

Genesis of crime in the developed capitalist society

Abstract: It is studied on points of fact the inherent (or informal) purport of the crime, inasmuch as the science of law, including criminology has all but neglected it until now.

Keywords: activity; appearance; capital; contingency; condition; crime; criminal act; law of appearance; law; legislation; necessity; fact; positive law; possibility; private property; reality; subject; substance; substantiality; substrate; surplus value.

Introduction. As is maintained by some authors, in the “Encyclopaedia of the Philosophical Sciences” Hegel delves more lucidly in three instances of the process of necessity - *condition, subject and reality*, as an exceedingly complicated topic – than he does in the “The Science of Logic”. In the so-called “Grand Logic” he considers in a rather obtuse scientific vernacular the following «type» of the logical category - mode – as the self-propellant movement of the category of the absolute, i.e. the capital, as the process of its determination. Hegel specifies, in the first place the contingency or the formal reality, the formal possibility and the formal necessity, thereafter he considers the relative necessity or the actual reality, the actual possibility and the actual necessity and concludes with defining the absolute necessity. In our research we will use the train of thought of Hegel presented in the “Encyclopaedia of the Philosophical Sciences” and “The Science of Logic” as regards the logical category of necessity.

Appearance. “Concrete existence (i.e. crime as an aggregate of different criminal acts – A.L.) is the immediacy of being to which essence (i.e. surplus value -

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A.L.) has again restored itself. In itself this immediacy is the reflection of essence into itself. As concrete existence, essence has stepped out of its ground (i.e. social capitalist production relation of material and spiritual wealth – A.L.) which has itself passed over into it. Concrete existence is this reflected immediacy in so far as, within, it is absolute negativity (i.e. crime, as an aggregate of different criminal acts, is absolute negativity – A.L.). It is now also posited as such, in that it has determined itself as appearance. At first, therefore, appearance is essence in its concrete existence; essence is immediately present in it. That it is not immediate, but rather reflected concrete existence, constitutes the moment of essence in it; or concrete existence, as essential concrete existence, is appearance” [1, p. 453].

Crime, as an aggregate of different criminal acts – is the essence, mediated by its negation, i.e. with legislative acts, in particular criminal legislation, which perpetuate it. Although its negation is self-subsisting, it is to be removed. The sociological and legal literature does not feature the concept ‘criminal act, specified in the criminal code» nor «crime, as an aggregate of different criminal acts”, just referring to ‘criminal acts’ or ‘crimes’. By reference to our earlier studies we maintain that the subject matter of the criminal act, and that of crime is the *surplus value* [12].

Hence crime, as the surplus value, consists of surplus value of individual criminal acts. In the absence of surplus value there are no isolated criminal acts and the surplus value of the crime. Therefore, something is only appearance, i.e. crime, as aggregate of different criminal acts – in the sense that concrete existence is as such only a posited being [2, p. 231-232], *not something that is in-and-for-itself*.

“That of whole (i.e. crime. – A.L.) and parts (i.e. different criminal acts – A.L.) is the thoughtless relation which the understanding first happens to come up with; or, actually speaking, it is a dead mechanical aggregate that indeed has form determinations (i.e. crime – A.L.) and brings the manifoldness of its self-subsisting matter (i.e. different criminal acts, basing on legislative acts - AL) together into one unity; but this unity is external to the manifoldness (i.e. crime, as an aggregate of different criminal acts is appearance of crime. – A.L.). – But the relation of force (i.e. surplus value. – A.L.) is the higher immanent turning back in which the unity of the

whole that made up the connection of the self-subsisting otherness ceases to be something external and indifferent to this manifoldness” [1, p. 472].

However crime as appearance turns out to be an intricate appearance, which at first does not achieve the significant plurality - crime, as an aggregate of different criminal acts, i.e. “or – or”, and in the second case the essential unity, i.e. an aggregate of different criminal acts, as crime, although both are included in the concept crime. This constitutes the contradiction in the concept of crime, hampering thinking or subjectivity [11, p. 387-388]. Hence different criminal acts and their content as crime do not penetrate themselves reciprocally – “the one penetrating the other externally – but each rather penetrates itself in itself and is within it the opposite of itself” (Hegel), and therefore it may be named infinite cognition, the intricate involution of legal relations, incl. criminological studies. For instance if the content i.e. crime is only understood as the “sensuous, spatial and temporal, palpable existence” (Hegel), the dialectical logic lack content and has no scientific implication.

Surplus value, as a *negative unity*, as a *force*, is the condition of crime, as the aggregate of different criminal acts. Hence the crime, inherent in the surplus value as the force, is of no significance in this connection, because the surplus value is the mere appearance of the external being. The force is operative and becomes of itself the external manifold existence. Surplus value as the force is a relation, with every side equipollent to another. One force is initially determined as the *motivating one*, with the other determined as the *motivated one*. Inasmuch as the surplus value is a negative appearance, with one side being the motivating appearance, causing different criminal acts, and the other side of the surplus value being the motivated appearance, it means that the surplus value «merges» different criminal acts into a single unity or *entirety*, i.e. *crime*.

Movement of essence, i.e. surplus value is, generally speaking the generation of the concept, like “the ladder, as development of the knowledge” [11, p. 223-224], as we will see further on - *the capital, as an aggregate of different capitals*, which is the *crux of the matter*. Essence, is only internal, therefore it is assumed to be totally external.

