

III

STUDIES AND ARTICLES

STUDIJE I ČLANCI

Zdravko Kobe

THE INTERFACE OF THE UNIVERSAL: ON HEGEL'S CONCEPT OF THE POLICE

ABSTRACT

The article provides a tentative reading of Hegel's police as a concept that constitutes a crucial test for the rationality of Hegel's state and that actually played a very important role in the formation of his model of rationality. It starts by considering some significant changes in Hegel's approach to the subject in the Jena period, especially in reference to Fichte and Spinoza; then, it presents Hegel's conception of the police as the interface of the universal in his mature political philosophy, together with his treatment of the disturbing problem of poverty and the rabble; and to conclude, it adds some general remarks on Hegel's police, then and now.

KEYWORDS

G. W. F. Hegel, J. G. Fichte, political philosophy, social philosophy, political economy, civil society, police, welfare state, corporation

In the *Elements of Philosophy of Right*, Hegel closes his highly original treatment of civil society with a section called "Police and Corporation." But unlike the corporation, which has managed to gain substantive scholarly attention in recent years, Hegel's conception of the police is rarely discussed.

Two reasons can be adduced to explain this strange absence. On the one hand, and despite overwhelming evidence to the contrary, Hegel is still often associated with the repressive state he allegedly supported in the case of Prussia. Thus, while the recent political developments helped to renew genuine interest in his corporations, designed, precisely, to curb the disintegrative tendencies of modern markets, the very fact that he accorded a prominent place in his state to the police seems to validate the perception of him as an enemy of the open society. On the other hand, and in accordance with the practice of his time, Hegel used the term "police" in a much wider sense than is common today. Nowadays we tend to forget that even for early Smith, for instance, police included everything relating to "the opulence of the state" (Smith 1896: 3), and that his famous example of the pin-factory was first presented under the heading of "police." What is more, since the semantic shift in this case was so significant, it was a longstanding habit to translate Hegel's "Polizey" as "public authority," so that at least in English there was no Hegel's police to examine at all.

In the present article, we intend to show that this neglect was false. Whatever the words, we will try to demonstrate that for Hegel, the police must be treated as a concept—a concept that, in a sense, constitutes a crucial test for the rationality of Hegel's state and that actually played a very important role in the formation of his model of rationality. In what follows, we will first consider some significant changes in Hegel's approach to the subject in the Jena period, especially in reference to Fichte and Spinoza; then, we will present Hegel's conception of the police in his mature political philosophy; and finally, we will conclude with some general remarks on Hegel's police in relation both to other treatments of the subject in his time as well as to problems that appeared in this respect in ours.¹

I

In his treatment of the police, Hegel could benefit from the rich tradition of *Polizeiwissenschaft*, which stretched back to at least von Justi. But it was especially his immediate predecessor Fichte who elevated the police into a prominent philosophical theme. In the *Foundations of Natural Right* Fichte asked, "What is the police?" and tried to "deduce its concept" (Fichte 2000: 254). His first answer was that it constitutes "a special connection link between the executive power and the subjects" (ibid.). As we shall see, Hegel in a sense subscribed to this definition. However, when the question of the specific "duties and limits" of the police is raised, a huge difference between the two philosophers emerges right from the beginning.

In Fichte's well-ordered state, the police turns out to be omnipresent. It is not merely that, as he famously proposed, every person should carry an identity card with his or her picture inside, so that the police could identify anyone on the spot, or that bills of exchange should be printed on special paper accessible exclusively to state authorities, which would make counterfeiting virtually impossible. In order to protect citizens from crime in an effective way, the police should, Fichte claims, also put major emphasis on the prevention of transgressions and direct its activities not only against actual injuries but also against their very *possibility*. "Police law prohibits actions that, in and of themselves, do not harm anyone and appear entirely neutral, but that make it easier for someone to injure others" (Fichte 2000: 256). Fichte's typical example was street lighting, which prevents darkness, which, as we know, fosters all kinds of dubious activities. The final objective of police regulations is thus to establish a transparent order that would render unlawful actions *materially impossible* (see Chamayou 2015: 8).

In a state with the kind of constitution we have established here, every citizen has his own determinate status, and the police know fairly well where each one is at every hour of the day, and what he is doing. Everyone must work and has, if he works, enough to live on ... In such a state crime is highly unusual and is preceded by a certain unusual activity. In a state where everything is ordered and runs according to plan, the police will observe any unusual activity and take notice immediately. (Fichte 2000: (262–263))

1 I would like to thank Luca Illetterati, Pierpaolo Cesaroni, and Petar Bojanić for valuable comments on the first draft of this paper.

Hegel, for his part, held a different view. Even before he definitely formed his own conception of the police, he was clearly opposed to so tightly ordered a society. In his very first publication in 1801, he attacked Fichte's "preventive intellect and its coercive authority, the police," together with its tendency to engage in "endless determinations" (GW 4: 56; Hegel 1977: 146–147), and openly ridiculed Fichte's control freakiness in a long footnote: "In Fichte's state every citizen will keep at least another half dozen busy with supervision, etc., ... and so on *ad infinitum*" (GW 4: 57; Hegel 1977: 148). Later, in the unpublished fragments on the German constitution, probably written in 1802/03, he commented in a similar vein:

It is ... a basic prejudice of those recent theories which have been partially translated into practice that a state is a machine with a single spring which imparts movement to all the rest of its infinite mechanism, and that all the institutions which the essential nature of a society brings with it should emanate from the supreme political authority and be regulated, commanded, supervised, and directed by it. (GW 5: 174; Hegel 1999: 22)²

In direct opposition to Fichte's "pedantic craving to determine every detail," Hegel claimed that the state should rather establish a clear distinction between what is essential to its existence and unity and what can be left to chance and arbitrary will. When the "universal political authority demands of the individual only what is necessary for itself," then, Hegel continues, it can in another respect "grant the citizens their living freedom and individual will and even leave considerable scope for the latter" (GW 5: 167; Hegel 1999: 17–18). Indeed, the state must allow for the largest possible sphere under the exclusive discretion of its citizens:

The center, as the political authority and government, must leave to the freedom of the citizens whatever is not essential to its own role of organising and maintaining authority ... and ... nothing should be so sacred to it as the approval and protection of the citizens' free activity in such matters, regardless of utility; for this freedom is inherently sacred. (GW 5: 175; Hegel 1999: 23)

This, then, could stand as our first finding: Fichte, a philosopher of the *Thathandlung*, who elevated freedom into a fundamental ontological principle, designed a political system of meticulous policing of everyday life, while Hegel, at least in this respect, advocated minimal police.

It is worth noting that in Hegel's view, Fichte's regulation frenzy was a necessary consequence—that is, a symptom—of his fundamental ontological dualism. Because he constructed an unbridgeable divide between the realm of nature and the realm of reason, he was unable to conceive how reason could be effective within nature itself, and was consequently forced to treat the not completely rational beings as essentially irrational. Because he could not rely on their immanent rationality, he was forced to prescribe the demands of reason as something imposed on them from the outside. In this way, the task proved to be infinite, involving ever more pedantic regulations, as "there is simply no action at all from which a consequent understanding of this state could not calculate some possible damage to the

² The translation into practice obviously refers to the French Revolution. Indeed, a large part of the critique of the French revolutionary project that Hegel presents in the *Phenomenology of Spirit* can be read as a summary of the argument against Fichte's police.

others" (GW 4: 56; Hegel 1977: 146). And in this way, the state was inevitably converted into nothing "but a machine" (GW 4: 58; Hegel 1977: 149)—the characteristic of the mechanism being that everything in it is determined by a foreign law.

