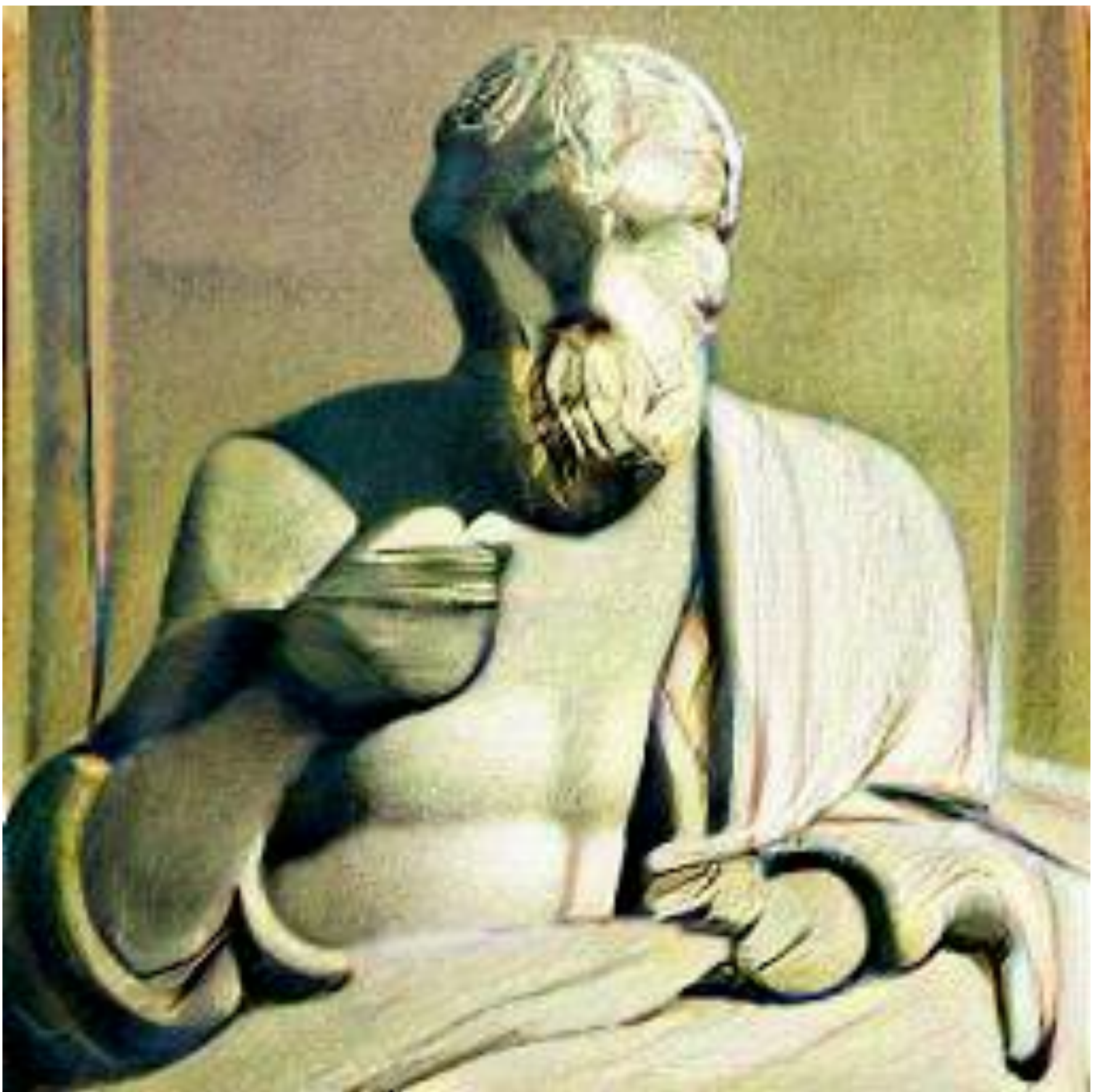


# Kantian Practical Ethics is Empty



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## Abstract

I argue that Kant's deontological ethical theory espoused starting with the *Groundwork for the Metaphysics of Morals* is empty of practical ethical content. I detail approaches towards formalizing its practical content through a decision process for the categorical imperative (a CI-Procedure) and the problems with such an approach. Also considered are attempts by Kantians to endorse a version of the theory with minimal or no practical content, as well as how Kant and Kantians present themselves as applying their theory to practical questions. I discuss implications of this emptiness, and argue that it is a serious problem for the Kantian project as it sees itself.

