Logical Form and Ethical Content

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Hegel's empty formalism charge is taken, virtually without exception, as a serious objection to Kant's categorical imperative and a powerful refutation of his formalist ethics. The dominant interpretation is represented by Bradley, Paton, Mill, Korsgaard, Guyer, Wood, Schneewind, Sedgwick, more recently, Freyenhagen, and others.[1] So far, the dominant interpretation has remained powerfully influential and virtually unchallenged.

However, the dominant interpretation tends to take Hegel's empty formalism in isolation from other texts in the corpus, his holistic system, and dialectical method in general. What makes this non-contextualised approach problematic is that it ignores his remarks on formalism in other texts where his use of dialectical and sceptical method is more in evidence. Hegel's emptiness remarks span his entire career, from their appearance in Jena right up to the end of his career in Berlin.[2] In Jena, his views on formal thinking in a logical sense developed alongside his views on formalism in ethics.[3] Prima facie, the arguments bring together two subject matters that seem to have nothing to do with one another. This may explain why no one has given an interpretation that brings the two domains together. But it is worth noting that Kant himself brings logical considerations to bear on his conception of the moral principle. His distinction between the form of a moral principle and its empirical content recalls his characterisation of logical laws in the first *Critique* (B77-B78/A53-A54). While the categorical imperative may not *look* like a logical law, it functions like one if we take the univeralisation test for consistency in the formal way Kant does: by relying on logical form alone to test for contradiction in willing without drawing on empirical or psychological content.

I suggest that formalism in Hegel's logic is a vital heuristic for interpreting his remarks on formalism in Kant's ethics. Hegel's remarks about formalism in the logic are embedded in a dialectical context; and together with his use of a sceptical strategy as an intrinsic element of dialectical method, he makes it clear that he is not engaged in a wholesale rejection of first grounding principles. Without drawing on an analogy to the logic, I argue, one cannot interpret rightly the sceptical elements in the ethical argument. But when empty formalism is understood correctly by analogy with what Hegel is doing in the logic, it is far from clear that this is a charge from which Kant needs defending.

The harm of misreading Hegel's formalism remarks as a wholesale objection and dismissal of Kant's ethics, as the dominant reading does, is that it takes us in a somewhat different direction to the actual Hegelian critique. It points us to the wrong weakness in

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Kant's ethics, and the real weakness that Hegel is pointing to goes largely unnoticed. As a corrective to the dominant view, I argue that a contextualised reading gives us a very different basis than the dominant interpretation would have it for revising Kant's formalist ethics. By analogy with the logic, the real weakness Hegel is pointing to is a paradoxical understanding of logical form abstracted from content. As far as I know, no one has ever noticed that Hegel's emptiness charge was formulated by him with certain points from his logic in mind. My argument by analogy will be an informal one, but hopefully it will point to the plausibility of an alternative view: Far from dismissing Kant's grounding moral principle as vacuously empty, Hegel is rather calling for a critical reconstruction: one that revitalises our understanding of form in such a way as to be relevant to ordinary human beings and the content of their social and ethical practices.

I. The dominant interpretation

The place to begin is the select passages that provide the dominant interpretation with its strongest textual basis. One of the key passages that Kant's defenders commonly cite is from Hegel's *Philosophy of Right* [1821-2]:

> without making the transition to the conception of ethics, is to reduce this gain to an *empty formalism*... From this point of view, no immanent doctrine of duties is possible; of course material may be brought in from outside and particular duties may be arrived at accordingly but if the definition of duty is taken to be the *absence of contradiction, formal correspondence with itself* — which is nothing but abstract indeterminacy stabilised — then no transition is possible to the specification of particular duties nor, if some such particular content for acting comes under consideration, is there any criterion in that principle for deciding whether it is or is not a duty. On the contrary, by this means, any wrong or immoral line of conduct may be justified. (PR §135R, Z emphasis added)

Hegel takes Kant's first formulation of the categorical imperative as central, and in the way he thinks Kant does, as serving as a logical test for consistency.[4] The target of Hegel's critique here, on the dominant reading, is Kant's claim that the universal formula can discover an error in the form of a maxim alone by drawing on nothing more than 'the absence of contradiction', a "formal correspondence with itself" (PR §135R; see EL §54, A). In other key passages from the ethical works, Hegel calls it a 'tautologous self-identity'. On the dominant reading, if taken this way, Hegel thinks that Kant's universal formula reduces to an 'empty formalism' in the pejorative sense of being vacuous and meaningless. Given its indeterminate (read 'empty') form, it would seem that anything can pass the universal formula: 'The absence of property contains in itself just as little contradiction as the non-existence of this or that nation, family, etc., or the death of the

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whole human race' (PR 135R). Thus, this lands us in immoralism for 'by this means, any wrong or immoral line of conduct may be justified'.

Another key passage for the dominant reading is from the early, Jena-period work, *Natural Law* [1802-3], where Hegel brings together ethical and logical considerations. In what is regarded as one of his most extensive expositions of the emptiness charge, he runs the 'logical test' for contradiction on one of Kant's central cases, his property case[5]:

> But by confusing absolute form with conditioned matter, the absoluteness of the form is *imperceptibly smuggled* into the unreal and conditioned character of the content; and in this *perversion and trickery* lies the nerve of pure reason's practical legislation. There is *smuggled* into the sentence, 'property is property', not its proper meaning (i.e., 'the identity which the sentence expresses in its form is absolute'), but the meaning: 'the *matter* of the sentence (i.e., property) is absolute'. And in this way anything specific can be made into a duty. (NL 79, emphasis added)

That is, to get actual content out of the tautologous statement, 'Property is property' one has to go beyond the mere tautologous form, and bring in the richer 'matter' of the sentence that 'property is absolute' and thus, *ought* to exist. Prima facie, the language of 'perversion and trickery' here provides a key textual basis for the dominant interpretation to see in these remarks a criticism. Hegel's objection, on this reading, is that Kant's universalisation test can't work in the way he intended it to: by relying on the form of the universal formula alone, minus content, to generate logical contradictions to get one to the impermissibility of theft of property. The form of the statement, 'Property is property, and nothing else' (NL 78) is logically self-consistent, but it is 'empty and formal' in the pejorative sense that it seems to contain no content beyond being a self-identical tautology.