Indeed, as we were already able to observe, Hegel typically criticized Fichte's conception of the state as mechanistic³ and initially even rejected the state as *inherently mechanical*. In the Oldest Systematic Program of German Idealism, composed together with his romanticizing friends Schelling and Hölderlin in 1797/98, he wrote that the ideas of freedom and the state exclude each other. "Every state must treat free human beings like mechanical work; and it should not do that; therefore it should *cease*" (GW 2: 615; Behler 1987: 161). At that point, Hegel was convinced that the ideal political organization was actually realized in the city-state of antiquity, where every individual was animated by the spirit of the community so that the particular and the universal purely and simply coincided.⁴ In his idealized view, the Greek *polis* was *living*, it was *organic*, not mechanical, as every citizen existed only within the whole and for the whole; and it was *beautiful*, as there was no outside constraint needed, and everyone did what was required spontaneously, out of immediate feeling and without having to rely on general prescriptions.

However, after Hegel moved to Jena this ideal of beautiful totality soon lost its luster. If in the *Differenzschrift* he still alluded to "the true infinity of a beautiful community" (GW 5: 55; Hegel 1977: 146), he later gradually came to realize that the Greek beauty was possible only on condition that individuality was suppressed. In the happy freedom of the Greeks, Hegel now observes,

no protesting takes place there; everyone knows himself *immediately* as universal; that is, he renounces to his particularity, without knowing it as such, as *this* self, as the essence. (GW 8: 262)

The beautiful classical *polis* was premised on the refusal of particularity.⁵ For that reason, it was not only beautiful but also *fragile*. As soon as a subject appeared in its midst, a subject prepared to insist on her particularity all the way down, as was the case with Antigone, the beautiful totality was bound to disintegrate. And this was no deplorable coincidence that could be avoided, but a manifestation of what Hegel now considered an inherent weakness of Greek ethical life. Hegel liked to observe that in a state where no law was ever broken, one could never tell if it was valid at all. Perhaps it just happened that no one bothered to do something against it. This explains why a venerable and apparently solid institution may sometimes all of a sudden fall to pieces. Again, the law proves its existence only when, upon

3 Following Lauth's seminal book, it has become commonplace to remark how partial, even distorted Hegel's early critique of Fichte was. This reservation, however, does not seem to apply to Hegel's early critique of Fichte's *political* philosophy: there are very few studies on Hegel's critique of Fichte's police and they tend to side with Hegel (see, for instance, Vieweg 2018). This may not be trivial.

4 For a closer presentation of Hegel's early conceptions of harmonious Greek community, see, for instance, Avineri (Avinieri 1972: 20f.).

5 "Confronted by this idea, his own individuality vanished; it was only this idea's maintenance, life, and persistence that he asked for, ... Only in moments of inactivity or lethargy could he feel the growing strength of a purely self-regarding wish" (GW 1: 368; Hegel 1971: 155).

being violated, it affirms its consequences against infringements and thus verifies its validity. Similarly, a political body establishes its effective strength not by keeping its original unity intact, but by allowing for inner divisions and still being able to sustain them.

But anyhow, once the principle of subjective particularity has managed to assert itself in the modern society, the Greek ideal of the harmonious whole definitely lost its appeal. For Hegel, this was the historical accomplishment of Christianity, especially in its protestant variety (indeed, in the ancient *polis*, no *protesting* took place). The Greek ideal is now irrevocably gone. There is no way back. The only option left, Hegel claims, is therefore to integrate this “obstinacy that does honour to human beings” into the very structure of the political organization; to open the space for the divides and conflicts brought about by the principle of subjective particularity and turn them into an animating drive of political life; and to tame the destructive forces of the particular by pitching them against one another for the greater benefit of the universal.

To formulate this project, Hegel could draw on the work of Schiller, who was well-nigh haunted by the idea of building a middle ground between sensibility and reason. In *On the Aesthetic Education of Man*, for instance, he designed an apparatus of esthetic conditioning that would, as it were, mechanically produce moral effects. However, of even more valuable importance was probably the fact that at that point, namely around 1802, and partly even before, Hegel engaged in a close reading of political economists, in particular Steuart, Ferguson, and Smith.⁶ Not only did this “science of our time” show him how under the mass of seemingly chaotic events the observing understanding can nonetheless discern stable regularities, it also taught him how, by following only their own particular interests, the independent market actors nonetheless produce a result that is supposed to be universally desired. In what Smith called the “invisible hand,” Hegel immediately detected the decisive conceptual lesson that there is understanding immanent to the actions of finite rational beings—and transformed it into the figure of the “cunning of reason.”

This could constitute our second observation. If Hegel initially conceived of social organization along the lines of *organic unity* exemplified by the Greek *polis*, in Jena he soon abandoned this frictionless ideal for the right of subjective particularity that demanded an independent ground *against* the universal. According to Hegel, Plato was acute enough to detect the imminent irruption of this dimension into Greek ethical life, and it was for this reason that, in his ideal state, he made a special provision for a class freed from the burdens of the universal in exchange for its “political nullity” (GW 4: 458; Hegel 1999: 151). Although such an inclusion of “the non-frees” was bound to fail, it was, Hegel argues, actually a sign of Plato’s modernity. This is significant because he had to confront the proponents of an organic community where everyone would be “steadfastly united with the *sacred bond of friendship*” and everything would be done “spontaneously” (GW 14: 9; Hegel 1991: 15) even in Berlin. In Hegel’s view, it was this idea of political organization,

6 For Hegel’s reading of the Scots, see the classical study on the subject by Waszek 1988. For an authoritative treatment of Hegel’s conception of the market, see Herzog 2013.

defended for instance by Fries in his “mush of ‘heart, friendship, and enthusiasm’” (GW 14: 10; Hegel 1991: 16), that was outdated and dangerous.

It is interesting to note that Hegel's infatuation with the beautiful ethical life coincided at least in part with his defense of the metaphysics of absolute identity, which he and Schelling jointly developed in the early Jena years. In the unpublished *System of Ethical Life*, for instance, probably composed in 1802, Hegel writes:

Thus in the ethical life the individual exists in an eternal mode; his empirical being and doing is something downright universal; for it is not the individual which acts but the universal absolute spirit in him. Philosophy's view of the world and necessity, according to which all things are in God and there is nothing singular, is perfectly realized for the empirical consciousness, since every singularity of action or thought or being has its essence and meaning simply and solely in the whole. (GW 5: 314; Hegel 1979: 143)

“Philosophy's view of the world and necessity” obviously refers to the metaphysical doctrine of Spinoza, which, as Hegel implies, also embodies true organic freedom. From this perspective, therefore, Spinoza coincides with the beauty of the Greeks! Hegel was soon to abandon this Spinoza-inspired philosophy of identity, however. And surprisingly enough, everything suggests that this happened precisely under the peculiar influence of Spinoza. As it was convincingly demonstrated by Chiereghin, in 1802 Hegel happened to read both the *Tractatus theologico-politicus* and the *Tractatus politicus*.⁷ He became acquainted with a different Spinoza, who, while inquiring into human actions “in the same unfettered spirit as is habitually shown in mathematical studies” (Spinoza 2002: 681) and even daring to identify right with might, still explicitly warned against zealous regulation and vehemently affirmed that the state should—in its own interest, to be sure—leave substantial room for its citizens' autonomy.⁸ Since this is not the place to go into the details, let us just remark that the influence of Spinoza's political thought transpires from every page of the last part of the *German Constitution*.⁹ Our third observation would thus be that Hegel's distancing himself from Spinozist metaphysics corresponded to his accepting some basic tenets of Spinoza's political philosophy.

