

Two interpretations, Hegel's Emptiness Charge in Kant's Moral Philosophy¹

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Abstract: This essay seeks to contribute to current debates about the emptiness arguments in Kant's Categorical Imperative (CI), and the ways that it has been addressed in prominent Kantian literature. Two interpretations of Hegel's formalism will be discussed in this paper. The primary question in this line of inquiry is whether the Kantian CI is a feasible and adequate guide for actions. On the one hand, Limited interpretation claims that the emptiness charge is primarily concerned with making actual Kantian morality and not with its lack of conceptual content. On the other hand, the systematic interpretation of emptiness charge sees emptiness charge as a non-self-standing philosophical problem, irrespective of its historical context or systematic place in Hegel's theory. I argue that neither particular historical context Hegel takes up Kant's ethics, nor the way the Empty Formalism Objection fits into Hegel's wider system.

Key Words: the Emptiness Charge, the Categorical Imperative, the Universal Law

Introduction

While Kant's ethics have been one of the most inspiring in human history, Kant himself says that the first formulation of categorical imperative (C1) is purely formal. The claims associated with Kant's formalistic view have also generated widespread criticisms and comments

¹Commentators have used the terms emptiness of formalism or empty formalism in describing the abstract and hallow nature of the Kantian ethics; Ping-Cheng Lo, Robert M. Wallace, Allen W. Wood, Sally Sedgwick adopt the former while Stephen Houlgate, Michael Baur, F. Freyenhagen would prefer the latter. Here I may refer to *some, but not all*. Although in Kant's writings he constantly talks about the issues of formalism and he does not use the term emptiness, in this paper critics of the emptiness argument derived from Hegel's original writing, in this sense, I would prefer emptiness of formalism or emptiness charge in first chapter directly in response to Hegel's charge in second and third chapter the empty formalism is more likely to use.

since these challengers read relevant texts in Kant's writings that can be read as merely formalistic expressions.

In the *First Critique*, one of Kant's aims is to clarify how a prior knowledge is possible. The essence of a prior knowledge is form, rather than the content of intuitions and concepts. "Pure intuition contains therefore simply the form under which something is intuited, and a pure concept only the form of the thought of an object in general". (KrV. A51) ²Kant is indebted to the notion of form as the object of philosophical interest, "The essences of things consist in their form, insofar as the thing may be known through reason, if the thing is an object of the senses, so its form is in this intuition (as an appearance) and even pure mathematics itself is nothing but a doctrine of the form of pre intuition, with respect to metaphysics, as pure philosophy, its knowledge is first of all grounded on forms of thought, under which any object (the material of knowledge) may subsequently be subsumed." (KrV 12) Kant says, "the possibility of all synthetic a prior knowledge, which we are indeed not able to agree on having, rests on this form."³

In the *Critique of Practical Reason* Kant concludes that the source of character of the moral law must derive not from its content but from its form alone. For example, "for which the mere lawgiving form of a maxim can alone serve as a law is a free will" and that if a will is free, the law giving form of a maxim is "the only thing that can constitute a determining ground of the will." Kant thinks that "the most common understanding can distinguish without instruction what form of a maxim makes it fit for a giving of universal law and what does not" (KpV 5:27). Kant even remarks: "Now, all that remains of a law if one separates from it everything material, that is, every object of the will (as its determining ground) is the mere form of giving universal law" (KpV 5: 27). Those above quotations from many passages show the form or formal discussion in Kant's writings; many Kantians have made interpretations on the formal discussion in these texts. For example, Robert Pipin in his *Kant's theory of form on the Critique of Pure Reason* notably points out the difficulty in unpacking the Kantian claims is to some extent a matter of their familiarity. Pipin is approaching an epistemological way and aims to clarify these four issues in his article: (1) the 'form' and 'matter' of experience (2) the relation between form and matter in experience (3) how Kant justifies the forms of knowledge and how they relate to each other and (4) what these arguments reveal about the formal nature of Kant's epistemology in general. Regarding the *Critique of Practical Reason* and the *Groundwork*, Andrew Reath analyses the term of the formal principle in his article *the formal principle and the form of moral law*. Reath tries to answer the two questions: Does the form of a practical law provide a ground of choice by itself? Second, can Kant claim (as he wishes to) that only a practical law can provide a ground of choice through its form?⁴

²All page references to Kant's works are to the Royal Prussian Academy Edition of Kant's *Gesammelte Schriften*. The abbreviations for the English translations are as follows: Gr for *Groundwork of the Metaphysics of Morals*, KpV for *Critique of Practical Reason*, KrV for *Critique of Pure Reason*.