Both key passages have been read by the dominant view as pointing to a decided objection. There are variations and subtle differences among the commentaries that I am gathering together collectively under the dominant view. But the single thread common to all these commentaries, which I am tracking, is that they read empty formalism as a charge and an objection. Korsgaard, a good representative of the dominant reading, sees in empty formalism the following implied criticism: 'The Hegelian *objection* is that the universalisation test is empty. There is no contradiction in a system *without* such practices as deposits (property) or promises' (Korsgaard 1996:95). In order for the categorical imperative to rule out theft of property as impermissible, by means of generating a logical contradiction, something must be in contradiction with something else. But what is in contradiction with what? A logical contradiction can only occur between: (1) what one wills to do that would lead to a breakdown in the practice of private property, if universalised; and (2) an *evaluative* premise about the value or validity of the practice that protects property rights. Willing the absence of property is only in contradiction with the

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belief that private property *ought* to exist — an evaluative premise that must be established on other grounds. Without (2), an evaluative premise, there is no contradiction in the *will* of an agent engaging in these practices in a system unless such property rights are already in place. But how does one arrive at this further evaluative premise legitimately from within Kant's system? One can't arrive at a value judgment that property *ought* to exist from the absence of contradiction or a tautologous self-identity. Logical consistency alone can't generate a conclusion about the *worth* of property. But without (2), we can't generate a contradiction and get to the verdict that universalising behaviour leading to the breakdown of this practice is impermissible.[6]

Hegel's implied criticism then, interpreted in this way, is that hidden presuppositions that draw on normative assumptions about the worth of preserving this practice are being 'imperceptibly smuggled' in. What makes this content illicit on this view, is that it consists of importing additional *empirical* premises from outside Kant's system. These are *arbitrary and contingent* empirical assumptions drawn more or less *accidentally* from existing institutions and practices already in place (Allison 1996:184; O' Hagen 1987:140; Guyer 1993:196). This would be unacceptable by Kant's own lights because it contradicts his own understanding of how the principle works: by drawing on nothing but form alone.

Thus, some of the greatest Kant commentators of our time have arrived at the following conclusions: Allen Wood takes Hegel's formalism remarks so seriously, interpreted as such, that he concludes that one cannot derive a viable moral principle from Kant's first formulation: 'The emptiness charge is not only a *criticism* of the Formula of Universal Law, but also says that no contentful moral principle is available from Kant's philosophical standpoint'.[7] In order to build into Kant's ethics a deflection against Hegel's criticism, Wood bypasses Kant's first formulation and draws a more legitimate content from the second formulation. Korsgaard follows a similar strategy of deriving content from the second formulation, by drawing on interconnected concepts of the unconditional value of the rational will and the dignity of persons, in order to generate a practical contradiction in the *will* of an agent (Korsgaard 1996:95f). Sally Sedgwick sees in Hegel's remarks powerful grounds for rejecting Kant's universal formula: 'If Hegel is right in his critique of Kant's ethics as an "empty formalism", then it is true that this has *devastating* consequences for Kantian moral theory, and that — as many have assumed — there remains very little to be said in favour of Kant's "formalist" orientation' (Sedgwick 1988:59-80). No wonder the dominant reading has been so powerfully influential and uncontested (I myself believed it for many years). For it gives a natural and compelling reading of certain key ethical passages, at least when taken in isolation from other texts.

II. Empty formalism from a logical point of view

But if we reinterpret Hegel's empty formalism in the context of his logic, where dialectical method is more in evidence, this will provide a very different basis than the

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dominant interpretation would have it for revising Kant's formalist ethics. The subject matter of logic pertains to ethics in respect of Kant's own distinction between the form and content of logical laws in the Analytic of the first *Critique* (B77-B78/A55-A54) and his *Logic* (L:14-15). He draws on this general distinction in abstracting the form of his supreme moral principle from its empirical content. Moreover, at the basis of Kant's demand for consistency of willing, which is implicit in the universalisation test, are two classical laws of logic: the law of identity, A=A, which says that something must be self-consistent or self-identical; and the law of contradiction, which similarly tests for consistency. For Hegel, these two classical laws of logic, the laws of contradiction and identity, are related to and derivable from each other.[8] Of the two laws underlying Kant's demand for consistency of willing, Hegel directs his formalism remarks in the later logic of 1812-14 at the law of identity, which he thinks reached its highest articulation in Kant and Fichte. He targets Kant and Fichte's understanding of the law of identity as 'empty and abstract' in exactly the same formalist language with which he critiques Kant's categorical imperative in the ethics.

Let us then look to an analogy with the logic for crucial similarities between the logical domain and the target ethical domain. One of the primary similarities, we should notice first, is that when Hegel calls a logical law 'empty and abstract', he doesn't mean this in the pejorative sense of being *vacuous, contentless, and meaningless*. The law of identity is empty and tautologous in the positive way it needs to be to serve as an unconditioned starting point. Being abstracted from all empirically-*contingent* content is rather a unique strength of a presuppositionless starting point in need of no further grounding. To regard 'empty formalism', as straightforwardly a charge and an objection, as the dominant view would have it, would be to overlook the desideratum of an unconditioned starting point. Emptiness as a desideratum of a presuppositionless starting point is a shared property of both logical and ethical arguments. Far from being a criticism, emptiness in a principle is desirable from the theoretical standpoint.

