

Hegel on the Empty Formalism of Kant's Categorical Imperative

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Hegel tells us that Kant's supreme practical law or categorical imperative is an "empty formalism." As such, the law lacks sufficient content to ground or justify our various practical obligations. Although Kant employs the law to derive particular duties, he is able to do so, on Hegel's account, only with the help of additional assumptions or content.

Typically, Kantians dismiss these charges as products of misinterpretation. Some claim that Hegel misunderstands how it is that Kant intends us to derive particular duties from the supreme moral law. They take him to attribute the view to Kant that we can determine what morality demands of us in particular instances without attending to the concrete specifics of the case at hand. Deriving particular duties, on this reading, is merely a matter of subjecting the concepts of the moral law to analysis. Others fault Hegel for narrowly focusing on Kant's first formulation of the moral law, the formula of universal law (hereafter "FUL"). They suggest that it is because he ignores Kant's further formulations and their relation to the first that he fails to appreciate all that FUL implies. Still others assert that Hegel's empty formalism critique can be traced back to his misunderstanding of FUL itself. They insist that even if we consider FUL in isolation from Kant's other formulations, it is not empty of content, as Hegel contends.

The interpretation of Hegel's critique I defend in this essay is more charitable. I rely on the following two assumptions: First, I assume that we make a mistake if we restrict our attention to the few passages in which Hegel explicitly attacks the categorical imperative. As will become apparent in Section 1, those passages are far too vague and uninformative to support a reliable interpretation of his empty formalism critique. My interpretation here thus draws on features of Hegel's rejection of Kant's larger philosophical commitments. I take it to be significant, for example, that he discovers empty formalism not just in the categorical imperative but in Kant's account of laws of reason more generally – in the theoretical as well as practical domain.¹ Second, I assume that in charging the categorical imperative with empty formalism, Hegel's complaint is not

so much that Kant singles out the wrong law as the supreme guide of conduct, or formulates the law too abstractly. Rather, he means to call into question the special status Kant awards the law: Kant insists that the categorical imperative is universally and necessarily valid. It has this validity, he argues, precisely because it derives from pure practical reason. On my reading, it is Kant's conception of the nature of human reason and its laws that is the ultimate target of Hegel's charge that the categorical imperative is an empty formalism. The fact that Kant presupposes content in his applications of the moral law is evidence in Hegel's view that the law lacks the universality and necessity Kant awards it.

After beginning in Section 1 with a review of passages in which Hegel formulates his critique of the categorical imperative, I move on in Section 2 to examine a common strategy for defending Kant against it. The strategy seeks to establish that the categorical imperative can adequately determine our particular obligations without presupposing content. In Section 3, I explain why this strategy would not be successful in Hegel's eyes. Beginning in Section 4, I defend Hegel's charge that Kant presupposes content in his applications of the moral law, and suggest that he has a plausible case to make against Kant's claim that the law is universally and necessarily valid.²

1

Two texts in which Hegel's empty formalism objection is particularly explicit are his Natural Law essay of 1802 and *Philosophy of Right* of 1821. My aim in this section is simply to summarize Hegel's remarks on the categorical imperative in these works briefly and with little commentary. This will prepare the way for our critical assessment beginning in Section 2.

First, a preliminary note: Although Hegel intends his critical remarks in both of these texts to apply to the categorical imperative as the supreme law of right and of morality, he draws his examples of its emptiness from Kant's moral philosophy. For the sake of economy, I restrict myself in what follows to his discussion of Kant's moral philosophy.

In the essay on Natural Law, Hegel tells us that in Kant's practical philosophy, the "essence of the pure will and of pure practical reason is to abstract from all content" (435f.; 76).³ Pure practical reason abstracts from content in that it makes into its "highest principle" "no more than the form or fitness of the maxim of the will" (435; 75). Pure practical reason in other words requires that the will's maxims have a certain form if they are to count as morally permissible. Although any given maxim has a "content" in that it "includes in itself a determination," the pure will is itself supposed to be "free from determination"; it legislates merely that our maxims have a certain form (435; 75). Because we want to know "what right and duty are," Hegel writes, practical legislation must "have a content"; however, practical legislation is precisely what this system cannot provide (435f.; 75f.).

Paraphrasing a passage from the *Critique of Practical Reason*, Hegel provides the following formulation of the categorical imperative: the "maxim of your will must at the same time be valid as a principle of universal legislation" (436; 76).⁴ A maxim expresses a principle of intention. What the categorical imperative commands, according to this

formulation, is that we act only on those maxims that could be willed by all rational agents. Hegel charges that this principle lacks sufficient content to adequately distinguish morally permissible from morally impermissible maxims.

We get some clues to the reasoning that leads Hegel to this conclusion from his remarks on a passage from the second *Critique*, in which Kant discusses a case of a man who comes into possession of a deposit for which there is no proof.⁵ Quoting the passage almost verbatim, Hegel notes that the man considers whether to deny having received the deposit in order to "increase [his] property by all safe means" [436; 77].⁶ The man asks himself whether his maxim to deny having received the deposit can be universalized without contradiction. Hegel interprets Kant to argue along the following lines: The universalized maxim would effectively allow that "anyone may deny having received a deposit for which there is no proof." If made into law in this way, "such a principle would ... destroy itself because it would then be the case that there would be no deposits." On the basis of this reasoning, Kant concludes that the maxim cannot be universalized without contradiction.