³ Kant, *Gesammelte Schriften*, vol.8, p.404

⁴ See details Robert Pipin, "Kant's Theory of Form, An Essay on the *Critique of Pure Reason*" (New Haven: Yale University Press, 1982). And Andrew Reath, "the Formal Principle and the Form of Moral Law" in Andrews Reath & Jens Timmermann (eds.), *Kant's Critique of Practical Reason: A Critical Guide*. Cambridge University Press (2010).

In this paper, as my original question goes to Hegel's empty formalism charge and its derivative form of interpretation of Hegel's empty formalism charge, Hegel is often credited with having formulated the formalism objection in the most influential way. In his *Philosophy of Right*, Hegel summarizes Kant by referring to "the supreme principle of morality" or the "the ultimate norm for correct moral judgment," which is namely, "Act only on that maxim through which you can at the same time will that it should become a universal law." Hegel notes that this principle "has constituted the merit of Kant's moral philosophy and its loftiness of outlook." He goes on to critique Kant's thought by observing "every action explicitly calls for a particular content and a specific end, while duty as an abstraction entails nothing of the kind"⁵.

While this brief line Hegel criticizes Kant for emptiness, of course, there are other texts that explicitly or implicitly indicate Hegel's criticism of Kant. Foregoing Kantian scholars raised serious questions concerning the emptiness charge still does not clearly work within the Kantian tradition, this lack of clarity presents a real problem in spelling out the content condition for Kant's moral theory. In this paper, my discussion of this problem will unfold as follows. In Part 1, I will introduce the ground notion of the CI which Hegel mostly criticizes (the Context of CI). In Part 2, I will set up the problem and the issues we will deal with concerning Hegel's emptiness charge. I will discuss it in depth as expressed in Hegel's essay and lay out his argument for the idea that duty as an abstraction entails nothing of the kind, I will discuss some of the most prominent literature on the subject of Hegel's emptiness charge. I will begin with the limited interpretation (the limited Interpretation of Emptiness Charge) where Ido Geiger claims that the emptiness charge is primarily concerned with making actual Kantian morality and not with its lack of conceptual content. Jeffrey A. Gauthier proposes Kant sets the satisfaction of a formula as its role basis for determining the goodness of our actions. This formula is inadequate because it does not consider the person in her social context.

I will then turn to the more mainstream Kantians who discuss the emptiness charge systemically (the systematic interpretation of emptiness charge). I will mainly discuss Freyenhagen's argument that emptiness charge as a non-self-standing philosophical problem, irrespective of its historical context or systematic place in Hegel's theory, in which Freyenhagen argues Hegel does not adjudicate those replies of emptiness charge (like Empty, Useless, and Dangerous) is the most accurate interpretation of Kant's texts, nor trace the particular historical context in which Hegel takes up Kant's ethics, nor the way the Empty Formalism Objection fits into Hegel's wider system.

The Context of Categorical Imperative

In the process of examining the emptiness charge and its relation to Kant's moral philosophy, it became very clear that certain issues concerning the grounding and domain of Kantian formalism remain unresolved along with a serious misunderstanding of the purpose of the Kantian proposed CI; these issues need to be addressed before any credible approach to the

⁵GR. W. F. Hegel, *Hegel's Philosophy of Right*, trans. with notes by T. M. Knox (Oxford: Clarendon Press, 1952), par. 135, p. 90, p.134, p. 89.

original question (What is Kant's moral law?) is possible. Kant is one of the promoters of ethical formalism. Kant's formalism is ethical Universalism resulting in absolute moral laws; these absolutes are based on a consideration of others as well as originating with the self. Kant's focus on an anthropocentric viewpoint connects moral necessity with humanity. Kant explains at the outset of Section I in the *Groundwork* that it is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a good will (Gr 4:393).