The meat of Kant's *Groundwork for the Metaphysics of Morals* is focused on topics that would now be considered part of the domain of metaethics: sources of obligation, how morality binds us, what it means for an action to be "right," etc. When Kant discusses how to apply these principles to practical ethical questions, however, he is much less clear. It is so obscure, in fact, how to translate Kantianism into a practical ethics that I will argue here that in practice there is in fact no practical component to the theory (or in other words a multitude of different kinds of first order ethical reasoning are all compatible with Kantianism.) In this way, the usual assumption that Kantian deontology is a direct competitor to, for example, utilitarian consequentialism is revealed to be an illusion.

The contention that Kant's ethical theory is devoid of practical prescriptions is not a new one. Franz Brentano wrote in the 19th century that a serious problem with the categorical imperative was that "even if one were to accept it, one could not use it to deduce any ethical consequences" (Brentano 31.) Even earlier, Mill criticized Kant on the grounds that "when he begins to deduce from this precept [the categorical imperative] any of the actual duties of morality, he fails, almost grotesquely..." (Mill 9.) Most of these criticisms, however, are not particularly fleshed out and take as their targets the obscurity and ad hoc quality in which Kant discusses practical questions. Instead of merely criticizing Kant for how he applies the principles he lays out to practical situations, I will endeavor to provide a positive argument for why Kantianism cannot have the practical content we want from it, and explain the consequences of this fact.

To do this, I will first outline the classical attempts to formalize the application of the categorical imperative to real life situations (the "CI-Procedure.) I will then discuss the problems with such an approach, both how it is not successful on its own terms (because of difficulties with "puzzle maxims") and how it strays from Kant's original spirit. With these considerations in mind, I will consider how we might still obtain

practical guidance from Kant's theory and analyze how Kant and Kantians take themselves as doing so. Finally, I will conclude that the genuine practical content of the Kantian theory is minimal, and that this is a problem because it is incompatible with the untenable way in which Kant and Kantians claim to apply their theory practically.

In what follows, my focus is directed on Kant's first formulation of the categorical imperative, particularly its variant known as the Formula of the Law of Nature: "Act as if the maxim of your action were to become by your will a universal law of nature" (*G* 4:421.) This is both because the literature on this topic (particularly on puzzle maxims and CI-Procedures) focuses on this formula, and because the broader points about Kantian practical ethics can for the most part be made equally well regardless of formula, but are made clearer if a specific one is chosen for the categorical imperative.

To start, let us look to the most straightforward and classic attempt to formalize how Kantian practical ethics would work. What we would like is to be able, when confronted with a hard problem, to discern what the categorical imperative binds us to do in this particular situation. We would like to be able to do so without having to be particularly inventive in our arguments or read Kant's mind. In other words, what we want is a decision procedure that, given a situation, outputs our relevant obligations. This is referred to in the literature as a "CI-Procedure" (CI being categorical imperative) and Rawls's classic presentation breaks it down into four steps. First, one formulates one's maxim of action as "I am to do X [action] in circumstances C in order to bring about Y [state of affairs]" (Rawls 83.) Then, the second and third steps transform this maxim into the universal law of nature "Everyone always does X in circumstances C in order to bring about Y." Finally, one analyzes the world in which that law is added to the extant laws of nature and determines whether it is possible to will it (or even to conceive of it.) This

procedure does in fact mirror the way Kant applies the categorical imperative, at least sometimes (see for example *G* 4:421-3.)