But what may be a unique strength from a theoretical standpoint may be a fatal weakness from a practical standpoint. Another primary similarity between logical and ethical domains is the need to call this empty starting point into question from a practical point of view. While the law of identity provides theoretical philosophy with a perfect expression of an empty, unconditioned grounding principle, Hegel regards this starting point as only one 'moment' in consciousness: the first, most static, abstract moment. This single node of the dialectic cannot be regarded in isolation as a fixed, stopping place. On the destructive side, he initiates a dialectical movement away from the initially empty starting point by revealing its *richer* meaning. To find out what richer content is really involved in our understanding of logical principles, Hegel tests our understanding of A=A against the more concrete, empirical aspects of practical experience (SL 414). In symmetrical reasoning about the categorical imperative, he will also question the feasibility of a theoretical justification without a practical application.

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To question this in the logical domain, Hegel assigns scepticism a role in dialectical method.[9] He will employ this sceptical strategy in both domains, to point to a contradiction in a purely formal, empty understanding of principles. On the negative, destructive side of dialectic, he imagines a sceptic, who threatens to bring out a self-contradiction in our understanding by reducing it to the following absurdity: *if* our understanding *were* based on the form of the statement alone, 'Property is property, and nothing else' *would* 'say nothing'. We expect some additional content in the predicate term to amplify the subject term. But the subject term reiterates the same thing as the predicate (SL 413-5), and an exact repetition does not amplify the content in the predicate term. Thus, if this were all there were our expectations would be cheated. On the negative side of dialectic, then, the sceptic concludes absurdly that A=A would be reduced to 'saying nothing'.

But Hegel assigns scepticism not just a destructive role in dialectic, but also gives it a constructive function to lead us to a positive result. This constructive role, also shared with the ethical domain, will be crucial in clarifying why empty formalism in a moral principle doesn't lead us to a sceptical slide into immorality. For scepticism, understood as a constructive moment on the positive side of dialectic, will have the function of immunising certain laws from being reduced to absurdity (EL §78).

On the positive side, notice that Hegel's sceptic cannot be straightforwardly discrediting A=A as empty in the sense of being vacuous and practically useless (as 'saying nothing'). The law of identity is one of the first and most fundamental logical laws for Hegel. To deny it would threaten to spread and infect our belief in one of the laws to which it is related, the law of non-contradiction, the most fundamental law lying at the basis of all speech, intelligible thought, argumentative practice, and action. This aspect of the analogy will be important in later assessing whether Hegel is denying Kant's fundamental moral principle. Rather, the way to understand the sceptic's role on the constructive side is unlike other moments. The sceptic's doubts on the negative, destructive side have the function of revealing a self-contradiction in our understanding of the tautologous self-identity. But uncovering a contradiction is not to be taken as a stable stopping place. A contradiction in Hegel's dialectic rather indicates we are at a transition in the ongoing dialectical process.[10] Reaching a point of instability forces rational reflection to grope towards a resolution of the contradiction.

In this respect, the sceptic's doubts serve as a positive catalyst to effect and guide the movement of thought toward a more stable position. To answer the sceptic's *reductio*, we are forced to reflect on what's *really* involved in our understanding of formal grounding principles — that is, without straying from practical experience and respecting commonsense observations. The movement of practical reflection and deliberation led us away from the first, negative moment, in which the seemingly tautologous bare statement taken alone is absurdly empty; to having implied in it a further richer meaning. To avoid the threat of meaninglessness, we are forced to move from an 'empty' — that is, an incomplete and indeterminate understanding of the law in its first role as an

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unconditional, grounding a priori principle - to uncovering in further steps of practical deliberation its richer implied content needed to complete it in our understanding. As a further condition of meaningfulness, a properly dialectical understanding must complete our understanding, by bringing out this implied meaning.

Returning to the key passage from *Natural Law*, we see Hegel apply A=A to Kant's central property case, which yields the initially empty result, 'Property is property and nothing else'. As Hegel makes explicit in that passage, as a condition of meaningfulness, we have to go beyond the abstract form and make explicit that the tautologous identity carries within itself a richer, non-contingent content. What the added 'nothing else' implies is that there should be property in an absolutist sense, by ruling out an empirically-*contingent* content on grounds of utility or other ends.[11] As he states, 'the *matter* of the sentence (i.e., property) is absolute' (NL 79). He goes on to reflect in the *Phenomenology of Spirit* [1807] on whether therefore property ought to exist: 'Suppose the question is: *Ought* it to be an absolute law that there should be property? Absolute, and not on grounds of utility for other ends: the essence of ethics consists just in law being identical with itself, through this self-identity, i.e., *through having its ground in itself, it is unconditioned*' (PhG §430; see PR §46, p.73, 81; EG §486). Logical and ethical considerations come together when he insists on a relation of decisiveness and unshakeable fixedness to ethical law: 'Ethical disposition consists in sticking steadfastly to what is right, and abstracting from all attempts to move or shake it, or derive it' (PhG §437). He describes an immediate, unshakeably resolute relationship to property rights, which permits no vacillation: 'that something is the property of another, this is fundamental. I know that the deposit is the property of someone else and I acknowledge this because it is so (tautologously so), and I keep myself unfalteringly in this relationship' (PhG §437; see PR §119). The unshakeable rightness implied in tautologous reasoning is reinforced in this remark: 'It is not because something is not self-contradictory that it is right; on the contrary, it is right because it just is what is right' (PhG §637). Thus, in its practical application, A=A, as well as other tautologous logical principles, turn out not to be empty after all.[12]