Law of crime as an appearance. Hegel elaborated that category – *the law of appearance* – in great detail, which the modern researchers of jurisprudence, among others the criminologists have regrettably failed to adequately comprehend until now. In our opinion, *the law of appearance* (it would be more correct to say “the definite chain of laws”, because Hegel speaks of multiple laws. This is one of most difficult categories of dialectical logic of Hegel, besides the category of *substrates*, the general materials basis of the category of being (quality, quantity, measure), “startup” of the category of essence and form of *absolute ground* (form and essence; form and matter; form and content), necessity and substantiality.¹ Regrettably even philosophers of stature have missed much of the deep meaning of the great German scientist.

Hence, appearance as crime, as an aggregate of different criminal acts, is absolute negativity, - *violence*. However crime is only appearance in the sense that its opposite is direct existence, as *condition*, i.e. legislation (positive law), in particular criminal legislation, as its truth, the legislation is *the first law of crime*. This philosophical-logical concept is the level of contingency or formal reality, including private property, law policy, law and positive law (legislation).

Understandably one can also think as if the criminal legislation is positive and true to crime (while essentially it is something negative) [1, p. 458] and true, because without the criminal legislation there is no crime, as an aggregate of different criminal acts and vice versa, without the crime there is no need for criminal legislation, as maintaining by some representatives of post-modernism, although the acts and omissions to act, formerly dubbed ‘criminal acts’ will be committed further on in the society, although now they are not dubbed ‘criminal acts’.

However legislative acts, in particular criminal legislation, as immediate, does not contain the *essential truth*, which is an *essential relation* at developed capitalism, i.e. social production relation of material and spiritual benefits, between *capitalists*, who are owners of private property and therefore have the right, protected with legislative acts, to obtain *surplus value* without labour fully or partially and the hired labour, who do not have the right to obtain *surplus value* without labour fully or

¹ In the philosophical logical literature the complicated term substantiality has no unambiguous meaning (A.L.).

partially, because they are not owners of means of production. This relation is the *essential truth and the certain basis of crime*, remaining equal to itself in the variation of different criminal acts.

Therefore, those two members of the production relations - capitalists and hired labour are allegedly the main «culprits» of crime, as an aggregate of different types of criminal acts. It is absolutely clear that capitalist production relations are *permanent, -production of surplus value*. The unlawful acts of capitalists and hired labour, taken separately are well perceptible and evidence that the capitalists commit mainly economic criminal acts, and the hired labour everyday criminal acts. However the law of that correlation derives from experience. In that sense it is direct, immediate, however to understand that the law not only exists but is also necessary, the law demands proving, mediation. Proving is mediated *cognition*. The law as such does not contain the proof and its actual necessity.

However in itself and for itself the world, distributed inside by members of social production of material and spiritual benefits in the developed capitalist society, i.e. between capitalists and hired labour, producing *surplus value*, without which the society cannot function and forms the totality of manifold content, which in its turn causes *crime*, as an aggregate of different criminal acts, which are legislative acts, in particular *surplus value* prohibited by criminal laws, *causing damage to the society*.

Hence the second law of crime is *surplus value* obtained without labour fully or partially *prohibited by legislative acts, in particular criminal laws*. This social-economic concept is the level of surplus value or in the philosophical logical sense - the actual possibility and the actual necessity.

Crime, as an aggregate of different criminal acts, as violence, can be defined as follows. *Crime, as essential existence as an aggregate of different criminal acts, is legislative acts, in particular criminal laws prohibiting surplus value* obtained without labour fully or partially.

Quite understandably, when the difference in income between capitalists and hired labour is insignificant, the level of crime is generally lower and in the contrary,

when the difference in income between capitalists and hired labour is significant, the level of crime is higher.

However this correlation is yet only a direct correlation. Therefore it is also only a *posited* correlation. An important unity of both sides of the law should be their negation, *namely the fact that one side embeds its other side. However that important unity has not yet manifested in the law.*

In itself and for itself the world as capital is the totality of existence, outside being nothing. Because in itself it is an absolute negativity or form, its reflection in itself is a *negative correlation with itself*. It contains the opposite and pushes it inside itself as essential world and also inside itself as the world of appearance. Hence because it is totality, it is given as one *side* of totality and in that determination constitutes the appearance of independence.

However, a world of appearance as the crime, as an aggregate of different criminal acts has in the substantial world its negative unity, i.e. legislative acts allow the capitalists to obtain the surplus value without labour fully or partially, as *capital*, where it is subsumed and to where it returns as its *definite* ground. Our research reveals that legislative acts allow surplus value obtained without labour fully or partially as *capital*, is the causal factor, the other, i.e. different types of criminal acts, as crime, is in its turn what is caused by the first.

Therefore the world in itself and for itself forms *total* manifold content, which in its turn and therefore is identical with the appearance, or posited, world, because it is its *ground*. The identical connection of both worlds is determined at the same time as *opposite*, because the form of the world of appearance is reflection in its external existence, and therefore, in itself and for itself in the world returned in itself, in which that world is opposite.

“Their connection is, therefore, specifically this, that the world that exists in and for itself (i.e. capital, as aggregate of different sources of capital – A.L.) is the inversion of the world (die verkehrte Welt) of appearance (i.e. crime, as aggregate of different criminal acts – A.L.)” [1, p. 463], which is *the third law of crime*. This

concept is moral-cultural level or in the philosophical-logical sense – absolute necessity or absolute activity.

To specify the above, the surplus value, as “concentrated” private property, as *capital, as* aggregate of different capitals, as surplus value obtained without labour fully or partially, including surplus value obtained in a criminal manner, as political-legal, social-economical, and generally the *moral-cultural* “engine” of civil society, as ground of developed capitalist society, without which the society cannot exist is *the cause of crime*, i.e. legislative acts prohibiting and persecuting surplus value obtained without labour fully or partially, which is actual necessity of violence, i.e. crime, as aggregate of different criminal acts. When inherent actual reality is capital, as aggregate of different capitals, which produces external, the external actual reality is crime, as an aggregate of different criminal acts. It is such because the other is the same, i.e. crime as capital and capital as crime, *both being representatives of the moral-cultural sphere*.

