

**Karl Marx**  
Selected Writings in Sociology and Social Philosophy



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Sociology & Social Philosophy**

**with a foreword by Erich Fromm**

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# KARL MARX

## SELECTED WRITINGS IN SOCIOLOGY & SOCIAL PHILOSOPHY

*Newly translated by T. B. Bottomore.*

Edited, with an introduction and notes, by  
Mr. Bottomore and Maximilien Rubel,  
and with a foreword by Erich Fromm

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. . . it would be very difficult, if not altogether impossible, to establish any principle upon which the justice or expediency of capital punishment could be founded, in a Society, glorying in its civilization. Punishment in general had been defended as a means either of ameliorating or of intimidating. Now what right have you to punish me for the amelioration or intimidation of others? And besides, there is history—there is such a thing as statistics—which prove with the most complete evidence that since Cain the world has neither been intimidated nor ameliorated by punishment. Quite the contrary. From the point of view of abstract right, there is only one theory of punishment which recognizes human dignity in the abstract, and that is the theory of Kant, especially in the more rigid formula given to it by Hegel. Hegel says: "Punishment is the *right* of the criminal. It is an act of his own will. The violation of right has been proclaimed by the criminal as his own right. His crime is the negation of right. Punishment is the negation of this negation, and consequently an affirmation of right, solicited and forced upon the criminal by himself."

There is no doubt something specious in this formula, inasmuch as Hegel, instead of looking upon the criminal as the mere object, the slave of justice, elevates him to the position of a free and self-determined being. Looking, however, more closely into the matter, we discover that German idealism here, as in most other instances, has but given a transcendental sanction to the rules of existing society. Is it not a delusion to substitute for the individual with his real motives, with multifarious social circumstances pressing upon him, the abstraction of "free-will"—one among the many qualities of man for man himself? This theory, considering punishment as the result of the criminal's own will, is only a metaphysical expression for the old "jus talionis," eye against eye, tooth against tooth, blood against

blood. Plainly speaking, and dispensing with all paraphrases, punishment is nothing but a means of society to defend itself against the infraction of its vital conditions, whatever may be their character. Now, what a state of society is that which knows of no better instrument for its own defence than the hangman, and which proclaims through the "leading journal of the world" its own brutality as eternal law?

Mr A. Quételet, in his excellent and learned work, *l'Homme et ses Facultés*, says: "There is a budget which we pay with frightful regularity—it is that of prisons, dungeons and scaffolds. . . . We might even predict how many individuals will stain their hands with the blood of their fellow-men, how many will be forgers, how many will deal in poison, pretty nearly the same way as we may foretell the annual births and deaths."

And Mr Quételet, in a calculation of the probabilities of crime published in 1829, actually predicted with astonishing certainty, not only the amount but all the different kinds of crimes committed in France in 1830. That it is not so much the particular political institutions of a country as the fundamental conditions of modern *bourgeois* society in general, which produce an average amount of crime in a given national fraction of society, may be seen from the following tables, communicated by Quételet, for the years 1822-24. We find in a number of one hundred condemned criminals in America and France:

Age	Philadelphia	France
Under twenty-one years	19	19
Twenty-one to thirty	44	35
Thirty to forty	23	23
Above forty	14	23
	<hr/> 100	<hr/> 100

Now, if crimes observed on a great scale thus show, in their amount and their classification, the regularity of



physical phenomena—if, as Mr Quételet remarks, “it would be difficult to decide in respect to which of the two (the physical world and the social system) the acting causes produce their effect with the utmost regularity”—is there not a necessity for deeply reflecting upon an alteration of the system that breeds these crimes, instead of glorifying the hangman who executes a lot of criminals to make room only for the supply of new ones?

“Capital Punishment”  
*NYDT* February 18, 1853