Good will includes several features: it is neither merely designed to make us happy, nor does it rely on the consequences of an act or unconditional good. While we may doubt the solidity of Kant's theory as a way to support his definition of good will, for Kant's practical philosophy, the real problem is how an agent can embrace goodwill. Kant explains that as phenomenal beings, we not only have inclinations, but also the rational capability that can surpass mere inclinations. Therefore, we express good will when and only when we act from duty, which necessarily means that we act in accord with the notion of law, which sets forth an ought not an is, even though this law does not bind us physically. Even though at times our inclinations may conflict with this concept of law, we possess the rational capacity to act not merely according to law, but in harmony with the larger ideal of law, which Kant abstracts to create the widely known Categorical Imperative (CI). CI results in an agent acting in accordance with duty and, thereby, at the same time, ensures that the moral law is also kept. There are three main formulations of CI.⁶

The first formulation of the moral law (C1) in Kant's *Groundwork of Metaphysic of Morals* is "so act that you can will the maxim of your action to be a universal law" (Gr 421/39). Kant's first formulation of the CI is also named universalizability, all moral principles must be universalizable. according to Kant, it is not *rational* to choose a world in which you will the maxim of your action to be a universal law This is where CI(moral principles apply to everyone, for example, if you expect other people to keep their promises, then you are obligated to keep your own promises) are different from merely hypothetical ones which command conditionally on your having a relevant desire, such as 'Jack sees a cake, Jack has an appetite for cake, but Jack will not eat the cake for his health.' Such thinking appeals to our rationality and can be found in every major world religion most typically summarized in 'The Golden Rule' – treat other people as you want to be treated. It would also not make sense for me to criticize someone else for, say, breaking the speed limit if I then went and broke it myself.

Besides, there is a derivative formulation from C1, C1A "Act as if the maxim of your action were to become through your will a universal law of nature" (Gr 421), this formulation is seen as the universal law of nature formulation.

The second formulation(C2): Act in such a way that you treat humanity, no matter in your own person or in the person of any other, never merely as a means to an end, but always at the

⁶Regarding to the numbers of Categorical Imperative, many Kantians make the response, for example, Nuyen supports the most widely accepted Paton's view: there are five or more formulations. In my thesis, I will mainly analyze three main formulations and talk about formulation of autonomy in the last chapter. See A. T. Nuyen *Counting the Formulas of the Categorical Imperative: One plus Three Makes Four of formulation*.

same time as an end. (Gr 429) The second formulation is also often seen as the humanity formulation. It states that we treat humanity as acting in such a way that, as an end in itself, never as a means only. This humanity formulation introduces the idea of ‘respect’ for persons, which is essential to our humanity. Using the same illustration, Jack sees a cake, Jack has an appetite for cake, but this cake is Tom’s; Jack is then faced with multiple and varied options. Perhaps Jack will steal the cake from Tom to satisfy his lust. As well as acting according to rational principles, we must also consider the end of our actions. Hypothetical imperatives have subjective ends, but for an end to be objective, we must pursue it. Humans, like Jack live under such hypothetical causal determinations, whether one steals or not in Kant’s view is a phenomenal product of causal determination or simply put, a mere effect. Living in such hypothetical causal determinations Jack undermines himself and would deny the possibility of humanity or ends. Such action would ultimately deny freedom in C3. In this case, contradicting the second formulation also contradicts the first formulation since Tom would also in turn to steal, then there is no universalizable maxim. We must therefore never merely use a person as a means to an end, but always consider them as ends in themselves.

C3, the third formulation states: always act as though you are a legislating member in the universal kingdom of ends. (Gr 439) This formulation is named kingdom of ends formulation, it is introducing the idea of ‘free will’. Rational action results from a free will – if we were to subvert the autonomous will by using humanity as a means to an end. For example, returning to the matter of stealing cake, Jack could acknowledge that rather than stealing from Tom, he has other choices in accordance with the moral law. While he may realize that in accordance with the causal law, he will ultimately face the effect of his theft, only via a normative determination will he experience practical freedom. Besides, there is also autonomy formulation seen as the third formulation. ‘Thus the third practical principle follows (from the first two) as the ultimate condition of their harmony with practical reason: the idea of the will of every rational being as a universally legislating will’ (Gr 4:443).

The moral law revives three formations in the *Groundwork*, but it is still a matter of some obscurity of how these formations relate to each other and to the moral law itself, There is an equivalence thesis here, Kant generally claims that all formulations are equivalent, in section two of Kant's *Groundwork*, Kant says there is therefore only a single CI, and it is this: act only according to that maxim through which you can at the same time will that it becomes a universal law (Gr 4:421). Kant defines a CI as follows: The CI would be the one that represented an action as objectively necessary by itself, without reference to another end (Gr 4:414). There are other passages stating that C1 and C2 are equivalent, for example, Kant observes that the two are ‘‘at bottom only so many formulas of the very same law’’ and that the principles they express are ‘‘basically the same’’ (imGrundeinerlei) (Gr 436, 438).