The starting point of our article was the *law of appearance*, being identity of different content with the other content, hence positedness of one is positedness of the other. Now the *law is realised*. Its internal identity is at the same time existing identity, and conversely, content of law has been brought to *the ideal* [1, p. 130-131], because in itself it is reflected content, as every side contains the other side and is identical with itself and oneself.

Therefore, at the time of social production relation of material and spiritual benefits of developed capitalism there is no reduction of crime, because the capitalists are keen on getting more surplus value without labour fully or partially, and therefore, crime is growing, as evidenced by the world practice, as criterion of justice. Hegel says: “and this negative unity tying them together is the simple point empty of content” [1, p. 479]. The unity of the absolute and its reflection is the absolute relation, or rather the absolute as relation to itself, substance [1, p. 482], i.e. capital.

Absolute reality. “The simple solid identity of the absolute (in our opinion *capital, as* aggregate of different capitals, as absolute identity, without which the society as mankind cannot function – A.L.) is indeterminate, or rather, every

determinateness of essence and concrete existence, or of being in general as well as of reflection, has dissolved itself into it. Accordingly, the determining of what is the absolute, appears to be a negating, and the absolute itself appears only as the negation of all predicates, as the void” [1, p. 483].

However when we study a society, consisting of leading social groups or as a class society, as the Marxists would say, in particular developed capitalism, the *absolute attribute* would not be just the ownership but the private ownership in its various forms, as a result of production, barter and use of goods, knowledge and skills of members of society, as *capital*. L.I. Spiridonov writes, that capital, either private or state ownership is not things, nor means of production and items of consumption but relations between people as regards the use of their labour, production, distribution, barter and consumption of material and spiritual benefits, i.e. purely social connections between them [10, p. 25]. It must be only specified that in the developed capitalist society the *private capital* enjoys advantages before the *state capital*. However lately, the state regulation of the economy has been increased in all countries ranging from the USA to China. Means of production, i.e. the main stock of the economy of Russia are basically held by the state.

Because the formal unsystematic dialectic, which usually include different works on law, among others the works on criminology, easily snatches various definitions from here and there and easily proves their finiteness, on the one hand and their absoluteness and totality on the other hand. This is also how the traditional science of law and criminology snatches various definitions “from here and there”, which have no whatever link to former concepts or development of knowledge. However it is necessary to show, what is the absolute, and this showing cannot be either the process of definition, nor the external reflection, by means of which definition of that absolute would derive, which is *exposition*, the exposition proper of the absolute, i.e. capital, as aggregate of different sources of capital and only the indication what absolute is [1, p. 483].

a) Exposition of the absolute. The absolute (i.e. capital, as aggregate of different capitals – A.L.) is neither just being, nor even essence. The former is the

first non-reflected immediacy; the latter, the reflected immediacy; further, each is explicitly a totality, but a determinate totality. Being emerges in essence as concrete *existence*, and the connection of being and essence develops into the relation of *inner and outer*. *The inner is essence*, but as a totality whose essential determination is to be referred to being and to be being immediately. *The outer is being*, but with the essential determination - being immediately connected with reflection and, equally, deprived relation identity with essence. The absolute itself (as capital – A.L.) is the absolute unity of the two; it is that which constitutes in general the ground of the essential relation which, as only relation, has yet to return into this its identity and whose ground is not yet posited. It follows that the determination of the absolute is to be *absolute form*, but at the same time not as an identity whose moments only are simple definiteness, but, on the contrary, as an identity whose moments are each explicitly the totality and hence, indifferent with respect to the form, the complete content of the whole. But, conversely, the absolute is absolute content (i.e. capital, as private property, as ground of surplus value, which shows us, what his acquisition and illegally obtained *surplus value* constitutes under *legislative acts* – A.L.) in such a way that this content, which is as such indifferent plurality, explicitly has the negative connection of form by virtue of which its manifold is only *one* substantial identity” [1, p. 483-484].

However we know that without capital the social production relation of material and spiritual wealth is absolutely impossible in the developed capitalism. In other words the absolute, which is only given as absolute identity, is only *absolute of the external reflection*. Therefore it is not absolute absolute, but absolute in certain determination, in other words it is *attribute*.

“But the absolute is not attribute just because it is the subject matter of an external reflection and is consequently something determined by it. – Or, reflection is not only external to it; but, precisely because it is external to it, it is immediately internal to it. The absolute is absolute only because it is not abstract identity but is the identity of being and essence, or the identity of the inner and the outer. Therefore, the

absolute form itself makes it be visible within itself and determines it as attribute” [1, p. 486].

6) The absolute attribute. “The attribute is *first* the absolute in simple self-identity. *Second*, it is *negation*, a negation which is as such formal immanent reflection. These two sides constitute at first the two *extremes* of the attribute, the middle term of which is the attribute itself (i.e. capital, as aggregate of different capitals. – A.L.), since it is both the absolute and the determinateness. – The second of these extremes is *the negative as negative*, the reflection *external* to the absolute” [1, p. 487], Hegel expostulates.

