

KANT'S
SOURCES IN
TRANSLATION

SERIES EDITORS:
Lawrence Pasternack
and Pablo Muchnik

BAUMGARTEN'S
ELEMENTS OF
FIRST PRACTICAL
PHILOSOPHY

A CRITICAL TRANSLATION
WITH KANT'S REFLECTIONS
ON MORAL PHILOSOPHY

ALEXANDER GOTTLIEB BAUMGARTEN
AND IMMANUEL KANT

EDITED AND TRANSLATED BY
COURTNEY D. FUGATE AND JOHN HYMERS

Baumgarten's *Elements of*
First Practical Philosophy

Kant's Sources in Translation

The texts that shaped Kant's thought

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Baumgarten's *Elements of First
Practical Philosophy*

A Critical Translation with Kant's *Reflections
on Moral Philosophy*

Alexander Gottlieb Baumgarten and
Immanuel Kant

Edited and Translated by
Courtney D. Fugate and John Hymers

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Series: Kant's Sources in Translation

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To Jenni
– Courtney D. Fugate

To Yvette, on the occasion of our 25th wedding anniversary
– John Hymers

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Series Editors' Preface

Kant's Sources in Translation

Before becoming a famous philosopher, Kant was a famous teacher. For over forty years, he lectured on a wide array of topics – ranging from metaphysics to mineralogy, physics to pedagogy, anthropology to logic. Before officially entering the ranks at the University of Königsberg with the *Inaugural Dissertation* (1771), Kant's living depended on the popularity of his lectures. He took them very seriously, and used, for each of them, one or another of the textbooks recognized by the Prussian authorities. In many cases, he used even the same copy for decades. As a result, these copies accumulated scores of marginal notes (often referred to as '*Reflexionen*'), which acted sometimes as reminders, sometimes as objections and sometimes as springboards for Kant's own thoughts.

This wealth of material has been transcribed and printed in the *Akademieausgabe von Immanuel Kants Gesammelten Werken*. Likewise, most of the extant notes composed by students who attended Kant's lectures have also been incorporated into the *Akademieausgabe*. These resources have received modest attention over the years, but with Cambridge University Press's translation of selected lectures and *Reflexionen*, interest in them, especially among Anglophone Kant scholars, has burgeoned.

Unfortunately, however, interpreters commonly overlook the fact that Kant's lecture notes are not his own writings, but transcriptions from his students. Similarly, his *Reflexionen*, though of his own hand, are often just glosses on some point made in the textbook from which he was teaching. These materials, therefore, should not be considered in isolation – they are an outgrowth of the manuals Kant was using, part of an implicit dialogue with these authors and, as any teacher would attest, often open to students' misrepresentation. As stand-alone pieces severed from this context, it is impossible to know whether a particular *Reflexion* or lecture passage conveys Kant's restatement of the textbook content, or is instead a qualification, extrapolation, criticism or merely a digression on Kant's part.

The goal of this series is to offer the tools necessary for reconstructing the context of Kant's thought. Many of these sources are in Latin and in German, and have heretofore remained in the hands of specialists. Their reliable English translations will make them accessible to a much broader public and help contemporary readers put Kant's lectures, notes and *Reflexionen* in perspective.

The first phase of this project will focus on the most important philosophical textbooks Kant used throughout his teaching career. In addition to newly translated material, each volume will be accompanied by a system of concordances that allows readers to correlate Kant's *Reflexionen* and lectures to their corresponding textbook passages. In a second phase, the series will cast a broader net and offer translations

of influential German and Latin texts of the eighteenth century that are not currently available in English or need updating. Combined, these efforts promise to give Anglophone scholars a more comprehensive picture of the intellectual world that made possible the German Enlightenment.

In the first volume of our series, the translation of Georg Friedrich Meier's *Auszug aus der Vernunftlehre* (Halle, 1752), we presented one of the most enduring influences on Kant's theoretical philosophy: the textbook he used throughout his logic courses during a period of forty years (1756–96). Our second volume, the translation of Johann August Eberhard's *Vorbereitung zur natürlichen Theologie zum Gebrauch akademischer Vorlesungen* (Halle, 1781), does a comparable job – this time making explicit the background against which Kant developed his mature philosophy of religion. In the third volume, we offer the first English translation of Gottfried Achenwall's *Jus Naturae* (5th Edition: 1763), the textbook from which Kant lectured on natural law for over twenty years (1767–88). Not only does this textbook serve as the basis for Kant's natural law lectures and related *Reflexionen*, but it also shaped the legal and political philosophy found in his *Doctrine of Right*, the first part of the *Metaphysics of Morals* (1797).

The current volume contains the first English translation of Alexander Gottlieb Baumgarten's *Initia philosophiae practicae primae acroamaticae* (1760), one of the textbooks used by Kant when teaching courses on moral philosophy, as well as one of the most widely used philosophy textbooks in German universities during the latter half of the eighteenth century. This translation will not only be helpful in understanding Kant's lectures on ethics, but also will provide insights into the development of his moral philosophy, including many of the structural features and philosophical distinctions found within his *Groundwork of the Metaphysics of Morals* (1785) and beyond.

Acknowledgements

As befitting a book on the nature of obligation, we find ourselves happily obligated to the many people who have made our project possible. As before, we would like to thank Lawrence Pasternack and Pablo Muchnik for asking us to contribute to this series, Becky Holland and Colleen Coalter at Bloomsbury for their extreme patience and encouragement, Hanno Birken-Bertsch for advice on issues of German translation, and Robert Dobie as a handy language resource. Alexander Aichele kindly sent us a manuscript copy of his German translation of Baumgarten's *Initia philosophicae practicae primae acroamatice*, which we pored over to our great profit. Beyond promptly responding to our many emailed queries, Clemens Schwaiger also graciously reviewed our translation of the *Initia* and offered many helpful comments – for his solicitude we thank him abundantly. The anonymous reader at Bloomsbury also offered some helpful suggestions. Corey Dyck remained a mouse-click away with advice concerning Christian Wolff's work, and Joel Garver has been a bottomless source of knowledge concerning the Protestant theology of the eighteenth century. Courtney D. Fugate would like to thank the American University of Beirut for its support. And as always, John Hymers would like to thank his students for letting him try out some of this material on them, and likewise he wishes to acknowledge the continued support and encouragement of La Salle University and the members of the philosophy department in particular.

Abbreviations

Apart from the *Critique of Pure Reason*, which is cited by the A and B edition paginations, the writings of Immanuel Kant are cited by the abbreviation AA, followed by the appropriate volume and page number of the Akademie-Ausgabe of his collected writings. Unless otherwise noted, translations are from the *Cambridge Edition of the Works of Immanuel Kant*. Other multi-volume editions are cited in a similar manner. Unless preceded by a section mark (§), all references are to chapter, volume or page numbers.

The headings of Kant's *Reflections on Moral Philosophy* have been simplified, but otherwise follow the format developed by Erich Adickes. For a more detailed account of Adickes' dating procedures see BM 35–40 and Naragon (2006).

AA (vol.:p.)	<i>Gesammelte Schriften</i> (Kant 1902–)
BAL	<i>Acroasis Logica</i> (Baumgarten 1761)
BDO	<i>De ordine in audiendis philosophicis per triennium academicum</i> (Baumgarten 1748)
BEP	<i>Ethica Philosophica</i> (Baumgarten 1763a)
BGR	<i>Notes and Fragments</i> (Kant 2005)
BH	<i>Kant's Doctrine of Right: A Commentary</i> (Byrd and Hruschka 2010)
BIN	<i>Ius Naturae</i> (Baumgarten 1763b)
BIP	<i>Initia philosophiae practicae primae acroamatice</i> (Baumgarten 1760)
BM	<i>Metaphysics</i> (Baumgarten 2014a)
BPG	<i>Philosophia Generalis</i> (Baumgarten 1770)
E	Kant's <i>Elucidations</i> of Baumgarten's <i>Elements</i> (<i>Reflections on Moral Philosophy</i> . AA 19, reflections 6456–576)
GT	<i>Groundwork of the Metaphysics of Morals: A German–English Edition</i> (Kant 2011)
LA	<i>Sämtliche Schriften und Briefe</i> (Leibniz, G. W. 1923–)
LRJP	<i>Réflexions sur la philosophie moral. Précédé de A.G. Baumgarten, Principes de la philosophie pratique première</i> (Kant 2014)

WAGM	<i>Anmerkungen über Vernünfftige Gedancken von Gott, der Welt und der Seele des Menschen, auch allen Dingen überhaupt</i> (Wolff 1724)
WDP	<i>Discursus Praeliminaris de Philosophia in Genere</i> (Prefixed to WPR)
WGL	<i>Vernünfftige Gedancken von den Kräften des menschlichen Verstandes</i> (Wolff 1754b)
WIIN	<i>Institutiones iuris naturae et gentium</i> (Wolff 1774)
WIN	<i>Ius naturae methodo scientifica pertractatum</i> , 8 vols (Wolff 1743)
WO	<i>Philosophia prima seu ontologia methodo scientifica pertractata</i> (Wolff 1736a)
WOe	<i>Oeconomica: methodo scientifica pertractata</i> , 2 vols (Wolff 1754a)
WPM	<i>Philosophia moralis, sive ethica methodo scientifica pertractata</i> , 5 vols (Wolff 1750)
WPPU	<i>Philosophia practica universalis methodo scientifica pertractata</i> , 2 vols (Wolff 1738)
WPR	<i>Philosophia rationalis sive logica</i> (Wolff 1740)
WTL	<i>Vernünfftige Gedancken von der Menschen Thun und Lassen</i> (Wolff 1736b)
WTN	<i>Theologia naturalis</i> , 2 vols (Wolff 1739b)

Translators' Introduction

This Volume

This volume contains the third modern translation of Alexander Gottlieb Baumgarten's *Initia philosophiae practicae primae acroamaticae*, the other two being a translation into French by Luc Langois, Matheiu Robitaille and Émilie-Jade Poliquin (in Kant 2014) and one into German by Alexander Aichele (Baumgarten 2019). Together with Baumgarten's text, it also contains the first complete translation into English of Kant's *Reflections on Moral Philosophy*, a selection of which was previously translated by Curtis Bowman, Paul Guyer and Frederick Rauscher (2005). Nearly all of these notes were penned in Kant's personal copy of Baumgarten's textbook. Studied in tandem, these materials provide a window into seventeenth-century moral philosophy and a nearly comprehensive picture of the course of Kant's thoughts on the foundations of this discipline over a span of more than three decades.

Baumgarten's *Elements* (1760)¹ contains a systematic but also original presentation of first, or universal, practical philosophy, a discipline established by Christian Wolff in his dissertation (Wolff 1703) and then greatly expanded in his later writings. The *Elements* served as a chief textbook of philosophical instruction in German universities for several decades, with Immanuel Kant employing it for his lectures on moral philosophy at least twenty-four times between 1760 and 1794. Scholars have long recognized this work as crucial for understanding the background to Kant's moral philosophy, with Henry Allison going so far as to state that 'it is evident that Kant's ongoing engagement with Baumgarten, and, more generally, with universal practical philosophy, played an essential role in shaping his emerging moral philosophy' (2011, 6).² Indeed, Kant himself often titled the first part of his own course on moral philosophy 'universal practical philosophy', and the existing transcripts of these lectures, although they have been available in English for many years now, are largely unintelligible without a knowledge of Baumgarten's *Elements*.

¹ Schneewind (1997, xxi) incorrectly states that the first edition was published in 1740 and that Kant used the third edition. His comment, however, seems applicable to the BEP; see footnote 5 below.

² Notable also are Bacin (2015), Henrich (1963), Schmucker (1961), Schneewind (1997), Schwaiger (2011), Thorndike (2008), Thorndike (2018) and Kuehn (2015).

The positive role Kant ascribed to this discipline can be better understood from his claim in the *Groundwork of the Metaphysics of Morals* (1785) that universal practical philosophy

differs from a metaphysics of morals in the same way that general logic, which sets forth the actions and rules of thinking in general, differs from transcendental philosophy, the first of which presents actions and rules of thinking *in general*, the latter the particular actions and rules of PURE thinking, i.e. of that by which objects are cognized completely *a priori*. (AA 4: 390; GT, 9)

According to Kant, general logic contains the scientific treatment of the concepts and laws of the understanding in general, whereas transcendental logic contains the scientific treatment of the *conditions of the possibility of the relation* of these concepts and laws to an object in general; the former expounds the form of thought, the latter the conditions for providing this form with a matter or content. Hence, the twin disciplines of logic and transcendental philosophy are so closely related in Kant's mind that he always looks to the former for the 'clue' to the discovery of concepts and principles of the latter. Kant's comment in the *Groundwork* thus means that he regards universal practical philosophy – the best version of which he locates precisely in Baumgarten's *Elements* – as in fact containing an analysis and exposition of the most general concepts and laws, i.e. the form, of willing as such. The *Groundwork of the Metaphysics of Morals* would then play a similar role to transcendental philosophy by explaining the ground by which this universal practical philosophy, or the doctrine of the laws of willing in general, is able to receive a particular content, i.e. though the 'identification and corroboration of the *supreme principle of morality*' (GT, 13), which is the ground of the possibility of any genuine law of willing at all.

Therefore, although Kant clearly rejects many of the specifics of Baumgarten's analysis, as well as the latter's claim that universal practical philosophy is able to establish the supreme principle of obligation, he also adopts and adapts the idea of first or universal practical philosophy for his own purposes. Indeed, a division of his *Metaphysics of Morals* (1797) bears this very title: 'Preliminary Concepts of the Metaphysics of Morals (*PHILOSOPHIA PRACTICA UNIVERSALIS*)' (AA 6: 221).³

The Need For First Practical Philosophy

Baumgarten seems to have written the *Initia* for four reasons, which we can glean from the early moments and structure of the book. The first is the most prosaic: He holds that Wolff's many and huge works need to be reduced to something more manageable for students. Second, first practical philosophy per se is needed to tie ethics to natural law, i.e. the right of nature. Third, through the right of nature, first practical philosophy provides ethics with what for Baumgarten is its basic concept: obligation. And finally, as the basis of ethics and thus of action, first practical philosophy is intended as the

³ This division and its relation to Baumgarten is discussed in Baum (2013).

ground for all activity of each rational being, and thus must ground living, or impelling, cognition. Let us briefly look at these four.

