

**Cornel West, “Hegel, Hermeneutics, Politics: A Reply to Charles Taylor,”**  
*Cardozo Law Review* 10 (5/6) (1989), 871-876.

The increasing interest in Hegel among legal scholars can be attributed to three recent developments. First, there is a slow but sure historicist turn in legal studies that is unsettling legal formalists and positivists. This turn—initiated by legal realists decades ago and deepened by the Critical Legal Studies movement in our own time—radically calls into question objectivist claims about procedure, due process, and the liberal view of law. Second, there are a growing number of serious reexaminations of the basic assumptions and fundamental presuppositions of dominant forms of liberalism not only among critics but also by many prominent liberal thinkers themselves. These reexaminations take the form of immanent critiques of liberalism as well as creative revisions of liberalism. Third, a new emerging subject matter has seized the imagination of some legal theorists: the complex *cultures* of liberal societies (including the *subcultures* of the liberal legal academy). For the first time in American legal studies, the crucial roles of race and especially gender are receiving wide attention as legitimate spheres of legal inquiry into what constitutes the ways of life that circumscribe the operations of power in the legal systems of liberal societies.

In this context, Hegel emerges as an enabling figure principally owing to his profound historicist sense, his penetrating critique of liberalism, and his illuminating insights about the kinds of *Sittlichkeit* requisite for a stable and harmonious modern society. Needless to say, Hegel provides no panaceas for the concerns of contemporary legal thinkers, but he does make available valuable resources. Further, in our efforts to build on these resources, we must avoid certain seductive ideas that would render our turn to Hegel tendentious. The first such idea is that liberalism consists of a body of ideas or set of practices that is *inherently* ahistorical. This academicist understanding of

liberalism holds only if one's gaze remains fixated on the prevailing versions of liberalism promulgated and promoted by many (but not all) American law professors. A deeper grasp of the complex history of liberalism reveals that Burkean, Humean, or Deweyan versions of liberalism can be just as historicist as are Hegel's critique of Kantian or Smithian interpretations of liberalism. The second such idea is that communitarian or civic humanist conceptions of legal practices are *necessarily* historicist. This also is a false academicist prejudice that is often parasitic on the notion that liberalism is inherently ahistorical. Hegel's version of civic humanism indeed is historicist, yet it in no way exhausts the forms of communitarian or civic humanist views in the past or present. Of course, I am simply stating the obvious, yet in moments of intellectual recovery the obvious is often overlooked.

I need not remind Professor Taylor of such matters. In his essay,<sup>1</sup> we see what we have come to expect of him—lucid, subtle, and provocative formulations of the current debate in political philosophy that focuses on Hegel, a figure about whom Taylor has written with great insight.<sup>2</sup> In fact, Taylor's magisterial scholarship has contributed greatly to the historicist turn, the problematizing of liberalism and the critical inquiry into the cultures of liberal societies. Taylor is a unique figure in political philosophy in that he is deeply grounded in the Hegelian tradition without being a Hegelian and profoundly committed to liberal values of individuality and tolerance without being a liberal. So Marxists, communitarians, and civic republicans view him as a friend, and discerning liberals (who, for example, welcome his critiques of Hegel) see him as a distant yet courteous fellow traveller.

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<sup>1</sup> Taylor, *Hegel's Ambiguous Legacy for Modern Liberalism*, 10 *CARDOZO L. REV.* 857 (1989).

<sup>2</sup> See C. Taylor, *Hegel* (1975).

I consider Taylor to be a highly creative updated Anglo-American version of T.H. Green—with much more depth and scope—who fuses Hegelian historicism with liberal values about the uniqueness and dignity of the individual. In other words, his insistence on the historical and social character of how bodies become individuals and subjects links him to Hegel, and his basic concern with the self-realization of distinctive persons ties him to liberal notions of freedom and equality. In his essay, this hybrid Green-like position is clear. On the one hand, Taylor has little patience for liberal theories that put a priority of the right over the good, yet he has liberal suspicions of those communitarian theories that too easily put a priority of the good over the right. The specter of authoritarianism rightly frightens him. On the other hand, Taylor realizes that if he is to mobilize resources from Hegel it must be done alongside some significant elements of liberalism. Taylor's ingenious alternative is to put forward a conception of the good that consists roughly of citizens' common allegiance to a set of particular and concrete institutions, traditions, and histories (not simply universal moral principles) that bond people together.<sup>3</sup> Taylor is aware of the major liberal objection to this position, namely that such a conception of the good tends to *bound* rather than *bond* people or that it bounds some while it bonds others. So the problem of disagreement about conceptions of the good still haunts Taylor's alternative. In this sense, some liberals view Taylor as a closet liberal—since he does endorse liberal values like diversity and individuality—who remains unduly nostalgic for the common bonds of older *Gemeinschaften* no longer applicable in modern *Gesellschaften*. Hence, his preoccupation with the limits and faults of liberalism along with his strong rejection of authoritarian illiberalism.

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<sup>3</sup> See Taylor, *supra* note 1, at 861, 866-67.