Hegel’s emptiness charge is mostly towards C1 therefore is also towards Kant’s whole CI. To make clear the number of formulations of the CI, however, is not the purpose of this thesis, but rather I will discuss how explicitly Kant’s ethical formalism can direct moral content. In fact,

Hegel is not the first philosopher⁷ who disagrees with the formal moral law that may extend the moral content, but he indeed held the most influenced criticism upon, Hegel's critique is framed as a critique of empty formalism in the sense that CI are assumed in the concept of moral law, this prevents any precise understanding of action from being possible, in turn preventing any direct ethical guidance of action from being derived from the CI.

To understand Kant's CI and the emptiness charge requires us to read both of them in much detail. For example, On the one hand, one of understandings of a maxim, according to the emptiness charge or Kant's framed empty formalism presented specifically as a criticism of Kantian ethics, is that the test proposed by the CI draws no real distinction between maxims. Kant's notion of a maxim in the CI supposes an agent proposes to perform a certain action in order to realize a certain end. We should ask whether everyone with this end could rationally act on this maxim. Some maxims would be contradictory or self-defeating if everyone acted on them, and these are ruled out by morality. From one point of view, all maxims pass the test, whereas from another any maxim fails it. Kant's formalism, then does not yield a positive meaning of ethical formalism, but merely a negative meaning of empty formalism. The CI is not able to be a guide for actions, and there is no moral content according to Kant's absolute moral law. Disputing the emptiness charge by re-interpreting maxim has been the major effects among Kantians. Marcus Singer found criteria for arriving at a unique correct description of actions for the purposes of moral evaluation. Harrison made a major contribution to the discussion of criteria for action in the context of utilitarianism. Onora O'Neill paid considerable attention to the formulation of maxims. Potter Jr. concludes with the Kantian concept of maxims primarily in relation to applications of the CI in deriving specific conclusions about the rightness and wrongness of particular kinds of actions.⁸

On the other hand, Hegel notes that CI "has constituted the merit of Kant's moral philosophy and its loftiness of outlook." He critiques Kant's thought by observing "every action explicitly calls for a particular content and a specific end, while duty as abstraction entails nothing of the kind." (Hegel *Philosophy of Right* 134) Hegel contends that the only way Kant can possibly deduce a particular duty is if Kant already accepted certain existing moral opinions or customs as justifiable. For example, it is certainly a contradictory maxim to accept a deposit that is entrusted to me without planning to return it, but it is only contradictory, according to Hegel, if we first accept the notion of property, despite the fact that there are typical ways of interpreting the notion of property. As regards Kant, he tries to give a pure justification of property, without considering the historical and social circumstances and their possible consequences, Hegel holds that Kant can only presuppose such institutions and customs 'from the outside'. The ground of morality must lie *outside* the realm of nature, Kant's concept of property cannot offer a special theory of civil society as the concept of property's background. Consequently, Hegel contends that Kant's principle of morality remains merely formal because it has not justified the required content for instantiating the CI.

⁷ Like the challenge raised by Benjamin Constant in 1797, Kant responded in a short essay *On a Supposed Right to Lie from Philanthropy*. Constant's charge is basically around Kant's moral principle 'duty to tell the truth' would, if taken unconditionally and singly, make any society impossible. The further discussion on Kant's standpoint and strategy please see Helga Varden's 'Kant and Lying to the Murderer at the Door... One More Time: Kant's Legal Philosophy and Lies to Murderers and Nazis' *Journal of Social Philosophy* 41 (4):403-4211 (2010.)

⁸ See Nelson T. Potter Jr. "Maxims in Kant's Moral Philosophy" *Philosophia* (July 1994) 23(1-4): 59-90.

The question of the emptiness charge is also a question of whether Kant's formalism dispenses with content altogether or departure. There is no doubt that Kant's Formalism is ethical Universalism made into laws that are absolute. But there is doubt whether the content of any specific moral action has real meaning. If a universal law says 'do not cheat', then under no circumstances is cheating permissible. In Kant's view, no ethical theory can worry about the actual content of specific moral acts --- it must make rules based exclusively on the constitution of the human will itself. This suggests that the human will can apply rules to all situations.