A) *Simplifying Wolff*. As noted above, Alexander Gottlieb Baumgarten's *Elements of First Practical Philosophy* follows a template established by Christian Wolff and one that Immanuel Kant's *Groundwork for the Metaphysics of Morals* would also follow: an independent work propaedeutic to ethics proper and that grounds the basic concepts of practical philosophy. Decrying the 'untold number of Latin works' (BIP *VI) belonging to Wolff, Baumgarten felt that the nascent field needed some clarification, or at least some systematic simplification. For, excluding his forty-page Latin PhD dissertation, Wolff left us with precisely 1,400 Latin pages in his two-volume work strictly dedicated to universal practical philosophy, i.e. his *Philosophia practica universalis* (WPPU) (not counting the lengthy front matter and index). Moreover, his *Ius naturae* (WIN), dedicated to natural law, totals 6,193 pages over its eight volumes. To this we should add his *Institutiones iuris naturae et gentium* (WIIN), which unfolds over 782 pages. In the place of these 8,375 pages, Baumgarten offers a scant 139, divided into 205 paragraphs.⁴ This alone made the choice of Baumgarten's textbook natural to Kant.

B) *The right of nature*. So much for the need that Baumgarten saw for yet *another* work on universal practical philosophy. But what is the need for *any* works on universal practical philosophy in the first place? That is: Why do we need a practical science more fundamental than ethics? We've seen Kant's answer above, but what does Baumgarten think? The latter's answer is clear. As Baumgarten had already established in the preface to the first edition of his *Ethica philosophica* (1740),⁵ a work whose publication preceded the BIP by twenty-one years, 'universal practical philosophy' are the 'three words ... that I am accustomed to unpacking very carefully at the threshold of my instruction in ethics' (BEP *iv). If ethics attempts to set out the framework for specific good actions, then an element of ethics is needed to cement the theoretical foundations for that structure.⁶ And that cement is found in the concept of nature, or more precisely, the right of nature: like Aristotle, the Stoics, Cicero and numerous others in the long natural-law tradition, Baumgarten sees a close connection and yet a fundamental distinction between the right of nature and practical philosophy. 'It is my wont', he writes, 'to join practical universal philosophy, as it is called, with the right of nature, to which it is prefaced,⁷ and I urge you not to study ethics, if it is possible, until after these prior sciences have been explained' (BEP *iv). This particular urge was

⁴ This is not to mention Wolff's five-volume work concerning ethics per se, the *Philosophia moralis, sive ethica* (WPM), with its 3,838 pages. And we exclude from this count any of his German works.

⁵ Baumgarten's *Ethica philosophica* underwent three editions (1740, 1751 and posthumously in 1763); the second and third editions were published in the Akademie edition of Kant's work in the first part of the second half of AA 27. A critical translation of the BEP is in preparation.

⁶ Wolff makes clear that ethics is a special science needing a general ground: '*in ethics are to be treated the special motives of committing and omitting actions ... and so in universal practical philosophy is to be treated the general theory of the motives for committing and omitting actions*' (WPM I §10).

⁷ Wolff: '*The Right of Nature presupposes universal practical philosophy*. Moreover, in universal practical philosophy are taught the principles of natural right. And thus since those things that are taught in natural right must be demonstrated, and demonstrations however presuppose principles, consequently any given part of philosophy supposes that part in which the principles of the same are taught; hence, the Right of Nature presupposes universal practical philosophy' (WIN I §4).

instilled in him by Wolff, who had maintained that 'the right of nature presupposes universal practical philosophy.'⁸ To know the right of nature is to have it unlocked through this metaphysics of ethics, this universal practical philosophy. The right of nature, though, as we read in BIP §65, can be taken in many senses: *most strictly* it is limited to external constraining (physical) laws, which have nothing to do with practical philosophy (cf. also BIP §50 and E6489 below); *most broadly*, it concerns all laws that are to be known strictly from nature; *more broadly*, it concerns both moral and physical laws; and *broadly*, it concerns only laws that affect humans (moral laws). Thus for Baumgarten, universal practical philosophy is necessary for expressing the moral, or strictly human, aspect of the right of nature. Hence universal practical philosophy is the right of nature, taken broadly. We could thus take it as the right of *human* nature. This obviously and fundamentally places Baumgarten within the natural law tradition, in that all right action needs to correspond to nature, and yet, as we will read, be free (cf. BIP §11), which is why practical philosophy is broadly, and not strictly, the right of nature. This double concern also gives a clue as to the developmental history of the categorical imperative, in which Kant judges every maxim as if it were a universal law of nature (see also R7269 below) and yet the product of rational freedom.

C) *Obligation*. While his *Ethica philosophica* treats of ethics proper under the three main headings of religion, duties to oneself and duties to others, it still depends on the right of nature through its dependence on first, or universal, practical philosophy. Now, we should turn to Baumgarten's two prolegomena in the BIP to understand what he sees as the specific content of first practical philosophy: it is to provide practical philosophy with its basic concepts: (i) obligation, and, by extension, the (ii) sources of obligation. So practical philosophy has but one basic concept: obligation. This obligation, though, is to be derived from the right of nature, and even the legitimacy of a putative positive obligation will be judged according to its fittingness vis-à-vis nature (cf. BIP §§11 and 45, as well as WPPU I, §151).

Accordingly, the *Elements* does not simply teach some given obligation, such as the obligation to oneself or to the other, but rather: obligation *tout court*. For, as Baumgarten makes clear in BIP §1, 'practical philosophy is the science of the obligations of a person that are to be known without faith <*sine fide*>'. This formulation simplifies what we read in the *Ethica philosophica*. There, (i) ethics was first broadly defined as 'the science of the internal obligations of human beings in a natural state' (BEP §1), a formula that he had already assayed in BDO.⁹ But such a formulation would also allow religion or moral theology to be discussed under ethics, since nature itself is also understood as divine legislation (cf. BIP §100). So, in turn, Baumgarten offers (ii) a stricter philosophical ethics as a further, more fundamental distinction: it

⁸ A note to this sentence instructs the reader to consult his 1738 pamphlet '*De ordine in audiendis philosophicis per triennium academicum*', which in turn lays out the order in which Baumgarten holds that philosophy should be taught if it is to achieve its goal. And although Baumgarten, unlike Kant, published his ethics before his groundwork, the order of publication clearly does not suggest the order of pedagogy: the pamphlet indicates that, in 1738 at least, Baumgarten went so far as to teach the right of nature from 8.00 to 9.00 am, and then ethics from 9.00 to 10.00 am, followed much later by logic from 5.00 to 6.00 pm (BDO §24).

⁹ 'I call ethics the science concerning our internal obligations in the state of nature' (BDO §17).

is 'ethics, insofar as it is known without faith' (BEP §2). Practical philosophy is thus fundamentally philosophical ethics, or the right of nature belonging to humanity, or the science of obligations *sine fide* – but, whatever the actual formulation, its principle, obligation qua obligation, is treated properly within first practical philosophy alone.

Moreover, philosophical ethics finds itself in the middle, between the universal practical philosophy of the right of nature and that of the ethics of various fields: 'philosophical ethics facilitates obligations, whether external or internal, and it supplies in abundance more perfect principles to economics and politics, whether public or private, and indeed, even to Christian ethics itself' (BEP §3). This is echoed in BIP §9, but in BE the list is expanded to 'every discipline, theology, and the two types of law, whether universal or particular'. Practical philosophy undergirds each and every practical discipline, without exception. A grounded understanding of practical philosophy, itself grounded by that first or universal practical philosophy which is thus 'rightly set ahead of all the other practical disciplines and moral sciences' (BIP §8), in turn supplies our understanding of the ground of all particular action.

D) *Living cognition*. Hence, although the BIP is essentially a university textbook, Baumgarten does not see first practical philosophy as merely grounding the *study* of practical philosophy; for as he constantly points out, the study of words is never enough to inflame the heart (the merely speculative theologian, for instance, may know everything about Christ's teachings, but not follow them; in such a case the theologian's cognition is symbolic but it is not real).¹⁰ Baumgarten intends first practical philosophy to ground *living practice* itself, the various disciplines of human activity, with the living word that informs them in real life (cf. BIP §205).¹¹ Thus, a grounded understanding of practical philosophy will give life to the practical commands of the various disciplines and stop them from just being commands of the dead letter. By life, Baumgarten means the ability to move us; the life of commands entails the motive force or 'living power' described in BM (cf. BM §§220, 331, 413; see also BM §515), and the related idea of efficaciousness (BM §§675, 695). And this is all-important, for first practical philosophy safeguards our very humanity: lacking practical philosophy, the obligations with which we are faced will lead either to mere submission, destroying the freedom that is proper to the intellectual being, or worse, to confusion, which is the curse of the intellectual being, and in turn to inertia. Moreover, there is another danger: lacking a pure practical philosophy, empty arguments threaten the agent (BIP §5), who could be convinced about anything concerning any practice. Without universal practical philosophy, ethics could threaten to become an apology for any given practice favoured by specific practitioners arguing from the goods belonging to their specific field alone (e.g. business, medicine, engineering and so on). In a word,

¹⁰ 'Knowledge, insofar as it contains the incentives of the mind, is moving (affecting, touching, burning, pragmatic, practical, and more broadly, living), and insofar as it does not contain these incentives, it is inert (theoretical, and more broadly, dead), and when this knowledge is otherwise perfect enough, it is called speculation (speculative, empty, hollow). Hence, symbolic knowledge, as such, is notably inert (BM §652), and only intuitive knowledge is moving (BM §652)' (BM §669).

¹¹ Schwaiger discusses living knowledge throughout his Baumgarten monograph, but that concerning ethics especially in §39 (2011, 122–6). Thorndike maintains that 'motivating grounds take center stage in Baumgarten's account of moral obligation' (2008, 114).

it could become bound to a technological (i.e. hypothetical) imperative, which, under the guise of the innovation imperative, is a clear threat today, and not led by any idea of the good in general but rather by the useful, however defined.

Not only is a living ethics necessary for a good life: even the teaching of ethics itself is an ethical endeavour. Baumgarten begins his preface by explicitly devoting his *Elements* to those who are tasked with the teaching of practical philosophy. As he stresses, this task belongs to philosophy professors. And yet at the end of the preface, he underlines that this is not the task that all philosophy professors have taken on; for there are those who seek after novelties instead of developing a deep understanding of the treasury they are charged to preserve, those who chase shiny and fragmentary objects and attempt to shape them into something coherent, those who sell the platitudinous smoke that people are continually eager to buy. These are those who would value ethics according to the dictates of the marketplace of ideas. Thus, Baumgarten's *Elements of First Practical Philosophy* not only intends to ground the study of all practical philosophy, but it also attempts to rein in philosophy from excessive interest in the newest pedagogies and the shiniest ideas, and, most of all, from being lucrative and marketable – instead Baumgarten points out that the most important task is also the humblest: passing on the oldest truths, and in so doing, keeping them evergreen. This is the role of conscience (cf. BIP §§204–5), the moving cognition that binds law and morality into one perfect unity: obligation then follows not only the compulsion of the *vis coactiva*, but also the virtue belonging to the *vis directiva*. Only in this way, Baumgarten argues, does ethics as practical philosophy provide the motive force necessary for self-perfection.

Detailed Outline of The *Elements of First Practical Philosophy*

The general outline of Kant's metaphysics of ethics is well known and quite extensively studied, but that of Baumgarten is not.¹² What thus follows here is a detailed summary of the BIP. In the translation itself we have provided copious notes contextualizing Baumgarten's arguments; moreover, Kant's elucidations and reflections, which we reproduce in full, function as a running critical commentary on the text. Those readers seeking a more technical analysis are thus directed to the work itself. Here we concern ourselves alone with sketching the individual moments of his argument at some length as an aid to comprehending the whole.

Chapter 1: Obligation

Section I: Obligation in general (§§10–49). The basic concept of the BIP is obligation, which morally necessitates a given free determination, and obligation either refers to the free determination that obligates (and is called active obligation) or to the person

¹² Schwaiger (2011) is the fullest treatment of Baumgarten's ethics, esp. part III. We refer the reader to our works cited for other studies, but highlight the contributions of Aichele (2005), Bacin (2015) and Thorndike (2008).

obligated (and it is called passive obligation). As such, obligation depends on moral freedom, which is to say, it depends on the possibility of freely willing or refusing the morally necessary determination, and thus neither that which is physically necessary nor impossible can be an obligation. As obligation depends on such moral freedom, obligation does not destroy it.

A free determination is made morally necessary by attaching a greater preference to it than to its opposite. In turn, a possible preference is excited by what Baumgarten, following Wolff, calls an impelling cause; the overriding impelling cause, a novel distinction introduced by Baumgarten, is the more impelling cause exciting the preference that wins out and actually makes some determination morally necessary. A collection of partial impelling causes comprises a total impelling cause, and the more and greater the partial impelling causes that form the total, the more overriding it is, and the greater the obligation; Likewise, if there are no overriding impelling causes, there is no obligation, or when the total impelling cause ceases to be impelling or even disappears, so too disappears the obligation.