The problem with Kant's analysis, Hegel goes on to insist, is that it does not explain why the non-existence of deposits produces a contradiction:

Were there no deposits, that would contradict other necessary determinations ... But other aims and material grounds are not supposed to be brought into consideration. Rather, the immediate form of the concept is supposed to decide the validity of either the first or the second claim [either the impossibility or the possibility of deposits]. But as far as form is concerned, one of the opposed determinations is just as good as the other (436f.; 77).

Hegel's point here seems to be this: Although the universalized maxim would indeed destroy the institution of making deposits, this does not by itself establish that the maxim is morally impermissible. The test for universalizability in other words lacks sufficient content to explain why the non-existence of deposits is self-contradictory. Moreover, the failure of the test is not limited to this case alone. The fact that the test lacks content is responsible for its more general inadequacy in distinguishing morally permissible from morally impermissible maxims, in Hegel's view. As he puts it, there is "nothing that cannot be made in this way [i.e., by means of this test] into a moral law" (436; 77).

Hegel defends his claim about the more general inadequacy of the test by drawing our attention to a case in which its application would seem to lead to highly counterintuitive results. In this case, the test appears to condemn a maxim that most of us would judge to be not just morally permissible but obligatory. The maxim in question is to help the poor. In common with all maxims, Hegel writes, this maxim has a content in that it refers to a specific thing and expresses some specific aim. But if universalized, the maxim turns out to be self-contradictory; its content is therefore "cancelled" (439; 80):

Were it thought that the poor are to be generally helped, then either there would be no more poor or nothing but poor and no one left to help them ... Thus, as universalized, the maxim cancels itself [*hebt sich selbst auf*] ... Should poverty remain in order that the duty to help the poor can be practiced, then (in light of the remaining poverty) the duty to eliminate poverty is not fulfilled (439; 80).

On Hegel's rendering, the maxim to help the poor destroys or 'cancels' itself. When universalized, for precisely the same reason that the maxim to deny having received a deposit does: If the man in the deposit example tries to universalize his maxim to deny the deposit, what gets 'cancelled' is the aim or purpose of his maxim. Universalization undermines the maxim's aim because fulfillment of the intention to deny having received the deposit depends on the practice of making deposits. If the maxim to help the poor is universalized, then likewise its aim or purpose is cancelled. Its aim is cancelled because, once again, universalization undermines a condition on which the fulfillment of the maxim depends. If the maxim to help the poor is universalized, then either poverty itself is abolished, or those intending to give aid are no longer able to do so (because everyone will have given their money away). As in the deposit case, the maxim can only achieve its aim if it is not universally adopted. The universalization test thus yields the counterintuitive result that even the maxim to help the poor is ruled out on moral grounds. We get counterintuitive results, Hegel claims, with "infinitely more" maxims. Universalization has the effect of "cancelling" them (439: 80).

Hegel reformulates these points 20 years later in §135 of his *Philosophy of Right*. He tells us there that Kant's "moral standpoint" is an "empty formalism" unable to justify an "immanent theory of duties" or a "transition to the determination of particular duties." In requiring of us no more than the "absence of contradiction," the categorical imperative cannot determine whether any particular "content" is or is not a duty. "On the contrary," Hegel writes, "all wrong as well as immoral modes of action can be justified." If we derive from our application of the moral law the conclusion that it is a contradiction to commit theft or murder, he says, this is only because we rely on assumptions not implied by the law itself. We in other words presuppose some content — in this case, that property and human life should exist and be respected. As he puts it:

[A] contradiction can only occur with a content that is presupposed as an established principle. Only in relation to such a principle is an action either in agreement or in contradiction. But the duty that is supposed to be willed, not on account of a content but only as such, is the duty that is formal identity and that excludes all content and determination.

2

Before we turn our attention to efforts to defend Kant against these charges, I want to make two general remarks about the passages we have just considered. Note first that in the *Natural Law* essay, Hegel writes that it is the "essence of the pure will and of pure practical reason to abstract from all content" (435: 76). He thus identifies as empty and formal not just the supreme moral law of Kantian practical reason but Kantian practical reason itself. In the *Philosophy of Right*, Hegel likewise singles out more than the categorical imperative for attack. His remarks on the categorical imperative are part of a larger critique of the Kantian "moral standpoint" and its "formal" conception of human subjectivity.⁷ So although the specific passages we reviewed in Section 1 might lead us to suppose that Hegel was narrowly concerned to convince us of the inadequacy of Kant's supreme practical law, his objections are in fact more far reaching. As I sug-

gested in my introduction, he traces the empty formalism of the categorical imperative back to defects in Kant's account of the faculty of pure practical reason.

Regarding Hegel's remarks on the categorical imperative in particular, we should furthermore note that in the passages we reviewed he considers just one (or two versions of one) of Kant's formulations of the law. In the *Natural Law* essay, he restricts his discussion to the universal law formulation. In the *Philosophy of Right*, he begins by characterizing the moral law as commanding the absence of contradiction, but then turns his attention to what he refers to as its "more concrete" representation as the requirement of universalizability. Hegel never mentions Kant's further formulations of the law. In both texts, his point is that the categorical imperative is empty and formal when expressed as requiring either universalizability or absence of contradiction.⁸

In both discussions, Hegel's explicit complaint is that Kant's supreme moral law is inadequate to its intended task; it cannot serve to guide the determination of particular duties. Formulated as the requirement of universalizability or of absence of contradiction, the law fails to distinguish morally permissible from morally impermissible maxims. Kant is of course convinced that the law may be applied to guide our conduct in specific instances, and he shows us by means of a number of examples how this application is to be carried out. In Hegel's view, however, Kant's own efforts to apply the law only reveal the fact that he has to presuppose content.⁹ In deriving particular duties, Kant in other words relies on more than the test for absence of contradiction or universalizability. Were the categorical imperative really as formal as Kant claims it is, it would lack the resources to guide its own applications. It would indeed be empty, according to Hegel.