For purposes of offering an alternative interpretation, the question we need to ask is this: how do we understand the way this richer content is brought in? Do we 'imperceptibly smuggle' it in as a condition of meaningfulness, as we would have to on a formal understanding, or do we bring it in legitimately? I believe Hegel's point is that we need to revise our way of understanding where this content comes from, in order to avoid it being smuggled in by 'perversion and trickery', as it would have to be on the dominant view. As a condition of meaningful understanding, we are made aware that to give the law a determinate content, what we are really doing is implicitly drawing on further conceptually-contained content. This implied content is somehow already conceptually contained in the very idea of a formal grounding principle. Hegel conveys this in *Faith and Knowledge,* also a Jena-period work written around the same time as *Natural Law*: 'Because of its absolute deficiency the completely empty principle [I = I]

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from which [Fichte] begins has the advantage of carrying the immediate necessity of self-fulfilment *immanently within itself*' (FK 57f). A *non-vacuous* understanding shows that all along, the law carried within itself an implied content that is not arbitrary for it. The internal nature of dialectical method draws this content out of conceptual materials that are already internal to the law, and in some sense conceptually contained in it. In its practical application, 'Property is property, and nothing else' is shown to carry its ground within itself. What Hegel means by this is not exactly clear, but when we extend the analogy to ethics, the significance for moral principles will be that this content is not gratuitously or accidentally imported from *outside;* and hence, will not be arbitrary for it.

So far, in these preliminaries from the logic, I've set up an analogy with logical formalism with the aim of rejecting an interpretation of empty formalism as a charge and a criticism. As we've seen, Hegel uses a sceptical method as a constituent element of his dialectical logic: not to dogmatically deny classical logical laws and principles, but rather to give a reconstructive critique of certain logical laws and principles already apprehended by ordinary practical thought, in order to revise, revitalise, and complete our understanding of them at a higher level of reflection. By making explicit a distinctive content already implied in the law of identity, this requires a minimum of revision to our understanding of this law. No arbitrary and contingent content is imported illicitly from the outside. Hegel's revisionary critique of the law draws out its richer content and gives it a determinate content that isn't reducible to the initially empty one. He can't be engaged in a wholesale rejection of the law of identity, since his revision of our understanding of it leads to one of his highest speculative principles: the identity-in-difference principle. And certainly there is nothing vacuously empty or arbitrary for Hegel about *that* principle.

III. Logical formalism applied to ethics

With the aid of a strong analogy, we are in a position to properly contextualise Hegel's empty formalism to a dialectically-informed ethical framework. We are now in a position to extend the analogy to logical formalism to the target domain. The predicted similarities begin with Hegel calling Kant's formalist principle 'purely formal, abstract, and empty'. Symmetrical reasoning with the logic leads to the first correction of the dominant view. When Hegel calls a principle formal and empty, be it logical or ethical, we have seen that this is not in itself a criticism. From a theoretical standpoint, Kant's universal formula is formal and empty in the desirable sense of a first grounding logical principle. Hegel takes the categorical imperative in just the way he thinks Kant does: as laying down purely formal conditions that have to be met, which it couldn't do if the principle were to appeal to *contingent* empirical or psychological factors, or derived arbitrarily from particular duties. For Kant's aim was to establish on purely a priori grounds the principle's validity as a first grounding principle of morality. Accordingly, Wood writes that, 'It is plain that at least in his Jena period, Hegel regards Kantian moral philosophy as providing the

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moral standpoint with its most perfect *theoretical* expression' (Wood 1990:155). So far, so good — at least from the theoretical standpoint.

But if the analogy holds, then what may be a unique strength from the theoretical standpoint may be called into question from the practical standpoint. Wood also had this insight: 'Thus, Hegel might see the emptiness of Kant's principle as a unique strength in Kant's moral philosophy from the standpoint of philosophical understanding even if it is a fatal weakness in it from the standpoint of practical ethics' (Wood 1990:155). But keeping the next point in the analogy with the logic in mind, shows that Hegel stops short of Wood's conclusion that the emptiness charge leads to a *criticism* of the universal formula.

Recall that Hegel assigns scepticism a role in dialectically overturning the absurd conclusions that a purely formal understanding leads to. As the model predicts, in the target context, Hegel imagines a moral sceptic who leads us beyond the first 'empty' moment of ethical consciousness. The moral sceptic reduces our formal understanding to the following absurdity: 'if the definition of duty is taken to be the absence of contradiction … by this means, any wrong or immoral line of conduct may be justified' (PR §135R). But notice only *if* our understanding of the universal formula *were* dependent on logical form alone would this lead to the absurd consequence that the law would reduce to a meaningless tautology. From a meaningless tautology, anything would follow. Thus, the sceptic concludes that 'absurdity, and in the moral sphere, immorality, are posited' (NL 78; cf. NL 76-77; FK 184; PhG §431; PR 135R).

A variant of the sceptical moral argument appears in the *Phenomenology of Spirit*, where Hegel argues that if the matter were just one of pure form alone, one could exploit an openness built into how one linguistically formulates one's maxims (see PhG §424). There would be nothing to prevent one from re-describing one's maxims under a formulation that makes them come out looking permissible. Exploiting this flexibility, the universal formula could be used to endorse any immoral line of conduct, even genocide, without contradiction. As the moral sceptic concludes absurdly, this would open the floodgates to moral evasion and duplicity, and would start the slide to immorality (PhG §258, §257, §260). Thus, *if* we were to misconstrue the universal formula in an abstract, formal way, it would be reducible to a vacuous emptiness that could be used to justify any and all maxims, even immoral ones. Our understanding of this moral principle, taken as such, would turn it into its opposite, immoralism.