In our opinion, Hegel should be understood as follows. The absolute attribute is firstly the *capital* in simple identity with itself, i.e. surplus value obtained without labour fully or partially. Secondly, the absolute attribute as capital, as the negation, i.e. surplus value obtained without labour fully or partially permitted by legislative acts, incl. criminal laws and surplus value obtained without labour fully or partially prohibited by legislative acts. Thirdly, those two sides constitute both poles of the attribute, whose midpoint is itself – *the capital*. Fourthly, the second of those poles is negative as negative, i.e. by legislation, incl. by criminal legislation, the surplus value obtained without labour fully or partially as prohibited under penalty, as crime, as an aggregate of various types of crime, as external absolute reflection. Hence the capital as *aggregate of different sources of capital* includes also the surplus value, obtained criminally.

The idea of Hegel shows that the concept *attribute*, so-called “simple attribute”, which earlier manifested itself as one side of social production relation of developed capitalism, every side of which is an entity. E.g., the law as attribute of surplus value, legislative acts as positive law, as attributes of law, crime as attribute of legislative acts, law protection bodies as attributes of trespassing on law. Previously we studied only different parts of absolute attribute, the basic parts of the absolute attribute, with the surplus value obtained without labour fully or partially as allowed by legislative acts. In the *absolute attribute* we will show, what the absolute attribute in reality is,

including mandatorily *the surplus value* obtained without labour fully or partially prohibited by legislative acts.

b) Mode of the absolute like capital. Or inasmuch as the negative is taken as the inner of the absolute and its own determination is to posit itself as mode, it is then the self-externality of the absolute, the loss of itself in the changeability and contingency of being, its having passed over into its opposite without turning back into itself, the manifoldness of form and content determinations that lacks totality [1, p. 487]. Mode as an external absolute is the simple way to explain the *subject* like the capital.

Capital, self-bearing movement of exposition, as a way and manner which is its absolute identity with itself, i.e. surplus value obtained without labour fully or partially, as figuratively speaking “overground God”, as freedom, as accrual to the existing private property in class societies or in a society, featuring leading social groups, incl. in developed capitalism. Therefore the constitutions of different capitalist countries protect the right to private property, i.e. *capital*.

“Accordingly the true meaning of mode is that it is the absolute’s own reflective movement; it is a determining by virtue of which the absolute would become, not an other (capital, through surplus value, expression of private property or capital, through surplus value, reflection of private property – A.L.), but what it already is; a transparent externality which is a pointing to itself; a movement out of itself, but in such a way that being outwardly is just as much inwardness, and consequently equally a positing which is not mere positedness but absolute being” [1, p. 488].

Unity of internal and external forms the *reality*. Whatever refers to the internal reality is the *possibility*, and whatever refers to the external reality is *contingency*. Besides that Hegel makes difference between formal and actual possibility.

Reality as necessity. The problem of science, and especially of philosophy, undoubtedly consists in eliciting the necessity concealed under the semblance of contingency. That, however, is far from meaning that the contingent belongs to our subjective conception alone, and must therefore be simply set aside, if we wish to get at the truth. All scientific researches which pursue this tendency exclusively lay

themselves open to the charge of mere jugglery and an over-strained precisionism [5, p. 245].

“Necessity has been defined, and rightly so, as the union of possibility and actuality. This mode of expression, however, gives a superficial and therefore unintelligible description of the very difficult notion of necessity. It is difficult because it is the notion itself, only that its stages or factors are still as actualities, which are yet at the same time to be viewed as forms only, collapsing and transient” [5, p. 247]. Therefore we will study in more detail the moments, constituting necessity. Hegel first considers the contingency or *formal reality*, further on developing his views on relative necessity or *actual reality* and finalises with the characteristics of *absolute necessity* [1, p. 494-506].

Possibility seems, at the first glance a “richer” determination, while the *reality* looks “poorer”. Therefore the saying goes, that all is possible, however not all possible is also real. However the reality is a wider determination, because it contains possibility as an abstract moment.

Upon our opinion, the *conditions* as legislative acts refer to the fact as private ownership, as surplus value, as *capital*, while as supposed it is a contingent, external circumstance. Being contingent, by reference to the fact as capital, being *unity*, the conditions are *passive* and are used as material for fact and therefore they are subsumed into *content* of the fact. Legislative acts, as the first reality, wither away and subsume into another reality, i.e. crime, as aggregate of different criminal acts.

It is infrequently noted that the necessity is blind [2, p. 200]. What is correct, as evidenced might be seen in many former social-democratic countries in Eastern Europe and the Baltics, presently in the composition of EU, and Ukraine, which produce very little, being therefore the source of cheap labour. Leading politicians of those countries have failed to understand that “freedom is realised necessity”, where (ultra) liberal economy is out of question, because those countries may just “succumb”...

“Actuality and thought (or Idea) is often absurdly opposed. Thought in such a case is, on the one hand, the synonym for a subjective conception, plan, intention, or

the like, just as actuality, on the other, is made synonymous with external and sensible existence. While Plato recognises the idea and only the idea as the truth, Aristotle, rejecting the idea, keeps to what is actual. Therefore, reality, as the concrete, contains in itself the above determinations and their differences. As identity, reality is first of all the possibility, is reflection upon itself, and therefore it is what is essential for reality. It was probably the import of Possibility which induced Kant to regard it along with necessity and actuality as Modalities, “since these categories do not in the least increase the notion as fact, but only express its relation to the faculty of knowledge” [5, p. 238-240].

a) Contingency or formal reality, formal possibility and formal necessity.

Actuality is formal inasmuch as, as a first actuality, it is only immediate, unreflective actuality, and hence is only in this form determination but not as the totality of form. And so it is nothing more than a being or concrete existence in general. But because by essence it is not mere concrete existence but is the form-unity of the in-itself-being or inwardness and externality, it immediately contains *in-itself-being* or *possibility*. What is actually, that is possible [1, p. 494-495].

