

HEGELS'S DOCTRINE OF INSTITUTIONS. POLITICS, ETHICAL LIFE, AND THE PHILOSOPHY OF SPIRIT¹

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Abstract

This essay explicates Hegel's doctrine of institutions, rooted in his account of ethical life (*Sittlichkeit*) and his broader theory of spirit or *Geist*, and directed to an interdependent view of the relationship of subjective sentiment and objective arrangements. Part 1 critically reviews the "dependency thesis" (variously associated with Robert Pippin, Dieter Henrich, and Jean-François Kervégan) and its asymmetrical view of the relationship of institutions and individuals, arguing that for Hegel, for their meaning and reality institutions also depend on the knowledge and will of relevant individuals. Part 2 considers the role played by intersubjective relations in Hegel's account of institutions, contesting the view of those (e.g., Axel Honneth) who dispute or minimize that role. Part 3 presents Hegel's theory of institutions in line with the account of second nature proper to objective spirit, and thus as a theory of embodied sociality and an instantiation of the reflexivity specific to a theory of *Geist* and its animating concept of freedom. Part 4 considers the place of institutions in Hegel's account of ethical life, itself divided into the sub-spheres of family, civil society (*bürgerliche Gesellschaft*), and the state. Part 5 examines the specific account of institutions Hegel presents in his doctrine of civil society, focusing particularly on the concluding discussion of corporations. Part 6 examines the specific account of institutions that Hegel presents in the doctrine of state and its associated constitutional theory, focusing on the last of the three constitutional powers: the legislature and the public sphere enabling it. Part 7 briefly considers the normativity of Hegel's institutional theory.

Keywords: Institutions, Ethical Life, *Geist*, Intersubjectivity, Second Nature, Individual/Community Interdependence.

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Institutions play a key role in Hegel's practical philosophy. This is so not simply because Hegel does in fact devote there considerable attention to institutional structures and practices. It is clear as well from his theory of ethical life, the final section in the *Philosophy of Right* and the one that thematizes many of the core social practices and institutions of modern societies. It is also so because institutions are central to his very conception of practical philosophy. For one thing, Hegel maintains that individuals are always situated in and shaped by practices and institutions that condition their identity, autonomy, and practical agency. Practical philosophy in his view is a theory of objective spirit. In addition, while Hegel follows other modern theorists in anchoring practical philosophy to a conception of freedom, that conception requires for its own possibility a robust account of existing practices and institutions. Invoking the relationship of selfhood in otherness, he asserts that individual freedom depends on the presence of objectively existing arrangements that facilitate such relationship. Included here are institutions that enable individuals to recognize themselves in the objective conditions of their existence as well as those that facilitate the relations of reciprocal recognition central to a notion of freedom understood as selfhood in otherness.² In all these respects Hegel clearly conceptualizes practical philosophy in terms of the institutional resources of a theory of ethical life.

²For the latter point, see especially Honneth 2014.

Less clarity, however, surrounds the exact place occupied by institutions in Hegel's practical philosophy. One central question concerns the relationship of individual experience and institutional arrangements. On various accounts Hegel is assumed to advance an asymmetrical view of that relationship, one that subordinates individuals to institutional structures. Following Robert Pippin, we may call this the "dependency thesis,"³ although it is one that assumes at least two different forms. One is the "strong institutionalism" espoused by Dieter Henrich.⁴ On this view, for Hegel individuals have no independent reality in and of themselves but instead they properly exist only as they express and embody the prerogatives of autotelically conceived legal-political structures. Another view is the "weak institutionalism" espoused by Jean-François Kervégan.⁵ This view, which is not unlike Pippin's own, does not derogate subjective individuality itself, but claims that individuals acquire their identity and freedom only by way of objective institutions. Their differences notwithstanding, however, both readings support a generally one-sided reading of Hegel's account of the relationship of institutions and individuals, one that prioritizes the former over the latter.

In this essay I present an alternate view of Hegel's institutional theory. While not disputing the centrality of institutions to his account of practical philosophy, I advance a more "dialectical" reading, one in which

³Pippin 2008, p. 241 and Chapter 6 generally.

⁴Henrich 1983, p. 30-38. See also Honneth 2010, p. 63-80.

⁵Kervégan 2018, chaps. 11 & 12.