

【英汉对照全译本】

THE PHILOSOPHY OF MONEY

货币哲学

[德]格奥尔格·西梅尔 著

(三)

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CHAPTER 5

The Money

Equivalent Of Personal Values

I

Wergild

The importance of money within the system of appreciation is measurable by the development of the money fine. We first encounter in this area, as its most peculiar manifestation, the atonement of murder by payment of money – an occurrence so frequent in primitive cultures that it makes specific examples unnecessary, at least for its simplest and most direct form. Less appreciated, however, is not so much the frequency as the *intensity* with which the relationship between human value and money value dominates legal conceptions. In early Anglo-Saxon England a *wergild* – the atonement of murder by money payment, a manbote—was even attached to killing the king; a law set it at 2,700 shillings. Such a sum was, for that period, totally imaginary and impossible to obtain. Its real meaning was that, in order to compensate for the deed, the murderer and his whole family had to be sold into slavery, though even then, as one interpreter of

第五章 个人价值的货币等价物

第一节

偿命金

通过罚金的发展历程,货币在评价体系中的重要性是可以被测度的。我们首先要接触的就是这样一个领域,这个领域通过它自身的特殊形式来表现货币在评价体系中的重要性,即用货币来补偿谋杀罪——这种货币的补偿在原始文化中发生如此的频繁,以至于没有必要去举出那些特殊而又具体的例子,至少对其最简单、最直接的形式而言是没有必要的。然而,人们没有充分关注的并不是人的价值与金钱价值的关系支配法律概念的频率,而是它支配法律概念的程度。在早期英格兰盎格鲁—撒克逊人时代,偿命金——就是用金钱来赔偿杀人罪,也就是给遇害家属的赔偿金——甚至可以用于国王被谋杀这种情况,某法令规定只要杀人者能够支付 2700 先令就可以抵偿杀死国王的罪行。在那个时候,这样一笔金钱根本就是一个天文数字,是没有办法得到的。这条法令所要表达的真正意图就是,为了对杀死国王的这种行为做出补偿,杀死国王的人和他的

the law suggests, the difference remained so large that – as a mere money debt! – it could be cleared only by death. Only by resorting to the money fine was it possible to fix upon the person the magnitude of the crime. Thus within the same culture, at the time of the Seven Kingdoms, the typical *wergild* for an ordinary free man was 200 shillings and that of members of other estates was calculated *according to this norm either in fractions or multiples*. This indicates, in a different manner, the way in which money provided a quantitative concept of the value of human beings. Thus one finds, even at the time of the Magna Carta, the statement that the knight, baron and earl relate to each other as shilling, mark and pound, since these are the proportions of their escheat – a conception that is as typical as its basis is inaccurate. For it illustrates that the tendency to reduce the value of man to a monetary expression is so powerful that it is realized even at the expense of objective accuracy. This tendency not only makes money the measure of man, but it also makes man the measure of the value of money. From time to time, we come across a monetary unit as the sum to be paid for homicide. According to Grimm, the ‘perfect skillan’ means: I have killed or wounded, therefore I have become penitent. The *solidus* was the basic fine according to which payments were calculated in common law. On the basis or the meaning of ‘skillan’ we can assume that the word ‘shilling’ means a simple fine. The value of the human being is considered here so be the principle

全家都要卖身为奴隶，即使如此，正如此法令的某位解释者曾经说过的那样，变身为奴隶所能产生的补偿与死去君主的价值之间的差额是如此的巨大，以至于只有——仅仅作作为货币上的债务——通过死才能抵偿。只有通过货币罚金，才能决定一个人的罪行的大小。因此，在相同的文化圈中，“七国之治”时期，一个普通自由人的典型的偿命金是两百先令，其他各阶层人员的偿命金则在这一个标准的基础上以约减或者叠加的方式计算出来。这种偿命金通过不同的方式表明，货币为人类的价值提供了一种数量上的概念。因此，即使在英国大宪章时期，人们还会发现这样的说法，骑士、男爵、伯爵之间的相互关系就如同先令、马克、英镑之间的关系一样，这是因为骑士、男爵、伯爵是按照此比例从领主那里承受和转归土地的；这种比例的概念——正如这种比例概念产生的基础一样非常典型——又是不精确的。之所以这样说，是因为这种比例的概念揭示了把人的价值简约为一种通过货币来表现的这样一种趋势是如此的强大而有生命力，以至于为了这种比例关系我们不得不损害那些客观的精确度。这种人的价值简约为货币的趋势不仅使得货币成为人的尺度，而且也使得人成为了货币价值的尺度。有时我们会碰到这样一种情况，即货币的单位被用作一个总量来为杀人者进行赔偿。按照格林的说法，“理想的杀人犯赔偿金”就意味着：我已经杀了人或者伤害了别人，因此，我成为一个悔过者。按照习惯法中那些赔偿的计算，先令是一种基本的罚金。从“skillan”的词源或者是它的意义中，人们可以推断“先令（shilling）”这个词本身就意味着一种简单的惩罚。在偿命金里，