This possibility, i.e. *crime, as aggregate of different criminal acts*, is the reality reflected in itself, i.e. from legislative acts. However this reality is not the first but the reflected reality, posited as *unity* of itself and of possibility.

“With this we also have a more precise expression of the extent to which *possibility is actuality*. Possibility is not yet all actuality; there has been no talk yet of real and absolute actuality. It is still only the possibility as it first presented itself, namely the formal possibility that has determined itself as being only possibility and hence the formless actuality which is only being or concrete existence in general. Everything possible has therefore in general a being or a concrete existence. This unity of possibility and actuality is contingency. – The contingent is an actual which is at the same time determined as only possible, an actual whose other or opposite equally is. This actuality is, therefore, mere being or concrete existence, but posited in its truth as having the value of positedness or a possibility. Conversely, possibility is immanent reflection or the in-itself posited as positedness; what is possible is an

actual in this sense of actuality, that it has only as much value as contingent actuality; it is itself something contingent. The contingent thus presents these two sides. First, in so far as it has possibility immediately in it, or, what is the same, in so far as this possibility is perpetrated in it, it is not positedness, nor is it mediated, but is immediate actuality; it has no ground. – Because this immediate actuality pertains also to the possible, the latter is determined no less than the actual as contingent and *is likewise groundless*” [1, p. 496-497].

In other words the legislative acts as condition *do not have ground*. The legislative acts are a condition, assumed by reference to a fact, i.e. capital, which is unity. Legislation as condition is passive, used as material for the fact, i.e. capital and therefore is subsumed in the fact, which is something internal и possible – independent for itself content.

“But contingent, i.e. crime, is an aggregate of different criminal acts, Secondly, the contingent is the actual as what is only possible, or as positedness; thus the possible also, as formal in-itself, is only positedness. Consequently, the two are both not in and for themselves but have their immanent reflection in other, or they do have a ground. This ground is capital, as subject of our research, as unity. Hence « the contingent thus has no ground because it is contingent; and for that same reason it has a ground, because it is contingent” [1, p. 496-497].

Therefore the formal necessity does not have any content and any determination. *Determination* of necessity consists in the fact that it possesses both negation and contingency, as said by Hegel.

6) Relative necessity or actual reality, actual possibility and actual necessity. Actual necessity is *determined* necessity, formal necessity does not have any content and any determination i.e. legislative acts are legislative acts as contingency. *Determination* of necessity consists in the fact that it possesses its negation, contingency.

Hence the actual necessity contains *contingency* not only *in itself*, contingency also develops in it, however that development is what is external, i.e. *crime*, as

aggregate of different criminal acts, *in-itself-being* of that this necessity, because it has been directly determined.

On the level of actual necessity, surplus value, as private property, as capital, when aggregate of different sources of capital, as surplus value obtained without labour fully or partially, incl. also the criminally obtained surplus value, is determined *ground* of developed capitalist society. Capital is *the cause of crime*, i.e. legislative acts prohibiting and penalising surplus value obtained without labour fully or partially, actual necessity of coercion, i.e. crime, as aggregate of different criminal acts. Hence, while the internal of actual reality is *capital* as aggregate of different sources of capital, producing the external, the external actual reality is crime, as aggregate of different criminal acts. *Actual necessity is such because one and the other are the same, i.e. crime is capital and capital is crime.*

“In actual fact, therefore, *real necessity* is in itself also *contingency*. – This first becomes apparent because real necessity, although something necessary according to form, is still something limited according to content, and derives its contingency through the latter. But this contingency is to be found also in the form of real necessity because, as shown, real possibility is the necessary only in itself, but as posited it is the mutual otherness of actuality and possibility. Real necessity thus contains contingency; it is the turning back into itself from the restless being-the-other-of-each-other of actuality and possibility, but not the turning back from itself to itself. In itself, therefore, we have here the unity of necessity and contingency; this unity is to be called *absolute actuality*” [1, p. 502].

B) Absolute necessity. “Absolute necessity is therefore the truth in which actuality and possibility in general as well as formal and real necessity return. – As we have just seen, it is being which in its negation, in essence, refers itself to itself and is being” [1, p. 504], i.e. legislative acts punishing surplus value obtained without labour fully or partially, as crime, as simple reflection-in-itself or *pure essence*, as capital. It is such because one and the other are the same, i.e. crime is capital and capital is crime.

What is necessary i.e. *capital*, exists through another, direct reality, *contingent*, through legislative acts, which is *condition*. “But this contingency is rather absolute necessity; it is the essence of those free, inherently necessary actualities. This essence is averse to shine, because there is no reflective shining in these actualities, no reflex – because they are grounded purely in themselves, are shaped for themselves, manifest themselves only to themselves – because they are only being. – But their essence will break forth in them and will reveal what it is and what they are. The simplicity of their being, their resting just on themselves, is absolute negativity; it is the freedom of their unreflective immediacy” [1, p. 505].

The activity similarly has [a] an independent existence of its own (as man, a character), and at the same time it is possible only where the conditions are and the fact (i.e. legislation and capital A.L.). [b] It is the movement which translates the conditions into fact, and the latter into the former as the side of existence, or rather the movement which educes the fact from the conditions in which it is potentially present, and which gives existence to the fact by abolishing the existence possessed by the conditions [5, p. 251].

Because those three moments, i.e. *condition (legislation)*, *fact (capital)* and *activity* (leading political figures, MPs etc.) possess, with respect of one another, the form of independent existence, i.e. *legislative acts*, as conditions, as representative of formal necessity, *capital*, as fact, as representative of actual necessity and *activity*, as representative of absolute necessity, that *process* stands out in the form of external necessity, specified in the category of *mode*.