In Kant's CI, a maxim is the maxima proposition, a high or highest level proposition determining an agent's will. The maxim an agent adopts will govern and inform other more specific decisions and aspects of his or her action or attitudes. For example, anybody who has adopted a maxim of not deceiving others is likely to express it in refraining from lying, in restraint in gossip, in care about checking facts and many other ways. The mediating concept, however, which puts our conduct into relation with the CI, and links them with the form of law, is the idea of maxims. A maxim is a private principle or rule of action, a "subjective principle of volition" (Gr. 4:402). Onora O'Neill would like to say that maxims are the most general propositions governing the actions of a moral actor at any particular time. It follows that not every principle which an act exemplifies is its maxim, not even every principle which embodies a description under which the agent acts is its maxim. Maxims are not to be equated simply with intentions, which may be multiple, some of them profound and others superficial. Rather a maxim is the underlying or fundamental principle of an action in the sense that any other principles to which the act conforms are selected and explicable because that is what it takes to act on a certain maxim in a given situation. The good reasons for thinking this way will become clear later, but ultimately, every action is determined on the basis of a maxim of action. I can have a generalized maxim to help people and another not to deceive, but in a particular situation, as with the murderer at my door, am I going to tell the truth or help my friend? We have to go to a more specific maxim because these two generalized ones conflict or do not determine what I should do.

The underlying principle of an action as O'Neill's proposed is in some sense appealing, because it reminds us the significance of moral guidance is derived from one of the formations of the CI, because we know or experience the moral law first, and because the principle and moral law bear resemblance to or follows from the expression of the CI.

However my claim is, using the maxims adopted by me for my own purposes, I then need to compare these private principles of action with the CI. This still requires another moral requirement for although I have clarified my action into a maxim; the moral content is still vague and uncertain. How do I know if my maxim can take on the form of law? This is the first formulation of the CI that enables us to see how a maxim can or cannot be a true law of action. What Kant gives us is the closest in pure structure to the form of law, the Formula of Universal Law.

This characterization, which has been simplified here, does make persuasive defense against Hegel's objection. Nevertheless, the point is the same. Hegel thinks that a moral principle needs content in order to choose between two different concrete states of affairs or between different systems of property. But it is clear that the CI is a supreme moral principle not limited by or to

any particular world, but instead covers all possible worlds. “It must hold not only for human beings but for all rational beings as such, not merely under contingent conditions and with exceptions but with absolute necessity” (Gr 4:408).

It has often been pointed out by Kant’s defenders that there is far more to his moral theory than simply satisfying this formula. In fact, Kant offers several different versions of this formula to help draw our consideration of morality away from an empty formalism charge. Kantian defenders propose their interpretations to show that these analyses are flawed. This discussion of interpretations of the emptiness charge will be divided two parts, the limited and the systematical interpretation of Hegel’s emptiness charge.

The Limited Interpretation of Hegel’s Emptiness Charge

In *The Founding Act of Modern Ethical Life: Hegel's Critique of Kant's Moral and Political Theory*, Ido Geiger claims that the emptiness charge is primarily concerned with making actual Kantian morality and not with its lack of conceptual content. Hegel, in early letters to Schelling, says that he “took up again the study of Kantian philosophy to learn how to apply its important results to many an idea still current among us, or to elaborate such ideas according to those results” (L end of January, 1795), and, “from the Kantian system and its highest completion I expect a revolution in Germany” (L April 1, 1795). In Hegel’s early writings we also shall see clearly in the second part of the book philosophy of right that Hegel makes Kantian morality the task he sets for his own times. The Kantian standpoint of morality is characterized as the opposition between the mere idea of the good and the external world; this has been the way Hegel understands the historical-political plight of his own times in the letters on the philosophy of history.

Geiger explains there are two senses in Hegel’s understanding of the moral content in Kant’s CI, Hegel treats universal form of the law as it ‘cancels’ the content of morality (Hegel NL123), it is impossible to make a transition from its form to its content (Hegel PRS135R), then Hegel’s emptiness charge in Geiger’s view has double standpoints regarding to form and content.

The first sense of ‘empty’, empty is interpreted in term of including both of form and content., this interpretation is given from his Hegel’s lectures on the Encyclopedia Logic, where Hegel describes “there are two senses, the categorical are empty (leer) is unfounded because they have a content (inhalt), in any case, just being determinate (bestimm...it must also be remarked that the assertion that the categories by themselves are empty (leer) is certainly correct in the sense that we ought not to rest content with them and the totality which they originate from (the logical idea), but to advance to the real domains of nature and spirit. This advance however, should not be interpreted as meaning that the logical idea comes to receive an alien content (inhalt) that stems from outside it; on the contrary, it is the proper activity of the logical idea to determine itself further and to unfold itself into nature and spirit” (Hegel EL43).