of class fiction for the monetary system and as the determinate basis for the value of money. This is similar to the situation where the standard rate of *wergild* among the bedouin – whom Mohammed incorporated into Islam – is one hundred camels, and this rate is at the same time used as the typical ransom money for prisoners and also as dowry money. The same role of money is in evidence where fines are imposed not only for murder but for any offence. In the Merovingian period the *solidi* was no longer 40 but was only 12 *denari*. One may speculate that the reason for this change was that the fine at that time imposed according to *solidi* should be reduced and it was decreed that whenever a *solidus* was required the fine should be no longer 40 but 12 *denari*. From this there evolved the *solidus* fine of 12 *denari* which finally became the generally accepted one. And it is reported that in the Palau Islands any kind of payment is simply called a fine. Here it is not the different coins that determine the scale against which the relative seriousness of the offence is measured, but rather the contrary, that the valuation of the offence creates a measure for establishing money values.

This way of looking at things – in so far as it relates to atonement for murder – is based on a sentiment of general importance. Since the very essence of money rests upon quantity, since money in itself without the determining factor of 'how much' is a completely empty concept, it is of the utmost importance and quite essential that each monetary system possesses a unit, the multiple or part of which represents each specific money value. This original determination without which no monetary system is possible, and which becomes technically refined as a 'standard of coinage', is, as it were, the absolute foundation for the quantitative relations in which money transactions operate.

人的价值被认为是罚金体系中等级划分的原则,同时也是货币价值的决定性基础。这有些类似于这样一种情形:在贝都因人——穆罕默德把他们并入伊斯兰教——那里,偿命金的标准化比率是100头骆驼,同时这个标准化比率也被用做那些比较典型的罪犯的赎金以及婚嫁时的费用。很显然,货币罚金的作用不仅仅是被强加在那些杀人犯的身上,在那些非杀人的冒犯性行为中,罚金也起着相同的作用。在法兰西王国墨洛温王朝时期,1先令不再是40便士而只是12便士。人们也许能够推测出这一变化的原因,在那个时候,先令为单位而定的罚金被减少了,法律规定无论何时被征收1先令罚金时,罚款不是40便士,而是12便士。从这里就演变出了1先令等于12便士的说法,以至于后来这种说法被普遍接受。据说在帕劳群岛,任何形式的交款都被称为罚金。在帕劳群岛,人们不是用不同数量的货币来作为决定违法犯罪严重程度的度量,恰恰相反,是通过对违法行为的评价产生了货币价值得以建立的尺度。

这种观察事物的方式——就谋杀的赎金而言——是建立在一种具有普遍意义的感觉的基础上的。由于货币本身缺乏像“值多少钱”这样的决定性的因素,因此它是一个完全虚空的概念,这样就决定了货币的本质属性只能完全地取决于货币的数量,对于货币本身而言,至关重要的,并且最为本质的是:每一种货币体系都拥有它的货币单位,而这种货币单位的增加或者分裂就代表着具体的货币价值。如果没有了这种货币的数量对货币的本质属性的决定关系,什么货币体系也建立不起来,在技术上这种决定性被优化为“货币制度标准”,它是构成货币数量关系