Legislative acts in capitalist states protect, in the first place the right for private property. Hence the essence of the category of absolute reality is the fact that political figures of various states, MPs and cabinet members are instrumental in composing legislative acts and their implementation. They want that the legislative acts and their implementation, e.g. correct registration of criminal acts in judiciary, proper court decisions etc. would protect their vital interest. Thence the complicated issue: *firstly*, why contingency, as legislation is absolute necessity: *secondly*, why contingency is absolute activity, *thirdly*, why the executives go all out to defend the capitalist way of

production of material and spiritual wealth? Because they also want to have their share in the surplus value obtained without labour fully or partially, and therefore often is falsified the data of social-economic phenomena and even “transform” the quality, quantity and dynamics of crime.

Absolute relation as barter. “Absolute necessity is not so much the necessary, even less a necessary, but necessity – being simply as reflection” [1, p. 506]. Absolute necessity is relation. Just as the light of nature is not a something, nor is it a thing, but its being is rather only its shining, so manifestation is self-identical absolute actuality. Hence, *capital* is not a thing but its glint (like a flash of shine from a shiny surface), as its relation between people at labour in developed capitalist production, distribution, barter and consumption of material and spiritual wealth, i.e. purely societal (social) connections between them.

Capital as essence, as substance exists absolutely unconditionally. It exists through itself, hence in singular. All other things are not necessary; they are contingent or have the character of accident. Capital as absolute in its immediate form it is the relationship of Substance and Accident.

Capital as essence is constant, while different things are in a constant flux, rising and vanishing. Only capital as substance is the *mighty* essence, various things are powerless and inadequate. It would be wrong to assert that capital as essence generates. In reality it destroys. If there were not various things, i.e. whose accident creates capital, there would be no substance. Substance is revealed in destruction of things, it lives through its opposite, it hammers away at its own destruction. This is the *antagonism*, inherent in substance. Hence, capital as substance is an important step in the process *of development* of logical category of *necessity* however it is in a specific limited form a *necessity*.

Relation of substantiality. Absolute necessity is absolute relation because it is not being as such but being that is because it is, being as the absolute mediation of itself with itself. This being is substance; as the final unity of essence and being, it is the being in all being. It is neither the unreflective immediate, nor something abstract standing behind concrete existence and appearance, but the immediate actuality itself,

and it is this actuality as being absolutely reflected into itself, as a subsisting that exists in and for itself [1, p. 508]. Substantiality is capital as essence, as totality, as accident.

This movement of accidental is the activity of substance as the tranquil coming forth of itself. It is not active against something, but only against itself as a simple unresisting element. The sublation of a presupposition is the disappearing shine; only in the act of sublation the immediate does this immediate itself come to be, or is that shining; the beginning that begins from itself is first of all the positing of this itself from which the beginning is made.

The accidents as such – and there are several of them, because plurality is one of the determinations of being – have no power over each other. They are the immediately existent something, or the something that immediately exists for itself; concretely existing things of manifold properties; or wholes consisting of parts, self-subsisting parts; forces in need of reciprocal solicitation and conditioning each other. In so far as such an accidental being seems to exercise a power over an other, that power is that of substance that encompasses them both within itself and, as negativity, posits an inequality of value: one it determines as ceasing-to-be and another as having a different content and as coming-to-be, the one as passing over into its possibility and the other into actuality accordingly – ever dividing itself into this difference of form and content and ever purifying itself of this one-sidedness, but in this purification ever falling back into determination and division. – One accident thus drives out another only because its own subsisting is this very totality of form and content into which it, as well as its other, equally perishes.

One accident thus drives out another only so that the leading political figures and capitalists could increase the value of capital obtain more surplus value without labour fully or partially, by not violating the applicable legislative acts. When compiling legislative acts, the rulers and capitalists must consider symbolically also the needs of public. With one accident passing over into its possibility and the other into actuality like in Estonia in the judicial system, where various criminal acts are investigated subject to expediency i.e. needs of the society (German: Opportunität).

Such an attitude plays at hand to subjectivity of officers of law and justice and may impinge on feeling of what is just and equitable, of members of society.

However this direct unity and substance in accidents does not yet result in actual difference. In this first determination the substance has not yet revealed all its possibilities. But how actually the state cuts off the umbilical cord to the society having nurtured it?

Formal logic maintains that unity of substance and accident as essence cannot contradict itself. Its unity consists in abstract unity. However unity consists in reality in opposite determinations, because essence of nature is antagonistic, thence a flaw of the formal logic [6, p. 97].

Unity transfers to difference, difference transfers to opposite, which is transferred to antagonism, and the antagonism reveals the *activity* of opposites. Difference must be made between negative and positive antagonism. E.g., negative antagonism in our case is capital as ground of existence of mankind, including the illegally gained surplus value, without labour fully or partially. Positive antagonism in our case is capital, cleansed of the illegally gained surplus value, without labour fully or partially.

Evidently in the modern developed capitalist society, the main target of political figures and capitalists is to increase the value of capital and to make more surplus value, without labour fully or partially. It often happens through breaking the applicable laws, and therefore the leaders must chastise and punish those capitalists and hired labours, who obtain surplus value without labour fully or partially. However as revealed by judicial practice the capitalists are brought to justice and penalised selectively unlike the hired labour, because the rulers in the capitalist society are dependent on capitalists, although the sound sense should reign supreme in the developed capitalist regime and the justice system should hold check on activities of such capitalists, ignoring the applicable legislation.