Something went wrong with our initial understanding of the moral principle. Hegel thinks immoralism is absurd and responds to the sceptic's conclusion as to a *reductio*. But so eager are Kant's defenders to see a criticism here that they overlook the fact that his universal formula does get us to the right verdict as far as Hegel is concerned. In the section on 'Property' in Abstract Right, the author of *Philosophy of Right* expresses a steadfast, unshakable commitment to property and property rights (see PR §119). Furthermore, Hegel deems private property so valuable and worth preserving in the *Phenomenology* that it is essential to achieving self-consciousness (PhG §431). He argues

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there further that 'Property is property' is not empty after all: 'that something is the property of another, this is fundamental. I know that the deposit is the property of someone else and I acknowledge this because it is so (tautologously so), and I keep myself unfalteringly in this relationship' (PhG §437). Thus, the issue for Hegel is not, '*does* Kant's moral principle get us to a determinate, non-vacuous verdict?' For it does. Rather the pressing question is, '*how* — how does it get us to the right verdict?' *How* does it do the kind of work it was meant to do?

The next step follows the analogy predictably. The role of scepticism in the logical model is helpful in understanding the role of scepticism in the ethical domain. Following a similar logic, the moral sceptic's *reductio* of a formalist ethics to immoralism can't be regarded as a stable philosophical position that Hegel embraces. What appeared as a contradiction in the logic appears here as the threat of immoralism and functions as any other contradictory moment. Recall that contradictions in the dialectical logic, with their special status, mark a transitional moment in the dialectical process that must be overcome. On the negative side, the sceptic generates a contradiction in our formal understanding of the categorical imperative. The sceptic's gambit is to undermine our ordinary understanding with the following threat: only *if* the universal formula *were* misconstrued in this way, would we be left with the absurd conclusion that any action, even immoral conduct, could be universalised without contradiction. Thus, being rational, to avoid this absurdity, we must reject the initial premise that led to this absurdity: namely, a purely formal understanding of the principle, which attempts to derive the value of property from purely formal considerations involving nothing more than consistency of willing or absence of contradiction. For *as such*, a purely formal understanding, of logical or ethical principles, collapses under its own self-contradictoriness.

To extend the analogy further to the positive side, recall how sceptical doubts in the logic served to direct us to a positive account of what actual determinations must be involved in a more meaningful understanding. Rather than sever philosophical method from practical life, the conditions of meaningful understanding require us to draw additional factual content from a social system of pre-existing norms and practices drawn from life and commonsense practices already in place. Thinking about principles practically presupposes internal linkages with a more detailed specification of commonsense practices and norms within the framework that we occupy. What we're really doing in thinking about a priori principles in a meaningful, non-vacuous way is drawing on this implied content from a richer background of concepts and ideas drawn from life and commonsense practices already in place. The relevant moral background knowledge comes in by way of holistic connections to a network of social systems, social relationships, activities, practices, and institutions internal to the framework we inhabit. Certain background facts are a fundamental and indispensable part of this conceptual framework and are never called into question.

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Thus, to answer the moral sceptic's *reductio*, staying as we are within a practical framework of commonsense experiences and practices, we are forced to reflect on what is really involved in our understanding of formal grounding principles. To move away from an absurdly empty — that is, to put the point now in more neutral terms from the logic, an *incomplete and indeterminate* understanding of the universal formula — we have to uncover in further steps of reflection additional practical aspects of experience drawn from a framework of enabling conditions that Hegel calls 'Life'. His analogous term for the enabling conditions that make moral and social practices possible is '*Ethical* Life'. For textual reasons, it is no accident that Hegel's empty formalism remarks in *Philosophy of Right* precede, and are systematically-connected to, the detailed doctrine of objective duties and social practices he gives in Ethical Life. It is significant that his empty formalism precedes his transition to giving a fuller account of the conditions of meaningful understanding in Ethical life (PR §135R). For what dialectically justifies the transition to Ethical Life is the need to respond to the sceptic's *reductio ad absurdum* argument: 'without making the transition to the conception of ethics, is to reduce this gain to an empty formalism...' (PR §135R).

So where do we come out with respect to the dominant view? A dialectically-informed interpretation need not displace all elements of the dominant reading. By serving as a presuppositionless, grounding principle free of empirically-contingent content (GM, sec. II), this did not commit Kant to saying the principle has no content whatsoever — just no empirically-*contingent* content. With respect to this content, Sedgwick rightly argues that the very empirical, social conditions that are needed to complete Kant's universal formula and allow it to work as a method of generating particular duties are already in place in the doctrine of determinate duties that Hegel gives in Ethical Life. The universal formula does have an actual content, drawing for its content on additional background empirical information about social systems of property, promising, family, etc. (Sedgwick, 1998). Ethical Life presupposes certain norms and practices that are grounded in the very enabling conditions and practices that make human life possible: commonsense observations and practices of property, promising, punishment, marriage, family, etc., which are never cast into doubt.

We also don't fall out too far from certain Kantian commentaries that allow that we can import this morally-salient background legitimately from within Kant's system. The morally-relevant background consists of what Barbara Herman calls, 'rules of moral salience,' which are still Kantian because they are structured around the intrinsic dignity and respect for persons. Some of the background may be pre-deliberative in that it doesn't get consciously and explicitly factored into our contemplation. The background doesn't consist of pre-fabricated rules concerning objective duties. Herman rejects the notion that duties and background values are already fixed like a pre-formed grid, prior to running maxims through the categorical imperative. On her account, the background tells you which contemplated actions are morally-relevant in the first place and are worth taking through the categorical imperative procedure. The background tells you that you're

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running a maxim through the categorical imperative procedure under the *relevant* description. For how one forms subjective maxims involves culturally-informed matters, like love and friendship, upbringing, habituation, education — none of which are arbitrary or purely a matter of logic. The background is what gives you the morally-salient features to be factored into your description to be run through the categorical imperative. This background is what constrains duplicitous agents from craftily reformulating their maxims by building into their linguistic formulations a description that make them come out looking universalisable.