I now turn to consider some typical responses to Hegel's critique. As I mentioned earlier, one line of response focuses on his failure to consider Kant's further formulations of the categorical imperative — formulations which, as Kant writes in the *Groundwork*, bring the law "closer to intuition" and thereby offer us a more informative expression of what it commands (436).¹⁰ Here the response is that in ignoring Kant's further formulas, Hegel's effort to convince us that the categorical imperative is an empty formalism rests on an incomplete or superficial rendering of it.

The question of how Kant intends us to understand the relation of FUL to the other formulas is one we will eventually have to address. We will also need an explanation at some point for Hegel's exclusive attention to FUL. For reasons that will become apparent later, I am going to postpone discussion of these two issues until I have considered a different strategy of response to his empty formalism critique. The strategy I have in mind singles out Hegel's interpretation of FUL and seeks to convince us that he misunderstands the way in which that formula is to be applied as a test. Against Hegel, the claim is that once we have at our disposal a *proper* interpretation of that formula, we can indeed demonstrate its efficacy in determining duty. Even without the help of the other formulas, we can employ FUL to discover our concrete obligations in at least in some instances.¹¹

It is important that we be clear about what is being claimed here. When it is charged against Hegel that the FUL test (properly interpreted) is sufficient to determine some of our duties, part of what is implied is that the test can do so *without presupposing content*. The idea is that, if the test is correctly applied, then any rational agent will be able to use it to discover what morality requires in specific cases. By employing the test, any

rational agent will have the means for distinguishing maxims that are practically permissible from those that are not. The claim, then, is that application of the law does not presuppose content in the following sense: It is not that we first assume some substantive conception of morality, or of what makes a rational will a good will, and then rely on that conception to guide our employment of the moral law. Rather, a conception of what duty specifically requires of us *first emerges* from any rational will's applications of FUL.¹²

Why do these Kantians wish us to understand the test for universalizability in this way? Why, in other words, do they set out to establish that, for Kant, the FUL test does not presuppose content? To answer this question we need to remind ourselves of the particular status Kant awards the moral law. He claims that the law is valid necessarily. This means that it is valid transhistorically, valid for all time. Kant also claims that the law is valid universally. It is therefore supposed to bind all rational natures without exception. The law enjoys this kind of status, on his account, precisely because of its formal nature.¹³ So if it can be demonstrated that the law is not the formalism Kant claims it to be, then he loses his basis for asserting its universal and necessary validity. The Kantians set out to establish that the FUL test does not presuppose content because they seek to secure the universal and necessary validity of the moral law.

We can examine this strategy of defense by considering how these Kantians respond to Hegel's treatment of the deposit case. The man in financial difficulty seeks to increase his property by any safe means. He reflects upon the morality of denying receipt of a deposit for which there is no proof. Kant tells us that the man's maxim cannot be universalized without contradiction because universalization would destroy the practice of making deposits. As we saw, Hegel responds to this reasoning by asking: "Where is the contradiction in the absence of deposits? A contradiction is committed, he says, only if we presuppose that the system of making deposits ought to exist."

Kantians respond by pointing out that the contradiction with which Kant is concerned here is not in the absence of deposits. That is, Kant's claim is not that the absence of the institution of making deposits is self-contradictory. Instead, the contradiction is between the man's maxim and his proposed universalization. The man wishes to escape difficulty by engaging in deception: he will deny receipt of a deposit for which there is no proof. On the one hand, his maxim affirms the practice of making deposits in that he wills to receive a deposit. On the other, his universalized maxim would effectively destroy the system of deposits.¹⁴ The universalized maxim is self-contradictory because it asserts in effect that the practice of making deposits both ought and ought not to exist. In willing the maxim as universal law, the man in other words wills both the existence and the non-existence of the practice. It is as if, in willing the maxim as universal law, he misunderstands what the concept of making a deposit implies. Kant says of cases like this that the universalized maxim cannot "even be thought without contradiction" (424).¹⁵

On this interpretation, then, there is a contradiction not in the nonexistence of deposits as Hegel suggests, but in the will of the agent who expects to be able to engage in the practice of making deposits when no such practices exist. The argument against Hegel is that the self-contradictory nature of the universalized maxim can be demonstrated without presupposing that there ought to be a system of making deposits.

Is this response to Hegel's critique successful? Can it plausibly be argued that FUL is sufficient for determining some of our duties without presupposing content? In Hegel's treatment of the deposit example, he indeed charges Kant with presupposing that deposits ought to exist. But why does he direct this charge at Kant? This is the crucial question. As we know, one proposed answer is that he claims that Kant presupposes content because he misunderstands where the contradiction is supposed to occur. On this analysis, Hegel makes the mistake of assuming that a contradiction arises between the universalized maxim (such as the maxim to deny having received a deposit for which there is no proof) and some presupposed good (the practice of making deposits). But since Kant does not in fact presuppose that the institution of deposits ought to exist, his defenders tell us, Hegel is at fault for locating the contradiction in the wrong place. What is contradicted, according to Kant, is not some presupposed good, but the aim expressed in the agent's maxim. If the maxim to deny having received a deposit for which there is no proof is universalized, what results is a contradiction in the agent's willing.