The most immediate difficulties in actually implementing this procedure lie in the determination of what C and Y are for a particular situation, and the final step of analysis of the hypothetical world. These difficulties can be brought to bear when considering so-called “puzzle maxims” which give unintuitive results when passed through the procedure. Consider first this example from Timmermann: “A maxim along the lines of ‘I want to dine at a friend’s place at 7.00 pm on Mondays’ cannot be universalised if we assume that the particular friend in question must be present, for example to discharge his or her responsibilities as the host of the party [since he too would be dining at a friend’s place]” (Timmermann 157.) Thus, the CI-Procedure rejects this action even though we would typically think it obvious that there is nothing wrong with it. The obvious resolution to this problem is the claim that this maxim is an inappropriate choice for the action. After all, many maxims could describe the action and the level of detail to our choice seems odd. Certainly, other maxims describing the same action (such as “I want to enjoy the company of friends”) get through the CI-Procedure just fine, and so the worry here should not be that the categorical imperative stands against us dining with our friends at 7:00 pm on Mondays.

Rather, the challenge lies in explaining exactly why the aforementioned is the wrong maxim to choose. Some solutions see the problem in the level of specificity of the maxim itself. Bittner suggests that maxims are supposed to be “rules of life” and thus should have more generality. However, this is both vague and unrepresentative of Kant’s own usage. Timmermann gives the example of the suicidal man’s maxim to end his life “when its longer duration is likely to bring more pain than satisfaction” (*G* 4:422) as a maxim tested by Kant against the categorical imperative that is relatively specific and would serve as a bad “rule of life.” Timmermann’s preferred solution is to instead

emphasize the connection between maxims and ends. Choosing the appropriate maxim for a given action should be guided by the ends we have in mind when taking that action (represented as Y in Rawls's version of the CI-Procedure) since "a maxim is more than just an action-guiding rule; and doing something as a matter of principle, because one is directly interested in it as an end, is relevantly different, morally, from doing it merely as a means towards some other end" (Timmermann 158.) This approach seems promising, but it involves conceding that if someone, for some reason, wanted to eat at 7:00 on Monday with her friend for its own sake, that would in fact be morally wrong. Timmermann does concede this, "someone who has developed a bizarre inclination to dine with his friends at 7.00 pm on Monday nights *as such and under that description...* ought not to do so, precisely because his maxim would fail the test of the categorical imperative" (Timmermann 158.) Conceding this point seems either circular or preposterous. Although such a person would definitely be "bizarre," it seems equally bizarre to say that someone with such a fixation is morally barred from acting on it because it fails the CI-Procedure.

Another classic puzzle maxim comes from Brentano. He asks us to imagine a civil servant who is offered a bribe and takes it, because of the categorical imperative. In his words, "if the contrary maxim [I will not accept bribes when asked] were to become a universal law, then people would no longer attempt bribery" (Brentano 31) and thus that hypothetical world could not be willed. This reasoning is strikingly similar to Kant's own reasoning about why keeping one's promises is a duty. A maxim of promise-breaking, if universally willed, would destroy the institution of promises altogether creating a contradiction, in much the same way that a maxim of bribery-denying would destroy the institution of bribery altogether creating a contradiction. Since bribery denial seems to be obviously not morally wrong (in fact, it seems morally required) the CI-Procedure has seemingly failed here. One might argue that the way in which the hypothetical world was

analyzed was flawed and that the undermining of bribery can be willed for (perhaps despite the contradiction) unlike the undermining of promises. Or, perhaps, one might again insist that the maxim was wrongly chosen here. That is Timmermann's approach once again, who declares, again stressing the connection between maxims and ends, that "turning down bribes is a means to a legitimate end, but it should not be considered worth doing for its own sake" which means "the civil servant's practical principle must be a general maxim of decency" (Timmermann 159.) This again feels very ad hoc. When can maxims be individually tailored to the situation at all and when must they be general maxims of decency or indecency? Would it have been possible to declare in this case that the maxim must be general without prior knowledge that the specific maxim would wrongly fail the universalization test?