Taylor's attempt to walk the slippery tightrope between Hegel and liberalism—much like T.H. Green, though better—seems to be motivated by his dual allegiance to two distinct traditions of political philosophy. But I suggest that in his case the motivations are primarily *metaphysical* not political; that is, Taylor is first and foremost a proponent of a specific hermeneutical conception of persons rather than a defender of a hybrid political perspective. The latter is a consequence of the former. To put it bluntly, Taylor's bedrock commitment is to a conception of personhood grounded in the very nature of language and, more important, to the intersubjective, that is, public character of human individuality. From the very beginning of his career, Taylor has been espousing a nuanced notion of human beings as self-interpreting animals. This notion is inextricably tied to a radical antireductionist sensibility that resists any attempts to confine the self-realizing and self-determining capacities of persons. Those capacities are, for Taylor, created, constituted, and cultivated in interaction with other persons. Hence, the centrality of reciprocal recognition and evaluation, that is, public space, in his work. His major problem with liberalism rests with its philosophical anthropology; that is, at its best, liberalism distrusts this public space, and at its worst, it dispenses with it. In this way, Taylor argues that liberalism downplays or undermines the very conditions for the individuality it heralds. This is why he makes the strong Hegelian claim that liberal societies cannot be free societies without this public space, rather than the weaker claim that liberal societies are partially free but would be more free if they were, for example, more egalitarian, less racist, and less sexist. In short, Taylor has metaphysical reasons why he criticizes liberal societies in addition to his political commitments.

As a thoroughgoing historicist, I have always been critical of Taylor's realist position in the philosophy of science. He has spent much time opposing the arguments of Mary Hesse, Thomas Kuhn, and others. Yet I understand this realism as a consequence of the radical split he makes between Nature and History—a split motivated by his hermeneutical perspective. In this regard, I view Taylor as making a limited historicist turn, that is, hermeneutical turn, not a full-fledged historicist one. Interpretation remains an affair of *Geisteswissenschaften* while representation holds for *Naturwissenschaften*. My basic claim is that Taylor's hermeneutical perspective grounds his political philosophy and that his fundamental critique of liberalism, deeply indebted to Hegel though not solely Hegelian-inspired, rests on his hermeneutical perspective.

To put it another way, the most desirable feature of a free society for Taylor is one in which there is a public space wherein reciprocal recognition and valuation creates and constitutes common bonds and allegiances of a participatory citizenry that fully exercises its self-realizing and self-determining capacities. Such a society would look something like a democratic socialist society with broad egalitarian and liberal arrangements. In contrast, for Hegel, the most desirable free society is one in which there is harmony, integration, and unity that reconciles particularity with universality by means of a public sphere that generates common bonds and allegiances of a subordinate citizenry to the state which permits limited self-realization and self-determination, that is, highly limited democratic and liberal arrangements. Taylor and Hegel accent the central role of public space, common bonds and allegiances, and self-realization of citizens, but they have vastly different conceptions of these notions. This is so primarily because of Taylor's metaphysical conceptions of persons (in addition to his liberal values) that clash with Hegel's ontological commitments to

harmony, unity, and identity-commitments of which Taylor's liberal values make him suspicious.

What is fundamental to both Taylor and Hegel is an historical dialectic of reciprocal recognition and valuation as the means and medium through which personhood takes place and human bonding occurs.

My own position is closely akin to, though not identical with Taylor's. Hence, it has elective affinities with that of Hegel. As an historicist pragmatist in close conversation with the best of the Marxist tradition, I reject Taylor's strong claim that selfhood is somehow metaphysically grounded in the very nature of language. Rather, I accept a weak version of this claim, namely, that language mediates our personhood and that intersubjectivity is the go-cart of individuality. Yet the jump from this kind of intersubjectivity to public space for political bonding of citizens in societies occurs too quickly in Taylor's argument. To use a favorite Hegelian term, much more "mediation" must take place before such a jump is warranted. The kind of intersubjectivity needed for individuality and the sort of public space requisite for political identity are two moments on a social spectrum, but they are not the same thing and, in fact, exist on two different levels in regard to the operations of power, be those powers rhetorical, political, or social. For those of us who take seriously the centrality of race, gender, and class-not simply as phenomena to morally condemn but also as structures of domination to theoretically comprehend- it is one thing to side with Taylor and Hegel about the crucial role of reciprocal recognition in subject-formations and another thing to leave open-ended connections between the truncated public sphere in liberal societies to pervasive structures of racism, sexism, and class that circumscribe the cultures of these societies. In this regard, my disagreement with Taylor is not a fundamental one, yet it does encourage him to downplay his metaphysical

conception of persons and deepen his structural analytical connections between the limited public space in liberal societies and the defects of the structures of racism, patriarchy, and class. My position, indeed, may have to spend more time grappling with the faulty conceptions of personhood highlighted by Taylor. And my acceptance of an historical dialectic of reciprocal recognition and valuation-already accented by pragmatists like George Herbert Mead and John Dewey-is a gesture in that direction. But I refuse to make this the main pillar of my critique of dominant forms of liberalism in our time. Instead, I start precisely where Taylor never arrives, namely, with the way in which structures of racism, patriarchy, and class delimit the very public sphere Taylor wants. Ironically, my own normative commitments to the desirable society look very much like Taylor's democratic socialist one with broad egalitarian and liberal arrangements. The recovery of Hegel in legal studies can be quite helpful in moving in the direction of my own position-and away from much of the ahistorical forms of liberalism that Taylor is rightly critical of-yet without Marx, Gramsci, DuBois, De Beauvoir, Lorde, and others, we remain in a limited public dialogue about our truncated public space in liberal societies.