during the translation process.

ST reference	ST segment	Translation Challenge	Logbook Reflection	Strategy Applied
A Chi Legge	<i>stato di guerra</i>	Conceptual philosophical terminology relating to social contract theory.	<p>“stat ta’ gwerra”; as opposed to “kundizzjoni ta’ gwerra”; “stat permanenti ta’ kunflitt”.</p> <p>Consultation with Prof. Portelli and Prof. De Lucca.</p>	The final rendering stat ta’ gwerra maintains conceptual clarity and aligns with established terminology used in philosophical discussions of early modern political theory.
Introduzione	<i>la massima felicità divisa nel maggior numero</i>	Pre-translational diagnosis: philosophical texts cannot be translated in isolation from the intellectual traditions and historical circumstances that inform them.	<p>The commonly used rendering “the greatest happiness of the greatest number” misleadingly aligns Beccaria with later utilitarian doctrine. A more accurate interpretation is “the greatest happiness shared among the greater number.”</p> <p>Consulted Ortolja-Baird (2017) and Prof. De Lucca.</p>	Importance of pre-translational diagnosis: comprehensive reading of secondary sources and knowledge of philosophy were necessary in order to differentiate between different forms of utilitarian reasoning and to avoid imposing later theoretical frameworks on Beccaria’s text.
Introduzione	<i>Felici sono quelle pochissime nazioni, che non aspettarono che il lento moto delle combinazioni e vicissitudini umane facesse succedere all'estremità de' mali un</i>	Awkward syntax and lack of readability in the initial translation. The first rendering did not adequately reflect the rhetorical flow and intelligibility of the ST.	<p>Revised rendering:</p> <p><i>Tabilhaqq hienja dawk ilveru ffit nazzjonijiet li ma qaghdux jistennew is-suċċessjoni kajmana fiċ-</i></p>	Re-phrasing and careful lexical selection in order to achieve greater intelligibility and rhetorical flow in the TT (for the established and designated TA)

	<i>avviamento al bene, ma ne accelerarono i passaggi intermedi con buone leggi; ...</i>	<i>Kuntenti huma dawk il-veru ftit nazzjonijiet li ma stennewx is-suċċessjoni kajmana tal-kombinazzjonijiet u viċissitudinijiet umani jwasslu mill-estremità tal-ħażen għat-tqarrib iżda minflok aċċelleraw l-istadji intermedjarji b'ligijiet tajbin.</i>	<i>ċirkostanzi u lgrajjiet tal-bniedem biex tinqabad it-triq tassewwa wara l-estremità tal-ħażen, imma ħaffew il-pass tal-bidliet intermedji permezz ta' ligijiet tajbin</i>	while maintaining fidelity to the ST.
§ II - Dritto di punire	<i>essere esistente</i>	Finding an appropriate terminological equivalent.	Selected essri (meaning “being”). Consulted Aquilina (p. 287).	Dictionary consultation (refer to Chapter 3).
§ XXVIII - Della pena di morte	<i>schjavitù perpetua</i>	Need for paratextual clarification due to historical penal practices that may be unfamiliar to contemporary readers.	Rendering: <i>skjavitù perpetwa.</i> Footnote added: <i>Skjavitù perpetwa hawn ma tfissirx skjavitù fis-sens tradizzjonali, jgħifieri bniedem jaħkem fuq ieħor, iżda kastig penali dejjiemi flok il-piena tal-mewt. F'dan il-kuntest, tfisser ħidma sfurzata fil-ħabs għal żmien twil jew</i>	Explanatory paratext through a translator's footnote (non-pedantic).

			<p><i>indefinit, fejn il-ħati jaħdem għall-istess soċjetà li lilha jkun għamel ħsara.</i></p> <p>Consultation with Prof. Portelli and examination of paratextual strategies applied in translated Enlightenment political philosophy (e.g., Rousseau and Hobbes).</p>	
<p>§ XXVIII - Della pena di morte</p>	<p><i>La morte di un cittadino <u>non può credersi</u> necessaria che per due motivi.</i></p>	<p>Beccaria's stylistic preference for negative formulation rather than a direct affirmative statement.</p>	<p>Considered reformulating the sentence affirmatively for readability, but this weakened the rhetorical force of the original formulation.</p> <p>Final rendering retained the negative structure: <i>Il-mewt ta' ċittadin <u>ma tistax titqies meħtieġa ħlief għal żewġ raġunijiet.</u></i></p>	<p>Retention of the negative formulation in order to preserve Beccaria's argumentative style.</p>
<p>§ XXVIII - Della pena di morte</p>	<p><i>* Perché una pena sia giusta non deve avere che quei soli gradi d'intensione che bastano a rimuovere gli uomini dai delitti;</i></p>	<p>Extreme hypotactic sentence structure.</p> <p>The source sentence exceeds 145 words and</p>	<p>Alternative rendering segmented the sentence into controlled syntactic units.</p>	<p>The sentence was segmented into shorter syntactic units while preserving the hierarchical structure of the</p>