A final puzzle maxim worth considering is one in which someone (perhaps a Nazi or similar right-wing ideologue) has as a maxim the abhorrent intention "I will eliminate all members of inferior races." This can easily be universalized, though it obviously cannot be encouraged or permitted by the categorical imperative. The problem in this situation lies not in determining a level of detail or generality in the maxim, but rather the fact that the maxim incorporates the proposition that certain races are inferior. It feels as though this non-factual content of the maxim (non-factual both in that it is false but also in that it is of an evaluative nature) should not be allowed to be subject to the generalization test. One might argue again here that the problem lies not in the initial step of determination of the maxim, but rather in the ultimate analysis of the hypothetical world with it added as a law of nature. Perhaps there is some argument that we cannot will such a world after all, despite it containing neither obvious contradictions or obvious states contrary to the agent's self-interest, the foundation of Kant's previous arguments that worlds were impossible to will.

None of these cases alone is insurmountable for a proponent of the CI-Procedure, but each one adds in a constraint that she must account for. One could, as Timmermann does, that puzzle maxims do not represent the correct maxims in the situation, or like Bittner that they are not really maxims at all. Or one could redescribe the calculation of whether the ultimate hypothetical world is willable. In any case, it is clear that the CI-Procedure has large holes that, if filled in an ungraceful and ad hoc manner, cast significant doubt on the theory.

Perhaps the CI-Procedure can be further specified to account for all sorts of puzzle maxims and edge cases, and perhaps it cannot. Either way, the additional baggage added onto the principle seemingly produces doubt of this approach on its own. It also becomes quickly unclear what the exact source in Kant's body of work is supposed to be—or if the clarifications are supposed to be unsaid logical consequences of the work their sources are obscure as well. Without delving deeply into how Kant justifies both the categorical imperative in general and our chosen Formula of the Law of Nature for it in particular, there is an obvious incongruity between the nature of Kant's arguments and any total description of such a 'complete' CI-Procedure. Kant's arguments about the metaphysics of morals rarely enter a mode of description either sufficiently detailed or sufficiently clear to define such a low-level practical procedure. He is more concerned with sources of moral motivation and the grounding of how it binds us.

This critique on grounds of drifting away from Kant's purer metaethical character is much in line with what Kantian Allen Wood says on the matter. Wood is less concerned with justificatory gaps in the detail of the CI-Procedure *per se* but instead its discontinuity with the original spirit. Wood argues that such an interpretation misunderstands what a moral principle such as the categorical imperative is for. He contends that constructing a CI-Procedure at all takes for granted "that moral philosophy is concerned solely with solving intellectual problems about the rational procedures to be



used in making decisions and justifying them” (Wood 15.) Wood thinks that rather than needing to be equipped with a decision procedure, a moral agent merely must have the “intellectual capacity to distinguish right from wrong” along with “the strength of character and the good judgment to do so” (Wood 18) and that this framework should supplant any CI-Procedure based framework. Note that under this interpretation, puzzle maxims immediately become significantly less puzzling. Wood says to those who see the situation like Timmermann that “those who reply to these counterexamples by saying: ‘this isn’t the agent’s real maxim’ [wrongly keep] the persisting pretense that FUL/FLN can after all be used as general tests for the permissibility of maxims after the manner of a ‘CI-Procedure’” (Wood 33.)

For Wood, the categorical imperative provides “moral orientation” and perhaps keeps one generally on the right track, but right action is a fundamentally judgmental, rather than intellectual, activity. Wood sees the value of this “moral orientation” (Wood 18) as being a reminder to never make exceptions from duty for oneself. Wood approvingly quotes Kant’s insistence that it “with this compass [the categorical imperative] in hand, [common human reason] knows its way around very well in all the cases that come before it” (*G* 4:403.) This interpretation returns duty to the central role in Kant’s theory, relegating maxims to useful theoretical constructs. The role reason plays in this theory is confined to that of common sense. Seemingly, this interpretation both jells with the spirit of Kant’s work and eliminates the serious problems that plague the CI-Procedure.