Conceptually speaking, of course, the size of this unit is quite irrelevant, for whatever it may be the necessary amount may be obtained by division or multiplication. Especially in later centuries, the fixing of this unit is actually only partly determined by historicalpolitical or by technical reasons with regard to the coinage. And yet, that amount of money that stands as the measure of all others whenever money is mentioned, and which is, as it were, the representative of money as a whole must have some relationship to man's central sense of value in order to be used as the equivalent for an object or performance that stands uppermost in his mind. This may also explain the often mentioned fact that in countries with a high monetary unit the cost of living is higher than in countries with a lower unit – thus, *ceteris paribus*, dearer in dollar countries than in mark countries, dearer in mark countries than in franc countries. The value of many necessities of life is expressed in these units or some multiple of them, regardless of their absolute size. Yet, both as a cause and a consequence, the monetary unit within a social circle none the less has profound relations with the economically explicable type of life values – no matter how irrelevant this unit seems to be because it can be divided and multiplied at will. It was as a consequence of this connection that the first French Constitution of 1791 adopted the daily wage as the standard of value. Every fully qualified citizen had to pay a direct tax of at least three days' work, and, in order to vote, required an income of

的绝对基础,在这种基础上,才可能进行货币交易。当然,从概念上讲,货币单位的尺度大小是完全不重要的,这是因为,不管我们需要什么样的货币数量,我们都可以通过对货币单位的拆分或者增加的方式得到。尤其在最近几个世纪,对货币单位之大小的固定,实际上部分是因为那些与该货币制度有关的历史政治原因或技术原因。然而,货币单位的数量代表了那些无论什么时候都与货币相关的所有其他事物的尺度,它实际上是整体意义上的货币的代表,为了使这种货币单位的数量能够成为它最能够体现的事物或者行为的等价物,它的大小必须与人感觉到的“中心价值”有所关联。货币单位数量的大小与人的“中心价值”相关也可以用来解释一个经常被人提及的事实,那就是,货币单位值较高的国家的生活开销比货币单位值较低的国家的生活开销要高,因此,在其他情况均为相同的条件下,使用美元的国家的生活开销比使用马克的国家昂贵,而使用马克的国家的的生活开销比使法郎的国家昂贵。许多生活必需品的价值,不管其绝对值究竟是多少,就表现在这些美元、马克、法郎之类的货币单位中,或者这些不同的货币种类的组合中。货币单位既作为原因又作为结果,在一定的社会圈里依然与经济上可以解释的类型的生活价值有着深刻的关联,不管货币单位看起来与这些可以解释的生活价值之间是多么的不相干,之所以看起来不相关,是因为它可以随心所欲地增加或者拆分。1791年第一部法国宪法的相关规定正是货币单位与生活价值之间的这种联系所产生的一个结果,在这部法国宪法中,采纳了日薪作为价值标准。每一名完全符合规定的公民都必须直接交纳至少三个工作日的所得税,如果公民希望拥

150-200 labor days. Thus, there emerged the notion in value theory that the absolute standard of value was equal to the daily necessities that is, that which had the most basic value for men – in relation to which precious metals and all money as commodities rose or fell in value. The suggestion of ‘labor money’ as the basic unit that ought to be equal to the labor value of one hour or one day points in the same direction, namely of using a central limited object determined by an essential human interest as the unit of value. There is only a quantitative difference between this approach and using the equivalent of the human being, the *wergild*, as the basic money unit.

The Transition From The Utilitarian To The Objective And Absolute Valuation Of The Human Being

The origin of *wergild* is obviously purely utilitarian, and even though it does not altogether pertain to civil law it none the less belongs to that state of indifference with regard to private and public law with which social development begins. The tribe, the clan and the family demanded a substitute for the economic loss which the death of one of its members implied and was willing to accept it instead of an impulsive vendetta. This transformation finally occurs in cases where the vendetta, which was supposed to be superseded, would itself be impossible. Among the Goajiro Indians, someone who accidentally hurt himself had to compensate his own family because he shed the blood of the family. Among some Malayan peoples it is common for the word for ‘blood money’ to also mean: to get up, to stand up. It reflects the idea that by imposing blood money the slain person is res-

有投票权,那么他就需要交纳 150 至 200 个工作日的个人所得税。因此,就产生了价值理论中的一个概念,即价值的绝对标准等于他每天生活必需的花费——这种每日的必需开销对一个人来说,是其最基本的价值——它与贵金属以及所有货币化商品价格的升降相联系。“劳动力货币”作为一种基本单位就应该等于一个小时或一天的劳动的价值。此内涵与这样一个价值单位——即由人的本质兴趣决定的一个核心的、有限定的对象——之间具有同样的意义。这种方法与使用偿命金等的人的等价物来作为基本的货币单位之间仅仅是数量的差异而已。

