

## Karl Marx in New-York Tribune 1853

# Capital Punishment. — Mr. Cobden's Pamphlet. — Regulations of the Bank of England

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*The Times* of Jan. 25 contains the following observations under the head of “Amateur Hanging”:

“It has often been remarked that in this country a public execution is generally followed closely by instances of death by hanging, either suicidal or accidental, in consequence of the powerful effect which the execution of a noted criminal produces upon a morbid and unmatured mind.”

Of the several cases which are alleged by *The Times* in illustration of this remark, one is that of a lunatic at Sheffield, who, after talking with other lunatics respecting the execution of Barbour, put an end to his existence by hanging himself. Another case is that of a boy of 14 years, who also hung himself.

The doctrine to which the enumeration of these facts was intended to give its support, is one which no reasonable man would be likely to guess, it being no less than a direct apotheosis of the hangman, while capital punishment is extolled as the *ultima ratio* of society. This is done in a leading article of the “leading journal.”

The *Morning Advertiser*, in some very bitter but just strictures on the hanging predilections and bloody logic of *The Times*, has the following interesting data on 43 days of the year 1849:

Executions of:		Murders and Suicides:	
Millan	March 20	Hannah Sandles	March 22
		M. G. Newton	March 22
Pulley	March 26	J. G. Gleeson — 4 murders at Liverpool	March 27
Smith	March 27	Murder and suicide at Leicester	April 2
Howe	March 31	Poisoning at Bath	April 7
		W. Bailey	April 8
Landick	April 9	J. Ward murders his mother	April 13
Sarah Thomas	April 13	Yardley	April 14
		Doxey, parricide	April 14

		J. Bailey kills his two children and himself	April 17
J. Griffiths	April 18	Charles Overton	April 18
J. Rush	April 21	Daniel Holmsden	May 2

This table, as *The Times* concedes, shows not only suicides, but also murders of the most atrocious kind, following closely upon the execution of criminals. It is astonishing that the article in question does not even produce a single argument or pretext for indulging in the savage theory therein propounded; and 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 has 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.” [Hegel, [Philosophy of Right](#)]

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*” [the right of retaliation by inflicting punishment of the same kind] 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 defense 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 table, 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
Total	100	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?

One of the topics of the day is the publication of a pamphlet by Mr. Richard Cobden — “1793 and 1853, in Three Letters” (140 pages). The first part of this pamphlet, treating of the time of, and previous to, the revolution of 1793, has the merit of attacking openly and vigorously the old English prejudices respecting that epoch. Mr. Cobden shows that England was the aggressive party in the revolutionary war. But here he has no claim to originality, as he does but repeat, and in a much less brilliant manner, the statements once given by the greatest pamphleteer England has ever possessed, viz.: the late William Cobbett. The other part of the pamphlet, although written from an economical point of view, is of a rather romantic character. Mr. Cobden labors to prove that the idea of Louis Napoleon’s having any intention of invading England is a mere absurdity; that the noise about the defenseless state of the country has no material foundation, and is propagated only by persons interested in augmenting the public expenditure. By what arguments does he prove that Louis Napoleon has no hostile intentions toward England? Louis Napoleon, he contends, has no *rational* ground for quarreling with England. And how does he prove that a foreign invasion of this country is impossible? For 800 years, says Mr. Cobden, England has not been invaded. And what are his arguments to show that the cry about the defenseless state is a mere interested humbug? The highest military authorities have declared that they feel quite safe!

Louis Napoleon has never met, even in the Legislative Assembly, with a more credulous believer in his faith and peaceable intentions, than he finds now, rather unexpectedly, in Mr. Richard Cobden. *The Morning Herald* (in yesterday’s number), the habitual defender of

Louis Napoleon, publishes a letter addressed to Mr. Cobden, and alleged to have been written under the immediate inspiration of Bonaparte himself, in which the prince-hero of Satory [i.e. Louis Bonaparte] assures us that he will only come over to England, if the Queen [Victoria], threatened by rising Democracy, should want some 200,000 of his *décembraillards* [members of the Bonapartist Society of December 10] or bullies. But this Democracy, according to *The Herald*, is nobody else than Messrs. Cobden & Co.

We must confess that, having perused the pamphlet in question, we begin to feel an apprehension of something like an invasion of Great Britain. Mr. Cobden is no very happy prophet. After the repeal of the Corn Laws he made a trip to the Continent, visiting even Russia, and after his return stated that all things were right, that the times of violence had passed, that the nations deeply and eagerly involved in commercial and industrial pursuits, would now develop themselves in a quiet business-like manner, without political storms, without outbreaks and disturbances. His prophecy had scarcely reached the Continent, when the Revolution of 1848 burst forth over all Europe, and gave a somewhat ironical echo to Mr. Cobden's meek predictions. He talked peace, where there was no peace.