The second sense of 'empty' is the 'determining'. To lack all determination is to have no conceptual content. Geiger claims when Hegel turns to Kant's practical philosophy and says that the good is 'an abstraction lacking all determination (bestimmunglosenabstraktum) (Hegel EL60). Hegel, however, immediately corrects himself and adds that "more precisely" the problem is that the good is "what only ought to be; i.e. what does not at the same time have reality" (EL60). This passage then offers one more piece of evidence that Hegel's concern is the question of making actual Kantian morality.

The evidence Geiger gives suggests that Hegel fails to distinguish consistently these two senses and in this way makes the task of interpreting the emptiness charge especially difficult. Therefore, Hegel's use of 'empty' means something like 'having no reality.' I do not mean to imply that Hegel's criticisms of Kant is not closely related to the equivalence of form and content, Geiger suggested reading Hegel as concerned primarily with the problem of making actual Kantian practical philosophy will reveal in what sense Hegel thinks CI is empty, but I would further point out if we understand the humanity formulation, there is much more moral content as Kant suggests.

Jeffrey A. Gauthier in *Hegel and the Problem of Particularity in Moral Judgment* proposes the role of formula of CI is interpreted in term of determining the goodness of our actions. This formula is inadequate because it does not consider the person in her social context. Gauthier claims much of Hegel's critique is far from a decisive case against Kant. Hegel's criticism is that the formula of the universal law calls on the agent to inspect the uncivilized form of her maxim and then to judge whether or not the maxim contradicts itself in that form. Gauthier interprets Hegel's interpretation that how deposit example might be failing in Kant's universalization, i.e. when the agent may attempt to steal a deposit, it may imply a contradiction of willing arises. Gauthier says formula of the universal law cannot, by itself, offer any guidance for the moral agent. As Hegel argues, Kant's procedure is devoid of content when properly applied. The immorality of the abolition of deposits or of the system of private property derives not from any deliverance of the CI, but from the fact that it is implicitly assumed in advance that deposits and the property system ought not to be destroyed. Gauthier claims Hegel's charge for CI is it presupposes the rightness or wrongness of particular actions or practices, 'anything specific can be made into a duty' (Hegel Philosophy of Right 438)

Gauthier points out in response to Kantian critics that what is critically at issue is whether or not an agent can simultaneously will her maxim and its universalization (Kant 1785:422). It is when the agent who would steal a deposit attempts such a willing that a contradiction seems to arise. A practice such as charity toward the poor, though apparently moral when engaged in by particular individuals or groups of individuals, will in fact prove to be immoral when thought of as universal. Hegel argues:

The maxim, 'help the poor', expresses the supersession of the specific thing, poverty. The maxim, 'help the poor', tested by being evaluated into a principle of universal legislation, will prove to be false because it annihilates itself.... either they are no poor left

or there is nothing but poor; in the latter event no one is left to help them. In both cases the help disappears. Thus the maxim, universalized, cancels itself (1802-1803:80).

Gauthier summarizes that the conflict in the agent's will derives not from any independent normative judgments about either deposits or the property system, but from the agent implicit willing. 'Implicit willing' in Hegel's views supposes no way to compel the agent to will the existence of the particular practice in which she is engaged, it is impossible to apply the test of the CI without consideration of the particular circumstance. It is hard to see what force this is supposed to have against the test of the CI, given the impossibility of determining the morality of one's action in the absence of the agent's particular purpose. And consequently, he points out: 'though this kind of criticism does not render judgments based on a 'formal' standard such as the CI entirely insignificant, it does call attention to important limitations of such judgments. While the CI may prove a most useful tool in grasping why a particular course of action involves a social unacceptable violation of my own agency or that of another, it remains tied to the perspective of a given social order in this formulation of principles of the will.'

It seems to me Gauthier also adopts a dismissive manner. On the one hand, he admits that the particular content of the agent's maxim cannot be specified as narrowly as Kant held. However, the range of potentially universalizable action may be far wider than he thought it be. But on the other hand, Gauthier's conclusion that CI remains tied to a social order leaving the free will as heteronomous capability.

In summary, Geiger and Gauthier took a similar approach to interpret emptiness charge by dismissing it in Hegel's complicated wirings. The grounding question (whether moral content is in the CI) has not been adequately distinguished from the limited interpretation of emptiness charge (i.e. whether the form of morality and content are distinct, overlapping, or coextensive). Of course these two issues are very much connected; it is therefore somewhat artificial to separate them. On the other hand, failure to distinguish emptiness issues in the relation between moral law and morality can result in equivocation and oversimplification that obscures the true nature of this relation.