All three moves—the definite rejection of Fichte's conception of the police, the abandonment of the Greek ideal of beautiful political totality, and the disavowal

⁷ For a detailed argument see Chiereghin 1980: 96–108.

⁸ “It must therefore be granted that the individual reserves to himself a considerable part of his right, which therefore depends on nobody's decision but his own.” (TTP, ch. 17; Spinoza 2002: 536) “He who seeks to regulate everything by law will aggravate vices rather than correct them. What cannot be prohibited must necessarily be allowed.” (TTP, ch. 20; Spinoza 2002: 569)

⁹ For instance, the very insistence on the *unity* of the state reveals a characteristic feature of Spinoza, who defined the state as a *multitudo una veluti mente ducta*. And in addition to the examples already quoted: “We therefore regard a people as fortunate if the state allows it considerable freedom in subordinate activities of a universal kind, and we likewise regard a political authority as infinitely strong if it can be supported by a greater spirit of freedom, unattained by pedantry, among its people” (GW 5: 178; Hegel 1999: 25). The expression “glückliches Volk” no longer refers to the Greeks, where the individual vanished, but to a system in which the maximum possible sphere was accorded to her free initiative.

of Schelling's philosophy of identity—display a similar structure and took place at roughly the same time. What exactly was the inner dynamism of this major turn towards Hegel's characteristic standpoint remains a subject of discussion. No doubt, the reasons involved were varied and complex. But on the basis of our three observations it seems rather safe to assume that an important role in Hegel's metaphysical turn was played by political themes, in particular those related to the new science of economy and Spinoza's political philosophy.

This thesis has some interesting consequences. It implies, for instance, that Hegel turned away from Spinoza precisely under the sway of Spinoza: it was Spinoza's political philosophy that convinced him of the necessity to treat individuals as independent actors and thus prompted him to abandon Spinoza's system of one universal substance (see Chiereghin 1980: 107). It also implies that Hegel's philosophy is *essentially political*—political not only according to its content, but on account of its very conceptual form. Hegel the metaphysician became Hegel by incorporating the political into the structure of his concept! And since one of the major thrusts in this transfiguration came from his considerations on the proper role of the police, it may be further claimed that for Hegel, the police is not merely a concept among concepts. It rather constitutes one of those crucial points where the fate of Hegel's conceptuality as a whole is at stake.

Let us add that the question of the police is closely related to the proper conceptualization of the organism and the mechanism. We have seen that the young Hegel rejected the state for being inherently mechanical and claimed that we should instead think of society as an organic whole. But we have also seen that Fichte's state and Greek ethical life, both of which pretended to be spontaneous and organic, actually produced results that were equally rigid (and in this sense *mechanic*), unable to digest any divergence from the prescribed order, and that they were fragile and bound to perish. The recent defeat of the French revolutionary project and the historical demise of the Greek *polis* contained a conceptual lesson for Hegel. In this way, it may be said, he realized that a community could be live and organic only to the extent it was able to include an aspect of the mechanical. This, however, not only requires a different concept of the organic, one that would not merely cease to stand in opposition to the mechanical, but also demands a completely reworked theory of the mechanism itself. The latter task proved to be the most demanding, and it seems that Hegel continued to struggle with it even after the publication of the *Phenomenology of Spirit*. In the end, Hegel conceived the mechanical object as an underdetermined contradiction, which was finally resolved only in the conceptual figure of absolute mechanism, which turned determination by an external other into self-determination. Only if the mechanism is overcome in its own field can the organism incorporate it as its own element. And what mechanism is to organism, civil society is to the state.¹⁰

10 The importance of mechanism for Hegel's political philosophy was vigorously defended by Ross: "Thus my thesis is that the logical argument concerning how the *mechanical object* transforms itself into an element of *absolute mechanism* provides the argumentative schema and justification for Hegel's account of the way in which an individual is to find concrete freedom within the institutions of modern social and political life" (Ross 2008: 61). See also the contribution by M. Skomvoulis in Buchwalter 2015: 13–34.

II

Hegel presented his treatment of the police as part of the theory of civil society. With him, the latter is an old name for a completely new disposition located in between the family (as an immediate ethical community) and the state (as a political community in which individuals can only lead a universal life). By introducing this middle term Hegel seeks to answer the characteristically modern question: How to secure the individual's right to her particularity without thereby undermining the sphere of the universal, or the state (as was the case in the Greek *polis*)? To this effect, he resorted to the figure of *self-sacrifice of the universal*, which was first put forward in his Jena essay on natural right.¹¹ The idea is that the universal, or the state, surrenders a part of itself and hands it over to the exclusive authority of the particular. Civil society is thus a sphere of the non-political within the political, a sphere of the merely particular within the universal—a space where individuals are allowed the rare privilege not to care for the universal and can devote themselves entirely and exclusively to pursuing their own particular interests. By this, the universal opens a space for the free deployment of the negativity that is required for its material existence and, keeping it within the boundaries of civil society (see GW 4: 454; Hegel 1999: 146), contains its effects so that they may not destabilize the universal.

In civil society, then, the individual acts as an independent self-serving being who meets other equally selfish individuals and enters into relations of free negotiation and exchange. For that reason, civil society is best described as a realm of economic activity whose laws are exposed in the new science of political economy. This civil society is also, and Hegel acknowledges this from the start, a realm of arbitrariness and external contingency, which in its opposites “affords a spectacle of extravagance and misery as well as the physical and ethical corruption” (EPhR, § 185).¹² Hence he calls it “the stage of difference,” describes it as “the *world of appearance* of the ethical,” and openly speaks of “the loss of ethical life” (EPhR, § 181). But according to Hegel, this is the price to be paid for the particular to get its due, and that which actually constitutes the infinite power of the modern state—“which allows the *opposition* of reason *to develop to its full strength*, and has overcome it” (EPhR, § 185R). The only condition is, however, that the particular must not be allowed to develop to such a degree that it would threaten to destroy the very frame of the state. Whatever is by nature negative must remain in the negative, as Hegel once observed (GW 4: 450; Hegel 1999: 141).

