A philosopher produces ideas, a poet poems, a clergyman sermons, a professor compendia and so on. A criminal produces crimes. If we take a closer look at the connection between this latter branch of production and society as a whole, we shall rid ourselves of many prejudices. The criminal produces not only crimes but also criminal law, and with this also the professor who gives lectures on criminal law and in addition to this the inevitable compendium in which this same professor throws his lectures onto the general market as ‘commodities’. This brings with it augmentation of national wealth, quite apart from the personal enjoyment which – as a competent witness, Professor Roscher, [tells] us... the manuscript of the compendium brings to its originator himself. The criminal moreover produces the whole of the police and of criminal justice, constables, judges, hangmen, juries, etc.; and all these different lines of business, which form just as many categories of the social division of labour, develop different capacities of the human mind, create new needs and new ways of satisfying them. Torture alone has given rise to the most ingenious mechanical inventions, and employed many honourable craftsmen in the production of its instruments. The criminal produces an impression, partly moral and partly tragic, as the case may be, and in this way renders a ‘service’ by arousing the moral and aesthetic feelings of the public. He produces not only compendia on Criminal Law, not only penal codes and along with them legislators in this field, but also art, belles-lettres, novels, and even tragedies, as not only Müllner’s Schuld and Schiller’s Räuber show, but Oedipus and Richard the Third. The criminal
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breaks the monotony and everyday security of bourgeois life. In this way he keeps it from stagnation, and gives rise to that uneasy tension and agility without which even the spur of competition would get blunted. Thus he gives a stimulus to the productive forces. While crime takes a part of the redundant population off the labour market and thus reduces competition among the labourers – up to a certain point preventing wages from falling below the minimum – the struggle against crime absorbs another part of this population. Thus the criminal comes in as one of those natural ‘counterweights’ which bring about a correct balance and open up a whole perspective of ‘useful’ occupations. The effects of the criminal on the development of productive power can be shown in detail. Would locks ever have reached their present degree of excellence had there been no thieves? Would the making of bank-notes have reached its present perfection had there been no forgers? Would the microscope have found its way into the sphere of ordinary commerce (see Babbage) but for trading frauds? Does not practical chemistry owe just as much to the adulteration of commodities and the efforts to show it up as to the honest zeal for production? Crime, through its ever new methods of attack on property, constantly calls into being new methods of defence, and so is as productive as STRIKES for the invention of machines. And if one leaves the sphere of private crime: would the world market ever have come into being but for national crime? Indeed, would even the nations have arisen? And has not the Tree of Sin been at the same time the Tree of Knowledge ever since the time of Adam?1

This above extract is found in Marx’s economic manuscripts of 1861–3. It forms a tiny part of his discussion of the work of other economists. Because it is one of Marx’s most extended discussions of crime, as well as being entertaining in its own right, it is frequently quoted. As I indicated above, its initial purpose was not to provide an analysis of crime but to offer sarcastic comments on a flawed distinction, as Marx saw it, between productive and unproductive labour. Marx is arguing that for some economists virtually any labour is productive in the sense that it contributes to human achievements and indirectly to the production of profit. Marx himself argues that a proper conception of productive labour is restricted to labour which directly contributes to the production of profit, or in some of his formulations labour which directly contributes to a material product which is sold for a profit.