A person satisfies an obligation by an act that answers to it. Such obligations can never collide, since opposing total impelling causes are never equal, and the greater one is that which obligates. However, there may appear to be a collision to one who has not summed up all the partial impelling causes. The task of the professor of practical philosophy is to train students to more perfectly recognize impelling causes to more and nobler free determinations, and thus to be more capable of more and greater obligations. Obligations can be completely certain or broadly uncertain, and the broadly uncertain obligations can be probable or dubious. This certainty, or broad lack of the same, can be known after the summation of the total impelling cause. Obligations can also be true or spurious. A natural obligation emerges from the nature of a human being and human actions; a positive obligation emerges from the free will of a rational being (i.e. God or humans). These categories are not mutually exclusive: an obligation may be both positive and natural. Obligations are negative when they obligate the omission of an act, and they are affirmative when they obligate the commission of an act.

Human free determinations are either good or evil, and are immortal; i.e. from the former, which are called moral goods, only positive implications flow without end, and from the latter, which are called sins, only negative implications flow without end. All free determinations have natural good or evil implications, so the atheist can understand these. Morality is the habituation towards perfection in action, which is achieved through good free determinations and hindered by those that are evil. Morality is objective insofar as a determination is good or evil abstracting from everything else, and it is seen as subjective insofar as it belongs to the choice of an agent. These categories are not mutually exclusive; morality may be both objective and subjective. The first imperative is thus *do the good and omit evil*, which is a natural obligation in that it can be known through nature in various ways. Hence our nature obligates us to this imperative. If there are multiple good determinations, *do the best*. If it is best to choose between multiple evil determinations, *omit the worst*. Abnegation is to commit an evil without which some worse evil would not be impeded, or to omit a good through which something better would be impeded, and both of its senses are obligations.

The perfection one must seek is either internal, in which case one is the end of one's own perfection; or it is external in another, in which case one is a means to that perfection. This perfection is in harmony with one's own nature and the rest of universal nature. Hence, to seek one's own perfection as much as one can is the Stoic injunction *to live according to nature*, and all the imperatives belonging to such are universal for all humans.

Section II: Moral constraint (§§50–9). Absolute external constraint, i.e. violence, is not a moral constraint as it has nothing to do with free actions or determinations. Rather, moral constraint is either internal, through which one constrains oneself to prefer a reluctantly chosen good, or external, through which another qualifiedly constrains a subject to the same preference and choice. External moral constraint, as it aims to produce a chosen yet reluctant preference, does not destroy freedom but rather depends on it, and such constraint can either be an enticement through seduction or a threat through fear. Both internal and external moral constraint can be either true or spurious. Although all moral constraint is obligation, obligation is not the same as constraint, as one can be obligated without constraint, whether internal or external (i.e. whenever one does not reluctantly choose a good). Moral constraint differs from extortion as the superior from the inferior; yet, extortion too does not destroy freedom but depends on it (since one can still choose not to be extorted into activity). Even if, due to its being more obvious, external moral constraint seems stronger than internal moral constraint, internal moral constraint is superior to external moral constraint since the latter depends on the former, which is also more frequent than the latter. Internal and external obligations can be united to produce a stronger obligation, but their distinction must be preserved.

Chapter 2: The sources of obligation

Section I: Law (§§60–75). Moral laws are obligatory propositions necessitating free determinations in conformity with reason. Since obligations are either internal (imperfect) or external (perfect), so too are moral laws. External moral laws in accord with the internal are strengthened, but their distinction must be preserved. A person satisfies a law by satisfying the obligation that answers to it. If laws are known sufficiently from the nature of the action and the agent, then they are natural; if they are known from somebody's free choice, then they are positive, and these positive laws can either be human or divine.

Right can be understood in various ways, but for the purposes of the BIP, right will be understood as (a) a collection of similar laws, and (b) the moral faculty granted by laws. It is either internal or external. Internal right is the moral aptitude granted by internal moral laws (of doing what you think is right), and is the faculty of right broadly considered, or it is granted by external laws and is the faculty of right most strictly considered (what you have the right to do). As a collection of laws, the right of nature is the collection of natural laws while positive right is the collection of positive laws; the latter strictly considered includes only external laws and it can be either human or divine. And as a moral faculty, right is also either natural or positive; the latter is either human or divine. Laws either obligate affirmatively and are preceptive, having the right of command, or they obligate negatively and are prohibiting, having the right of veto.

Whatever no law prohibits is tacitly permitted, and a permissive law posits that something not be impeded, which is permission strictly speaking. All divine positive laws, since they flow from God's supreme knowledge, have sufficient ground in God as an agent or his actions, and are hence natural. Hence, every natural law is also a divine positive law. Thus, from a natural law one may deduce the will of God, and vice versa.

Laws can be universal (obligating all humans in all their free determinations) or particular (obligating only some in some free determinations), and the field of a law is the breadth of the law, i.e. the collection of free determinations about which a law expresses something. The field of natural law is thus the broadest. Natural rights can also be universal or particular; philosophical rights can be known without faith. Divine laws and natural rights are likewise positive and universal, while positive human laws and rights are only particular.

Section II: Juridical expertise (§§76–86). Laws and right can be known either historically or they can be known philosophically (with certainty, or scientifically). Juridical expertise is likewise either historical or philosophical cognition of right, and thus juridical science is philosophical cognition of right. Someone with merely historical cognition of the words of a law is a pettifogger. Jurisprudence is the ability to subsume deeds under law, and this is the task of the lawyer. The lawyer may be either a juridical expert (a scholar versed in theory) or a jurist (a practitioner); the jurist must also have theoretical cognition, but the scholar need not have practical experience. As scientific cognition is superior to historic, the most knowledgeable within the field of jurisprudence are the legal scholars, followed in order by the philosophical juridical experts, the historical philosophical experts and finally the pettifoggers.

The ground of the law can be found in deeds, in internal laws or moral nature, or in other laws; the first are historical, the second moral, the third legal grounds. The ground of law known through faith is historical. Moral grounds alone do not immediately obligate externally, and other grounds must be added to them.

Juridical expertise is natural when it concerns cognition of natural philosophical and universal right, and certain cognition of such is natural juridical science, which, strictly, concerns only external right. Likewise, a natural pettifogger only has historical cognition of such right. Natural jurisprudence is the ability to subsume deeds under any natural laws whatsoever, but strictly considered, it concerns only the external. No laws belonging to natural right can be demonstrated from any human positive or historical grounds.

Since the ground of natural laws and rights is nature itself, and, given the hypothesis that nature never changes, practical philosophy and such laws and rights are themselves inalterable. Moreover, natural laws are both positive and divine, and hence their inalterability is even more evident. And although above morality was defined as the habituation towards perfection in action, the morality of a determination can also be defined as its habituation towards perfection regarding the law, and morality is thus either objective (regarding natural laws) or subjective (regarding positive laws). Action conforming to the law is duty and is obedient. Action opposing the law is transgression and is harmful. There are natural preceptive laws (e.g. *do the good*) and natural prohibitive laws (e.g. *omit the evil*). Natural laws may be derivative, which are demonstrable from the nature of a human being and of the action (e.g. *furnish the*

better of truly opposed goods) and are perfective, or natural laws may be primitive, which are demonstrable from nature without regard to other natural laws (e.g. *furnish the good*).

An antinomy occurs when opposite moral laws collide, and this contradiction can be either true or apparent. An exception arises with an antinomy, and one law conquers the one that cedes. There is thus no obligation to the ceding law, so to follow an exception is neither to break a law nor to sin. Every exception includes some imperfection since it breaks from the perfection of a given law. Hence, every exception must be inevitable, and the fewest and smallest exceptions are to be preferred. That is, in the collision of a stronger and weaker law, the weaker law cedes to the stronger, and a perfective law cedes to the primitive.

Section III: The principles of right (§§87–99). An objective principle permits a discipline's doctrines to be deduced; a subjective principle is a faculty of the soul used primarily for knowing this discipline. Objective principles are either foreign (from outside) or domestic (belonging to that discipline alone). Foreign principles are either propaedeutic (for demonstrating the first objective domestic principle) or episodic (lemmas added to the first objective domestic principle for the sake of deducing other principles). The first domestic principle does not have a ground in other domestic principles, and those that do are called derived. Metaphysics alone has an absolutely first objective domestic principle; all other disciplines have relatively first domestic principles. In choosing a first domestic principle of practical philosophy or the right of nature, one must be sure not to confuse different types of right (e.g. the natural and the positive, or the objective and the subjective). The principle thus chosen must belong to the whole discipline; moreover, it must be noble, true, exact, clear, perspicuous, vivid, distinct, certain and maximally pragmatic.

Internal duties conform to internal laws (imperfect duties), and external duties to the external (perfect duties). Likewise, since they are opposed to duties, harms can be internal or external. Hence, since the right of nature strictly taken comprises a body of external laws and thus external duties, the first domestic principle of the right of nature is *harm nobody externally*, and it is strictly scientific when thusly restricted: *avoid external harms that are known certainly and without faith*. The proposition *harm nobody externally or internally* is broader than strict right (as a body of external laws) and is the first domestic principle of practical philosophy in general. One's own is the collection of one's goods that are appropriate either through internal or external laws. The former are morals and the latter what is externally owed. *Attribute to each what is externally his own* can be a first domestic principle of the right of nature, and if we extend this to the internal then it can become that of practical philosophy in general. Obedience to law is honour, whether internal or external; to live honourably is to harm nobody, and to give to each his own. So, *live externally honourably* can be a first domestic principle of the right of nature, and if we extend this to the internal, then it too can become that of practical philosophy in general. None of these principles can be demonstrated from legal grounds of positive right, or from historical grounds.

The right of nature broadly considered is the most open field objectively considered, and it cannot be confused with the limitations stemming the subjective knowledge of individuals. The part that an individual clearly perceives belongs to the known

territory of the right of nature, and the rest to the unknown territory. The known territory belongs either to reason itself or to the analogue of reason (sometimes called experience). The territory of reason belongs either to science strictly (certainty) or to rational probability (moral certainty, when one understands more grounds in favour of it than against). One is to extend the known territory as far as possible into the unknown territory; the territory of reason into the territory of its analogue; and the territory of science into the territory of rational probability. Objectively considered, the right of nature broadly considered is complete and suffices for answering any ethical controversy. However, subjectively considered it is not enough, and to it is to be added the complement of internal or external happiness.

Section III: The legislator (§§100–5). The legislator is the author of an obligation expressed by a law; broadly considered, God is thus the legislator of all obligations expressed by natural laws, and of all natural right. Laws are declared either through speech or silently; through speech they are expressed either orally or they are written down; silently declared laws use other signs. Strictly considered, the legislator is the human being who has the right to give laws for other human beings. The one who thus obligates is the superior, and he has command over the one obligated, who is an inferior.

Section V: Rewards (§§106–14). A reward is a physical good conferred only on account of a moral good, and moral goods can also be rewards for other moral goods. The moral good containing the ground of the reward is called merit. Merit strictly considered is a kindness that one performs for another despite not being obligated to do so. Merit, most strictly considered, obligates one to reward his benefactor; such a reward is called payment <merces>. Anyone who undertakes a free determination for payment is thus a mercenary. However, if someone does something for a gratuitous reward, i.e. not for payment, then that person is not a mercenary. God confers natural and chosen rewards for all good determinations most proportionately. Laws, whether divine, natural or human positive, can obligate through rewards, and the right and prudence of determining rewards are compensatory. One must avoid subreption, or rushing to false judgement, concerning what goods are truly rewards.

Section VI: Punishments (§§115–24). A punishment is an evil conferred only on account of a moral evil. The moral evil containing the ground of the punishment is called demerit. Punishment is either medicinal (to bring about a greater good), or only a reproach (to remove imperfections). Servile fear is the aversion to some free determination because of its foreseen punishments. One who avoids some free determinations so as to avoid punishment among other reasons is not guilty of servile fear. God confers natural and chosen punishments for all evil determinations most proportionately. Laws, whether divine, natural or human positive, can obligate through punishment. The penal sanction is the declaration of the punishment through which a certain law is obligated, and every law strictly considered needs such. Natural laws are either promulgated without a penal sanction, or they contain them by nature. The right and prudence of determining punishments are punitive. One must avoid subreption, or rushing to false judgement, concerning what evils are truly punishments. All punishments are privations; some of these are punishments of loss (e.g. incarceration), and some are punishments of the senses (e.g. physical pain). Impunity is the state

without punishment belonging to one who sins; there is no absolute but only relative impunity. One may not conclude that impunity implies that an action is righteous.

Section VII: Imputation of deed (§§125–48). Application is when what is affirmed or denied about some universal is affirmed or denied about its inferior, and thus depends on the maxim of the all and none. Imputation broadly considered is (1) the judgement according to which one is judged the author of some deed, and this is called physical imputation; or (2) the application of some law to a deed (subsuming a deed under law), and this is called the moral imputation of law. Although one can impute one's own deed and likewise subsume it under a law, which is called conscience, strict imputation is of another's deed and subsuming it under an external law.

A deed belongs to a free substance, i.e. a person, alone. To impute a deed, one must know (1) the deed, (2) the person and (3) the dependency of each on each other. Also, one must know the differences and the circumstances of the deed. The moments of the deed are its internal or external differences that are essential to know for imputation, and they include the circumstances; thus, ignorance and error of the deed can be essential (of its moments) or extra-essential (not of its moments). Investigations into the moments of a deed are the questions of the deed, which in turn can be essential or extra-essential. The species of the deed is the specification of the moments of the deed, and it is the species of the deed that one imputes. The existence of the crime along with the evidence concerning it is called the body of the crime.

Since human deeds admit of degrees and quantities, one can have mathematical cognition of deeds beyond philosophical cognition through proofs and historical cognition through witnesses. Mathematical cognition is to be calculated, or estimated, through the mathematics of intensive quantities (i.e. through a moral calculus). Although all human deeds are similar in some sense, the deeds of two people are never the same, nor is the same deed done twice by the same person. Hence imputation must take account of all differences in deeds, no matter how subtle.