It should also not be surprising, given the central role that Hegel's doctrine of contradiction plays in dialectic, that his reliance on Kant's mechanism of practical contradiction to generate contradictions in *willing* brings him close to Korsgaard's 'Practical Contradiction Interpretation'. Korsgaard rethinks the role of logical and practical contradictions in Kant's ethics by locating a contradiction, not merely in a system with or without the relevant practices, but in the *will* of an agent engaging in those practices (Korsgaard 1996:95). She uses a strategy of giving the categorical imperative an actual content by bypassing the form of the first formulation and drawing a meaningful content out of the second. She generates a genuine 'practical' contradiction, by legitimately deriving the impermissibility of theft in the property case, from a contradiction in willing that draws on interconnected concepts from within Kant's own system: the unconditional value of the rational will and dignity of persons from the formula of humanity: 'So act as to treat humanity, whether yourself or others, always as an end and never merely as a means' (GM 38). On this view, no one can property from me because this would involve them in instrumental, means-end reasoning, which is ruled out by the second formulation. Likewise, in injuring your will, I exhibit a failure to value you unconditionally as a rationally human person. By not returning property as promised, I am not treating you as an end, but only as a means, in order to advance my own instrumental ends. Violence against your will as a means of accomplishing my own end is ruled out by Kant's means-ends formulation. Violence to a person's will interferes with that person's ends, thus, theft won't pass the formula of humanity, which rules out means-end reasoning.

Korsgaard's strategy of generating practical contradictions, by drawing on concepts which are never cast into doubt by Kant's second formulation, is very much in line with Hegel's own defence of property rights in the *Philosophy of Right*. There, he draws on the concepts of personhood and the dignity of persons in order to locate a genuine contradiction in the will of an agent engaged in these practices. Stealing property can't be universalised without contradiction, on his account, because taking away, injuring, or alienating a person's property is injury to their rational will. Crime or coercion violates the will of the victim in the concrete form of the property of that person. What I really will is to make something my property, to have a guarantee that I will have it when I want it. So I have to will the very property rights that secure me in possession of my own goods. Without that practical security, there is no sense that the goods belong to me. It involves

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me in a contradiction (specifically a *self*-contradiction) for me to will to steal another's property because that would leave me insecure in the possession of the very goods that I take off another. By this self-contradiction, I do violence to myself by threatening the very property rights that secure my own property.

Still, I do not wish to leave Hegel sounding like he collapses into Kant. While a contextualised reading can preserve some important elements of the dominant reading, it departs from it in one significant respect: to repeat, empty formalism no more entails a denial or dismissal of Kant's grounding moral principle than it does a dismissal of fundamental, grounding logical principles. The 'perversion and trickery' in the *Natural Law* passage, which provides the dominant view with its strongest textual basis, does not refer to illicitly 'smuggling' in this further background content as a gratuitous or accidental assumption from the outside. In morals, we implicitly draw on this morally-salient background, from interconnected concepts internal to our framework, as an indispensable condition of holistic understanding. There is nothing arbitrary or contingent about these practices and social institutions with respect to the framework. The concepts of the unconditional value of the rational will and the dignity of persons are not arbitrary or contingent for Kant or Hegel. They are already in some sense conceptually-contained in the categorical imperative in the sense that a correct understanding of how it works is inextricable from the holistic network of principles and practices integral to our framework.

IV. Paradox of ground

To see the real weakness in Kant's ethics that Hegel's emptiness remarks are pointing us to takes us back to the logic. In 'Ground', Hegel argues in the sections on form and content that there is something paradoxical about formal a priori logical principles in their role as first grounding principles (SL 447-456). There, he has in mind grounding logical principles such as the principle of sufficient reason and the law of identity. We saw that the emptiness of the law of identity, in its a priori form, allowed it to serve, in its role of ground, as a uniquely presuppositionless starting point. But from the practical, material point of view, it has as its further richer content the unity of identity and difference. In its first role as ground, as the thing doing the grounding, it is not identical with itself in its second role, as a principle with a determinate content in need of further grounding. Thus, the law of identity as ground performs a dual function: it serves as both the thing doing the grounding and is itself in need of grounding (SL 447). As Hegel writes, these two roles are at odds with each other: 'Now whatever a ground is, it is presumably something distinct from that which it grounds' (SL 447). Hence, a paradox results: one and the same thing can't be both the thing doing the grounding and itself in need of being grounded.

Analogously, Kant's universal formula as grounding first principle takes on a dual role. Wood rightly describes these roles in terms of two standpoints, theoretical and practical:

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> it is important to him (Kant) to present one and the same principle of morality first from a formal, and only then, from a material point of view, since otherwise it would be possible to think ... that no principle could *simultaneously* be a categorical imperative and be grounded on objective values. (Wood 1999:77-8; and cf. 1990:161-4, 154-169)

An analogous paradox results: from the formal, theoretical standpoint, in its first role as grounding principle, the form of the universal formula is empty, a priori and needs no grounding. But from a material, practical standpoint, in its second role, it has to draw on further richer content, which stands in need of further grounding. One and the same principle plays two roles: (i) the *form* of the abstract principle alone, by itself and free of empirically-contingent content, drawing on nothing but certain logical principles alone. As such, it is unconditional and in need of no grounding. Yet, (ii), in practice, the principle needs to draw on further content, which stands in need of further grounding. This paradox, Hegel thinks, returns us to an empty formalism: 'Such an assigning of grounds is therefore accompanied by the same *emptiness* as the talk which restricts itself to the law of identity' (SL 458).