对人的估价从功利主义的向客观的、绝对的估价的变迁

很明显,偿命金的起源是纯粹功利主义的,虽然它不完全属于民法的范畴,它也依然属于这样一种状态,即在涉及私法与公法的时候是保持中立的,而社会的发展也正是起源于公法与私法这两种法律。部落、氏族或者家庭对于他们中的一个成员的死亡要求经济上的赔偿以作替代品,而它们愿意接受经济赔偿而不是逞一时之气进行冲动的报复。这种转化最后发生在这样一种情形之下,即那些被认为是终将会被取代的仇杀本身已经变得不可能了。在瓜希罗印第安人部落中,一些族人如果不小心伤及自身,必须要对他的家庭做出补偿,因为他流的是家族的血。在一些马来人当中,“血钱”这个词是如此的司空见惯,意为起床,站起来。“血钱”这个词反映了这样一种观念,那就是在你支付了

urrected for his people, that the void created by his death is filled a-
 gain. In addition to the payment to relatives, a special payment for
 disturbing the peace of the community was imposed very early on, at
 least among the Germans. In the same vein, in some Anglo-Saxon
 kingdoms *wergild* for the family of the king was demanded a second
 time from the people for the life of their king. Similarly, *wergild* in
 India was transferred from the royal family to the Brahmins. In the
 light of such further developments of *wergild*, severed from its private
 economic origins, it contained from the very beginning an objective
 supra-individual element since the amount was determined by custom
 and law, even though it differed according to social status. Thus the
 value of each person was fixed from birth onwards, quite regardless of
 his real value to his relatives. Not only was the person thereby valued
 as substance in contrast to the sum of his concrete achievements, but
 also the notion was introduced that he, by himself and not only for
 others, was worth such and such an amount. A characteristic transi-
 tional phenomenon from a subjectiveeconomic to an objective evalua-
 tion is illustrated in the following instance. In the Hebrew state of a-
 round the third century, the regular price for a male slave was 50
shekel, for a female slave 30 *shekel*. But as atonement for the killing
 of a slave one had to pay 30 *sela* (almost twice the amount) since the
 Pentateuch maintained that the amount was 30 *shekel* and this was
 mistakenly considered to be 30 *sela*. They clung not to the calculable

这笔钱之后,那个被杀害的人就在他的家族中复活了,而他的死亡所造成的空白也就被填补上了。除了给死者的亲戚一笔赔偿金之外,杀人由于破坏了众人的安宁,因此,他还需要向死者所在的群体支付一笔特殊的费用,这种做法可以追溯到很早的时候,至少日耳曼人就是这样做的。无独有偶,在一些盎格鲁—撒克逊人的王国,为了国王的生活的需要,对那些国王的家人的偿命金百姓也是需要缴纳两次的。与之相类似的就是印度的偿命金,它从王室过渡到了婆罗门阶层。随着偿命金的进一步深入发展,它偏离了私有经济起源,从一开始偿命金就包容了一种客观的、超乎个人内容之上的要素,因为它的数量是由风俗以及法律决定,尽管偿命金的数量会根据被害者社会地位的不同而变化。因此,每个人的价值从他降临的那天起就已经被确定下来了,完全无视他对亲戚而言的那种真正的价值。偿命金与通过自身做出的具体成就的数量来评价一个人的方式是有区别的,它把人当成物质来进行估价,不仅如此,偿命金还引入了这样一个概念,即不仅对他人,就是对他自身而言,他也就值这个数。对人的经济上的估价从主观到客观方式转变的这种典型现象可以通过下面的例子来进行说明。在公元三世纪左右的希伯来国家,一名男奴隶的正常价格是50舍客勒,而一个女奴隶是30舍客勒。但是由于摩西五书中提及到的奴隶值30舍客勒,而这30舍客勒却被人误认为是30舍拉,于是就造成了杀死一个奴隶需要支付偿命金30舍拉(Sela)(这几乎是正常价格的两倍)。这种偿命金的规定并不是通过所造成的经济损失来计算的,而是依据非经济根源