Deeds must be free determinations, hence not deeds and not imputable are: (1) whatever is absolutely necessary, (2) whatever is constrained by external violence, (3) whatever is absolutely internally constrained, (4) whatever is absolutely physically constrained, (5) whatever is simply impossible, (6) whatever one is impotent to effect, (7) whatever is purely natural, (8) whatever is utterly inevitable and (9) whatever is fortuitous.

All deeds have implications stretching without end throughout every succeeding state of the world. Insofar as it is posited within the control of the author to foresee these, they are free implications of the deed, and are moral; moral implications alone are imputable. All the moral effects of a deed are correctly imputed to the deed's author, and not just the immediate and obvious moral effects. If person A is qualifiedly impotent to foresee an effect of her own deed that she otherwise would have been able to foresee because person B in some manner stops her, then the effect is imputed to person B, not A. If thing A is qualifiedly inevitable for person A in the sense that person A could not impede it because of the implication of preceding deed B belonging to person B, then both the impotence and the non-impediment is imputed to person B, not A. One does not escape the imputation of implications because one had not thought of them (i.e. because some implication is unexpected); it is enough if it is posited to be within

one's power to foresee them. But, as above, if the inability to foresee the unexpected is the result of another's deed, then the other is responsible for the oversight of what otherwise should have been expected.

Imputation, whether of deed or law, is a judgement and as such it can be true or erroneous. Since a true imputation is not necessarily exact, it may include error; nevertheless, it is called true according to the overriding content. Imputation can be methodical or tumultuous, obscure or vivid, doubtful or persuasive (and the latter in either a good or a bad sense). Imputation can be conviction (rationally certain), which in turn can be solid (fully probative) or superficial. Insofar as it is the latter, it is (1) certain or not, and what is not certain can be probable, dubious or improbable; or (2) evident or not evident; or, finally, it is (3) moving or inert. The more exact, vivid, persuasive (in the good sense), solid, certain, evident and moving is an imputation, the better it is.

To avoid erroneous imputation certain rules must be followed: one should avoid imputing what is internally impossible for another, but likewise not to rush to judgement concerning what is internally impossible, when in fact it is merely difficult for another. One should avoid inferring the existence of a deed immediately from its possibility. One should not impute a deed based on the cognition of only some of its moments. One should not confuse imputation of deed and law. One should not hastily proceed when the case is obscure. One must well distinguish the differences of a deed. One must not be wrongly persuaded. And one must not superficially dismiss what is solid (i.e. morally certain) on the grounds that complete scientific certainty is impossible.

If one is obligated to intend a free determination, one is obligated to intend completely and efficaciously everything necessary to obtain that free determination. A dubious obligation is no obligation and it is not permitted to follow such. Yet it is worse to follow an improbable obligation, since a probable obligation is always stronger. The morally certain obligation is not completely certain, and thus the obligation that is at least morally certain must be satisfied. Imputation requires at least moral certainty, as well as the complete specification of the moments of the deed, both of which will ensure that the imputation is sufficiently determined. One must also impute impartially and in accordance with reason, avoiding moral slavery (i.e. having control over one's affects).

Every free determination is imputable, along with all of its physically and morally possible antecedent, concomitant and subsequent determinations, and all of its moral implications. Thus, imputable are those acts of the soul that are either elicited and directly free (those of will itself, i.e. volitions or nolitions) or mastered and indirectly free (those of the other faculties), and those voluntary motions of the body that an individual freely chooses. No unfree determination may be taken as a deed, and thus such a determination is free of moral implications, rewards and punishments, and is governed by no moral law.

Section VIII: The author (§§149–58). Deeds are only imputable to persons; the actions of brutes are never imputable to the same, but in certain cases these very actions can be considered the deeds of persons and thus imputed. A deed has either one or many authors. If many, these authors are mutually coordinated or subordinated, or mutually coordinated and simultaneously subordinated. If person A intends something through

a subordinate author, A is still the moral cause or author of the deed. Authors are either efficient or deficient causes; the former commit moral goods, and the latter omit the same and are sinners.

Deeds may be imputed to an associate author, or to the one who is instrumental. If there are many authors, either all the moments in the deed are imputed indivisibly to all authors, or certain moments divisibly to certain authors. If someone concurs with a deed as only an efficient or deficient cause, but not as an author, that deed cannot be imputed to that person, even divisibly. Nevertheless, if someone is both an efficient cause and an author of another deed extra-essential to some deed that is now being imputed, the author of this other deed is imputable, but not for the deed now being imputed. If one of the associate authors, in distinction from the moral cause, is the moral cause of some moments of the deed and immediately determines all the subsequent moments, then the rest of the moments of the deed stem from him and the deed is imputed indivisibly to each author. Once, however, any of the other associated authors ceases to concur even in only one moment morally or physically, the deed is imputed divisibly.

Any human deed is called good or bad because of the overriding part. In any deed, the material aspect is good, and the evil belongs to the formal aspect. If someone concurs immediately with a good deed as a moral author, but only with the formal and evil aspect, then the deed is imputed to him divisibly, but as evil. If someone concurs immediately with an evil deed as a moral author, but only with the material aspect, then the deed is imputed to him divisibly, but as good.

If someone gives an order for a deed, or agrees with it, or advises that a deed be done, then the deed is imputable to him insofar as he so orders, agrees with or advises it. If he orders, agrees with or advises only moments, then these moments and their freely determinable implications that should be foreseen are imputed to him. However, those moments that he neither ordered, agrees with nor advised, and which he did thus not intend, and which are not freely determinable by him, are not imputable to him. If someone is an occasional cause to another's deed, either he also freely intends that deed and all its moments, or he freely intends only some of its moments, or he does not freely intend any of them. In the first case, the deed is imputed indivisibly; in the second, divisibly; in the final, not at all.

Someone might omit impeding a deed because he agrees with it, in which case he should be judged as stated in the previous paragraph. Or, he might not impede a deed because he is unable to do so despite not agreeing with it, in which case the omission is correct. One who correctly omits impeding a deed is not the moral cause of that deed, and hence the deed is not imputed to such a person. Hence the evil in this world cannot be imputed to God, as his wisdom forbids him from impeding some sins.

Whatever free determinations to which someone can be obligated can be imputed to that person, including reluctant actions due to ignorance or error. Whatever cannot be imputed cannot obligate one, and whatever can be imputed can obligate one. Likewise, that to which one cannot be obligated cannot be imputed to one.

Section VIII: The degree of imputability (§§159–70). The more and greater moments there are in a deed that depend on freedom, and the more these moments do so, that much more imputable the deed is. Likewise, the greater the freedom of the person,

that much more are her deeds imputable to her. The commission of a deed with fewer and smaller good implications that are harder to foresee is more imputable than its omission. The commission of a deed with evil moral implications of this sort is less imputable than its omission. The commission of a deed with more and greater good implications that are easier to foresee is less imputable than its omission. The commission of a deed with evil moral implications of this sort is more imputable than its omission. The more a deed is fortuitous, the less imputable; the less it is so, the more imputable it is. Qualifiedly inevitable deeds are less imputable than those which are not. Moral implications that cannot be naturally foreseen are less imputable than those that can be. The imputability of a deed can be morally certain even if its degree is not.

Whatever is externally or internally but absolutely constrained is not imputable; however, deeds to which I constrain myself, or those to which I am externally but qualifiedly constrained, are imputable. The commission of a deed to which I constrain myself is more imputable than its omission, because the commission depends on my self-mastery; the commission of an externally but qualifiedly constrained deed is less imputable than its omission, because the omission also depends on my constraining myself. The commission of a reluctant deed through ignorance or error is less imputable than its omission. The degree of imputability of a deed done reluctantly is not for that reason always diminished, much less entirely removed; likewise, the involuntary. Ineffectiveness does not always diminish imputability, since it is often merely fortuitous. Moral proficiencies and habits, and all that flows from these, are imputable.

All deeds are either elicited or mastered acts of the soul; the former are directly moral, obliging and imputable, while the latter are indirectly such. The former acts are more imputable than the latter. Habit can be directly moral. Human weakness is the natural impotence for actualizing a certain degree of rectitude in free determinations, and it is either absolute or qualifiedly such; the former is not imputable while the latter is. The latter's degree of imputability depends on the number and seriousness of its resulting commissive or omissive deeds, and the more, and more serious, lack of righteousness implied by such. The fragility of human nature is its propensity towards moral evil; it is either absolute and non-imputable, or it is hypothetical. In the latter case, it can be merely fortuitous and not imputable, or the moral implication of a deed, whether commissive or omissive, and imputable according to its degree. It is hard to say exactly when a child can freely determine itself through understanding and thus have deeds imputed to it, but nevertheless at some point a child is posited to be responsible for some acts, and these can be imputed to it. It is the same with those who remain minors psychologically, such as the insane or melancholic, and their deeds have a reduced degree of imputability.

Section X: The imputation of law (§§171–9). To impute a law is to subsume a deed under a law through an imputational syllogism with the law as a premise and the deed as minor. Those things that concern the law are questions of law, which are essential or extra-essential. Hence error in, or ignorance of, these can also be essential or extra-essential. The more that imputation subsumes deeds under more, stronger and superior laws, the more perfect it is: a deed subsumed under human and likewise divine, natural and likewise chosen laws would be imputed exactly. A true imputation requires a true syllogism that is materially and formally sound, avoiding the sophistry of the

pettifogger. To be true, an imputation must not subsume a deed under a false law nor make an essential error of right; the deed must not be false nor can there be an essential error of deed. There can be no error of form in the imputation, nor may one impute the law truly without an analysis of the consequence of the deed. And since a conclusion can be accidentally true in the case of an invalid imputational syllogism, one may not securely conclude that an imputation is true based on the conclusion alone.

An imputational syllogism may not have four terms, while every moment of the law, and only these, must be found in its conclusion. The degrees determined in the law must be the same in both the deed and the conclusion. There should be no equivocation of deed between the minor and the conclusion; the conclusion may not follow from simple particulars, or from two negative premises, and the conclusion must follow the weaker part. In the case of an enthymeme, the omitted premise must be examined. Beware incomplete induction when appealing to observation. In hypothetical imputational syllogisms, beware of denying the antecedent and affirming the consequent. Do not omit a term in a disjunctive syllogism or posit more than two. In composite proofs, the same concerns are to be shown for the truth of the episyllogism through each prosyllogism.

Do not confuse questions of deed and law. All premises, which may only be essential questions of deed and law, must be morally certain, as must be the form. If only one premise, or the form, is dubious, the imputation of law is dubious and hence incorrect.

Hermeneutics can be more general, concerning any sign whatsoever; general, concerning any speech whatsoever; or special, concerning certain species of speech. Special hermeneutics can be sacred, concerning revelation, or juridical, concerning things a lawyer is to understand (e.g. laws and contracts). The first principle of general hermeneutics is *be a fair interpreter*, i.e. take as the true sense of speech the sense intended by the author until the contrary is understood. Jurisprudence demands that the practising lawyer apply true and genuine laws understood fairly according to the hermeneutics of right to deeds correctly imputed to the author. Jurisprudence can be advisory, concerning what must be done; compensatory, concerning rewards; or punitive, concerning penalties. The first principle of special hermeneutics is *do not interpret any law as blind* until the contrary is understood; i.e. interpret every law as systematic or harmonizing with nomothetic rules.

Section XI: The court (§§180–5). A valid imputation sufficiently determines the effects determined by law, whereas an invalid imputation does not. Imputation of deed or law takes place in a court. Internal deeds occur only in the soul with no visible signs; external deeds are harmonic in that they are also indicated by external signs through the body. Internal deeds are only subsumed under internal laws in the internal court, and external deeds validly under external laws in the external court.

The court in which deeds are validly subsumed under laws is called competent, and the others, incompetent. A court is thus competent if in it laws known with at least moral certainty can be applied to some given deed whose cognition can be established with at least moral certainty in that same court. The human court broadly considered is where a human being can apply certain laws to certain deeds that are one's own, and it is the court of conscience, an internal court to which internal deeds, duties and obligations pertain. The human court more strictly considered applies certain laws to certain deeds belonging to another.

The court of reason is where deeds that are to be known through reason without faith can be validly subsumed under laws known in the same manner. The court of conscience can be a court of reason, although it can be extended beyond laws known without faith; the court of reason can be a court of conscience, although it can be extended to external deeds. The court of reason is either internal, which judges deeds according to internal laws of nature, or external, which judges external laws according to the constraining laws of nature. The external court of reason belongs to natural jurisprudence, strictly considered. Since the internal deeds of others cannot be known naturally by others, they do not pertain to the human court strictly considered, nor to the external court of reason.

The human court (terrestrial court) more strictly considered only validly subsumes external deeds under external and constraining laws. The divine court (celestial court) can be: (1) divine omniscience, insofar as it can most distinctly impute every possible nexus of all persons and all deeds under all laws; (2) the internal courts of reason and conscience, insofar as they apply natural or positive divine laws to internal deeds, and are thus closer to divine omniscience than external courts, which are concerned with the external alone; or (3) all courts, insofar as they ultimately depend on God. In the internal divine court, many deeds are imputed to us that we in our consciences do not impute to ourselves, since God knows us better than we know ourselves, especially considering the implications of our deeds, the nexus of laws under which they are to be subsumed, and our states of mind, not to mention those deeds of which we are not conscious or have forgotten.

Section XII: The external court (§§186–99). As the internal court is competent concerning internal obligations, duties and harms, the external court is competent concerning the externally such. Any free determination pertaining to the external court also pertains to the internal court, but many pertaining to the internal do not pertain to the external court. The two courts can collide, in which case the one with stronger laws correctly imputes, or they can work in unison. The stronger the internal court, the less necessary the external; the weaker the internal, the more necessary the external. Rights strictly considered belong to the external court alone; to the internal belong persuasive norms, counsels and moral aptitudes. Hence the external natural court and the external court of reason are concerned with constraining natural law strictly considered.