Far from being vacuously empty, as on the dominant view, what Hegel thinks is the real weakness in Kant's formalist principle is that as ground the categorical imperative is shown to be at odds with itself: (i) is at odds with (ii) because the universal formula can't simultaneously be identical with itself in its first role as unconditional ground doing the grounding, and its second role as a particular principle in need of grounding. In the language of Hegel's logic, form is not stably related to content: (i) the logical form of the principle serves as an a priori principle grounding morality. Yet (ii) it draws on richer ethical content in need of further grounding. The universal formula (ground), in its first role as that which does the grounding, qua a priori formal principle, can't simultaneously be identical with itself in its second role, as the particular principle (with a determinate content), which needs to be further grounded by values and duties in Ethical Life. Thus, the universal formula is not self-identical in our understanding and falls apart as ground.

But a paradox is not the same as a bona fide contradiction. Like an antinomy or dilemma, a paradox doesn't necessarily lead to a wholesale rejection of the principle. Far from thinking the principle itself is vacuously empty and can't deliver determinate verdicts, what Hegel specifically objects to is our deluded understanding of how the formula does what Kant intended it to do. The 'perversion, a trickery' doesn't have to do with illicitly importing content, but rather with how we delude ourselves into thinking this meaningful content comes in by way of form alone in abstraction from content. On a perverted formal way of relating form to content, the formula is not *self-identical* in our understanding. This content would have to be 'imperceptibly smuggled in' to meet conditions of meaningfulness. But rather than smuggle in this content improperly — that is, to try to derive it from its form alone using 'perversion and trickery' — we need to

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draw out these further determinations using an appropriately reflective, internal method (i.e., dialectic) in a way that leaves our commonsense presuppositions untouched.

On a properly contextualised and dialectically-informed reading, Kant's universal formula turns out not to be empty after all. While its actual content is compatible with commonsense, Hegel thinks we need to progress methodically and rationally, through detailed steps of dialectical reflection, to uncovering this richer content in further steps of practical reflection. Rather than reject fundamental principles wholesale, he gives a revisionist critique of our ordinary understanding of fundamental logical principles in practice. He calls to revise our self-contradictory understanding of the relation between form and content, in order to bring about a more unified understanding of philosophical method and commonsense practice. What is needed to undertake the analogous revision in our understanding of Kant's universal formula is further specified in the doctrine of determinate duties that Hegel gives in Ethical Life. The very empirical and social conditions that complete and enable Kant's universal formula to work as a method of generating determinate duties are already in place, but only if we make the dialectical transition to the indispensable background framework that Hegel calls *Ethical Life*.

I began from what seems like a purely technical problem of determining the logical status of moral assertions: Kant's formalist ethics seems to engage issues of consistency and logical non-contradiction, but no longer seems to be engaging practical issues that concern us as ordinary human persons and our social practices. I constructed an analogical argument against the dominant way of reading Hegel's empty formalism as a 'devastating objection' to Kant's categorical imperative in particular and his ethics in general. I drew on specifically sceptical elements in the logic as a heuristic for pointing to an alternative interpretation of the ethics. The analogy led us away from a wholesale rejection toward what Hegel thinks is the real weakness in Kant's formalism: a paradox having to do with severing philosophical method from the content of life's ordinary activities and practices.

The logical analogy was useful as a heuristic to guide us in the direction of future work. But having brought us to a reinterpreted ethical position, in the future we can kick away the analogy. The ethical position should be strong enough in its own right to stand on its own, without further support from the analogy. In future work, I wish to open up the topic to a larger discussion about the link between philosophical method and commonsense practice. Hegel's critique of Kant's formalist ethics bears on the more general issue of whether we can live our philosophical methods, and provides a way of framing a broader discussion about whether philosophical theory may be correct in theory, but of no use in practice. Hegel's attempt to unify form and content may be regarded as an important part of a naturalistic trend in nineteenth century German philosophy that gives philosophical thought a relevance to ordinary life by deriving norms from the enabling conditions and practices that make human life possible. I've re-examined his reflections, arising at the nexus between philosophical method and commonsense practices, for what they can tell us about unifying the form of our moral

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principles with the content of our living practices. Hopefully, what started out as a narrowly technical discussion of logical formalism — whether a principle may be correct in theory, but of no use in practice — will bear importantly on the deeper issue of whether we can live our philosophy.[13]

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Notes

Abbreviations:
GM: Kant [1785] 1998
L: Kant [1800] 1974
MM: Kant [1797] 1996
EL: Hegel [1817] 1991
EG: Hegel [1817] 1971
FK: Hegel [1802-3] 1977
NL: Hegel [1802-3] 1975a
PhG: Hegel [1807] 1977
PR: Hegel [1821-2] 1991
SL: Hegel [1812-14] 1969

[1] F. H. Bradley, one of the British Idealists, promulgated Hegel's empty formalism charge as a criticism of Kant (Bradley [1876]:145, 148-151, esp. 154-159). Among Kant's defenders, Paton writes, '[t]hese charges are often exaggerated and are at times due to misunderstanding, but they are not without some element of truth' (Paton 1947:84 n.1 see also 146-157). See also Guyer 1993:190-1; Korsgaard 1966: 86-7 and 95-10; Mill [1861]:4; Marcus Singer dismisses Hegel's charge, in Singer 1961: 279-95 and 292-5; and Allison 1990: 184-186, and Allison 1996: 142-3. For Kant's defenders, see Wood 1990:154-5, 160, 172-3; Wood 1999:82; and Sedgwick 1988:59-80. More recently, see Fabian Freyenhagen, 'Hegel's Empty Formalism Objection Revisited', in this volume, pp. 163-186.