In addition to opening a space for selfish individuals to indulge in themselves, civil society performs at least two other functions. First, it *assures the material conditions* of the ethical community. As a system of needs wherein individuals satisfy their particular wants through the division of labor and mutual exchange, civil society produces “*universal and permanent resources*” (EPhR, § 199), which provides for the subsistence of its members. Hegel did not advocate complete wealth

11 The figure was first introduced under the label of “the tragedy within the ethical” (GW 4: 458; Hegel 1999: 151).

12 For practical reasons, Hegel's *Elements of Philosophy of Right* will be cited by paragraph numbers only. The English translation is taken from Hegel 1991.

equality, to be sure. That would go against the principle of particularity inherent to civil society, as well as against the condition that the satisfaction of one's needs should be mediated by one's own contribution. In Hegel's view, a member of civil society enjoys rather the *possibility* of sharing in this universal wealth, so that her actual share or her own particular resources are always conditional—conditional, that is, “upon one's own immediate basic assets (i.e. capital),” “upon one's skills,” but also on “contingent circumstances” (EPhR, § 200 and § 237). But in spite of this unequal distribution, civil society provides for the material basis, which is in principle open to all.

And second, as “a system of all-around dependence,” civil society performs a *formative task*, a task to educate the individuals originally attached to their particularity alone and bring them up towards the universal.¹³ It is not merely that a member of civil society can participate in the production of universal resources only if she disposes with certain practical and theoretical knowledge. Of even greater importance is the fact that within this system of general dependency both the needs and the work to satisfy them are inherently abstract. In civil society, need is no longer the immediate natural need as exemplified in living beings in general, it is always a need mediated by the other's opinion; and its satisfaction, too, is similarly possible only to the extent that it is offered on the market, that is, acknowledged by others. In this manner, a tendency to imitate emerges—a tendency commonly known as fashion, which, however, as Hegel argues, is no mere sociological phenomenon, but rather manifests a structural feature of the very system of needs. The consequence is that both in their needs and their work, individuals turn out to be completely dependent on this system of all-around dependence: they can realize their particularity “only in so far as they themselves determine their knowledge, volition, and action in a universal way and make themselves *links* in the chain of this *interconnection*” (EPhR, § 187). The system of needs profits from their selfishness, and riding on their particularity, polishes their particularity away. This is the “hard work” of cultivation (see EPhR, § 187R) carried out by civil society for the state.

After these preliminaries, let us now turn to police proper.

As already noted, the role of Hegel's police is similar to Fichte's: the police serves as a kind of intermediary between the state and civil society, it is a mode in which the universal is present within the particular.¹⁴ Both in Fichte and in Hegel it excludes the administration of justice, which, although it occupies an analogous place, is focused more on juridical procedures in the strict sense. The reasons for such a division are no doubt traditional as well as conceptual. In Fichte, for instance, it could be said that the administration of justice deals with the actual violations of law, while the police takes care of the possible ones. But the proper goal of Hegel's police is quite different from that in Fichte: it is determined by the fact

13 For a closer assessment of *Bildung* performed by civil society, see A. Buchwalter, “Die Sittlichkeit in der bürgerlichen Gesellschaft: Entzweiung Bildung und Hegels Aufhebung der Aporien der sozialen Moderne” (Schmidt am Busch 2016: 125–151).

14 Using a similar formulation, Bojanić has emphasized the symbolic dimension of the police as “the symbol of power of the universal,” and insisted on the need to see it as an instance of society's self-organization. For him, it is the “cause of the police” that holds people together; see Bojanić 2018.

that while Hegel, on the one hand, conceived of civil society as a sphere of subjective freedom, operating according to the logic of the market, he, on the other hand, and in sharp contrast to Smith, did not believe the market was a self-regulating device. On this point, Hegel rather aligned with Steuart, the author of *An Inquiry into the Principles of Political Economy*, who thought that modern markets were fragile mechanisms similar to “watches, which are continually going wrong” (Steuart 1767: 250). “Sometimes,” he continued, “the spring is found too weak, the other times too strong for the machine: and when the wheels are not made according to a determined proportion ... then the machine stops ... and the workman’s hand becomes necessary to set it right” (Steuart 1767: 251). Against the myth of the invisible hand, Steuart consequently emphasized the need for intervention by the visible hand of the statesman. “In treating every question of political economy, I constantly suppose a statesman at the head of the government, so as to prevent the vicissitudes inherent to the market from hurting the commonwealth” (Steuart 1767: 120; see also 274). This is not to say that Steuart’s statesman occupies himself with every minute detail and determines their right proportions according to some centralized plan. In fact, it could be claimed that his main concern is to ensure the necessary conditions for market competition to reach a balance by itself, and to intervene only when market “excesses” and “violent convulsions” threaten to destroy the very framework for the free deployment of market forces (see Steuart 1767: 207, 344). Moreover, while he encouraged the intervention of the statesman’s caring hand in the market, Steuart was also careful to add that he spoke only “of governments which are conducted systematically, constitutionally, and by general laws” (Steuart 1767: 249). In the end, his conception of the statesman’s regulative activities thus turns out to be very close to the view held by German ordoliberals.

For his part, Hegel justified the role of the police by considering that the system of needs provides individuals merely with the possibility to satisfy their needs. This immediately implies that their satisfaction is contingent, and that they sometimes do and sometimes do not get satisfied. However, since there are some needs that are not contingent, but rather necessary—“no man lives on the mere possibility of satisfaction,” notes Hegel (GW 26: 992)—it is mandatory that at least with respect to such needs their safe satisfaction be guaranteed. In this sense, the police is a body whose task it is to limit the sway of contingency in civil society, to fight “precariousness” (see GW 26: 994), to secure the personal welfare of individuals—not as a manifestation of compassion, but rather as their positive “right” (EPhR, § 230).

The affirmation is strong! Why should, in civil society, “*particular welfare* be treated as a right and dully actualized”? At first, this could be explained as yet another sign of Steuart’s influence.¹⁵ In accordance with the cameralist tradition,

15 And, of course, of *Fichte’s*. In Fichte, property rights are established to give the subjects a sufficient external sphere to perpetuate their free activity (that is, essentially, to satisfy their needs), and they are founded on the social contract in which everyone is given what is his. “Each person possesses his own property, only insofar as, and on the condition that, all citizens are able to live off what belongs to them. If all are not able to do so, then each person’s property ceases to be his own, and becomes the property of those who cannot live on their own.” Therefore, Fichte concludes, “the poor ... have an absolute right of coercion to such assistance” (Fichte 2000: 186).

Steuart assigned to the political economy within the state a task similar to the one performed by the house economy within the family: it is supposed to care for the well-being of all of its members. “The principal object of this science is to secure a certain fund of subsistence for all the inhabitants, to obviate every circumstance which may render it precarious” (Steuart 1767: 2). However, even if we assume that this is indeed the objective of this science, no right corresponds to it on the side of those it relates to. If political economy fails to deliver, no one’s right is thereby violated.

While Steuart’s view may support Hegel’s reasoning, a different argument is therefore needed. It lies in the fact that, for Hegel, civil society is set in a comprehensive normative system of the actualization of freedom. On the one hand, Hegel defines right as the “*existence of the free will*” (EPhR, § 29), to which the free will is absolutely entitled; on the other hand, civil society represents a special realm within the system in question (EPhR, § 4) that is supposed to give existence to the free will in its particularity. “Actuality of freedom is the purpose of civil society” (GW 26: 138). Insofar as the free will has a right (and, actually, a duty) to exist as particular, the free will has a right to be part of civil society. Civil society is *its right*. And insofar as civil society is justified only in relation to it, the free will also has *rights in relation to it*, namely in the sense that civil society must be constituted in such a way as to facilitate its existence.