Vincible are the ignorance and error that I can validly impute as culpabilities to myself after not having avoided these; invincible are the ignorance and error that I could not have avoided. Since they are internal imperfections, all ignorance and error can be avoided and hence are vincible in the internal court. However, since the external court has no jurisdiction concerning internal ignorance or error, the external court can only impute such if they contravene external laws, or if a person was externally obligated to avoid such ignorance or error. Ignorance and error concerning that to which we are not externally obligated is invincible in the external court. Since much of what the internal court considers is immaterial in the external, ignorance and error in the internal can be essential that is extra-essential in the external. The external court cannot impute (i) any inevitable deed that it is not at least morally certain was avoidable according to external laws, nor (ii) any unlucky deed that it is not at least morally certain is not permitted by

external laws, nor (iii) any accidental deed that it is not at least morally certain should have been foreseen according to external laws. An external court can impute any deed that is qualifiedly (i) outside of one's control, (ii) inevitable or (iii) unforeseen in a certain state, of which it can be at least morally certain that this deed was an implication of another deed that was to have been foreseen according to external laws.

A trial is the methodical imputation of law in an external court, and its conclusion is a sentence formed as an imputational episylogism. The acts are the record of the trial, and a correctly formed sentence requires the complete acts. The one issuing a sentence must be at least morally certain about what one is judging. Since moral certainty varies from person to person, the one judging cannot correctly issue a sentence if he is not at least morally certain about things that are true, or at least morally certain to others. Likewise, the one judging can correctly issue a sentence if he is morally certain about things of whose falsity others are wrongly convinced. An external court cannot impute any internal determinations, however free, about which (i) it cannot be at least morally certain, (ii) it cannot be at least morally certain that they depend on freedom, (iii) no external law says anything, and which (iv) do not pertain to the field of constraining law. The external court is also unable to impute many internal things as it is unable to know if they are fortuitous and thus unfree. The same may be said about imputing the actions of brutes to persons, and in determining the strict moral cause of a deed.

If an external court can be at least morally certain that many authors concurred in a deed, it can impute this indivisibly to all authors even if it cannot be at least morally certain that a given author did not concur in a given moment. An external court cannot impute deeds that are reluctant due to ignorance or externally invincible error. Since we know our own deeds more certainly than those of others through experience, the degree of our moral certainty, and hence of imputability, concerning the deeds of others often requires a summation of historical probability, and hence depends on the degree of reliability of testimonies. Thus, impartiality, reason, self-control and freedom from passion are necessary for correct imputation. An exception declares why an external court should not impute something, and it is only valid if it renders that imputation at least dubious. The external court can impute any strictly involuntary deed that it can be at least morally certain contravenes external laws and is an implication of a voluntary deed that was to have been foreseen according to external laws. An external court can even impute the culpability belonging to an endeavour to the preparations for such if it is at least morally certain that this deed itself contravened an external law and was done for the sake of the endeavour. Moral proficiencies in external duties and harms can be imputed in an external court when one is at least morally certain that these have been expressly or tacitly declared. This is even more so for habits, and the deeds stemming from them, which both increase the degree of imputability since the one imputing them can be more morally certain about such.

Human infirmity, whether absolute or qualified, along with its own inevitable implications, is not imputable in an external court if it is either not an implication, foreseeable through external laws, of a certain moral state, or if one cannot be at least morally certain about this. An exculpation declares why something is entirely not imputable as an offence, while an excuse declares why a given degree of imputability belonging to something must be denied. Hence, juridical exceptions are exculpations

or excuses. Human infirmity, and fragility, can often exculpate or excuse in an external court, or at least excuse when it cannot exculpate. The external court only imputes the actions of children, minors or the psychologically minor if it can be at least morally certain that such actions (i) were freely undertaken and (ii) pertain to the field of external laws. An external court may only impute deeds according to laws and not according to counsels and internal laws; for it to impute according to the latter would be an essential error of right.

Section XIII: Conscience (§§200–5). Since conscience is when one imputes deeds to oneself and subsumes them under laws, what has been said about imputation applies also to conscience. In their free determinations all human beings act in accordance with some knowledge of these laws with respect to their perfection, i.e. with respect to morality. Hence, the natural obligation to choose the best obligates you *to seek, and act according to, the best conscience you can.* The laws of conscience can be understood as (i) those that obligate our conscience, and then all laws, whether external or internal, are laws of conscience; (ii) those stemming from the conscience alone, and then they are only internal; (iii) those that instruct obligations according to our conscience. The more laws one knows, and the more one knows one's deeds to fall under these laws, the more instructed is one's conscience.

A proportionate conscience applies powers equal to the severity of deeds with respect to laws; a disproportionate conscience applies powers that are less or greater with respect to the same; a micrological conscience is concerned with deeds beyond moral possibility. Hence: *seek a proportionate conscience and avoid the disproportionate or micrological.* The more exactly a conscience establishes both laws and deeds, and their nexus, the more perfect it is.

The cognition belonging to conscience is more moving than any other knowledge, and thus the perfect conscience would move most of all. Thus, one should seek a perfect conscience. A servile conscience is not so much imperfect as it is powerless to move one's desires towards perfection, whereas a free conscience is living in that it can perfect desires. Hence: *seek a living conscience and avoid the servile.*

Kant's Reflections on Moral Philosophy

Kant lectured on moral philosophy twenty-eight times between the years 1756 and 1794. He first adopted Baumgarten's *Elements* as his preferred textbook in the winter semester of 1759/60, immediately after its first publication. From that time forwards he would advertise his course, in one form or another, as treating universal practical philosophy and ethics, often mentioning Baumgarten by name.¹³ The title he chose for his course in 1793/94 is particularly interesting because of how closely it associates the discipline treated by Baumgarten with Kant's own later invention: 'Metaphysics of Morals or Universal Practical Philosophy along with Ethics according to Baumgarten'. Although in the *Critique of Pure Reason* Kant held Baumgarten generally to be among

¹³ Naragon (2006).

the foremost of philosophical analysts (A 21n./B 36n.) and employed his textbooks in most of his other courses, he particularly appreciated the *Elements*, stating that it was the 'richest in content and perhaps best his [i.e. Baumgarten's] best book' (AA 27: 16).¹⁴

And rich he certainly must have found it. At nearly seventy thousand words, the elucidations and reflections Kant penned in his copy of the *Elements* far exceed the length of that very work, thereby attesting to his intense and prolonged preoccupation with its contents. This is all the more remarkable when we realize that Kant's personal copy had not been interleaved with blank pages, as was often the case with the other textbooks he employed.¹⁵ Although this exemplar has been lost, and was presumably destroyed, we can gain an appreciation of what a typical page must have looked like by inspecting Kant's copy of Baumgarten's *Metaphysics*, which is still extant:¹⁶ that is to say, nearly every available blank space in the original – the margins, the spaces between the lines of text, even the spaces within the majuscules and page decorations – must have been filled with Kant's microscopic and barely legible handwriting, in a script that is so unique that it now must be studied and learned letter by letter.

Microscopic and barely legible – and yet, rather amazingly, not only was the editor of the Academy Edition, Erich Adickes, able to transcribe the notes reliably, but he even felt confident enough to classify them into one or more of thirty-three different strata of texts, based mainly on the examination of ink colour and other forensic techniques. We have reproduced a simplified form of his dating system in the headings to the *Reflections*, and advise the reader to accept it merely as a general guide; for with the originals lost, there is simply no way to confirm Adickes's work.

This is not the place to attempt an analysis of the contents of Kant's *Reflections*. They span over thirty years of Kant's career, touch on nearly every aspect of his moral philosophy and no doubt hold the key to answering many important questions regarding the development of his moral philosophy and its relation not only to Baumgarten, but to the entire prior tradition. This is the place, however, to offer a few comments on how to approach the *Reflections*. The most important point that must be kept in mind is perhaps obvious, but must also not be underestimated: the *Reflections* were never intended to be read by anyone else but Kant, let alone published, and are thus often written in a style typical of personal notes. Hence, the spelling is sometimes atrocious, the punctuation creative to say the least, and the grammar very often faulty and elliptical. Kant simply loves to coin terms by modifying Latin words with German endings, and in a few cases it is not even clear what word he intends. And, as is fitting in personal notes, he often abandons thoughts midstream, which we have tried to replicate with struck-out text. As with any text, often the key to interpreting and so also translating the *Reflections* lies in the context; in one context a word must be translated one way, in another, another. But for a good many of the notes context

¹⁴ Yet he goes on to say that it 'can produce the greatest practical perfection, but not moral perfection'. At this time Kant believes that Baumgarten's formal doctrine of willing must be supplemented with a material one drawn from Hutcheson. For a fuller account of Kant's relation to Baumgarten, see the Introductions to both Fugate and Hymers (2018) and BM.

¹⁵ However, according to Naragon (2006), it does seem that Kant glued a small number of blank pages into his personal copy.

¹⁶ Three sample pages are reproduced and analysed in BM 35–51.

too is lacking, and so we have had to rely on our best educated guess at what Kant must have intended.¹⁷ Fortunately, this rarely affects the larger point that he is making and in no way undermines the significance of the *Reflections* as a whole. Yet it does mean that we must take special care in interpreting these materials by always seeking to corroborate our findings through reference to all the materials available to us, i.e. Baumgarten's textbook, the surviving student lecture transcripts and of course Kant's authorized publications.¹⁸

Vocabulary

The choice of vocabulary for our translation of Baumgarten's *Elements* has naturally been influenced by the work's relevance to Kant's philosophy. Since in translating Kant's *Reflections on Moral Philosophy* we have attempted, with only a few exceptions, to follow the style and vocabulary of the now standard translations of Kant, we have done likewise with Baumgarten's *Elements*. Nevertheless, holding too strictly to this principle is neither necessary nor appropriate; each writer has their own style and vocabulary, and attempting to always translate Baumgarten's Latin indirectly, through the narrow bottleneck of Kant's German, would at times distort both his meaning and his relation to the broader tradition of legal philosophy, which itself has a direct link to a robust body of English legal terminology.

In translating Baumgarten, we have also tried as far as possible to remain consistent with our previous translation of his *Metaphysics*, and so we refer the reader to our discussion of vocabulary in that volume (BM, 61–2). Nevertheless, in two cases this proved impossible. The first is in the rendering of the Latin *respectus* as 'a respect', which Baumgarten distinguishes from *relatio* (a relation) in BM §37. Relations, properly considered, constitute a species of respect. However, in a moral context Kant often speaks of *Achtung*, which must be translated likewise as 'respect'; Baumgarten also uses *respectus* in one case for something like *Achtung*, but in all other cases not. For this reason, we have chosen in places to render *respectus* in what seem to be non-moral instances also as 'relation', while supplying the original term in a footnote. The second case concerns the difficult term *consectaria*, which is discussed below.

Beyond this, we have also relied heavily upon *A Latin Dictionary*, by Charlton T. Lewis and Charles Short (Oxford, 1879), *Langenscheidts Großes Schulwörterbuch: Lateinisch-Deutsch*, ed. Heinz Messinger (Berlin, 1992), and especially Adolf Berger's immensely helpful *Encyclopedic Dictionary of Roman Law* (New York, 1953). Latham's *Revised Medieval Word-list* (London, 1965) was, as always, very helpful for obscure non-classical words that sneak into Baumgarten's work from medieval sources. In a few cases, Zedler's *Universal Lexicon* (Leipzig and Halle, 1731–54) proved indispensable.

In translating Kant's *Reflections on Moral Philosophy* we have availed ourselves of all available resources with respect to eighteenth-century German, but in particular the

¹⁷ The basis for our choice is often indicated in the footnotes.

¹⁸ For more on how the lecture transcripts in particular can be used see: Fugate (2018, 1–13) and Denis and Sensen (2015).

Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm, available online from the Universität Trier (Leipzig, 1854–1961), the *Thieme-Preusser: Neues vollständiges kritisches Wörterbuch der Englischen und Deutschen Sprache*, revised and enlarged by Emanuel Wessely (Hamburg, 1883), *The New and Complete Dictionary of the German and English Languages Composed Chiefly after the German Dictionaries of Mr. Adelung and of Mr. Schwan*, enlarged by John Ebers (Leipzig, 1796–9), and finally the indispensable *Grammatisch-kritisches Wörterbuch der hochdeutschen Mundart* by Johann Christoph Adelung (1774–86), available online at the Münchener Digitalisierungs Zentrum. We would also like to acknowledge that we have freely drawn upon many important insights gleaned regarding eighteenth-century German generally, and Kant's German in particular, from studying the translations of Werner Pluhar, Paul Guyer and, most especially, the notes by Jens Timmermann in his revision of the Gregor translation of the *Groundwork* as well as the commentary on Kant's *Doctrine of Right* by B. Sharon Byrd and Joachm Hruschka. Undoubtedly, these sources have allowed us to avoid if not all, then at least a great many, of the blunders that we would have otherwise committed.

As for our general translation philosophy, we can do no better than to quote what we have said previously:

We believe the basic unit of meaning in many philosophical texts is in fact the argument. This is particularly the case in systematic philosophy, where the meaning of a term is fixed not by common usage, but built up from its structural relations to other terms. This conviction has led us to a few guidelines for translation, which will be visible in this volume. First, since arguments occur according to patterns in which the ordering of terms is essential, we try to remain faithful to the ordering of ideas in the original sentences, although this can at times sound unnatural. Second, we have tried to be as rigidly consistent as possible in our translation of individual terms and to translate cognate terms by cognate words. Third, and finally, we have largely resisted the temptation to present a smoother text through the use of editorial insertions or silent paraphrasing, and have left it to the reader to do the interpretive work where the original is genuinely ambiguous or even corrupt. (Eberhard 2016, xxxix)

For this latter reason, when providing Kant's German, we have left it just as it is found in the Academy Edition, misspellings and all.