But is it true that Hegel locates the contradiction in the wrong place? If we return to our presentation of his critique of Kant in Section 1, especially in the Natural Law essay, we discover that the evidence in support of this charge is inconclusive. The man in the deposit case seeks to increase his property by all safe means. He considers whether he can universalize his maxim to deny having received a deposit for which there is no proof. He discovers that, if universalized, his maxim would, as Hegel puts it, "destroy itself" since the system of making deposits would cease to exist. The man thus discovers that the aim stated in his maxim is incompatible with the universalization of his maxim. Hegel does not specifically indicate that the contradiction in this case is in the agent's willing, but nothing about his treatment of the example *rules out* this kind of analysis. Universalization has the effect of undermining the man's aim, the aim specified in his maxim. Universalization thus contradicts the man's *willing*.

It is not obvious, then, that Hegel charges Kant with presupposing content only because he misunderstands where Kant locates the contradiction. But if Hegel's charge does not rest on this kind of mistake (and thus cannot be dismissed for this reason), we need to find some other explanation for it. What other basis for his objection could there be? The alternative interpretation I defend here proceeds along the following lines: Hegel charges Kant with presupposing content because he thinks that the FUL cannot by itself determine duty *even if* we agree that the contradiction with which Kant is concerned is in the agent's willing. So even if we locate the contradiction in the agent's willing, we are still warranted in charging Kant with presupposing content, in Hegel's view.

We can derive support for this latter interpretation if we think about why both in the Natural Law essay and in §135 of the *Philosophy of Right*, Hegel follows his remarks about the deposit case with a discussion of the maxim to give aid to the poor. As is the case with the maxim to deny having received a deposit, if we universalize the maxim to aid the poor, our maxim "destroys" or "cancels" itself. Hegel says that its purpose cannot be achieved. Either there would be no poverty left or so much poverty that no

one would be in a position to provide aid. Hegel's point is that if we rely on nothing other than the test to determine whether universalization produces a contradiction, we are forced to conclude not just that the maxim to deny having received a deposit fails the test, but by the same reasoning, the maxim to give aid fails the test as well. In both cases, universalization undermines the aim specified in the agent's maxim. So if we rely on the universalization test alone, we have to live with the unsatisfactory result that Kantian moral theory obliges us not just to avoid acts of deception but also to refrain from helping the poor. We can avoid this result, in Hegel's view, only by conceding that the universalization test by itself does not allow us to distinguish morally permissible from morally impermissible maxims. And if we concede this, then we also have to grant that in judging the maxim to deny having received a deposit to be morally impermissible, Kant himself relies on more than the FUL test. In Hegel's terms, he relies on some presupposed content.

Remember that on the line of interpretation we have been considering (the line pursued by certain defenders of Kant), the FUL test is supposed to be sufficient to determine the moral status of at least some of our maxims. The test can, for example, adequately identify the contradiction that results when an agent tries to will the maxim to deny having received a deposit for which there is no proof. The claim is that FUL is able to identify the contradiction without additional assumptions or content – without presupposing some particular conception of the good, or without relying on a morality-laden account of rational willing. But if our above discussion is on target, FUL is not sufficient as a test of the morality of this maxim – at least not the representation of FUL we have been examining. For on the account of FUL we have just reviewed, there is no way to explain why the maxim to deny having received a deposit turns out to be morally impermissible, in Kant's view, and the maxim to give aid to be morally obligatory.¹⁶ On the account of FUL we have been considering, both maxims, when universalized, contradict the agent's willing.

We can add to these conclusions a further reason for rejecting the claim that the FUL test is adequate for deriving particular duties. This further argument nowhere appears in Hegel's remarks on the categorical imperative, but it gives us another means of supporting his attack on the FUL formulation of the moral law. Consider the deposit example again. A contradiction is supposed to result when the man tries to universalize his maxim. According to the line of interpretation we have been considering, a contradiction results because if the maxim were universalized, the institution of making deposits would cease to exist, and the man would be unable to achieve his purpose. The further reason for rejecting the claim that the FUL test is sufficient becomes obvious as soon as we notice just how incomplete this rendering of Kant's reasoning is. When universalized, the maxim to deny having received a deposit produces a contradiction in the man's willing, and FUL commands us to avoid such contradictions. On this interpretation of the test, all that was supposed to be of consequence in determining morality is that there be no contradiction in the agent's willing. Morality, according to this representation of the FUL test, is simply a matter of not contradicting our ends: no restrictions are placed on which aims or ends are morally relevant. In the deposit case, the man aims to increase his property. But if all we have at our disposal is the foregoing interpretation of FUL, then nothing prevents us from carrying out our analysis as follows: Universalization conflicts with the aim specified in the man's maxim; the man

therefore ought not to act on his maxim. He ought not to act on his maxim because doing so would interfere with his objective – in this case, to increase his property. To appreciate the problem with this interpretation of FUL, we need merely note that it offers us no means of distinguishing Kant's test for morality from a prudential test. On this interpretation, we ought not to act on those maxims that when universalized, conflict with our ends – and since no restrictions are placed on which ends are of moral significance, this injunction may include empirical ends or ends of inclination (such as happiness). However, given the great lengths to which Kant goes in the *Groundwork* and elsewhere to distinguish his moral theory from a merely prudential theory of the good, it is clear that something crucial is missing from this rendering of FUL.

