

LEGAL AND ADMINISTRATIVE DISCIPLINES

FRANCESCO MARIO PAGANO

(Brienza 8.12.1748 - Naples 29.10.1799)

Jurist and philosopher.

A son of the local upper middle class, at a very young age he got to know Marquis Litterio Caracciolo, whose ideas probably made up the scaffolding of the M.P. Pagano's thought. Little more than an adolescent, after his father's death, Pagano moved to Naples to pursue his studies. After an early period in which he devoted himself to philosophical-religious studies (influenced, in this choice, by his uncle Nicola, archpriest, he was living with) he turned to humanistic-legal studies.

He graduated in Law while still very young at the Federico II in Naples. In 1768 he published, in Latin, his dissertation entitled the "Politicum," concerning the Roman legislation.

Thanks also to Antonio Genovesi, his professor who appointed him as his successor, at the age of twenty-two he held the chair of Ethics at the Royal Academy of the Nunziatella in Naples. Later, not yet thirty years old, he won the contest for the chair of Criminal Law at the Federico II University in Naples.

As a jurist, he gained European fame for his writings including "Considerations on the Criminal Process," "Principles of the Criminal Code," and "Logic of Probates and Theory of Evidence."

In 1785 he gave to print the "Political Essays," a summa work of his thought relating to the social and political organization of the state.

In his spare time he dabbled in composing plays, including "The Theban Exiles" in memory of his friend Gaetano Filangieri, with whom he shared membership in the Masonic lodge of Philanthropy, of which he became grand master venerable.

He strongly supported the reform of criminal procedure, stressing the need to establish a new form of judgments, requesting the urgent abolition of the secret procedure. Advocating the rejection of the barbarity and unfairness of the inquisitorial trial, he considered it necessary and urgent than ever to establish the principle of equal rights between the accuser and the accused.

As a lawyer (public defender) at the Tribunal of the Admiralty, defending three young men accused of conspiracy against the Crown (state offenders), he exposed himself too much to the Bourbon monarchy (1792). In fact, a few years later, while serving as a judge of the

same court, he was falsely accused of corruption and imprisoned for several months in Bourbon jails. After release, he went into exile to Rome first, where the Roman Republic had meanwhile been proclaimed, and then to Milan. In February 1799, Mario Pagano returned to Naples, where he became a leading spokesperson of the Neapolitan Republic. He was elected, in fact, among the 25 members of the Provisional Government.

Having had contacts with exponents of the Enlightenment since he was young, and intensifying them after moving to Naples, he became one of the leading exponents of the Neapolitan Revolution (January 23, 1799-June 22, 1799 Capitulation of Castel Sant'Elmo). He was in charge of drafting the Constitution of the Neapolitan Republic with other members.

The bronze monument erected in front of Brienza's town hall depicts him in the act of entering the assembly hall to approve the Constitution clutching the Constitution scroll in his right hand. In the basement were carved his Political Essays, still a source of inspiration for the most important contemporary jurists.

Following the violent repression of the Neapolitan Revolution, Pagano was executed by hanging in Piazza Mercato in Naples, sharing the same fate as Ciaia and Domenico Cirillo. The reason why the Neapolitan revolution and its exponents are still remembered is not certainly because of its duration or even the effects it produced, but because of the heroism of those people who preferred death on the gallows to the ignominy of abjuration.

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