More specifically, the individual releases himself from the bonds of the family, in which he figured primarily as a member immersed in a natural ethical substance, and now enters the sphere of civil society as a self-relying being to realize his particularity. But instead of gaining his independence, it turns out that he has thus become completely dependent on this system of all-around dependency. In civil society, as we have seen, the individual can do nothing on his own; he can manifest his particularity and satisfy his needs only by finding a slot within this system, which stands against him as a vast blind mechanism he can only accommodate to. In other words, he now falls into the same *dependence* on civil society he used to find himself in in relation to the family. “Thus, the individual becomes a *son of civil society*,” observes Hegel, “which has claims upon him as he has rights in relation to it” (EPhR, § 238).

As a consequence, Hegel calls civil society “a *universal family*” (ibid.). In the first instance, this designation obviously refers to the care that civil society is obliged to provide for those children whose families fail to attend to them properly. But as we have seen, there is more to this term: if every member of civil society is its son, then, conceptually speaking, civil society constitutes their family, the universal family of them all. At the same time, the term aptly illustrates at which point the structural deadlock of the police as the visible hand of the universal family is going to manifest itself. For family is *inherently particular*; it is the realm of closeness, attachment, and love. The universal family thus clearly stands as a contradiction in terms. Moreover, their respective modes of operation are opposite as well: while family relations are immediate, particular, and unconditioned, in civil society they are inherently mediated, general, and conditioned. This seems to exclude in advance that civil society could successfully accomplish the task of the family on its own. Indeed, as we shall see, the police is not enough.

Let us take a closer look. The sphere of activity of the police is in principle defined by its general goal and mode of operation. Its goal is to ensure the smooth operation of civil society and to secure its members from contingencies that are inconsistent with it. It proceeds in a systematic, “universal,” and “external” way (GW 26: 989), displaying no particular attachment. Accordingly, its activities could be arranged into five loosely defined categories, which more or less correspond to the modern state administration and welfare system.¹⁶

The first task of the police is to establish the general framework of civil society. This category comprehends maintaining public order and safety, both of persons and property, which also includes the prevention and prosecution of crime. This is the segment of activities the police has retained up to the present day.

The second task is to secure the special framework required for the proper functioning of civil society. This category comprises those activities that are in the general interest, but either cannot be organized according to the logic of pure market exchange or are such that it is simply more effective for all to be provided by one. This includes services that, due to their specific nature, have to be provided necessarily and consequently cannot be exposed to market volatilities (such as water, food, and energy supply), then infrastructure projects (for instance, roads and public lighting), and the determination and supervision of standards that reinforce trust and simplify circulation (systems of measurement, minimal standards, various certificates, etc.). “These *universal functions* and arrangements of *public utility* require oversight and advance provisions on the part of the public authority,” notes Hegel (EPhR, § 235). Education and healthcare may as well belong to this category.

The third group of police activities concerns the economic policy. The primary task that falls under this heading is adjusting the “differing” and potentially conflicting “interests of producers and consumers,” (EPhR, § 236), that is, supervising and regulating the functioning of the market. Hegel acknowledges that in the long run and “on the whole,” the correct balance may indeed be established automatically.¹⁷ However, the same also holds true for the plague: “it eventually stops,” settles down by itself, “yet in the process hundreds of thousands die” (GW 26: 1401). Similarly, Hegel claims, in the event of economic fluctuations the police should closely monitor all developments and, by resorting to market interventions, prevent instabilities from turning into full-fledged economic crises that could endanger the existence of entire industries. This includes, above all, appropriate counter-cyclic measures and, most importantly, a finely tuned employment policy wherever the greatest dangers loom—all with the purpose to ensure a sustainable economy, as it

16 For illustration, the Grimm Dictionary, edited in the middle of the nineteenth century, comments as follows: “In the most general sense the police is the concern of a state or a community (under state authority) for the common good by the means of authority compulsion; according to its range and scope of action, it is divided into a state or provincial police, community or local police ... administrative, welfare, security, health police, road and construction police, etc.; the purpose of the police is actually comfortable living of the members of a state.”

17 “When it is said: in general, the balance will always settle itself, this is therefore right. But here it is as much about the particular as about the universal; the matter should not be made only in general, but the individuals as particularities are the purpose and have entitlement” (GW 26: 992).

is now called. It must be considered, however, that according to Hegel—and Stuart before him—the markets are permanently on the verge of collapse, especially when they are dependent on “external circumstances and remote combinations whose implications cannot be grasped by the individuals” (EPhR, § 236). Hegel’s police would therefore be heavily engaged in this field.

The fourth group of tasks can be subsumed under family policy. This category refers to the care and protection of family members, primarily children, in the event that the family fails to attend to them properly. When the family lacks the required resources, its role is assumed by civil society. This is not all, however, for according to Hegel, civil society has to intervene for the benefit of children also in other cases when their interest is in jeopardy – intervene, that is, *against their parents*. Hegel’s justification for this is astonishingly modern. In his view, children are not the property of their guardians, who are therefore not free to dispose with them according to their opinion. On the contrary, children are the future members of civil society and the state, and are in this capacity entitled to be equipped with everything needed to perform their future roles. On this ground, they have the positive right to obtain proper education, to be nourished and medically treated in their best interest, to be vaccinated against dangerous illnesses, and the like. If their guardians act against these rights, the state is obliged to intervene and protect them “in the face of *arbitrariness* and contingency on the part of *the parents*” (EPhR, § 239).

In addition, the police is also entitled to look over the rational expenditure of family resources. As “resources” are no mere “property,” but property endowed with the purpose to provide durable and safe means for the needs of all family members, they have to be spent accordingly, in their best interest. So, if the person who legally disposes with this property happens to use it for his particular interests, or in general, and by his “extravagance” destroys the “family’s livelihood,” the state has to intervene to protect the family assets.

Finally, there is the welfare policy. Under this category falls the obligation to provide for all those who are unable to take care of themselves through no fault of their own, be it due to health, age, or any contingent circumstance, such as unemployment. Hegel’s provisions in this respect are substantial, comparable indeed to the standards of the modern welfare state. For instance, he maintained that the state should guarantee employment for everyone willing to work, and if it fails to do so, the affected person is fully entitled to adequate compensation. Nonetheless, a structural deadlock famously emerges here in the case of the long-term unemployed, a deadlock that may lead to “the creation of a rabble” and ultimately bring civil society to the verge of collapse. For that reason, one of the major tasks of the police is to suppress poverty and, in particular, prevent the poor from turning into the rabble, that is, into a condition characterized by having lost any attachment to the norms and values held by the public, by the “splitting of the mind with civil society” (GW 26: 498).¹⁸

The problem is, famously, that it is precisely on Hegel’s account that the development in question is extremely hard to block. On the one hand, poverty is not a

18 “There is the rich rabble too,” says Hegel (GW 26: 1390). But although the question is by no means trivial, in some respects it is even more acute since the rich rabble might be a widespread phenomenon in the well-off civil society of today, we will not go into it. For a closer discussion, see Vieweg 2012: 331f.