[2] Empty formalism in an ethical sense first appears in Hegel's early Frankfurt period essay, 'The Spirit of Christianity and its Fate' [1798-9]. The emptiness charge appears again in his Jena period, in the *Differenzschrift* [1801], 'The Difference between Fichte and Schelling's System of Philosophy'. In the first years of the Jena period, Hegel developed the most extensive exposition of the ethical charge in 'Natural Law' [1802-3] (NL 70-80). The ethical application gets a further presentation in *The Phenomenology of Spirit* [1807] ('Moral View of the World', §§429-432, §437, 466f). Finally, in the later *Philosophy of Right* lectures [1821-2], we get echoes, supplementations, and a more condensed version of the ethical application (PR135, R, Z).

[3] See Hegel's critique of Fichte's first principle, I = I in *Faith and Knowledge* [1802-3] (FK: 182-5). He returns to the logical application in the *Science of Logic* [1812-14], in calling the

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law of identity 'empty' and 'abstract' (SL 411-416). In the Berlin *Encyclopedia* [1817], Part I, the logic, we get a more condensed version of the ethical application (EL §54, A).

[4] There are of course subtle and important variations in the views I am gathering together under the collective name, the "dominant view." There is no fundamental agreement among them all, for instance, on the issue of whether Hegel takes Kant's universal formula as involving a logical test for contradiction. See for instance, Bradley, who thinks Hegel takes Kant's universal formula in the way Kant does (cf. PhG §429), as involving a logical test for contradiction (Bradley 1927: 148, 154-5). However, Sedgwick questions whether Hegel should construe Kant's categorical imperative only in a strictly logical sense (1988).

[5] For Kant's property case, see GM, Sec. II, p. 15; *Critique of Practical Reason*, Bk I, ch. I, §4. Hegel considers Kant's property case at length in NL: 77, 79-80; PhG ('Reason as Testing Laws,' PhG §§430-1, §437, §644); PR §135R, §46; and EG §486. The property case, on Hegel's interpretation in *The Phenomenology of Spirit*, generates an irresolvable conflict between two equally weighted duties: One is asked to imagine being irresolvably torn between returning property that was trustingly deposited or keeping it as an urgently-needed resource to provide for one's needy family. On one side, one is pressed to dutifully return the deposit after promising to do so; equally pressing one on the other is one's duty to help one's family in need. Thus, in contemplating your maxim to keep the deposit, if you were to fail in the latter duty, you're not just passively and neutrally neglecting to do something you weren't morally compelled to do — you're failing in a *duty*. The universalisation test, on Hegel's reading, is supposed to generate a contradiction: if a maxim can be willed as a universal law, without contradiction, then it is permissible to act on it. But if willing the theft of the deposit can't be willed universally because it runs into contradiction, then the maxim fails the universalisation test and neglecting to return the deposit is morally impermissible (PhG §§430-1).

[6] On these passages, see Korsgaard 1996: 95f; O'Hagen 1987: 140-159; Norman 1983: 110-111. On Hegel's criticism in *The Phenomenology of Spirit*, see Walsh 1969: 28ff.

[7] Wood 1990: 154-5, 172-3, and Wood 1999: 82.

[8] Hegel thinks the law of contradiction is related to A=A as its negative equivalent: A=A can be expanded to include the negation of the negation: A = (not) not-A. He considers the law of identity an expanded form of the law of contradiction, which similarly tests for consistency and says that something cannot be both p and not p at the same time and in the same respect (SL 416).

[9] On the role of sceptical strategy as an intrinsic element of Hegel's dialectical method, see Dietmar Heidemann's persuasive argument in 'Hegel on Scepticism' (in this volume, pp. 80-99). For Hegel the connection between sceptical procedure and dialectical method is natural and unavoidable (EL §81, §78). On sceptical method as a constituent element of dialectic, see also Forster 1989 and Forster 1993.

[10] On the role of contradiction as an unstable, transitional moment, see Ralph Palm, 'Hegel's Contradictions' (this volume, pp. 118-142), and Hahn 2007.

[11] In this, Hegel follows the lines of the original empty formalism charge from 1786 by Gottlob August Tittel. Tittel warned that utilitarian considerations about consequences aren't supposed to weigh in deliberations. There has to be something wrong with a breakdown in the practice of promising to return the property because it generates a *logical* self-contradiction without drawing on any extraneous empirical or psychological

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factors. One can't bring in background psychological factors or invoke predictions that the breakdown will lead to empirically good or bad consequences. There is nothing within Kant's system, so the argument goes, that could ground a value assessment that there's something wrong with these empirical consequences. *Predictions* about what people will do, or how they would tend to react, cannot be invoked because we don't want to make Kant's ethics sound like it's going to collapse into a utilitarian picture of value.

[12] The point doesn't turn on a developmental story involving Hegel's change of heart in the later logic [1812-14]. In the early, Jena-period work, *Natural Law* [1802-3], Hegel gives an application of A=A as a meaningful tautology. In addition to 'Property is property', elsewhere, he gives other examples of meaningful tautologies: 'I am I,' 'I am who I am'; 'God is God'; 'A plant is a plant'. Consider other meaningful tautologies, while they are not strictly tautologies in the logical sense, they have a similar structure of unmediated self-relatedness: 'Enough is enough', 'It is what it is', 'You know what you know', 'Boys will be boys', 'Art for art's sake', 'An eye for an eye', and significantly for our purposes, Kant's 'Duty for duty's sake'.

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