The relation of substantiality is at first, therefore, only this, that substance manifests itself as a formal power whose differences are not substantial; in fact, substance only is as the inner of the accidents (i.e. capital), and these only are in the

substance. Or this relation is only the shining of totality as becoming; but it is equally reflection and, for this reason, the accidental which substance is in itself is also posited as such; it is thus determined as self-referring negativity over against itself, determined as self-referring simple identity with itself; and it is substance that exists in and for itself, substance endowed with power. Thus the relation of substantiality passes over into the relation of causality, hence the civil society starts passing over into state, as representative of regulation of “common matters”, in order to provide for execution of power and punish the members of society trespassing on applicable legislative acts.

Relation of causality. a) Formal causality. Hegel said that cause is primary as against the effect. As power, substance (i.e. capital) is the reflective shining, or it has accidental. Capital, as substance, as a cause must be defended by legislative acts, which have accidental and which are, in the first place the acts of capitalists, who through political figures and MPs will protect their interests, i.e. obtain more without labour fully or partially of surplus value.

Such relation of causality is necessity, without which the capital as essence cannot exist, - it is the above *relation of cause* (protection of capital, as substance with the help of legislative acts) *and action* (the execution of powers specified in legislative acts, incl. levelling punishments and their realisation in the system of justice). In this case it is the *formal relation of causality*.

While capital as power is coercion in developed capitalist society, for the parties not to annihilate one another for obtaining surplus value without labour fully or partially they must abide by legislative acts, in order to mitigate the coercion instituted by capitalist world outlook. The state is needed to maintain in the civil society the rule of law established by legislative acts. This is the main goal of regulation of “common affairs” in the state.

“Substance has actuality, therefore, only as cause. But this actuality in which its in-itself, its determinateness in the relation of substantiality, is now posited as determinateness, is effect; therefore substance has the actuality which it has as cause only in its effect. This is the necessity which is cause. It is actual substance, because

as power substance determines itself; but it is at the same time cause, because it expounds this determinateness or posits it as positedness and thus posits its actuality as positedness or effect” [1, p. 512].

In formal causality the cause and effect may be different, however in a certain relation of causality they are similar. Knowingly for application of power, in particular administering justice, punishment a determined thing is needed, i.e. a force - *money, as specific goods, a universal equivalent or value of other goods or services.*

6) Definite relation of causality. The identity of cause with itself in its operation, i.e. *money* is in a certain sense skimming of power of the society. Thanks to such unity of *content*, this causality is *analytical positedness*. The same thing – *money*, poses in the *society* as cause e.g. the damage caused by infringement of law to its natural stability, and in the *state* – as action, as compensation of damage caused to the society, although in the ideal. Hence its content is *actual*, the final *substance*, as positedness or determination in something other, i.e. society. The same content repeats twice, i.e. need for *money*; the cause has nothing that not be presented in effect.

However the thing as money is not the *capital* we studied above, but *capital as money*, functioning as value of *capital*, yielding surplus value, and used for exploitation of hired labour,² as measure of cost of *capital*, as monetary *capital*, which is not only a substrate, a law of state budget, but *substance*, because it presents barter between society and society. The law of state budget, as substance is final substance, determined directly in relation to causality. At the same time it has causality, because it is equipollent to that relation.

The second *determination* causality concerns the *form*. This relation is causality as external to itself, as *initiality*, which is in-itself also *positedness* or *action*. This connection of contrary determinations as *taxes* constitutes *interterminal regress* from cause to causes, i.e. from taxes to taxes. Understandably, members of the society wish to pay less for taxes, and they do not like the number of state budgetary taxes

² The term exploitation is much milder than the term *coercion (violation)*, although in hired labour, In social production relation at developed capitalism, labour is formally free, however it experiences capitalist suppression, but has to work to feed the family (L.A.).

and their size. It needs be specified here that the assets in the state budget include also the capital obtained criminally.

The similar is the case with *action*, more specifically *interterminal progress from action to action*, i.e. state budget law envisages even more taxes, and those moneys, which the members of society must pay to state coffers, equals to *regress from cause to cause*. “But because causality is here causality external to itself, it also equally fails to return in its effect back to itself but becomes therein external to itself; its effect becomes again a positedness in a substrate – as in another substance which however equally makes this positedness into a positedness, in other words, manifests itself as cause, again repels its effect from itself, and so on, into bad infinity” [1, p. 512-518].

b) Action and counteraction. “Were the state to be considered as exchangeable with the civic society, and were its decisive features to be regarded as the security and protection of property and personal freedom, the interest of the individual as such would be the ultimate purpose of the social union. It would then be at one’s option to be a member of the state. But the state has a totally different relation to the individual. It is the objective spirit, and he has his truth, real existence, and ethical status only in being a member of it.” “In the civic society – everyone is purpose for himself, all others are nothing” [4, p. 211]. However, according to Hegel, the civic society is not the ultimate form of the so-called universality. “Passive is that which is immediate, or which exists-in-itself but is not also for itself – pure being or essence in just this determinateness of abstract self-identity, *i.e. state*” [1, p. 519].

That means that active substance, as society, is counterposed to passive substance, as state, realising «common matters», including internal and external functions of the state. State apparatus includes the bodies of justice, which are needed, in the first place to prevent the members of society from slaying one another like «voracious animals», to obtain *without labour fully or partially surplus value*. In that sense the state as passive substance experiences coercion from society. State, according to Hegel is a higher form of human organisation [1, p. 520-521]. Therefore in a logical plane civic society, as compared to society, is assessed by Hegel as

moment state, as what is gleaned to state. “The state is the march of God in the world; its ground or cause is the power of reason realizing itself as will” [3, p. 284]. However according to justified remark of L.I. Spiridonov, “society in all cases determines character of the state. State, political relations are just a form of a certain social content” [10, p. 38].