contingent phenomenon, a consequence of some disruption in the proper operation of civil society; in Hegel's view, it appears precisely "when the activity of civil society is unrestricted" (EPhR, § 243), as a byproduct of its very thriving. "The emergence of poverty is in general a consequence of civil society and on the whole arises necessarily out of it" (GW 26: 496). On the other hand, all the measures taken by the police to prevent it eventually fail: Hegel claims that if the state provides jobs for the poor by financing their employment, for instance by engaging in public works, it thereby only increases overproduction, which caused the layoffs in the first place; and if the state assumes the burden of supporting the poor directly, this violates "the principle of civil society" that satisfaction should be conditioned on personal contribution and further dishonors the beneficiaries as unable to stand on their own—which gives rise to the inner indignation against civil society, that is, to the very rabble mentality it was supposed to prevent. Hegel bitterly concludes that,

despite an *excess of wealth*, civil society is *not wealthy enough* – i.e. its own distinct resources are not sufficient – to prevent an excess of poverty and the formation of a rabble. (EPhR, § 245)

In the next paragraph, Hegel adds that "this inner dialectic" of civil society "drives it ... to go beyond itself" (EPhR, § 246). And since occasionally he even seems to suggest that the best solution to this "disturbing problem which agitates the modern society" is simply to leave the poor to their fate, these claims were often read as a confession of Hegel's manifest failure to construct a rational state. "This is the only time in his system where Hegel raises a problem—and leaves it open," many scholars observed (here, typically, Avineri 1972: 154; recently also Ruda 2011: 31).

It is our contention that such a reading is profoundly flawed. The so-called inner dialectic driving civil society beyond itself definitely includes colonization. Yet contrary to what is often assumed, it does not stop there. This imperialistic expansion is only the first or immediate remedy for *this specific society*, which only displaces the contradiction in question but otherwise leaves it unchanged. This "higher deficiency in the concept" of civil society (GW 26: 504) consequently cannot be solved in this external manner, and Hegel knew it. It is rather "the concept" that has to "go beyond civil society." This conceptual beyond of civil society is "the universal" or the state. In this sense, the rabble merely makes manifest the necessity of the conceptual transition of civil society towards the state, which alone has the strength to sustain its contradiction.¹⁹

Besides, we believe that Hegel was actually too severe in passing his judgment, since, as we see it, corporations and the police had quite effective means at their disposal to suppress poverty and prevent the poor from developing the rabble mentality.²⁰ To conclude this section, let us therefore briefly review the measures in question.

¹⁹ It may well happen that a particular state is not able to solve the contradiction in question. According to Hegel, the state is not a work of art, but stands in the world, and as such it is subject to all the usual vicissitudes of the objective world. It is up to history to pass the final judgment, as Kervégan pointed out (see Kervégan 2007: 231).

²⁰ This may appear confusing. On the one hand we claim that civil society necessarily sublates itself, but on the other hand we maintain that the police and corporations can, at least in principle, contain its destructive forces. In order to dispel the confusion we have

“Corporation” is once again an old name for a new concept. In Hegel, it does not have much in common with the medieval guild, but rather stands for an association that an individual may join freely on the ground of some substantial or durable aspect, usually on the basis of a shared professional identity. This common feature, the fact that the members of a corporation pursue the same goals, gradually establishes a certain bond among them, so that they no longer constitute a universal family, but rather “a *second* family” (EPhR, § 252), as Hegel once again puts it with extreme precision.²¹ In this way, corporations abolish the equidistance that characterizes anonymous members of civil society, they create small circles within the great circle of civil society, and by developing a sense of solidarity, shared values, and a certain closeness among their members, they at least in part check the atomism inherent to civil society. For Hegel, corporations are of the utmost importance as they mark the first reappearance of the ethical life within what was called the loss of ethical life. But above all, corporations are supposed to enable him to provide for the poor in way that is free of the rabble effect. As we have seen, the problem with the police was that it was bound to act in a universal and external way, so that the support given to the poor was perceived as a humiliation. In corporations, Hegel contends, this is no longer so. For now it is not the universal but the particular that helps the particular, so that the support given includes a sense of equality and even intimacy, just as in the family.²²

Free corporations, which not only give material support but, more importantly, also facilitate social inclusion, thus at least in principle do offer a promising solution to the disturbing problem of poverty. However, already at the level of the police there are some rather capable measures that we think Hegel failed to consider adequately—in part, no doubt, because of the important changes in the economic structure of society, especially in relation to the enormous growth of the public sector compared to Hegel’s times. In this respect, let us mention but two such measures.

First, we have seen that in civil society the production of common resources is essentially public, what is private is only the mode of sharing in them. This private distribution of commonly produced wealth is usually carried out on the model of market transaction, for instance through wages and payments. However, since the market is by no means a natural phenomenon but requires a complex set of regulative and institutional conditions, which in turn affect the allocation of resources

to remind ourselves that, for Hegel, there is an important difference between an element taken in isolation, as for instance within a judgment, and the same element integrated into a syllogistic mediation. As a mediating middle term of a syllogism, the element is modified by the extremes and changes its nature accordingly. Consequently, we have to distinguish between civil society as such and civil society as part of the mediating whole that includes the state. In fact, Hegel used precisely this example to illustrate the syllogistic mediation of the absolute mechanism (see GW 12, 144–145). For a closer examination, see Ross 2008.

21 There is, of course, a conceptual analogy between second family and second nature that cannot be discussed here. For a closer reading, see especially Schülein’s article “Die Korporation als zweite Familie in Hegels Theorie der bürgerlichen Gesellschaft” (Ellmers & Herrmann 2017: 101–116).

22 “Only those who live in the articular can take over the care for the particular,” Hegel notes (GW 26: 505). The comments by Gans (see Gans 2005: 197f.) make it clear that Hegel most likely referred to trade unions, which, at that time, were largely prohibited.

achieved in this way, no such distribution can be considered *natural*. In this case, too, the result cannot be separated from the common framework that made it possible. Similarly, since according to Hegel the allocations achieved by market transactions include an element of contingency the extent of which is impossible to specify,²³ it is equally impossible to maintain in any significant way that the market distribution is *just*, that it gives to everyone his or her *fair share*. On both accounts it follows that other modes of sharing in the universal resources could be designed which, while still in accordance with the basic principle of civil society, would nonetheless achieve a more equal distribution of wealth and guarantee subsistence to every one of its members.

Such a modified mode of distribution could become only more plausible once the obvious failures of the existing one are taken into account. For instance, since the most important factor in the production of universal resources lies in *cooperation*, that is, in the division of labor and therefore in the work as common, the existing market distribution disproportionately favors those who have, as a peculiar case of private-public partnership. We should also consider that non-remunerated work can nonetheless contribute to the production of public wealth; for that reason, a kind of universal basic income might well represent, in Hegel's view, a *deserved* and therefore *not* humiliating reward for the socially useful work done by each member of civil society outside the market sphere. If someone would protest that such a provision might enable free riders to cheat society, this can be more than compensated by the element of contingency that is freely allowed for in the existing market order.

It has to be emphasized, again, that the above measures are not a matter of wealth *redistribution*. In order to be able to speak of re-distribution we would first need to have a system of distribution free of added elements, which would thus provide a *neutral* starting point. But as we have seen, in the economic field, the pure given is a myth.²⁴ The arrangements leading to a more equal distribution therefore do not infringe upon the existing system, but simply constitute a different one. In this respect, a particular role would have to be assumed by a well-designed system of taxation. Although Hegel does not speak much of taxes, they represent police material of vital importance. In our view, it is imperative to cultivate public awareness that taxes constitute the material infrastructure of the shared world and that those who seek to avoid paying taxes (Apple, for instance), even if this may be done in compliance with the letter of the law, thereby attack the very foundations of our living together.