Before turning to our discussion of a few key terms, we would like to provide an important example of the unique difficulties involved in translating the *Elements*. It has often been noted in the literature that Baumgarten's Latin is particularly cryptic; he clearly aims at the tersest of formulations, following strictly the tenet of Aristotelian logic according to which 'any note which is sufficiently determined by another does not enter into a definition' (BM, 88), while employing a vocabulary that is sometimes entirely his own (see Fugate and Hymers 2018, 4–6, and 136). All of this is made possible by the fact that his books were 'acroamatic', i.e. they were intended to have their 'desiccated skeleton' (BM, 91) fleshed out in the lecture hall.

Baumgarten's aim to be maximally terse leads to many problems for the translator, particularly as he often pursues it by means of complicated grammatical constructions

that require the reader to distribute words forwards and backwards in a given sentence. An important example of this is the very definition of first practical philosophy found in BIP §6:

PHILOSOPHIA PRACTICA (universalis) PRIMA est scientia prima reliquis disciplinis practicus propria, sed harum pluribus communia principia continens.

As far as we are aware, no modern translator or author has successfully unlocked the meaning of this most fundamental sentence.¹⁹ The first part up to the 'est' is simple: 'FIRST PRACTICAL PHILOSOPHY (universal) is ...' But then what? So far as we have been able to establish, translators have without fail made the very natural assumption that the 'scientia prima' that follows should be rendered as 'first science'.²⁰ Grammatically this is perfectly possible. Whence it follows: 'FIRST PRACTICAL PHILOSOPHY (universal) is the first science', and then the rest would go something like, 'that is proper to the rest of the practical disciplines, but contains the principles common to many of them.'

But what does that *mean* exactly? Is there perhaps another possible reading, one which makes more philosophical sense? Indeed, there is: 'prima' could modify not 'scientia', but instead the 'principia' that stands at the other end of the sentence. In that case, the definition would read, 'FIRST PRACTICAL PHILOSOPHY (universal) is the science containing the first principles that are proper but also common to the rest of the practical disciplines.' That makes more sense, but is it really possible that Baumgarten intentionally placed an adjective and the noun that it modifies at nearly opposite ends of this sentence? Given the freedom of word order characteristic of Latin, there is nothing to prevent him from doing so, and yet it is still seems rather forced.

Nevertheless, we believe three pieces of evidence place this last reading beyond question. The first is that this same structure is found elsewhere in Baumgarten. The closest parallel we have been able to locate is *Metaphysics*, §801, which reads:

Theologia naturalis prima philosophiae practicae, teleologiae et theologiae revelatae principia continet.

Natural theology contains the first principles of practical philosophy, teleology and revealed theology.

¹⁹ Since many excellent translators differ from us here in interpretation, we feel it is necessary to present a full picture of our reasons for translating the passage in the way that we have.

²⁰ E.g. Langois, Robitaille and Poliquin's French translation runs: '*La philosophie pratique (universelle) première est la science première propre au reste des disciplines pratiques, mais contenant les principes communs à plusieurs de celle-ci*', LRJP (§6). Aichele's German translation runs: '*Die praktische Metaphysik (die allgemeine praktische Philosophie) ist die erste den übrigen praktischen Lehrfächern eigentümliche Wissenschaft, enthält aber die Quellen, die vielen davon gemeinsam*' (Baumgarten 2019, §6). In the secondary literature, we read: '*Die erste praktische Philosophie sei diejenige erste Wissenschaft, welche die den übrigen praktischen Disziplinen eigentümlichen, ihnen zumeist gemeinsamen Grundsätze enthalte*' (Schwaiger 2011, 133), although this is offered not strictly as a translation but rather a German paraphrase of the Latin. Also: 'Universal first practical philosophy is the first science of the remaining practical disciplines, since it renders the common principles of these several [disciplines]' (Kain 2003, 255 n. 120; brackets in original).

Same verb, same structure. Just as in the case above, *'prima'* and *'principia'* lie at opposite ends of the sentence, thereby creating a sort of box that graphically represents the act of containing signified by the verb *'continet'*. This is a quite beautiful structure, which we feel is perfectly in line with Baumgarten's usual linguistic craft. Be that as it may, unlike BIP §6, the translation of this sentence cannot be doubted, since everything between *'prima'* and *'principia'* is in the genitive case and it would be absurd to link this word with *'Theologia'*. The only difference between this sentence and BIP §6 is, therefore, the latter's inclusion of *'scientia'*, which accidentally happens to agree also with *'prima'*, thereby creating possible confusion. However, we believe that placing these two sentences side-by-side proves that *'prima [...] principia continens'* is a stock construction that Baumgarten sometimes employs.

Secondly, our reading is also supported circumstantially by the textbook composed by Georg Friedrich Meier (1718–77), a student and close friend of Baumgarten. Meier is in fact often our best source for understanding Baumgarten's writings, although it is true that he also shows moments of originality. In terms of his own writings, Meier translated Baumgarten's *Metaphysics* into German, while slightly reordering and condensing its text, and published several (often multi-volume) textbooks, each of which embed loose translations of Baumgarten's works within an extensive commentary composed by Meier himself. In his *Universal Practical Philosophy* (2006 [1764]), which is a work of the latter kind, we read that,

Universal practical philosophy ... can be defined as the practical philosophy that contains the first principles, which belong properly either to all or to several moral disciplines. (Meier 1764, 53)

Although this is not anywhere close to an exact translation of BIP §6, it still provides significant support for our reading of Baumgarten's definition; for here, as there, the discipline in question is defined by the fact that it contains the first principles of practical philosophy, which are therefore common to all (or many) of the rest.

Finally, and quite conclusively in our view, Baumgarten's rarely studied *Ius naturae* (1763b) paraphrases BIP §6,²¹ and fortunately is entirely unambiguous in meaning:

Philosophia practica universalis reliquarum practicarum disciplinarum principia propria prima, hinc earum pluribus communia, continens, iures etiam naturae principia prima continet, cui hinc cum ratione praemittitur. §.1. init. phil. pract. pr. §. 6, 8. (BIN, 2)

Universal practical philosophy, containing the first proper principles of the rest of the practical disciplines and hence common to many of these, also contains the first principles of the right of nature, and hence it is justifiably placed before the latter.

²¹ This work contains a running commentary on Heinrich Köhler's *Iuris naturalis eiusque cum primis cogentis methodo systematica propositi Exercitationes VII* (1729). It consists of a series of *dictata*, or statements and lessons regarding important paragraphs in Köhler's book, which, however, are justified by references to Baumgarten's own writings. The book remained unfinished at Baumgarten's death and was first published posthumously in 1763. See also note 126 in §62.

In our opinion, these three pieces of evidence make it clear that universal practical philosophy is correctly understood to be the science of first principles that are proper to, i.e. belong in an essential way to, each and every other practical science insofar as it is such, and which are nevertheless, for this very reason, also common to them all. Notice that only on this reading is true significance of the *sed* ('but') revealed: the first principles are proper to each, *but also* common to all.

With this, let us turn to the discussion of a few key terms.

***i. Beurtheilen/urtheilen/richten* || to judge/to judge/to adjudge**

Kant seems to use *beurtheilen* and *urtheilen* interchangeably to indicate the cognitive act of subsuming a particular under a universal, but distinguishes both sharply from *richten*, which indicates doing so also with the valid power of the law. I can judge my own acts, Kant says, but I cannot adjudge them; only a judge in the legal sense can do this (see e.g. reflection 7181 below). As all three terms are usually translated as 'to judge', and English offers no obvious way to capture this distinction, we have chosen to follow the universal practice of rendering the former two as 'to judge', while rendering *richten* as 'adjudge', the only virtue of which is that it is rare and has a slightly more legal ring to it.

***ii. erkennen/Erkenntnis* || to cognize, recognize, acknowledge, know/ cognition, knowledge**

In our previous work, we have explained why we have chosen at times to break from the standard practice of translating *erkennen* as 'to cognize' and *wissen* as 'to know' (Eberhard 2016, xl–xli). One of the main reasons is that we believe the standard practice to be based upon a misunderstanding of the way in which Kant distinguishes these two terms. The standard practice assumes that *wissen* signifies a state of apodictic knowing, whereas *erkennen* necessarily signifies a much broader and less secure kind of representing. In our view, however, Kant employs *erkennen* to refer instead to *direct* or *immediate* representation, whereas he employs *wissen* to refer specifically to objectively and subjectively sufficient *discursive* knowledge.

Now, since the human mind does not produce its objects, no human knowledge (aside from mathematics) can be both direct or immediate and also apodictic. All human knowledge that would be both objectively and subjectively sufficient must rather be demonstrated scientifically by means of *Wissenschaft*. Hence, the highest form that specifically human knowledge can assume, at least regarding existent objects, is necessarily discursive in character. This shows that the distinction underlying the standard interpretation indeed holds, but only in the case of finite human reason. This interpretation is corroborated, we believe, by the fact that Kant states that God must not be said to have *Wissen*, but instead *Erkenntnis* (AA 28: 1271). The standard translation would force us to render this as saying that one must not ascribe full-blown knowledge to God, but instead merely cognition. Yet this is manifestly the *opposite* of Kant's intended meaning, which is that we must not ascribe discursive knowledge to God (*Wissen*), but instead only direct or immediate knowledge (*Erkenntnis*).

In the present translation, *erkennen* and its cognates pose still further challenges due to the legal significance of the term (see BH, 60–1). In a legal context, *erkennen* means both to recognize and to judicially decide something. With all of this in mind, we have chosen to remain flexible when translating *erkennen* and *Erkenntnis*. In contexts in which it clearly refers to a species of human knowledge, we have indeed employed the standard translation, particularly in regard to the difficult to render plural *Erkenntnisse* ('cognitions', not 'knowledges'). When referring to rights, worth and other such moral or legal things, we have instead rendered *erkennen* as 'to recognize' or 'to acknowledge'. In only a few cases which concern God's *Erkenntnis* (e.g. in reflection 6750), we have rendered *erkennen* and *Erkenntnis* as 'to know' and 'knowledge' respectively. A gloss has been provided in all cases in which we thought our choice could possibly influence the interpretation.

iii. *Gewalt/Kraft/Macht* || power, control, violence/power/might

As noted by Byrd and Hruschka, Kant distinguishes between *Gewalt* and *Macht* in the *Metaphysics of Morals*, writing:

But an object of my *choice* is that which I have the physical capacity to use as I please, that whose use lies within my *power* <in *meiner Macht*> (*potentia*). This must be distinguished from having the same object under my control <in *meiner Gewalt*> (*in potestatem meam redactum*), which presupposes not merely a *capacity* but also an *act* of choice. (AA 6: 246; Kant 1996, 406; see also BH, 111–12)

As in this translation, the standard way to deal with said distinction has been to translate *Macht* as 'power', or sometimes 'might', and *Gewalt* as 'control'. And while this is not a bad solution, we have found it unacceptable for a few reasons.

Firstly, the distinction Kant draws in this passage is between power understood as a capacity (or better, a faculty) and an exercise or actualization of that faculty through a choice. In our view, this is quite different from the distinction in English between 'power' and 'control', since the latter, by itself, lacks any sense of power or superior force. The difference becomes even more obvious when we consider that *Gewalt* also has a secondary meaning of violence, which is indeed sometimes found in Kant's reflections. One can, for example, employ *Gewalt* to break down a door, and in some cases it can even denote rape. In this sense it serves also as the root word for a number of terms denoting violent action: *Gewalttat* ('act of violence'), *gewalttätig* ('violent'), *gewalttäter* ('violent criminal'). Hence, the aspect of force is very much apparent in how this word functions.

For this reason, we have chosen to render *Gewalt* mainly as 'power', making sure to gloss any instance where this might cause a confusion with *Kraft*, which we also render as 'power'. These are indeed few. In the appropriate contexts, it also appears as 'violence', and in a very few as the standard 'control'. *Macht*, however, is very naturally and hence consistently rendered as 'might'.

iv. *honestas, honestum, Ehrbarkeit/Ehrlich, Ehrlichkeit* || honour, honourable, honour/honest, honesty

Honestum and its opposite, *turpe*, are terms well known in the tradition of moral philosophy, particularly from Stoicism. Both are difficult to translate and are commonly rendered by 'honourable' and 'dishonourable', or 'moral' and 'immoral'. Although published after Baumgarten's *Elements* and after Kant composed the relevant reflections, it is interesting to note that the Christian Garve translation of *De officiis* renders *honestum* as *moralisch gut* or 'morally good' (Cicero 1783, 12). In *De finibus bonorum et malorum* 2: 45, Cicero defines *honestum* as follows: '*Honestum igitur id intellegimus quod tale est ut detracta omni utilitate sine ullis praemiis fructibusve per se ipsum possit iure laudari.*' This is translated by Woolf as: 'By "moral," then, I mean that which can justly be esteemed on its own account, independently of any utility, and of any reward or profit that may accrue' (Cicero 2001, 41). In *De officiis* 1: 15, Cicero explains that *honestum* originates from one of four things, namely, (i) knowledge and employment of truth, (ii) maintaining and honouring societal ties, (iii) greatness of spirit and (iv) the proper limitation and ordering of actions (Cicero 1991, 7).