The Systematic Interpretation of Emptiness Charge⁹

In the limited interpretation of the emptiness charge, we discussed how the emptiness charge is dismissed in a loose way. I argue that Hegel and others criticized Kant without much

⁹ Due to the limit of content, I will mainly introduce interpretations of Ido Geiger and Jeffrey A. Gauthier here, there are Kantians working on this area. For example, John Mc Cumber in *Hegel's critics of Kant's theory* claims Hegel does not make the emptiness charge against the first formulation as Wood, Hegel explicitly concedes that the formula of universal law has content; Hegel's charge against Kant lies in the dualism. And Allen Wood makes the remarkable distinction in his book *Hegel's thought and the Emptiness of the Moral Law*, Wood spent one chapter on discussing the emptiness charge, he argued Hegel's basic criticism of Kant is not that the universal law formula is empty of content, but that if Kant begins with conception of moral worth as acting from duty, then no content-full moral principle is available to Kant.

deliberate consideration, and the defenses of Kant should be introduced in an explicit way. Prominent Kantians like Geiger and Gauthier offer limited interpretation mainly on the first formulation. I would suggest if we look at the second formulation, the interpretation of emptiness charge could be discussed systematically. And if we carefully examine Kant's writings with Hegel's criticism of Kant found in the *Philosophy of Right*,¹⁰ we are able to discern that the inappropriateness of Hegel's charge that CI and Kant's ethics are formalistic.

Consider for example, Hegel's remark in §135, which begins with his critique of Kant's moral philosophy.

From this point of view, no imminent doctrine of duties [Pflichtenlehre] is possible. One might indeed bring in material from outside and thereby arrive at particular duties, then it is a contradiction to commit theft or murder; [...]. But if a duty is to be willed merely as a duty and not because of its content, it is a formal identity which necessarily excludes every content and determination. (PR 135R).

Hegel, then, condemns Kant's philosophy for offering us, an "empty formalism" and an "empty rhetoric of duty for duty's sake." However, Hegel's criticism of Kant is not so much directed toward Kant's formalism, as I will explain more thoroughly in the subsequent chapter, as it is directed toward what Hegel takes to be Kant's 'absolutization' of the formal perspective. When we read Hegel's criticism we should therefore not overlook the fact that Hegel integrates Kant's principle of autonomy into his own thinking.¹¹ Hegel by no means rejects the view that 'duty ought to be done for duty's sake.'¹² In his *Rechtsphilosophie*, Hegel's complaint is that Kant's thinking 'clings to a mere moral [Moralität] point of view' and therefore cannot deduce a determinate content that could instantiate the concrete duties of ethical life [Sittlichkeit]. In other words, one cannot simply will 'duty for duty's sake,' one must somehow be able to will something in particular as dutiful.

These passages remind us in some places Hegel asserts that Kantian morality is empty, but also in some places Hegel implies different assertions. This shall supply us with very good reason to try to read the emptiness charge differently. Hegel appears to read Kant's CI solely in terms of a principle of non-contradiction; he does not think that Kant's principle can tell us what one ought to will in particular because Kant's principle, according to Hegel cannot properly specify differences between good or bad maxims. As Hegel puts it:

If a particular content for action is taken into consideration, there is no criterion within that principle for deciding whether or not this content is a duty. On the contrary, it is possible to justify any wrong or immoral code of action by this means (Hegel 162).

¹⁰ In fact, Hegel goes on to point to the *Phenomenology of Spirit* for a discussion of further antinomies to which the Kantian position gives rise.

¹¹ See p.135. Hegel acknowledges that 'the pure and unconditional self-determination of the will' lies at the root of moral duty.

¹² See p.133, for instance, Hegel accepts this very formulation.

Hegel contends that the only way Kant can possibly deduce a particular duty is if Kant already accepted certain existing moral opinions or customs as justifiable. For example, it is certainly a contradictory maxim to accept a deposit that is entrusted to me without planning to return it, but it is only contradictory, according to Hegel, if we first accept the notion of property.¹³ Hegel holds that Kant can only presuppose such institutions and customs “from the outside” (Hegel 162). He contends that Kant’s principle of morality remains merely formal because it has not justified what the content is required for instantiating CI.