Surely, however, we must be able to recover *some* first order component to the theory, though. Just because we emphasize duty and de-emphasize reasoning in the Kantian program does not mean that moral prescriptions for specific situations are *never* a direct consequence of the categorical imperative. If we go too far overboard in a project of refocusing Kantianism on the metaethical, we risk absurd conclusions, like that

Kantian ethics and utilitarianism are compatible. If they are then it seems as though the practical constraints imposed by Kantianism are so minimal as to be useless in determining morals at all. So far, these arguments are merely sketches since perhaps Wood or someone like minded might be tempted to deny the problem a lack of practical content poses for Kant. I will consider more later the challenges Kantians biting the bullet on this question face, in particular when faced with how Kant and followers actually discuss moral situations. First, however, we must establish how some first-order content might still survive our Wood-style elimination of CI-Procedures.

One question, given the above consideration, is how we can logically eliminate the undesirable thesis that Kantian and utilitarianism (or consequentialism more generally) might be able to logically fit together. Given the leeway already established, we might even think of how such a synthesis might look: a consequentialist (of whatever flavor, those details could be filled in) whose moral code is justified thusly: “My maxim of action is always to do what produces the best outcome for everyone. If I ever acted otherwise, my maxim would be one which prefers worse outcomes to better ones, and therefore I could not will it to be a universal law since everyone acting that way would be bad for the people as a whole, a group of which I am a part.” Presumably this cannot be a valid application of the categorical imperative—or if it can then a synthesis of Kantianism with almost any coherent moral theory can, stripping away any real normative content from the categorical imperative once and for all. But what *precisely* has gone wrong for the Kantian-consequentialist, if anything?

First, one might take issue with the characterization of the maxim of all actions that are not consequentially optimal being a preference for worse outcomes, but in fact this seems like a fair assessment when we reframe the problem around duty. If the duty in question is the duty to promote the outcome that is best for everyone (i.e. that is optimal in maximizing good consequences), then it is reasonable to characterize any non-optimal

choice as making an exception for oneself from this duty and being driven by a maxim that one should act non-optimally, perhaps under certain particular circumstances.

One might also take issue with the form of the reasoning about why this is not universally willable. My welfare being non-optimal is not guaranteed from people acting in such a way as to not promote the optimal general welfare. However, it is quite likely. The cases in which we might wish that those around us did have non-consequentialist maxims are only those in which our welfare would be sacrificed for a greater increase in the welfare of others. At first, this exception seems incredibly significant, but consider Kant's reasoning for why the categorical imperative impels us to be charitable and sympathetic to others: "a will that decided [that a maxim of non-sympathy should be a universal law of nature] would conflict with itself, since many cases could occur in which one would need the love and sympathy of others and in which, by such a law of nature arisen from his own will, he would rob himself of all hope of the assistance he wishes for himself" (*G* 4:423.) Here, Kant neglects the fact that the burden of having to be charitable to others may outweigh the lack of charity given to oneself, especially if one is in a privileged position. The contradiction is merely that in "many cases" one would be forced to will that they not be given assistance (and at the same time through common desire will that the assistance be given.) It seems that a similar thing can be said of the consequentialist version, then. Just as in the case of sympathy, "many cases could occur in which one would need" others to act in a way to optimize the consequences, since that optimization would include optimization of consequences for myself.

In fact, the pattern of reasoning that our hypothetical Kantian-consequentialist uses seems to mirror very closely Kant's application of the categorical imperative to the duty of beneficence to others. Indeed, the duty to "contribute anything to his welfare or to his assistance in need" (*G* 4:423) seems to be itself of a consequentialist form. Of course, this does not collapse Kantianism into consequentialism, but it does eliminate an

objection to the above consequentialist application of the categorical imperative that doubts whether duties can have such a consequentialist character. If there is a duty to contribute to the welfare of others, from what then can Kant derive his opposition to consequentialism? Plainly, the answer lies in the resolution of conflicting duties. If there is a duty with a consequentialist form (the duty of beneficence), but I am not impelled by duty considered as a whole to be a consequentialist, then it must be that in many cases some other duty is what binds my action.