And second, as we have seen, partaking in the system of needs also has formative effects. Since in civil society the needs are no longer natural, but abstract and always already socially mediated, they mold the individual in the direction of the universal. Required to be equal, the members of civil society imitate one another and actively "make themselves like others" (EPhR, § 193). If, therefore, the police is the face that, already on the level of civil society, the state shows to its members, then fashion (as the concrete form of the mores) is the face that its members turn towards the state, also already on the level of civil society. In this sense, fashion

23 "This is subject to a complete entanglement of contingency of the whole" (GW 8: 244).

24 See, on this account, Murphy's and Nagel's *The Myth of Ownership*: "We cannot start by taking as given ... some initial allocation of possessions—what people originally own, what is theirs, prior to government interference." (Murphy & Nagel 2002: 9).

constitutes an inverted complement of the police. This phenomenon demonstrates that the members of civil society are not completely separated after all, that they do constitute a kind of homogenized body with shared characteristics, and that they act *una veluti mente ducti*, as Spinoza would say, already at the level of the system of needs. This unity is ambiguous, to be sure, since it is in principle a unity of atomized selfish individuals.²⁵ It does, however, furnish an objective reality that may facilitate the creation of a common way of thinking. In this way, the mere external mechanism of civil society could sublimate itself into the absolute mechanism of the second family, which would thus alleviate the problem of the rabble mentality.

III

Hegel was not alone in conceptualizing the police in his time. Alongside German philosopher Fichte, there was also the Scottish merchant Colquhoun, who wrote extensively on the “municipal police” and made himself famous by founding the first regular police force in England. Colquhoun was equally preoccupied with the problem of poverty and shared similar concerns with respect to what Hegel called the rabble. For instance, in his *Treatise on Indigence*, published in 1806—the year Hegel composed the *Phenomenology of Spirit*—Colquhoun initially stressed the need to draw a distinction between poverty, that “state and condition in society where the individual has ... no property” and consequently “must labour for subsistence” (Colquhoun 1806: 7), and indigence, that “condition in society which implies *want, misery, and distress*,” when the individual is “destitute of the means of subsistence, and is unable to labour” (Colquhoun 1806: 8). “*Indigence* therefore,” Colquhoun observes, “and not the *poverty*, is the evil.” He acknowledges that the barrier between the two conditions is often “slender,” but it should be narrowly guarded all the same, since “every individual who retrogrades into indigence becomes a loss to the body politic” (Colquhoun 1806: 8). The proper task of the police is therefore to use “judicious arrangements” to prevent the poor “from descending into indigence.”

It is not hard to see that Colquhoun’s description has much in common with Hegel. This, however, is bound to make Hegel’s conception of the police suspicious, for in Colquhoun’s case it is quite obvious that its task is not only to maintain, but to properly *fabricate* the social order. Furthermore, this order happens to be a very peculiar one, tailored according to the specific demands of capitalism. Colquhoun openly states that poverty is “a necessary and indispensable ingredient of society,” something desired, indeed, since “it is the source of *wealth*,” and without it “there would be *no riches, no refinement, no comfort*” (Colquhoun 1806: 8). Therefore, if the proper task of the police is as much to prevent the poor from descending into indigence as to keep the poor in poverty, then its main objective is actually to create conditions where individuals would be forced to work,²⁶ that is, to make the *capitalist* system run.

25 The ambiguous nature of formation within civil society was already emphasized by Ferguson, one of Hegel’s key references in political economy. See Varty 1997: 35–37.

26 It is worth noting that—on different grounds, but nonetheless—something similar holds for Fichte as well. In his well-ordered state of nonunderstanding and necessity there would be no “chevaliers d’industrie” (Fichte 2000: 262).

Accordingly, Neocleous reads Colquhoun as the truth of Hegel's police and speaks of "Colquhoun's and Hegel's joint commitment" to the modern commercial system and the demands of private property (Neocleous 2000: 59). The parallel is indeed disturbing. Yet, while it might be convincing in the case of late Foucault, as Neocleous equally suggests, in Hegel's case it clearly misses the point.²⁷ For Hegel, civil society was the sphere of individuals realizing their freedom as particulars. It constituted a sphere of freedom actualized. Yet, since there, in the sphere of equivalent exchange, poverty implied the inability to start anything, to be poor meant simply that the "right had no existence." Contrary to Colquhoun, Hegel designed his police provisions with the explicit intention to *eliminate* poverty, and if it still existed, the poor were *justified* in their indignation against society. For Hegel, as we have seen, property was not untouchable. Likewise, the purpose of the state was not to secure the safety of person and property—indeed, to claim something like this would mean to confuse the state with civil society (see EPhR, § 258R). Hegel explicitly conceived civil society as a sphere of the unpolitical *within* the political. Accordingly, civil society is not an end in itself that would dictate the conditions of a depoliticized state; quite the contrary, in Hegel, it is rather the *political* state that ultimately determines the concrete form of the framework that market economy has to adjust to.

In spite of this, we have to finally admit that the question of the police persists. Due to the substantial change in the composition of civil society since Hegel's times, at least two major problems have emerged. One relates to corporations. In order to overcome the atomism of civil society Hegel introduced these small circles of solidarity that were based, primarily, on a shared professional identity. In present-day society, however, profession and work in general have lost their centrality in the individual's life and thereby also the ability to forge one's identity. Nowadays, one typically does not have a stable profession anymore, but drifts from one occupation to another, and work has ceased to constitute the privileged field of his or her activities. It is no longer unusual that personal convictions, ways of life, consumer choices, and even hobbies offer the traits used to determine our identity (see Ellmers & Hermann 2017: 14, 22; Ellmers 2015: 80, 151). But if this is so, then the present-day individual not only suffers from indeterminacy, as Honneth put it, but also lacks any stable ground to even join a corporation. It does not seem that consumer behavior could replace a shared identity, as some have implied; yet contrary to other suggestions, for instance to form closer associations relying on the same place of residence (see e.g. Vieweg 2012: 337f.), this proposal at least seeks to solve the problem of civil society within its proper boundaries. In short, nowadays it is hard to see what could possibly perform the function that Hegel ascribed to free corporations.²⁸

27 Neocleous' estimation of Hegel is rather strange, since he is one of the very few who actually read Hegel's treatment of the police closely. See Neocleous 1998.

28 It seems that nowadays, due to the specific mode of subjectivation, the corporation needs to be non-exclusive, in the sense that an individual may have multiple memberships, and non-permanent, in the sense that one may easily change one's affiliations. The problem is, however, that the very advantage that made the corporation instrumental—namely

The second problem refers to the relation between civil society and the state. Hegel, who lived in the Westphalian world order of sovereign nation states, spoke of civil society as if its members and state citizens were the same persons—that is, as if civil society and the political state, the state of understanding and the state of reason, physically coincided. Only in this way was it possible to use the notion of public authority in the sense of a common framework that included both realms at the same time. The problem is, again, that this joint has disintegrated: civil society and the political state have drifted apart. At least for the periphery it may be said that while the state is local, civil society is global (see Vieweg 2012: 327; Ellmers 2015: 163). The framework order that regulates the functioning of civil society is increasingly determined outside the given state, even outside any state; similarly, the formative effects of civil society, its fashions and its upbringing towards the universal, no longer lead to the given political state, but somewhere else.²⁹

As a consequence, the state no longer disposes with devices needed to regulate civil society and does not induce the attachment that once derived from the formation process of civil society. In short, the state withers away. What remains is civil society pure, and its police. We are left with a police without a state, with a police that has assumed the role of the state. The interface of the universal without the universal, the police as a state—this is the disturbing problem that should agitate our society.