economic value of the damage done, but rather to a regulation that stemmed from non-economic sources which contrasted considerably – in size as well as lack of differentiation – with the former. The notion that the slave had a definite value, regardless of his utility to his owner, was not yet firmly established. Only the difference between the slave's price which expressed this utility and the atonement payment for killing him – even though brought about by a theological misinterpretation – suggested, none the less, that a specific economic value of a person might be derived from an objective order which revealed his valuation out of the merely private utility for those entitled to it. This transition is facilitated to the extent to which *wergild* becomes purely an institution of the State. In many cases the value of the legal oath was estimated to be proportional to the amount of the *wergild*. And it is significant that sometimes only the freeman has *wergild*, but not the serf. In the Middle Ages in the area around Florence we find many gradations of serfs as *coloni*, *sedentes*, *quilini*, *inquilini*, *adscripticii*, *censiti*, etc., whose bondage was probably in reverse relation to their *wergild* so that there was no *wergild* at all for the totally dependent. Even as late as the thirteenth century such a long outdated and merely formal criterion was put forward before the courts in order to grade testimonies accordingly. From the standpoint of individualistic utility, *wergild* should have been maintained all the more strongly, the more someone was the property of a third person. The fact that it happened differently, and that the rank order functioned as a symbol for the weight to be attached to personal testimony, serves to underline the point at which *wergild* became an expression of the objective value of the person.

This development, which elevated the valuation of man from a merely utilitarian to an objective price valuation, reflects a very com-

的规则——这种规则不把他们区别对待——与那种按照经济损失来缴纳偿命金的方法相比差别是巨大的。奴隶有一个确定的价值——而不管他对主人的用处是什么——的这种观念还没有稳固地建立起来。在表示奴隶用处的价格与杀死他需支付的赔偿金之间存在着不同,虽然这种区别是由于神学上的曲解造成的,但是只有它仍然暗示着一个人的特殊的经济价值可能会从一个客观的秩序中派生出来,这种客观的秩序通过那些被奴隶主所奴役的奴隶的私人用途可以派生出来对人的价值的评价。这样的一种转变现象很容易拓展到偿命金彻底变成了国家制度的情形。在许多情况中,法庭宣誓的价值被认为是与偿命金数量相对应的。并且还有一点很重要,那就是有时只有自由人才有偿命金,而农奴没有。在中世纪佛罗伦萨附近地区,我们发现对农奴有诸多不同的等级身份划分,比如说, *coloni*, *sedentes*, *quilini*, *inquilini*, *adscripticii*, *censiti* 等等,主人对他们的奴役程度很有可能和偿命金恰恰是相反的,所以像这种完全依附于主人的奴役根本就没有偿命金可言。甚至晚至 13 世纪,为了验证证人证词的可靠性,法庭上仍然使用着这种长期以来已经过时的,并且纯粹形式化的个人价值的标准。从个人主义的功利性立场出发,如果某人越是第三者所拥有的财产,那么第三者就应该越强硬地为偿命金辩护。然而事实的发展却完全不同于此。事实是这样的:身份级别最为一个象征物与权衡个人的证词的真实性联系在一起,这都强调了偿命金已转变为个人之客观价值的表现。

这一发展过程把通过个人的功利性用途来评价个人价值的方法提升为一种客观的价值评估,而这一个过程正反映了极为常

mon mode of thinking. If all human subjects receive one and the same impression of an object, then it seems to be explained only by the fact that the subject in itself possesses this specific quality that is the content of the impression. Very different impressions may, in their differentiation, originate in the subjects who absorb them, but the identity of impressions – if we exclude the most improbable chances – can spring only from the fact that the object of these qualities is reflected in our minds, while admitting of course that this is only a symbolic expression that requires further supplementation. Within the sphere of valuation, this process repeats itself. If the same object is valued differently in different cases and by different persons, then the whole valuation appears as a subjective process which consequently produces different results according to personal circumstances and dispositions. If, however, the object is valued equally by different persons, the conclusion seems unavoidable that the object is worth that much. If, therefore, the relatives of a murdered person demanded different amounts of *wergild*, then it was clear that they wanted to replace their personal loss. As soon, however, as the amount of *wergild* for one particular estate is fixed once and for all, and the same payment is made even for widely different persons and cases, the notion was formed that the man in himself was worth such and such an amount. This indifference to personal differences no longer allows a person's value as a whole to consist of what other individuals enjoy and lose by them; their value is, as it were, embodied in themselves as an objective quality expressible in money. The fixing of *wergild* carried out in