Kant was very unclear about what to do in situations of conflict. In the *Metaphysics of Morals*, he denies the possibility of conflicts between duties or obligations, saying “since duty and obligation are concepts that express the objective practical necessity of certain actions and two rules opposed to each other cannot be necessary at the same time... a collision of duties and obligations is inconceivable” (*MM* 6:224.) However, he does admit conflicts between the *grounds* of obligation, saying that “when two such grounds conflict with each other, practical philosophy says, not that the stronger obligation takes precedence, but that the stronger ground of obligation prevails” (*MM* 6:224.) It is easiest to make sense of this (as McCarty does) as a claim that although we can never be obligated to do conflicting actions, and that duties themselves are consistent, the connections between duty and obligation, i.e. the grounds by

which the duty obligates, can conflict. Even granting that it is grounds that are the relevant conflicting objects and that duties themselves “form a morally consistent set” (McCarty 68) this does not resolve practical moral quandaries, since we have no way of knowing what the “stronger ground of obligation” is.

I would like to argue, in fact, that any method of determining the stronger ground of obligation in a situation of moral conflict is essentially a CI-Procedure and falls victim to its same pitfalls. McCarty uses Kant’s conceptions of perfect and imperfect duties to begin to develop a theory of strength of grounds of obligation (i.e. perfect duties

give stronger grounds of obligation than imperfect ones.) Setting aside for a moment the difficult question this approach leaves open regarding conflicts between two grounds both generated by (im)perfect duties, we can see that if this were to be a successful approach, we would need to be able to reliably distinguish perfect from imperfect duties. Recall that Kant, in the *Groundwork*, characterized perfect duties as those for which a violating action has a maxim that not only cannot be willed to be universal, but a world in which it is a universal law is inconceivable. Imperfect duties, on the other hand, are those that merely cannot be willed to be universal, but could be conceived of (*G* 4:422.)

Distinguishing between perfect and imperfect duties, then, requires analysis of what maxim appropriately describes a certain action, and analysis of a hypothetical world with that maxim as universal law. Take, for example, a situation in which someone confides a deep, dark secret of theirs in me. They do not want me to share it with anyone else and tell me so. After being told, I get the feeling that I simply must pass the secret on, but only to a single person, my best friend. This satisfies my desire to gossip. According to at least one analysis, then, my maxim is “when entrusted with a secret that the teller wants not to be spread at all, only share it with your single most trusted confidant and otherwise do not pass it on.” Let us consider the universalization of this maxim. If everyone were trustworthy when it comes to secrets, except in the case of telling one other person, would the institution of secret-sharing destroy itself? It is unclear, I think. On the one hand, no one can plausibly swear another person to absolute secrecy at all, since like in the classic promise-keeping example, everyone knows that this is a complete pretense. On the other hand, the spread of secrets will be slow, and the classic exponential leak situation where each person tells, say, five more people until the whole town knows will be avoided. It is not clear whether this known, but limited, breach of trust baked into the institution of secret-confiding is an inherent contradiction. If it is, we may say the duty not to tell secrets is perfect. If it is not, we may then say that despite

no inherent contradiction, we cannot will such a world to be since it would predictably eliminate our own ability to confide in others with actual secrecy. Thus, we would say it is an imperfect duty.

We can see in this analysis an exact recurrence of the steps of the CI-Procedure. Just as in the CI-Procedure, we are faced with the difficulties of determining the correct level of specificity of circumstances. In the determination of whether a particular hypothetical world is conceivable or not, there are echoes of Rawls's fourth step that expects one to "calculate as best we can what the order of nature would be once the effects of the newly adjoined law of nature have had a chance to work themselves out" (Rawls 83.) The tools required to distinguish perfect from imperfect duties are very similar to those required to sort out the use of the categorical imperative head on. In other words, if we abandon the CI-Procedure as a correct description of first order Kantian prescriptions, then it does us no good to look instead to the project regarding the strength of the grounds of obligations that Kant sets out in the *Metaphysics of Morals*. It is easy to see that a grounds-procedure with which we can determine which grounds of obligations are stronger than which is easily convertible into a CI-Procedure (and vice versa.)