4

To summarize the results of our discussion so far, formulated as FUL, the categorical imperative is empty and as such insufficient for determining duty. We arrived at this conclusion on the basis of two arguments. The first was that if the categorical imperative commands nothing more than that we avoid self-contradiction, then it is not possible to explain how Kant can maintain both that the maxim to deny having received a deposit is morally impermissible and that the maxim to aid the poor is morally obligatory. In each case universalizing the maxim under consideration produces a contradiction in the agent's will. Mere reference to contradiction alone thus leaves mysterious the different moral status Kant awards the two maxims. The second argument drew attention to the fact that the requirement that we not act on those maxims that when universalized contradict the ends of our willing places no conditions on which of our ends are morally relevant. If morality requires nothing more than that we not contradict our ends, whatever those ends happen to be, we are left with no way to distinguish Kant's test from, for example, a prudential test for morality.

Our next question is whether a more adequate interpretation of FUL is available – one that better captures what Kant has in mind by it. Minimally we need an explanation for why he holds that we have a duty both to help the poor and not to engage in acts of deception. If the FUL is not sufficient to determine duty (if, as Hegel claims, it is "empty" because "formal"), then what further content needs to be brought in?

The thesis I defend in this section is that Kant indeed brings in additional content – that he does not expect us to be able to understand all that he intends by the FUL test in the absence of further assumptions. In effect, then, I lend support to Hegel's claim that Kant presupposes content in his own applications of FUL. This will complete one important step in our task of providing a sympathetic reading of Hegel's charge that, in the absence of this added content, Kant's FUL is an empty formalism. But this is only a single step: even if we succeed in establishing that Kant needs to supplement the requirement that we avoid self-contradiction with further assumptions, it does not follow from this that his supreme practical law is defective. Nor does it follow that there is something fundamentally misguided about his general moral standpoint or conception of practical reason. Clearly, Hegel intends his empty formalism charge as an expression of criticism. In Section 5, I provide some indication of why he believes criticism is warranted.

Relying once again on the *Groundwork*, we can support the thesis that Kant introduces content if we carefully attend to the way in which his discussion in that text progresses. Early on in section I of that work, his first references to the concept of duty are accompanied by very little explanation. Gradually, however, he reveals his specific understanding of the concept. The same can be said with regard to his first explicit formulation of the categorical imperative, which appears in section II. His initial highly abstract formulation of the moral law as FUL is followed by a number of others, and the others, he tells us, are formulations of the "same law" (436). Kant thus seems to acknowledge that FUL is in need of supplementation — that it does not by itself satisfactorily express all that he has in mind by the supreme moral law.

We can get some sense of the kind of content Kant introduces by taking a closer look at these discussions. Kant's preliminary reflections are contained in the first pages of section I, in which he introduces the concept of a good will. There, he tells us no more than that a good will acts "from duty" (400). When he moves on to clarify what he means by duty, his initial remarks are once again quite uninformative. He describes duty as the "necessity of an action from respect for law" (400). The determining principle of a good will, in his words, is "mere conformity to law as such" (402).

These comments tell us nothing about the nature or content of the law to which the good will conforms. But Kant proceeds to elaborate. The actions of the good will conform to "universal law" (402; emphasis added). He conveys this point more clearly in section II, where he writes that duty requires that our maxims conform to the "universality of a law" (421). These comments suggest that on Kant's account, the maxims of a good will conform to law in that they share with law a certain feature, namely, universal validity. He highlights this feature in section II when he gives us his first explicit formulation of the categorical imperative as FUL: "act only on that maxim through which you can at the same time will that it become a universal law" (421).

Already in section I of the *Groundwork*, then, Kant identifies the maxims of a good will as maxims that are universalizable. But this still does not tell us very much. For one thing, we need to know for whom our maxims are supposed to be universalizable. Kant turns his attention to this question in section II. The grounds that determine the maxims of a good will, he writes there, are valid "for every rational being as such" (413). So to say that the maxims of a good will are universalizable just means for Kant that they could be willed by all rational natures.

So far, then, we know that a good will respects duty and that the maxims of a good will are maxims that could be willed by "all rational natures." But we now need an answer to a further question: which maxims qualify as maxims that could be willed by every rational being? Which are in other words consistent with ends or interests that all rational natures share?

In effect, we are seeking a more complete answer to a question Kant posed in section I:

[W]hat kind of law can that be, the representation of which must determine the will ... if the will is to be called good absolutely and without limitation? (402).

Kant indeed has more to say in section II of the *Groundwork* about the precise nature of the ends of rational wills. Once again, his remarks are initially quite uninformative.

We learn first that the universally valid end that duty commands is represented as "in itself good" (414). An end is "in itself" or "practically" good, he claims in these passages, only if it determines the will "objectively" or "by means of representations of reason." Only then, he says, are its grounds valid "for every rational being as such" (413). If the will is determined by some "subjective" end, deriving not from reason but from the "feelings and propensities" of human nature, it will not serve to ground principles or laws that are truly "objective," principles or laws that are valid for all rational wills (425). The reason for this is that "feelings and propensities," on Kant's account, are features of our empirical natures and as such contingent. Therefore, if we are going to discover an end that is "good in itself," good for all rational wills, we therefore cannot rely on a merely empirical account of the contingent motivating forces of human nature.¹⁷

Since we cannot appeal to experience in our effort to discover the end that qualifies as an object of universal respect for rational natures, Kant proposes that we focus our attention elsewhere. He asks us to consider what is implied by the very concept of the will of a rational being.¹⁸ What he discovers in that concept is the following:

The will is thought as a capacity to determine itself to act in conformity with the representation of certain laws. And such a capacity can be found only in rational beings (427).

Here at last, Kant identifies the end that for rational nature has absolute rather than merely conditional worth and that thus qualifies as an object of universal respect. The end that is of value "in itself" and not merely as a "means" to be "used by this or that will at its discretion" turns out to be nothing other than the will of a rational being (428). The will of a rational being is "objectively" and "unconditionally" valuable, he tells us here, because it has the unique capacity to "determine itself" by acting "in conformity with the representation of certain laws."