According to Hegel, the antique representation on state by Plato and Aristotle are substantial, i.e. state «emerges» from society through *legislation*, regulating *common affairs*, by deeply egotistical individuals, in contrary to the French author J.J. Rousseau, who does not entertain the substantial view to state. He maintains in his “His *Discourse on Inequality* and *The Social Contract*”, that state is created through “*The Social Contract*”. Such a view does not seem quite scientific, to our opinion.

With Hegel the state is a lawful formation. He highest interests of the civic society, protected by legislation, lead by logic of development to the concept of law beyond its boundaries – to the area of state [8, p. 21-24]. The rule of law in the developed capitalism presumes a civic society, i.e. existence of free individuals, to whom the valid legislative acts apply, without limitations, incl. to law makers. But this is only the formal law, governed by the old saying: “...be a person and respect the others as persons” [3, p. 98]. However practically in the developed capitalist states those principles of rule of law no longer apply.

Passive substance as state, subjected to *coercion* by society, gets its due only. Hence, state as the passive substance “emerges” from society, i.e. causal substance, not the other way round. Hence the passive substance, is conserved or posited by active substance, because the active substance makes itself gleaned, however is merged in itself and becomes *cause* – this is the very passive, *i.e. state*. To be posited by something and becoming proper is the same thing.

Interaction. In the causality the substance, i.e. the society and state, refer to one another as valid. At the beginning the interaction poses as reciprocal causality of substances causing one another, both are also active - *society* and passive - *state*.

Therefore *absolute substance*, has, in our opinion, three aggregates [1, p. 524]: *society*, as capital, as monetary capital, as surplus value, without labour fully or

partially, *state*, where the functions of the developed capitalist state are realisation with the help of legislation or positive law of “common matters”, providing objective prerequisites for survival, - i.e. reflection, which as *negative correlation*, manifests as difference of two above parties, i.e. society and state. It is freedom, rule of law, where the external freedom of individuals and capital as “God on Earth”, as internal freedom of individuals, in the developed capitalist state. Logical concept as becoming gives preference to state before *the* society, therefore the state [7] must conserve the population as human *capital*, without which *homo sapiens* cannot exist.

Conclusion. It is important to say that today the formal unsystematic dialectic, including usually legal works, easily seizes various *determinations* and easily shows their final character and relativity, and on the other hand their unity or totality, unrelated to previous concepts or development of science.

Crime as social violation is aggregate of various criminal acts, perpetrated in certain territories, are legislative acts, in particular prohibited by criminal laws, surplus value obtained without labour fully or partially.

In those countries, where crime in legislative acts is not socially dangerous violation, a question rises, why large moneys are spent justice system, obliged to «combat» crime, to stall its progress, because political figures are often interested latent crime. The practice of the world shows how often they are connected with different criminal acts, organise terrorist acts, are involved in drug cartels, human trafficking. However those criminal acts are regular facts modern capitalism. Hence, the most important cause of such criminal acts in the modern developed capitalist world is capitalist production of material and spiritual wealth, i.e. relation between capitalists, owners of property and having the right, defended by legislative acts, to obtain surplus value without labour fully or partially and between hired labour, who don't have the right to obtain surplus value without labour fully or partially, thence immense bracket in wealth (many rich families can easily buy such states Poland, Finland, Sweden, and the Baltic States), which is the main cause of crime in the developed capitalist society, incl. expansion “in the name of human rights”, and also

vast migration processes and religious conflicts. In our opinion the principles of international law are long extinct.

In the world scale the modern capitalist way of production of material and spiritual wealth has long ago passed its peak and seems to be elapsing, with its “democracy”. Proof to that are unemployment, local wars, riots and disturbance, and hired killings.

It is early to say what mode of production could replace the capitalist way of production of material and spiritual wealth, and how transfer should take place. It is thought that the capitalist way of production will be destroyed by bureaucracy, corruption or revolutions.

Surplus value obtained without labour fully or partially as capital is social relation between all members of society. Reality of capital and crime are in unity. Hence the truth of Hegel’s formulation “Thus has form pervaded in its realization all its distinctions; it has made itself transparent and, as absolute necessity, is only this simple self-identity of being in its negation, or in essence. –The distinction itself of content (capital as surplus value, as crime – A.L.) and form (crime, as surplus value, as capital. – A.L.) ... has thus equally vanished; for that unity of possibility in actuality ...” [1, p. 504]. Hence, crime as aggregate of different criminal acts is the form of capital, as an aggregate of various sources of capital and in the contrary.

Absolute substance has, in our opinion three totalities - legislation, society and state, which are one and the same reflections. It is in *negative correlation* manifest itself as difference in two of them, i.e. society and state, however as fully transparent *distinction*, as absolute necessity, is only this simple self-identity of being in its negation, or in essence. – It is freedom, rule of law, where the external freedom of individuals and capital as “God on Earth”, as internal freedom of individuals, in the developed capitalist state. Logical concept as becoming gives preference to state before *the* society, therefore the state must conserve the population as human *capital*, without which *homo sapiens* cannot exist.

Hence, capital as surplus value, as private property is *absolute necessity* and *absolute subject*, which exists, as B. Spinoza said, in itself and presented by itself.

Therefore absolute subject is neither nature nor God (in Lat. *Deus sive Natura*), but capital as aggregate of different sources of capital. There is only one, all existing [9, p. 186].

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