We can see such problems riddled throughout the *Metaphysics of Morals*. Consider for example a common defense Kantians use to wiggle out of the problem of difficulty of application of the categorical imperative: "If we are to avoid a common misunderstanding, we need to be clear from the beginning that Kant did not hold or teach that we need to appeal to the categorical imperative every time we act or are faced with a difficult decision. The function of the categorical imperative is to help us generate maxims – general rules or policies – not actions" (Sullivan 3.) This maneuver is supported by Kant himself, who in his description of "wide" duties described them as those that "can prescribe only the maxim of actions, not actions themselves" (*MM* 6:390.) It seems, however, that when Kant applies this doctrine, it serves not to provide a

practical framework regarding maxims (as opposed to actions) it instead justifies leaving holes in the practical guidance of the theory. In discussing the limits of the duty of benevolence he says that “how far [the duty of benevolence] should extend depends, in large part, on what each person’s true needs are in view of his sensibilities, and it must be left to each to decide this for himself... the duty has in it a latitude for doing more or less, and no specific limits can be assigned to what should be done” (*MM* 6:393.) Indeed, for the reasons discussed above it seems such holes must exist. If Kant had successfully elaborated a procedure for choosing right maxims or for sorting out the priorities of duties, then the tools developed therein would almost certainly be able to provide a CI-Procedure for action. The evasive maneuver of Sullivan is only successful if the retreat goes beyond just claiming that Kantian morality is for guiding maxims not action, instead it must include a large amount of Kant’s “latitude.”

We return, then, to Wood’s version of Kant empty handed of first order prescriptions that directly follow from Kant’s theory (or any successful method for generating them.) Is this, then, so big a problem for Kant after all? We have seen that both Kant and his interpreters at least sometimes see this as a beneficial feature of the theory; Wood could claim again that all that is necessary for right action is “common human reason” unsupplemented by any logically pinned-down guidance from the categorical imperative. Certainly, a Kantian could concede the point that the theory is more or less empty of first order prescriptions, and instead see the project as solely metaethical in nature. In this way, all complaints about a moral procedure would be ill-founded, since in this interpretation the domain of Kantian ethics is merely to explicate the source of obligation. One could even take this tack while still retaining some normative content, such as for example the claim that the central objects of morality are duties. Perhaps this metaphilosophically explains some of the work of contemporary Kant scholars, such as Thomas E. Hill, who does much analysis on the work of Kant, but in his

practical philosophy stresses that his discussions are “often Kantian in spirit, but there is no attempt here to do textual exegesis or to crank out solutions from Kant’s theory” (Hill 1.) My criticisms of Kant are irrelevant if Kantian practical ethics is done this way, with only a vague, elliptical Kantian spirit that morality is the stuff of duty without self-exception.

However, I do not think this is how Kant (or Wood, really) sees his own philosophy. The *Metaphysics of Morals* contains many instances of “casuistical questions” involving particular scenarios (in part as a sort of exercise to the reader.) If Kant’s philosophy is not supposed to give a binding answer to these questions, it is implied that it is at least supposed to be a strong guide. Insofar as these exercises are merely meant to engage and sharpen the faculty of judgement in the way that Wood stresses, it seems then that the answers are coming only from moral intuition, rather than any philosophy at all. Again, a theory of ethics that combines a Kantian source of obligation with a sketchier practical system based on intuitions does not have the problems discussed here, but at the same time this would mean Kant should have nothing to say about hard ethical cases.