It is not until we reach these later pages of section II of the *Groundwork*, then, that we learn precisely what is required by the command that we act only on maxims that can be universalized without contradiction. This was not obvious at the outset. When we first encountered Kant's definition of duty as the conformity of our maxims to universal law in section I of the *Groundwork*, we did not know for whom our maxims were supposed to be universalizable. Moreover, we had not yet encountered his argument linking universal ends with ends that are "objective" and as such, unconditionally valid. Nor were we familiar with Kant's strategy for identifying universalizable or objective ends. We needed to follow further steps in his discussion to learn from his analysis of the concept of a rational will, in section II, that the universal or objective end of a rational will is rational nature itself. Only then did it become clear, in addition, that rational nature itself is our objective or unconditional end, on his account, because of its possession of a certain capacity: the capacity to act in conformity with a law it gives itself (431).

Kant's discussions in sections I and II of the *Groundwork* therefore lend support to the thesis that not even he expects us to be able to derive from FUL alone a fully satisfactory understanding of his test for moral worth. FUL commands that we act only on maxims that can become universal law. This command does not by itself specify which maxims qualify as universalizable. We get that further specification, as we have

just seen, only with the help of additional assumptions – assumptions about who we are as rational natures and about the unconditional ends of all rational natures. Kant provides this elaboration as his discussion in section II unfolds. In this way, he renders more precise what FUL commands.

As for his further formulations of the categorical imperative in section II – they serve this function as well. The further formulas, Kant says explicitly, are not additional moral laws: as we noted earlier, he tells us that they are further expressions of the “same law.” By means of them, it is possible to bring the supreme moral law “closer to intuition.”¹⁹ The formula that has come to be identified as the “formula of humanity” gives expression to the claim we discussed above that the object of unconditional worth is rational nature itself, including human rational nature: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (429). The so-called “formula of autonomy” specifies what it is about rational nature that is worthy of unconditional respect. As we saw, Kant identifies as the object of unconditional respect the capacity of rational nature to give itself law. This idea is conveyed in the formula that commands us to act only on the maxims of a “will that could at the same time have as its object *itself as giving universal law*” (432; emphasis added). With this formula, Kant makes explicit his view that what qualifies the will as an object of universal respect is its capacity to give law to itself, its “autonomy.”

We know from our earlier discussion that, for some Kantians, the FUL is sufficient for deriving at least some of our duties. These Kantians hold that if we locate the contradiction for which the law tests in the right place, we can demonstrate that the FUL test can determine duty without presupposing content. They tell us that, on Kant’s account, the contradiction that results when we try to universalize morally impermissible maxims arises not in the relation between the universalized maxim and some presupposed good, but in the will of the agent. But as I noted in my concluding remarks in Section 3, even if we grant that the contradiction that results from the universalization of a morally impermissible maxim is to be discovered in the agent’s willing, this leaves out an important feature of what FUL (or any of Kant’s formulations of the moral law) is intended to test for. If we merely say that the universalized maxim to deny having received a deposit for which there is no proof would thwart the agent’s willing, we leave open the possibility that the aim or end that is thwarted – the end (the good) that Kantian morality is ultimately supposed to promote and protect – is nothing other than that of the agent’s happiness. If we are to avoid this result, as Kant would surely want us to, we need to add further specification to our interpretation of the test.

We are in a position to do just that, now that we have reviewed some of the additional content Kant introduces in the *Groundwork*. It is now possible to explain what we could not explain before, namely, why he holds that we are both morally obligated to help the poor and prohibited from denying a deposit for which there is no proof. The categorical imperative test commands not just that we avoid contradictions in our willing, but that we avoid contradictions in our willing of a particular kind. It is not that, on Kant’s account, morality prohibits us from acting on maxims that, when universalized, inconvenience us or make our lives less pleasant. Rather, morality prohibits us from acting on maxims that, when universalized, thwart or contradict ends we share with all

rational agents. As we now know on the basis of the further assumptions we have just reviewed, Kantian morality requires us to refrain from acting on maxims that undermine the capacity of rational agency to act from the law that it gives itself. In short, the categorical imperative commands us to respect autonomy.

With the help of these additional assumptions, we can move on to provide a more adequate account of Kant’s treatment of specific duties. When it comes to the question of why one must give aid to the poor, we now know that this question is a specific instance, on Kant’s account, of the more general question: in what way does indifference to the plight of the poor contradict or thwart autonomy? We know that Kant’s answer has to be roughly this: I am morally required to give aid not because my failure to do so is incompatible with my personal objectives – not even because my failure to do so conflicts with the happiness of humanity as a whole. I am required to give aid, rather, because my not doing so undermines a condition upon which the exercise of practical agency or autonomy depends. The same kind of reasoning allows us to explain Kant’s claim that morality prohibits us from denying having made a deposit for which there is no proof. Once again, the key question is: in what way does such an act of deception thwart rational ends? The answer, in essence, is that the exercise of autonomy is possible only in a context of mutual trust.

5

I have been arguing that an accurate understanding of Kant’s supreme moral law is available to us only if we bear in mind a number of assumptions that cannot simply be read off his expression of it as FUL. These include assumptions, for example, about the beings for whom morally permissible maxims are supposed to be universalizable, beings who share objective ends owing to the fact that they possess the faculty of practical reason and are therefore capable of a special kind of freedom. As the discussion in the *Groundwork* unfolds, Kant gradually brings these assumptions into the foreground. It thus gradually becomes clear that if we are to appreciate all that he means to imply by FUL, we need to take this additional content into account.