References

- Avineri, Schlomo (1972), *Hegel's Theory of the Modern State*, Cambridge: Cambridge University Press.
- Behler, Ernst (ed.) (1987), *Philosophy of German Idealism. Fichte, Jacobi, and Shelling*, New York: Continuum.
- Bojanić, Petar (2018), “Stražar (*Schlidwache*): O ‘simbolu moći obćega’ pri Heglu”, *Problemi* 52(9/10): 31–46.
- Buchwalter, Andrew (ed.) (2015), *Hegel and Capitalism*, Albany: SUNY Press.
- Cesaroni, Perpaolo, “Polizia o corporazione. Abitudine, istituzione e governo in Hegel”, *Politica & società* 6(3): 443–464.
- Chamayou, Grégoire (2015), “Fichte’s Passport: A Philosophy of the Police”, *Theory & Event* 16(2): 1–17.
- Chierighin, Franco (1980), *Dialettica dell'assoluto e ontologia della soggettività in Hegel. Dall'ideale giovanile alla Fenomenologia dello spirito*, Trento: Verifiche.
- Colquhoun, Patrick (1806), *A Treatise on Indigence [...] with Propositions for Ameliorating the Condition of the Poor, etc*, London: Hatchard.

its ability to make the individual into something substantial—is thereby lost. In this respect, the corporation and marriage face similar challenges in the contemporary world.

²⁹ Cesaroni emphasizes the “qualitative diversity” of the governmental logic of the police and the corporation, respectively, furthermore claiming that they are in inverse proportion: “The more there are institutions, the less there is the rabble; the more there is political government, the less there is the police” (Cesaroni 2017: 460). His observation is in a sense correct. However, we would add that, first, for Hegel, the police and the corporation do not exclude each other; there will always be the police, and rightly so. And second, that police regulations can assume different concrete modes and produce different effects, depending on the specific framework, which is, in principle, determined by the state; the question of the police is a political question.

- Ellmers, Sven (2015), *Freiheit und Wirtschaft. Theorie der bürgerlichen Gesellschaft nach Hegel*, Bielefeld: transcript.
- Ellmers, Sven, Steffen Herrmann (eds.) (2017), *Korporation und Sittlichkeit. Zur Aktualität von Hegels Theorie der bürgerlichen Gesellschaft*, Paderborn: Wilhelm Fink.
- Fichte, Johann Gottlieb (2000), *Foundations of Natural Right According to the Principles of the Wissenschaftslehre*, F. Neuhouser (ed.), M. Baur (trans.), Cambridge: Cambridge University Press.
- Gans, Eduard (2005), *Naturrecht und Universalgeschichte*, Tübingen: Mohr Siebeck.
- Hegel, Georg Wilhelm Friederich (1999), *Political Writings*, L. Dickey and H. B. Nisbet, H. B. Nisbet (ed.), Cambridge: Cambridge University Press.
- . (1991), *Elements of Philosophy of Right*, A. W. Wood, H. B. Nisbet (ed.), Cambridge: Cambridge University Press.
- . (1979), *System of Ethical Life (1802/3)*, H. S. Harris and T. M. Knox (ed.), Albany: SUNY Press.
- . (1977), *The Difference between Fichte's and Schelling's System of Philosophy*, H. S. Harris & W. Cerf (trans.), Albany: SUNY Press.
- . (1971), *Early Theological Writings*, T. M. Knox (trans.), Philadelphia: University of Pennsylvania Press.
- . (1968f.), *Gesammelte Werke*, hrg. von Nordrhein-Westfälischen Akademie der Wissenschaften und der Künste, Hamburg: Felix Meiner Verlag [cited as GW].
- Herzog, Lisa (2013), *Inventing the Market. Smith, Hegel, & Political Theory*, Oxford: Oxford University Press.
- Kervégan, Jean-François (2007), *L'effectif et le rationnel. Hegel et l'esprit objectif*, Paris: Vrin.
- Neocleous, Mark (2000), *The Fabrication of Social Order. A Critical Theory of Police Power*, London, Sterling: Pluto Press.
- . (1998), "Policing the System of Needs: Hegel, Political Economy, and the Police of the Market", *History of European Ideas* 24(1): 43–58.
- Ross, Nathan (2008), *On Mechanism in Hegel's Social and Political Philosophy*, New York, London: Routledge.
- Ruda, Frank (2011), *Hegel's Rabble. An Investigation into Hegel's Philosophy of Right*, London: Continuum.
- Schmidt am Busch, Hans-Christoph (ed.) (2016), *Die Philosophie des Marktes: The Philosophy of the Market*, Hamburg: Felix Meiner.
- Smith, Adam (1896), *Lectures on Justice, Police, Revenue, and Arms, Reported by a Student in 1763*, E. Cannan (ed.), Oxford: Clarendon Press.
- Spinoza, Baruch (2002), *Complete Works*, M. L. Morgan (ed.), S. Shirely (trans.), Indianapolis: Hackett Publishing.
- Steuart, James (1767), *An Inquiry into the Principles of Political Economy*, London: Millar & Cadell.
- Varty, John (1997), "Civic or Commercial? Adam Ferguson's Concept of Civil Society", *Democratization* 4(1): 29–48.
- Vieweg, Klaus (2018), "Das 'erste System der Freiheit' und die 'Vernichtung aller Freiheit': Zu Hegels kritischen Einwendungen gegen Fichtes Freiheitsverständnis", *Fichte-Studien* 45: 181–199.
- . (2012), *Das Denken der Freiheit. Hegels Grundlinien der Philosophie des Rechts*, München: Wilhelm Fink.
- Waszek, Norbert (1988), *The Scottish Enlightenment and Hegel's Account of "Civil Society"*, Dodrecht/Boston/London: Kluwer.

Zdravko Kobe

Međusklop opšteg: o Hegelovom pojmu policije

Abstract

Članak pruža probno čitanje Hegelove policije kao pojma koji predstavlja ključni test za umnost Hegelove države i koji zapravo igra veoma bitnu ulogu u formiranju njegovog modela umnosti. Na početku se razmatraju neke značajne promene u Hegelovom pristupu toj temi u jenskom periodu, posebno u vezi sa Fihteom i Spinozom; članak, zatim, iznosi Hegelovo poimanje policije kao međusklopa onog opšteg u njegovoj poznoj političkoj filozofiji, zajedno sa njegovim obrađivanjem uznemiravajućeg problem siromaštva i ološa; i u zaključku, članak dodaje neke generalne primedbe o Hegelovoj policiji, nekad i sad.

Ključne reči: G. V. F. Hegel, J. G. Fihte, politička filozofija, socijalna filozofija, politička ekonomija, građansko društvo, policija, država blagostanja, korporacija