Let us look at what Kant had to say about one hard ethical case in particular, the infamous case of lying to a murderer, in order to see in what way his categorical imperative is applied. In the essay “On a Supposed Right to Lie From Philanthropy,” Kant argues against the utilitarian philosopher Benjamin Constant that our duty to tell the truth extends even to a situation in which a murderer shows up at our door asking for the location of a possible victim. Kant argues that in this case the duty to truthfulness supersedes any duty of general beneficence, i.e. that “every individual... has the strictest duty to truthfulness in statements that he cannot avoid, though they may harm himself or others” (*SRL* 8:428.) The form of his argument seems to be, at its bare bones, that since the duty to truthfulness is a perfect and unconditional duty (an argument for which would



likely go similar to the one presented for the specific case of a duty not to break promises about loans given at *G* 4:423) there is no exception even in the case of lying to a murderer. In particular, this logic is used to reject Constant's claim that "To tell the truth is a duty, but only to one who has a right to the truth." Kant never considers in the essay possible other applications of the categorical imperative. In particular, he does very little analysis of the duty of beneficence, even though his conclusion implies a resolution in this case in a conflict between that duty and a duty of truthfulness. Instead, his arguments consist of other kinds of reasoning, ones in which it is emphasized that if a lie is told and the murder happens anyway, then the liar is responsible for the harm, but that if it happens after the truth is held then "an accident *causes* the harm" (*SRL* 8:428.) Instead of explaining the reason why the duty of truthfulness is inviolable in this case where it seems difficult to select the appropriate circumstances for a maxim and where there is a conflicting duty of beneficence, Kant merely reiterates the dogma that duty is about not asking for self-exceptions. He criticizes someone who even thinks of lying by saying that someone who "asks permission to think about possible exceptions [to the duty of truthfulness] is already a liar" (*SRL* 8:430.)

Of course, this essay is controversial even among Kantians. Michael Cholbi suggests that lying to the murderer is actually required under the Kantian conception of self-defense. Christine Korsgaard thinks that the lie is permissible under the Formula of the Law of Nature (the one on which we have so far focused) but not under the Formula of Humanity. It is not, then, Kant's own implausible claim that we must not lie to the murderer that really gets at the heart of the problem here, as has been often thought. Instead, the problem is that such a wide variety of disagreement among Kantians is even possible. Is the misunderstanding of Kant's theory that widespread, extending even to the man himself? Or, more likely, are all these casuistical answers compatible with Kant's theory? If the latter, then it follows that the practical content of Kantianism is vastly

underdetermined. Uncharitably, this makes it seem like sophistry when particular answers to moral quandaries are derived from Kantian duties, since the implication is that such an answer is *the* answer that follows from a correct application of the categorical imperative to this case, when in fact many such answers are possible (even, perhaps, consequentialist-type answers that almost no actual Kantian would endorse.) Any Woodian hope that decision procedures for hard problems are unnecessary and that in fact all that is needed is a refined sense of judgment, an appreciation for the concept of duty, and an unwillingness to make exceptions for oneself is shattered when we look at how strongly a group of self-professed Kantians can disagree with each other about casuistics.

In sum, I'd like to suggest that Kantian ethics is caught between a rock and a hard place. If it is put into a form with obvious practical content, such as with a CI-Procedure, then it becomes subject to problems like puzzle maxims and being divorced from its metaethical bedrock. If, on the other hand, the purely metaethical nature of the theory is embraced, then its practical content withers to nothing, unable to give guidance on which maxims or which duties take priority (since doing so would be eventually equivalent to a CI-Procedure.) The middle road that many Kantians, including Kant himself, take wherein the gaps in the practical theory are filled in by intuition, all the while falling back on the unrelated metaethical component of the theory as justification, is untenable. This is what makes it possible for Kantians to have such a wide variety of incompatible opinions on practical ethics, all of which are supposedly grounded in the categorical imperative. A more reasonable moderate strategy for deontological ethics might be like the aforementioned one Hill's work takes, in which applications of normativity are heavily flavored by Kant's conception of duty, but the pretense is dropped that all of practical ethics consists ultimately of special cases of the categorical imperative.

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