But even if we grant this point about the role of additional content, why should we follow Hegel in concluding that Kant’s moral theory is defective? Expressed as FUL, the categorical imperative initially seemed too thin to guide the derivation of particular duties. Now that we understand its reliance on background assumptions, however, we are in a position to appreciate just how rich a principle it really is. So what reason is there for inferring that the law’s reliance on content is evidence of its deficiency?

We can answer this question by once again recalling the motivation of those who defend Kant against the charge that the categorical imperative presupposes content. Their worry is that if the law presupposes content, then it is not the formalism Kant claims it to be. If it is not the formalism Kant claims it to be, then Kant is without means of demonstrating its *universal* and *necessary* validity. At stake then, is the special status Kant awards the categorical imperative – as the eternally binding supreme practical principle for all rational natures.

Hegel focuses on the most abstract formulation of the moral law, FUL, because he can thereby most easily make his case that Kant’s own applications of the law are

possible only with the help of presupposed content. He draws our attention to Kant's reliance on presupposed content in order to encourage in us doubts about the moral law's purported universality and necessity. As our analysis in Sections 3 and 4 revealed, FUL cannot be applied without invoking background assumptions about who we are as rational natures, about our unconditional or objective ends, and about our capacity to give ourselves law. And this is not all. Pushing our analysis of Kant's commitments back further, we discover that the assumption that we can give ourselves law depends in turn upon the presupposition that we possess a special kind of freedom or self-causation. This "transcendental" freedom, as Kant calls it, is what allows us to rise above the determinations of nature and initiate a causal series from a standpoint outside time.²⁰ If we believe ourselves warranted in thinking of ourselves as free in this radical sense, it is because we have embraced a further Kantian assumption, namely, the transcendental idealist assumption that objects appearing to us in space and time are not things in themselves.

In charging that Kant presupposes content, Hegel hopes to direct our attention to the long list of substantive philosophical commitments Kant relies on in his applications of the supreme moral law. He thereby hopes to reveal the *particularity* of the very system of practical obligation Kant insists is universally and necessarily valid. Hegel's larger objective is to call into question the Kantian thesis that we possess a faculty of pure reason that can rise above history and bind us unconditionally.²¹ For Hegel, the categorical imperative and the conception of practical reason upon which it rests are artifacts of a unique moment in the dialectical journey of human reason — a moment he believes modern consciousness has progressed beyond.²²

Notes

- 1 For one bit of evidence that this is the case, see, e.g., §54 of Hegel's *Encyclopedia Logic*, where he writes that Kantian practical reason does not "get beyond" the formalism of Kantian theoretical reason.
- 2 I have defended Hegel on this issue elsewhere, most recently in "The Empty Formalism of the Categorical Imperative: Hegel's Critique Revisited," *Internationaler Zeitschrift für Philosophie* 16, no. 2 (2007): 5–17, and some years ago in "Hegel's Critique of Kant's Empiricism and the Categorical Imperative," *Zeitschrift für philosophische Forschung* 50, no. 4 (1996): 563–584. Once upon a time, I argued in favor of the very reading of Hegel I am calling into question here. See e.g., my essay "On the Relation of Pure Reason to Content: A Reply to Hegel's Critique of Formalism in Kant's Ethics," *Philosophy and Phenomenological Research* 49, no. 1 (1988): 59–80.
- 3 The first page reference to this work is to "Über die wissenschaftlichen Behandlungsarten des Naturrechts, seine Stelle in der praktischen Philosophie und sein Verhältnis zu den positiven Rechtswissenschaften," in volume 4 of Hegel's *Gesammelte Werke*, ed. H. Buchner and O. Poggeler (Hanburg: Felix Meiner Verlag, 1968). The second reference is to the English translation of this piece by T. M. Knox in G. W. F. Hegel: *Natural Law*, ed. H. B. Acton (University of Pennsylvania Press, 1975). Although I cite the Knox translation, translations of Hegel's texts here are my own.
- 4 The passages Hegel paraphrases is from Part I, Book I, Chapter 1, paragraph 7.
- 5 I have made a minor alteration to Kant's example. Kant tells the story as if the (and not "a man") were the subject.