<p><i>ora non vi è alcuno che, riflettendovi, sciogliere possa la totale e perpetua perdita della propria libertà per quanto avvantaggioso possa essere un delitto: dunque l'intensione della pena di schiavitù perpetua sostituita alla pena di morte ha ciò che basta per rimuovere qualunque animo determinato; aggiungo che ha di più: moltissimi risguardano la morte con viso tranquillo e fermo, chi per fanatismo, chi per vanità, che quasi sempre accompagna al di là dalla tomba, chi per un ultimo e disperato tentativo o di non vivere o di sortir di miseria; ma né il fanatismo né la vanità stanno fra i ceppi o le catene, sotto il bastone, sotto il giogo, in una gabbia di ferro, e il disperato non finisce i suoi mali, ma gli comincia.</i></p>	<p>contains multiple subordinate clauses organised through cumulative hypotaxis. A fully literal syntactic transfer initially produced excessive processing load in Maltese and compromised intelligibility.</p> <p>Initial attempt preserved the full syntactic structure of the ST but resulted in reduced readability in the TT:</p> <p>* <i>Sabiex piena tkun ġusta għandu jkollha biss il-grad ta' intensità li huwa meħtieġ sabiex tiskoraġġixxi lill-bnedmin milli jwettqu delitti; issa m'hemm ħadd li, meta jirrifletti, jasal jagħzel it-telf totali u perpetwu tal-libertà tiegħu stess irrISPETTIVAMENT minn kemm ikun jaqbillu jwettaq id-delitt: għalhekk, lintensità tal-piena ta' skjavitù perpetwa, bhala sostitut għallpiena tal-</i></p>	<p>* <i>Sabiex piena tkun ġusta, għandu jkollha biss il-grad ta' intensità li huwa meħtieġ sabiex tiskoraġġixxi lill-bnedmin milli jwettqu delitti. Issa, m'hemm ħadd li, meta jirrifletti, jasal jagħzel ittelf totali u perpetwu tallibertà tiegħu stess, irrISPETTIVAMENT minn kemm ikun jaqbillu jwettaq id-delitt. Għalhekk, lintensità tal-piena ta' skjavitù perpetwa, bhala sostitut għall-piena talmewt, għandha dak kollu li huwa meħtieġ sabiex tiskoraġġixxi anke l-aktar bniedem determinat. Tabilhaqq, ngħid li għandha saħansitra aktar. Ħafna jharsu lejn il-mewt b'ħarsa kalma u soda, xi wħud kawża tal-fanatizmu, oħrajn tal-</i></p>	<p>argument and the logical progression of Beccaria's reasoning.</p>
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		<p><i>mewt, għandha dak kollu li huwa meħtieġ sabiex tiskoraġġixxi anke l-aktar bniedem determinat; inżid li għandha saħansitra aktar: ħafna jħarsu lejn il-mewt b'ħarsa kalma u soda, xi wħud kawża tal-fanatizmu, ohrajn tal-kburija, li kważi dejjem takkumpanja lillbniedem lil hinn minn mewtu, u wħud f'tentattiv aħħari u ddisprat sabiex jew jeħilsu mill-ħajja jew jaħarbu millmiżerja; iżda la l-fanatizmu u lanqas il-kburija ma jistaportu filmanetti jew filktajjen, taħt ilbastun u l-madmad, jew ġo ċella; u l-għali taliddisprat, mhux talli ma jkunx intemm, iżda jkun għadu kif beda.</i></p>	<p><i>kburija, li kważi dejjem takkumpanja lill-bniedem lil hinn minn mewtu, u wħud f'tentattiv aħħari u ddisprat sabiex jew jeħilsu mill-ħajja jew jaħarbu millmiżerja. Iżda la l-fanatizmu u lanqas il-kburija ma jistaportu filmanetti jew filktajjen, taħt ilbastun u l-madmad, jew ġo ċella; u l-għali taliddisprat, mhux talli ma jkunx intemm, iżda jkun għadu kif beda.</i></p>	
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Table 12: Selected Entries from the Translation Logbook