Interestingly, the definition from *De finibus* is quoted in a footnote by Shaftesbury in *Characteristicks of Men, Manners, Opinions, Times* (vol. 3, 182n), where he points to the connection, also found in Cicero in *De officiis* 1: 15, between *honestum* and *pulchrum* (beauty). Kant's reflection 6794 below is very reminiscent of the entire passage from *Characteristicks*, to which Shaftesbury appends this note regarding *honestum*, and where he explains why the 'BEAUTIFUL' is so closely allied with *honestum*:

SHOU'D not this (one wou'd imagine) be still the same Case, and hold equally as to the MIND? [...] No *Beauty*, or *Deformity* in this *moral* kind? Or allowing that there really is; must it not, of consequence, in the same manner imply *Health*, or *Sickliness*, *Prosperity* or *Disaster*? Will it not be found in this respect, above all, 'That what is *BEAUTIFUL is *Harmonious* and *Proportionable*; what is *Harmonious* and *Proportionable*, is *TRUE*; and what is at once both *Beautiful* and *True*, is, of consequence, *Agreeable* and *GOOD*?' (Shaftesbury 1737, vol. 3, 182–3)

Despite the morphological similarity, then, *honestas* must not be translated as 'honesty'. We have instead settled for 'honourable', although this too lacks the appropriate cosmological ring. In German *Ehre* means 'honour', and on this basis one might think that Kant's *Ehrlichkeit* corresponds to *honestas* and hence should perhaps be rendered also as 'honourable'. But this would be a mistake in nearly all, if not all, cases. Kant defines *Ehrlichkeit* in the *Metaphysics of Morals* as 'truthfulness in one's declarations' (AA 6: 429), while making it evident that he instead regards *Ehrbarkeit* as equivalent to the classical term *honestas* (see e.g. AA 6: 236, 464). Hence, we consistently render *Ehrlichkeit* as 'honesty' and *Ehrbarkeit* as 'honourableness'. Nevertheless, in at least one reflection, Kant does indeed seem to equate *Ehrlichkeit* with *honestas* (see reflection 7072 below).

v. imputieren/zurechnen/beimessen/zuscheiben/zueignen || to impute/to account/to attribute/to ascribe/to assign

These terms express the various modalities according to which a thing or an action can belong to a person. Baumgarten uses *imputo*, *imputare* very generally for the attribution of deeds, of their consequence and of laws, both internally in conscience and externally in a court of law. Employing his favoured device of modifying Latin terms with German endings, Kant builds on Baumgarten's usage by coining the term *imputiren*²² (today spelled *imputieren*), which he uses most frequently and freely in his reflections. *Zurechnen*, by contrast, is employed much less frequently and is explicitly distinguished from *imputiren* in some of the reflections (see e.g. reflections 7152, 6775, 6807 below). For this reason, the standard translation of 'imputation' for *Zurechnung* will not do. Its root word, however, is *rechnen*, meaning to reckon or to count, and 'account to' seems to bare a strong analogy to *zurechnen*. Hence, we have adopted 'accounting' for *Zurechnung* and 'account to' for *zurechnen*. The renderings of the remainder of these terms are guided merely by our linguistic intuition, and hence are largely stipulative. We have only taken care to be consistent.

vi. ius/lex || right/law

Ius simply means 'right' in Latin, but in more senses than just the English subjective concept of the right to something, or the right to do or abstain from something, e.g. the right to property or human rights. *Ius*, for instance, also has the juridical sense of the law in its totality, which is objective or binding and which English best natively translates as 'the law'. Baumgarten will in fact outline six different senses of *ius* in BIP §64 below. Most other European languages preserve both the subjective and objective meanings of *ius* – for instance, German has *Recht*, French has *droit*, Dutch has *recht* and Italian has *diritto* – while also safeguarding the distinction of *ius* from *lex* in their native words *Gesetz*, *loi*, *wet* and *legge* respectively. English cannot really account for the subjective and objective meanings of *ius* while simultaneously preserving its distinction from *lex*. We see this clearly in Hobbes' attempt to distinguish between these in his *Leviathan* (I, 14): 'RIGHT consistith in the liberty to do, or to forbear: whereas LAW determineth and bindeth.' His definition cannot countenance right as a collection of binding laws, the very flexibility that *ius* demands. However, contrary to the native genius of English, and against Hobbes, we have consistently used 'right' for *ius*, and 'law' for *lex* in this translation, even when these locutions sound awkward. But we judge it better to segregate these terms strictly as did Baumgarten, even though such eminent authorities on natural law and the right of nature as Passerin d'Entrèves are confident enough, for example, to translate *ius naturale* as 'natural law' (1970, 63).²³ Baumgarten discusses both the *ius naturae* and the *lex naturae*, and lacking such segregation, the text would become quickly opaque. See also our note on *Recht* below.

²² In fact, Kant's coinage is not original, having appeared previously, though rarely, in both Thomasius and Puffendorf. However, Kant uses this same device so often in his reflections that there is no reason to suspect he borrowed the term from elsewhere.

²³ For that matter, see his fascinating discussion of this problem in the location just cited.

vii. *Moral/Moralität/Sitten, Sittlichkeit* || moral science, morals/morality/morals, morality

Kant's use of these terms generally follows a few clear patterns. First of all, Kant himself recognizes that *Sitten* properly refers to decorum (*Anständigkeit*) (AA 27: 1447), whereas *Moralität* concerns rather the 'agreement or disagreement of an action with the law ... in which the idea of duty based on the law is at the same time the incentive of the action' (AA 6: 219). Nevertheless, he notes that there is no good German word for the latter (he seems to consider *Moralität* an unacceptable neologism). For this reason, he uses *Sittlichkeit* in its stead, whence *Sitten* for 'morals'. However, in his *Reflections on Moral Philosophy*, translated in this volume, Kant continually switches between *Sittlichkeit* and *Moralität*. We have not discovered any particular logic to this, and have only indicated Kant's usage in the footnotes when the two words appear close together.

Moral, on the other hand, has been translated standardly as 'morals', just like *Sitten*. However, Timmermann has argued persuasively that, given the few options available, *Moral* is in fact best rendered by 'moral science', noting that *Moral* was employed in the eighteenth century to describe 'a systematic study of morality' (Kant 2011, 161–2). We believe that Kant's use of the term in his *Reflections on Moral Philosophy* strongly supports this thesis, and we have therefore adopted Timmermann's suggestion in all but a few cases, which are indicated in the footnotes.

viii. *potiores causa impulsivae* || overriding impelling causes

An overriding impelling cause is an efficient cause freely determining the will. Baumgarten introduces the idea of the overriding impelling cause in BM §342, and he deems impelling causes important enough to warrant their own index entry in BM apart from the other sorts causes, which are all lumped together under the heading 'cause'. And, in fact, Thiele, in his index of BIP, only indexes the impelling causes, leaving the rest of the causes unindexed. The term 'impelling cause' *simpliciter* stems from Wolff:

The grounds determining the will are not to be confused with the end, such that, because we wish to impel <agere> this end, they are contained in the name *impelling* <*impulsivae*> causes. However, the impelling cause is divided into the internal and the external. It is called internal if these grounds are contained in the agent, and external, on the other hand, if the same are taken on from external things. (WO §940)

In the addition to WO §940, he gives this example: 'E.g.: If Maevius wishes to wound Titius because he affronted his friend Sempronius, and because he was just then inflamed with hatred towards him, the affront to Sempronius and the hatred towards Titius are the grounds on account of which he intended that end.' The hatred would be the internal, and the affront the external impelling causes of the end to wound Titius. Baumgarten, however, goes beyond Wolff in concentrating on 'overriding' impelling causes, which Wolff does not distinguish. Moreover, Wolff does not seem

to accord the same importance to these as does Baumgarten, since there seem to be no references back to WO §940 anywhere in the WO, nor have we come across any in other works.

ix. *rationatum/consectarium* || consequence/implication

Consectarium points out another distinction not found in Wolff. In BM, we had translated *consectarium* as 'logical consequence' to distinguish it from 'consequence <*rationatum*>'. Baumgarten uses the word *consectarium* a scant five times in that work (as opposed to seventy-five times in the much shorter BIP), and he never gets around to defining it; hence, it plays no important technical role in BM. However, here we amend our word choice after consulting the manuscript of Alexander Aichele's German translation of BIP, which uses *Zusatz* (*Zusätze* in the plural) for *consectarium*. In German, *Zusatz* generally means 'addition' or 'tack on', but here it means something much more specific. Aichele helpfully quotes and translates a passage in Baumgarten's last work, his *Acroasis Logica*, published a year after BIP in 1761: 'Ein beweisender Satz eines kürzeren Beweises ist ein ZUSATZ, ein nicht beweisender eine ZUGABE/Propositio brevioris demonstrationis demonstrans est CONSECTARIUM, non demonstrans, COROLLARIUM/A proposition that demonstrates belonging to a shorter demonstration is an IMPLICATION, and one that does not demonstrate is a COROLLARY' (BAL §346); for Baumgarten, something that demonstrates adds complete certainty to a cognition (cf. BAL §176 and 290). In the footnotes, Baumgarten glosses *consectarium* with *Zusatz*, and *corollarium* with *Zugabe*, hence dictating Aichele's own translation. This passage is itself a gloss on Wolff's definition of *Zusatz* in the German Logic:

Sometimes one cares to remark upon a particular case concerning an explanation or a proposition, of whatever nature, or to conclude something immediately therefrom; such truths in mathematics are called *Zusätze*. For instance, I have proven that all emotions harm human beings such that they cannot see the truth, and I conclude therefrom that thus alacrity and revenge also harm such that human beings cannot see the truth; this is thus a *Zusatz*. (WGL, chapter 6, §13)

In the corresponding Latin passage in his WPR, Wolff writes 'corollaria, called *consectaria* by some, are propositions that are not inferred in a round-about way through many arguments from definitions or other propositions' (WPR §277). Thus, in short, Wolff treats *corollarium* and *consectarium* as synonyms, while Baumgarten distinguishes the terms. To preserve this distinction, we are blocked from using 'corollary' for *consectarium*, and we have thus chosen 'implication'. Complicating this picture is that Baumgarten uses *consequentia* rather often in the text as well (not including its use in the stock phrase '(non) valet consequentia – it is (not) valid to conclude'). Hence, 'consequence' unavoidably must translate *rationatum* and *consequentia*. We make no effort to indicate this particular distinction in the text.

x. *Recht, Unrecht/Gerecht, Ungerecht* || right, wrong/just, unjust

As noted by Mary Gregor (Kant 1996, 386 nj), Kant distinguishes these terms in the following lines from the *Metaphysics of Morals*: 'A deed is *right* <*recht*> or *wrong* <*unrecht*> (*rectum aut minus rectum*) in general insofar as it conforms with duty or is contrary to it ... What is right in accordance with external laws is called just <*gerecht*> (*iustum*); what is not, unjust <*ungerecht*> (*iniustum*)' (AA 6: 224). But as she also notes, Kant sometimes reverts to speaking in terms of wrong and right when it is clear that he is speaking in the context of external laws. While this may not cause too great difficulties in his published works, the reflections, which often lack a clear context, are another matter. For this reason, we have chosen to translate these terms uniformly in conformity with the above passage from the *Metaphysics of Morals*, thereby leaving it to the reader to decide when or if this distinction is significant. See also our note on *ius* above.

xi. *Schuld, Schuldig, Schuldigkeit/Verbindlichkeit* || guilt, owed, obligation or duty of what is owed/obligation

Schuldigkeit is used in the *Metaphysics of Morals* specifically for *officium debiti*, i.e. for the duty of indebtedness or of what is owed, or the duty to fulfil a certain debt. This is distinguished from what goes beyond what is strictly owed and is hence meritorious (AA 6: 391). However, as noted by Pluhar (Kant 2002, 107 n385), *Schuldigkeit* is also often used by Kant simply as a synonym for *Verbindlichkeit* ('obligation') and is built from the root word '*Schuld*', i.e. 'debt', or in some contexts 'guilt'. Byrd and Hruschka make the interesting case that *Schuldig* should not be translated as 'guilty', but as 'liable', as Kant uses it in the context of both private and criminal law trials (BH, 165 n86). While this is a good point, we have not detected any instances in the *Reflections on Moral Philosophy* where this would be relevant. For this reason, we have remained with the standard translation, which in many respects is more natural.

xii. *Willkür/Wahl* || choice, selection

Willkür is one of the most common words in Kant's reflections and is the German equivalent to the Latin *arbitrium*. These denote neither a choice, nor an act (*Handlung, actus*) of choice, nor even a power (*Kraft, vis*) of choice, but instead, to quote Baumgarten, 'a faculty <*facultatem*> of desiring and averting according to my own preference' (BM §712). *Facultas* corresponds to the German *Vermögen*, both of which we translate religiously as 'faculty' to distinguish them from *Kraft* and *vis* ('power'), which both denote an actualization of a faculty. For this reason, we have eschewed the common practice of rendering *Willkür* as 'power of choice'. 'Faculty of choice' was possible, but too clumsy for our taste, and so we have chosen to stick to the simple 'choice' without an indefinite article, asking the reader to bear this in mind. Kant seems to use *Wahl* for 'a choice', and we have distinguished this with the term 'selection'.

A Note on the Text and Translation

The base text for our translation of Baumgarten's *Elements* was the only original edition of the work, namely that of 1760. However, we compared this work thoroughly with the edition prepared by Dr. Rau, which is printed in volume 19 of the Academy Edition of *Kant's gesammelte Schriften*. Kant's own copy of the *Elements* has been lost, presumably destroyed in WWII, and hence our translation of the notes penned in its margins relies completely on the transcriptions by Erich Adickes found in that same volume of the Academy Edition. Adickes, furthermore, divided Kant's notes into elucidations and reflections; see our introduction to the BM for a short discussion of this (35). To mark this distinction, we have prefixed the elucidation numbers with E, and placed them as footnotes to Baumgarten's text. The reflections follow in a separate section.

To convey Kant's use of Latin within the *Reflections*, we have included glosses of the original Latin according to the following procedure. Whenever this consists of single words, phrases or sometimes short lines that we did not think would seriously disrupt the flow of the text, we have retained it in-line within *<angle brackets>*. Longer pieces of text have been removed to the footnotes. The headings of Kant's notes have been simplified, but otherwise follow the format created by Adickes. For a more detailed account of Adickes's dating procedures see BM 35–40 and Naragon (2006).

This translation preserves the original pagination of Baumgarten's text (BIP), and the Academy Edition (AA) in the margins.