- 6 *Critique of Practical Reason*, Part I, Book I, Chapter 1, paragraph 4 Remark.
- 7 *Philosophy of Right* §§132, 136, 137.
- 8 While Hegel tells us in *Philosophy of Right* that the requirement of universalizability is a more concrete representation of the law, he also goes on to say that it amounts to nothing more than the requirement that we avoid contradiction.
- 9 For passages in which Hegel explicitly charges Kant with "presupposing" or "smuggling in" content, see the Natural Law essay (423, 60) and *Philosophy of Right*, §135.
- 10 *Groundwork of the Metaphysics of Morals*. The page reference in parentheses is to the Royal Prussian (later German) Academy edition of Kant's works, *Kants gesammelte Schriften*, vol. 4 (Walter de Gruyter & Co., 1900–). I occasionally make slight modifications to Mary Gregor's translation in the *Practical Philosophy* volume of the series *Cambridge Edition of the Works of Immanuel Kant*, ed. Paul Guyer and Allen W. Wood (Cambridge, UK: Cambridge University Press, 1996).
- 11 This claim is compellingly argued by Christine Korsgaard, e.g., in her essay "Kant's Formula of Universal Law," reprinted in her collection, *Creating the Kingdom of Ends* (Cambridge, UK: Cambridge University Press, 1996), pp. 77–105. Korsgaard sets out to demonstrate that FUL is sufficient to handle at least some cases. Other cases can be successfully treated, she says, but only with the help of Kant's further formulas. (I should note that she intends her discussion as a response not to Hegel in particular but to the "Hegelian" critique.) I discuss Korsgaard's essay in greater detail in "The Empty Formalism of the Categorical Imperative: Hegel's Critique Revisited."
- 12 This account of what it means to assert that the FUL may be applied without presupposing content is endorsed, e.g., by Korsgaard in "Kant's Formula of Universal Law," p. 80.
- 13 One passage in which Kant is particularly explicit in linking the "formal" or "pure" nature of the supreme moral law to its universal and necessary validity is in the Preface to the *Groundwork* (389).
- 14 The following question arises at this point: just how much deception must occur before the system of deposit-making ceases to exist? Or, how much deception must occur before the aim expressed in the agent's maxim becomes "inconceivable"? In effect, these are questions about the precise meaning of Kant's universalization test. Sometimes he seems to suggest that the test requires us to ask a question like this: what if everyone were to engage in deception about the receipt of a deposit at the same time? At other times, however, he suggests a weaker test: what if it were universally permissible for everyone to engage in such acts of deception? (Evidence that he intends this weaker interpretation may be found in the *Groundwork* at (422) and in the *Critique of Practical Reason* at (69).) Note that the weaker interpretation is sufficient to result in the destruction of the institution of deposit making, provided that enough people engage in acts of deception. How many have to actually act on it to destroy the institution of promising? Kant does not tell us. In the spirit of Kant, however, we might say that even a single false promise damages the delicate fabric of trust without which institutions such as promising and deposit making could not exist.
- 15 The same kind of analysis applies in cases in which the contradiction that results when we try to will a morally impermissible maxim is of a weaker variety. On Kant's account, some morally impermissible maxims can be thought but not "willed" without contradiction (424). He discusses the case of a man for whom things are going well who adopts the maxim to be indifferent to the welfare of others. In this case, the contradiction that results when the man tries to universalize his maxim is not conceptual or logical. In this case, that is, universalization of the maxim does not entail the destruction of the practice of indifference: the man can continue to practice indifference, presumably, even if others do as well. But although universalization does not destroy the practice, it nonetheless results in a contradiction in the man's willing. This is because universalization of his maxim would likely make

- it more difficult for him to maintain his indifference to others. As Kant notes, the man might find himself in situations in which he would need help from others.
- 16 Kant discusses the duty to be "beneficent" to "those in need" in his *Doctrine of Virtue*, Part II of the *Metaphysics of Morals*, §§29–31. See also his references to this duty in the *Groundwork* (423, 430).
- 17 Returning to a central theme of his Preface, Kant writes in these paragraphs of section II that "everything empirical is ... wholly unsuitable to the purity of morals, where the proper influence of an absolutely good will ... consists just in the principle of action being free from all influences of contingent grounds" (426).
- 18 Kant indicates that this is his strategy at (426). If there is a "necessary law for all rational beings," he says, "then it must already be connected (completely a priori) with the concept of the will of the rational being as such."
- 19 *Groundwork* (436). There are more than two further formulas, but in the service of economy I mention only two here.
- 20 Kant writes that when reason acts freely, it acts "without being determined ... by external or internal grounds temporally preceding it in the chain of natural causes" (*Critique of Pure Reason*, A 553/B 581).
- 21 In *Philosophy of Right*, for example, Hegel argues that modern philosophy has superseded the idea of a will whose freedom is supposed to consist in abstracting away "every limitation, every content" given either "through nature" or in some other way (§5).
- 22 I wish to thank Stephen Houlgate and Michael Baur for suggesting ways to improve the clarity of some of my discussions in this chapter.

The Idea of a Hegelian 'Science' of Society

FREDERICK NEUHOUSSER

My purpose in this chapter is not to set out the content of the "science" of modern society that Hegel claims to have achieved in his *Philosophy of Right* (1821) but to articulate the *idea of science* that informs his theoretical project in that text and in his social philosophy in general. My task, in short, is to explain the kind of intellectual enterprise a Hegelian science of society takes itself to be. Doing so will involve addressing two fundamental issues: what the principal aim of Hegelian science is, and what *method* it employs to achieve its aim.

Even though Hegel does not distinguish social science from social philosophy – for him *Wissenschaft* and (true) *Philosophie* amount to the same thing – his theoretical aspirations in the *Philosophy of Right* have been influential in shaping the projects of later social theorists. Hegel's idea of a science of society shares deep affinities with a long tradition of social theorists – a tradition initiated by Smith and continued by Marx, Durkheim, and the Frankfurt School – whose theories straddle the boundary between empirical social science and normative philosophy. What these theories have in common is a vision of the good social order grounded in both a detailed, empirical understanding of how existing institutions function and a commitment to normative criteria that are (in the broadest sense) ethical. Although Hegel's science of society is more thoroughly permeated by philosophical concerns than his followers', its accounts of the distinctive institutions of the modern social world – the family, civil society, and the constitutional state – rely heavily on empirical knowledge of contemporary social reality. Articulating Hegel's own social-scientific aspirations will help to make clear his continuing relevance for social theorists today who seek an empirically grounded understanding of society but reject the ideal of a purely explanatory, "value-free" social science that looks to the natural sciences for its model of scientific objectivity.

The Aim of Hegel's Science of Society

Of the two aspects of Hegel's science of society that I investigate here – its aim and its method – the former is by far the easier to pin down. For Hegel tells us plainly what his