It would be a great mistake to suppose that the peace doctrine of the Manchester School has a deep philosophical bearing. It only means, that the feudal method of warfare shall be supplanted by the commercial one — cannons by capital. The Peace Society yesterday held a meeting at Manchester, where it was almost unanimously declared, that Louis Napoleon could not be supposed as intending anything against the safety of England, if *the press would but discontinue its odious censures on his Government, and become mute!* Now, with this statement, it appears very singular, that increased army and navy estimates have been voted in the House of Commons without opposition, none of the M. P.'s present at the Peace Conference [convened by the Peace Society in Manchester in January 1853] having had anything to say against the proposed addition to the military force.

During the political calm, produced by the adjournment of Parliament, there are two principal topics which occupy the press, viz.: The coming *Reform Bill* and the last *Discount Regulations* of the Bank of England.

*The Times* of the 24th inst. informs the public that a new Reform Bill is on the stocks. What kind of a Reform Bill it will be, you may infer from Sir Charles Wood's election-speech at Halifax, in which he declared against the principle of *equal electoral districts*; from Sir James Graham's at Carlisle, where he rejected the ballot; and from the confidentially circulated statement, that even the small Reform pills prescribed in Feb. 1852 by Johnny Russell, are considered as far too strong and dangerous. But there is something which looks yet more suspicious. The mouthpiece of the Coalition Ministry, *The Economist*, in the number of Jan. 22, states, not only:

“That the reform of our representative system stands not very early on the list of topics of pressing or immediate importance,” but also, that “we want *the raw materials for legislative action*. The extension, adjustment, purification, protection and re-distribution of the Franchise, are branches of the question, each of which demands profound reflection, and much inquiry. ... It

is not that several of our statesmen may riot have a good deal of useful information on all or some of these points, but it is *picked up*, not *worked out*; it is miscellaneous, partial, and incomplete. ... The obvious mode of remedying this, is by issuing a *Commission of Inquiry*. charged to investigate all points of fact directly or remotely connected with the subject."

Thus the Methusalem Ministry will again begin their political studies, *coram Publico*. The colleagues of Peel, the colleagues of Melbourne, the subaltern of Canning, the lieutenant of the elder Grey, men who served under Lord Liverpool, others who sat in the cabinet of Lord Grenville, all neophytes of half-a-century back, are unable, from want of experience, to propose to Parliament any decisive measure on Electoral Reform. Thus, the old proverb, that experience comes with age, appears to be refuted. "This coyness in a coalition of veteran partisans is something too comical to be easily described," exclaims *The Daily News*, asking: "Where is your Reform Bill?" *The Morning Advertiser* replies:

"We should be inclined to the opinion that there will be no Reform Bill at all during the present session. There may be some attempt at legislating for the prevention and punishment of bribery at elections, and with regard to some other matters of minor importance; an effort may be made to remedy evils connected with the parliamentary representations of the country, but such legislation will not be deserving the name of a new Reform Bill."

With regard to the late Discount Regulations of the Bank of England, the panic at first called forth by them, has now subsided, and businessmen alike with theorists, have assured themselves that the present prosperity will not be seriously interrupted or checked. But read the following extract from *The Economist*:

"This year, upon an immense extent of our wheat-land, there is no plant at all. On a very large proportion of our heavy soils, much of the land which should have been in wheat, remains unsown, and some of that which has been sown, is in no better plight, for the seed has either perished, or the plant has come up so thinly, or has been so destroyed by slugs, that the prospects of the occupiers are not better than those of the unsown lands. It has now become nearly impossible to plant all the wheat-land."

Now the crisis, temporarily protracted by the opening of the Californian and Australian markets and mines, will unquestionably become due, in the event of a bad harvest. The Discount Regulations of the Bank are only the first forebodings. In 1847 the Bank of England altered its rate of discount 13 times. In 1853 there will be a full score of such measures. In conclusion, I wish to ask the English Economists, how it happens that modern Political Economy commenced its warfare against the mercantile system by demonstrating that the influx and efflux of gold in a country are indifferent, that products are only exchanged against products, and that gold is a product like all others, while the very same Economy, now at the end of its career, is most anxiously watching the efflux and influx of gold? "The real object to be accomplished by the operations of the Bank," says *The Economist*, "*is to prevent an exportation of capital*," Now, would *The Economist* prevent an exportation of capital in the shape of cotton, iron, woollen yarns and stuffs? And is gold not a *product like all other products*? Or has *The Economist* turned, in his old days, a Mercantilist? And after having set free the importation of foreign capital, does he aim at checking the exportation of British

capital? After having freed himself from the civilized system of protection, will he recur to the Turkish one?

I am just concluding my letter, as I am informed, that a report is prevalent in political circles, that Mr. Gladstone is at variance with several of the leading members of the Aberdeen Ministry, on the subject of the *Income Tax*, and that the result of the misunderstanding will probably be the resignation of the Right Hon. gentleman. In that case, Sir Francis Baring, formerly Chancellor of the Exchequer under Lord Melbourne, will probably become his successor.

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