This objection tends to hinge on the accusation that Kant confuses, on the one hand, the question of what is rational for an agent to will for himself, and on the other hand, the question of what is rational for an agent to will for everyone. I believe, however, that by distinguishing carefully between what Kant wants to accomplish in the universal law formulation and what he wants to accomplish in the Humanity Formulation (FH), we can interpret Kant in such a way that he does not make the mistake these commentators attribute to him. Kant does not expect the general point of view, as expressed in the universal law formulation, alone to pick out all and only worthy maxims. Instead, Kant expresses this insight in the humanity formulation. In the end, I hope we will be able to say that for Kant, the general point of view (as expressed in the universal law formulation) is a way of capturing universality, which is essential for any proper system of morals.

For example, as Freyenhagen argues, there is neither a particular historical context between the formalism objection and Hegel’s aim, nor the way the Empty Formalism Objection fits into Hegel’s wider system.¹⁴ Freyenhagen concludes the dilemma as many of the contemporary Kantian scholars do by observing that the most appropriate course is to treat the Empty Formalism Objections as a self-standing philosophical problem, irrespective of its historical context or systematic place in Hegel’s theory. Hence, for argument’s sake the legitimacy of such a non-contextual approach, presents significant difficulties¹⁵ and as a result the Formalism Objections remain.

¹³ This is Hegel’s first example to oppose Kant. Hegel adduces Kant’s example of appropriating a deposit with which one has been entrusted, into the event the owner of the deposit dies without leaving a record of it. Kant argues that such a maxim, if universalized, would contradict itself, because no deposits would then exist. ‘But,’ Hegel asks, ‘where is the contradiction if there were no deposits?’ The non-existence of deposits is no more contradictory than these existences. Kant’s formula of universal law is ultimately incapable of saying anything about the substantive issue of whether there should or shouldn’t be deposits, whether there should or shouldn’t be property. It issues only in the tautology that, if there is property, then there should be property. But any specific thing may be justified by such tautologous legislation—both ‘property and property’. This is the reason that Hegel maintains that Kant’s formula of universal law turns into a principle of immorality. The second point of Hegel’s critique of Kant’s first formulation of the Categorical Imperative argues that, when applied, it is self-contradictory. Hegel also presents the example: Help the poor and observes, ‘This injunction, when universalized, annihilates itself. If everyone helped the poor, there would be no poor left to help.’

¹⁴ Fabian Freyenhagen, ‘Empty, Useless, and Dangerous? Recent Kantian Replies to the Empty Formalism Objection’, *Bulletin of the Hegel Society of Great Britain* 2011(63) 95-118.

¹⁵ For further details see Freyenhagen’s paper where he concludes: Firstly, if Kant’s optimism is indeed unfounded and has to be given up... the issue of culpability becomes much trickier, since now luck plays a much bigger role in whether or not the individual is fully capable of describing the situation and using the Categorical Imperative correctly. There are related repercussions, such as the fact that the alleged advantage of the Categorical Imperative over the counsels of prudence Secondly, one other important lesson from this discussion is that the earlier Kantian argument that the Categorical Imperative (or the objective end of humanity) could and should be used to test for the permissibility of social practices is now shown to rest on presuppositions that call the viability of its employment for this purpose into question. Finally, if the social world contains some non-corrupted normative resources and upbringing after all, then no appeal to context-transcendent standards will be required

As I mentioned, the foregoing moral theorists, though still clearly working within the Kantian tradition, raise serious questions concerning the CI and how we should think about it. In my view, a moral theory is good if it could have significant impact on us. Kant gives us the differences between moral laws and rules and how we might think of them within the CI. We have to face the problem squarely and find a solution. It certainly seems that thinking about the generalities of morality and differentiating these from the specifics has to be a part of that. Hegel musings about the universal law Formula gives us something, it seems to me that Hegel would almost have us abandon the strictness and abstractness of the CI altogether. Pushing most of the abstractness of the Imperative's requirements to the side, ends are too general and vague to get to the kind of specific duties and guidance that would be required for actual ethical practice. Hegel or most Hegelians accept for argument's sake that some ends can be derived from fairly minimal premises within Kant's ethics. To Hegel's mind, Kant's morality becomes a morality of angels that we cannot live up to (and in fact should not try) in our average everyday dealings with people (at least to the extent that we are trying to move towards the establishment of these principles in the broad historical context). But it simply cannot be that Kant was that blind about things. He must have intended (and he seems to) that his morality applies to our average everyday activities. It is hard for me to tell whether it is Hegel or Hegelians who have offered a more persuasive interpretation of what Kant is supposed to be doing.

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