Baumgarten's *Elements of First Practical Philosophy*

ELEMENTS
OF FIRST PRACTICAL PHILOSOPHY,
FOR USE IN LECTURES
BY
ALEXANDER GOTTLIEB BAUMGARTEN
PROFESSOR OF PHILOSOPHY.
HALLE, MAGDEBURG, 1760.²
CAROL. HERM. HEMMERDE, publisher

[BIP *IV]¹
[AA 19: 7]

[BIP *VI]

Preface

One should not preface a slender booklet with much. Some time ago I had the idea of taking that most useful science that Baron Christian von Wolff first gave us, separated from similar sciences, under the name of universal practical philosophy, and, on the one hand, abridging it into a less massive work for use in lectures, seeing as it seems to labour under an untold number of Latin works belonging to that illustrious man, and, on the other hand, explaining these works rationally, insofar as I hoped to attain as closely as possible to the truth that they contain.³ At that time, the first of the work's proximal aims was to offer support to those tasked with lecturing on the rights of nature, as befits a philosopher.⁴ Since harsh necessity forced me to entrust the text to a

[BIP *VII]

¹ The front matter of the *Initia* is unpaginated, so asterisks indicate that Roman numerals have been supplied in this edition.

² Partially reprinted in AA 19: 7–91. Although AA 19 claims that the text is fully reproduced, it leaves out the index.

³ See our introduction for the sheer size of these works (p. 3 above).

⁴ In chapter 8 of BPG (§§260–86), Baumgarten outlines his concept of the philosopher: “The philosopher is the one in whom there is philosophy. Hence, the greatest philosopher is the one in whom there is the (1) truest, (2) clearest, (3) most certain and (4) most brilliant cognition, requiring no faith, of (5) all and therefore of the (6) greatest qualities, based on the (7) most, and therefore the most certain, grounds’ (BPG §260). Hence it is obvious why Baumgarten considers God to be the archetypal philosopher (BPG §§260–9), and the human philosopher to be ectypal or derived (BPG §§270–81). Concerning the general tasks of a philosopher: ‘the philosopher ought to ARRANGE <DIGERAT> what he hears and reads, i.e. he ought to contemplate these things, and indeed as far as he can, either demonstrating based on them, or demonstrating them; that LIFE belonging to such a man will be PHILOSOPHICAL’ (BPG §277). Baumgarten thus joins a long tradition seeing philosophy as a life practice.

press located in a city far from where I now live, predictable delays arose.⁵ First came illness, then some quite demanding affairs,⁶ and then illness anew, which, although not fatal, nevertheless for many years threatened quite frequently to thoroughly upset the ordinary course of my public life and studies, as concerned the demands of my teaching duties.⁷ Adding to my troubles, which were already sufficiently great, gradually and loudly the clashes of arms approached ever closer, finally thundering around this city with a warlike terror in the face of which even those as healthy as athletes or the pancratiasts⁸ themselves would become weak.⁹ Not only was Hannibal at the gates,¹⁰ but the enemy, savage more than once in the slaughter of civilians, had forced itself inside the city walls, and even inside homes.¹¹ Who knows what evils of war are still to follow?¹² Perhaps it behoves the Stoics not to be touched, disturbed or overcome by all of this; it does not behove the philosopher. Although I find myself beset by all these troubles, I find it a rich enough triumph that, even if it is indeed late and somewhat wavering and repeatedly faltering, although still great enough for attending to my duties, nevertheless, the health of my body 'has finally appeared after a long time and cast its gaze about'.¹³

[BIP *VIII]

[AA 19: 8]

The powers of my exhausted, piteous little body are now returning one by one, but, as I never lost it, the intention of carrying out my duties does not so much return as

⁵ Writing now in 1760, Baumgarten had already voiced similar complaints in the prefaces to the first two editions of his *Metaphysics* (1739 and 1743, respectively), and will again in his BAL (1761). He had been forced by royal order to replace Heineccius, who left in 1733, as full professor at Frankfurt on the Oder in 1739, but his publisher Karl Hermann Hemmerde remained in his home town of Halle, where he began his academic career. See our biography in BM pp. 5–8, which largely follows the accounts of Meier (1763) and Abbt (1783).

⁶ Besides his forced move and sickness, around this time one of his brothers died. Moreover, in 1756 Gottlob Samuel Nicolai had published his *Anmerkungen und Zusätze zu Wolff's deutscher Logik*, which he had apparently cribbed from the very lecture notes that formed the basis of Baumgarten's own *Acroasis Logica in Christianum L.B. de Wolff* (1761); the two were colleagues in Frankfurt. Recriminations flew: in a time lacking copyright protection, Baumgarten's only remedy was to publicize the affair, which led to a polemical reply from Nicolai. Two of Baumgarten's students wrote tracts on his behalf, including Anton Bernhard Thiele, who also prepared the index for the BIP. See the more thorough accounts of this affair in Gawlick and Kreimendahl (Baumgarten 2011, xxvii) and Schwaiger (2011, 31 n. 52). Baumgarten also alludes to it in the preface to BAL (*iv f). See also note 1 in the index for more on Thiele.

⁷ Again, see our biography cited above. Baumgarten suffered from ill health throughout his life, but especially near the end, when he was probably suffering from severe tuberculosis. He in fact made a minor recovery and began to teach the summer semester of 1762, but nevertheless his health shortly thereafter took a turn for the worse and he died 27 May 1762.

⁸ *Pankration*, supposedly founded by noted warriors Heracles and Theseus, was an ancient Olympic combat sport combining wrestling and boxing and troubled by very few rules.

⁹ Baumgarten doubtless has the Greek word for war, *πόλεμος*, in mind, which ultimately stems from two Greek verbs (*πελεμιζω* or *πάλλω*), which both mean to shake, tremble or become weak in the knees from terror. Grotius's famous etymology of *πόλεμος* from *πολύς* should be considered fanciful.

¹⁰ 'Hannibal at the gates <*Hannibal ad portas*>' – a Latin proverb stemming from the Punic Wars (264 BC to 146 BC).

¹¹ During the Seven Years War in August 1759, the Russian Imperial Army had occupied and was garrisoned within Frankfurt on the Oder.

¹² Present tense as Baumgarten is writing during the occupation.

¹³ Virgil, *Eclogue* I, line 29. Virgil is talking not about bodily health, but freedom.

it is rather revived in the hope of efforts that are no longer entirely in vain. Among all that for which I freely profess thanks to God the Saviour,¹⁴ with old-fashioned virtue¹⁵ have I returned to my lectures, as much as my lungs¹⁶ will permit, and am returning to the interrupted short works that were hanging in the balance. And as I again look over these first lines of practical philosophy, I already see that they contain a good many things that I would wish a student of the right of reason and the right of nature to know in advance of approaching that true, not counterfeit, philosophy of right, which is still to be learned. Meanwhile, I take it that we have been spared for these times in which philosophers must take care to uphold what has already been achieved before seeking after more. Therefore, let these *Elements of First Practical Philosophy* suffice, which, while written some time ago, are now finally appearing, because I indeed hold that one must not give up all hope of achieving an adequately solid science of natural rights, especially once these writings are properly examined. As far as I am concerned, those to whom these things seem superfluous may make up their own minds,¹⁷ provided that I am permitted the free right to say judiciously what I may wish and what I think. Based on this same right, I so resolve.¹⁸ May the person of average wit,¹⁹ one convinced by logical rules concerning the form of demonstration and properly cultivated by logical exercises, aspire to the science of philosophical right through metaphysics,²⁰ and, in the end, through this first practical philosophy. Someone unacquainted with these can harp on about the right of nature and make pronouncements concerning the right of nations but cannot know them. It is very easy to be ignorant of all these things, and likewise to ridicule it as if that were a good thing to do.²¹ However, may we professors of the science of philosophy lead those who wish to follow as far as it is permitted to proceed, provided that we are careful lest – should there be any who²² seek shards of glass²³ just to bind them together²⁴ – we are numbered among the most disgraceful

[BIP *IX]

[BIP *X]

¹⁴ 'God the Saviour <*Deo sospitatori*>': this formulation seems to originate in the *Adversus Gentes* of Arnobius of Sicca (Migne, PL 5: 792), a Berber and early Christian apologist (died c. AD 330).

¹⁵ 'old-fashioned virtue <*antiqua fide*>'; Terence, *The Brothers (Adelphoi)* 3: 3, line 87.

¹⁶ 'lungs <*latera*>' – *latera*, which in general means 'sides', is here used poetically to mean 'lungs' and is clearly a reference to Baumgarten's tuberculosis.

¹⁷ 'make up their own minds <*abundare suo sensu*>', Rom 14: 5.

¹⁸ 'I so resolve <*ita censeo*>', a formula used by Roman senators to conclude speeches. That is, he resolves to say judiciously what he wants.

¹⁹ 'wit <*ingenium*>', which could also be translated as 'intelligence'. Concerning wit and its various types, see Baumgarten's discussions in BM §§572–8, and especially §649. Baumgarten further discusses the philosophical wit in BPG §§271–3.

²⁰ 'metaphysics', reading *metaphysicam* for *metaphysica*.

²¹ 'as if that were a good thing to do <*quasi re bene gesta*>', Terence, *Adelphi* V: i.

²² 'if there are any who <*si qui*>' – AA reproduces this as *siqui*; both forms are standard Latin.

²³ 'glass <*vitra*>' – BIP has *citra*, which is a typographical error corrected in the corrigenda. AA follows this correction. We do not mention every such error, but we feel this is significant enough to mention.

²⁴ 'shards of glass <*vitra fracta*>', Juvenal, Satire 5: 48, which is sometimes rendered by the variant *vitro rupto*. In this passage, Juvenal tells the story of a wealthy host who enjoys a golden jewel-encrusted chalice while he gives his guest a broken cup that needs to be affixed back together with sulphur. Anybody who has tried to glue a broken cup back together should get Baumgarten's metaphor – it is incapable of holding anything.

type of mortals, those who falsely persuade themselves that they have created their own science,²⁵ those mortals who sell smoke.²⁶

Frankfurt on the Oder, 5 March 1760.²⁷

[BIP *XI]

Synopsis

Prolegomena to practical philosophy

Prolegomena to first practical philosophy

Treatise:

I. Obligation (chapter 1):

1. In general (section I)
2. Constraint (section II)

II. The sources of obligation (chapter 2):

1. The law (section I)
2. Juridical expertise (section II)
3. The principles of right (section III)
4. The legislator (section IIII)
5. Rewards (section V)
6. Punishments (section VI)
7. Imputation:

A. Generally:

a. Of deed:

A. In general (section VII)

B. In specific:

- a. The author (section VIII)
- b. The degree of imputability (section IX)

b. Of law:

A. In general (section X)

B. In specific:

- a. The court (section XI)
- b. The external court (section XII)

B. Specifically: concerning conscience (section XIII)

[AA 19: 9]

²⁵ Cf. BPG §282: ‘the philosopher mindful of moral corruption ought to beware those PHILOSOPHICAL SINS that, in our sense, are very tightly connected with the study of philosophy’. These sins are briefly outlined in the following paragraphs (§§282–6) in a section titled ‘The Philosophaster’, a word that had recently been coined in Robert Burton’s 1616 satirical Latin comedy of the same name (Burton 1931).

²⁶ ‘sell smoke <*fimum vendunt*>’, Martial *Epigrams* 4.5.7.

²⁷ ‘5 March 1760 <III Non. Mar. cId>CCLX>’, literally: ‘three days before the nones of March, MDCCLX’. The nones, being the seventh day before the ides, falls on the eighth in March.

The paragraph numbers prefaced with BM refer to the author's *Metaphysics*.

[BIP 1]

Prolegomena to Practical Philosophy

§1²⁸

Just as PHILOSOPHY is the science²⁹ of the qualities in things that are to be known without faith,³⁰ so too is PRACTICAL PHILOSOPHY the science of the obligations of a person that are to be known without faith.³¹

§2

Practical PHILOSOPHY is to be deduced by an apodictic method only through principles that are certain and not through testimonies, divine or human authorities, or accounts (§1).³²

[BIP 2]

§3

A practical philosophy that (1) perfects the theory of our obligations in many ways, (2) renders their praxis and execution easier through such cognition and (3) supplies fecund principles and directive notions³³ for moral theology, positive law and particular counsels, will be very useful (BM §§337, 787).

[AA 19: 10]

²⁸ Kant E6456, early 1760s: 'Practical science belongs to Art, or to Prudence, or to Morality <*Scientia practica est vel Artis vel Prudentiae vel Moralitatis*>.'

²⁹ 'Science is certain cognition from what is certain; therefore, philosophy must be known from what is certain' (BAL §2). Thus, the entire book also depends on the definition of cognition: 'Cognition is the collection of representations or perceptions, therefore cognition and science are different' (BAL §3). Our cognition is not strictly scientific; for instance, it also stems from the analogue of reason (cf. §95 below); it can also be merely historic (cf. §76 below). Wolff: 'By science I understand the proficiency in demonstrating assertions, i.e. of inferring from certain and immovable principles by means of legitimate consequences' (WPR, preliminary discourse, §30). WPR is a modified translation of WGL: 'By science I understand the proficiency of the understanding for demonstrating irrefutably what one asserts from incontrovertible grounds' (WGL, preliminary note, §2).

³⁰ 'Philosophy is the science of the qualities in things that are to be known without faith' (BAL §1). 'NATURAL THEOLOGY is the science of God, insofar as he can be known without faith' (BM §800). Compare to Wolff: 'Philosophy is the science of the possible, insofar as they are possible' (WPR, preliminary discourse, §29; WGL, preliminary note, §1). We discuss the differences in Wolff's and Baumgarten's definitions of philosophy in the preface of our BM (21). See also, among others, Schwaiger's recent (2011, 27 f.), and Erdmann's classic (1897, 239) studies.

³¹ Wolff: 'Active <*activa*> science is the science of determining the will or refusal to his own acts' (WPPU I §1); *activa* also means 'practical' in Latin. 'Practical <*practica*> science is the science of determining the locomotive or even the cognitive faculty to execute or omit external and internal acts for the will or, similarly, to refuse such' (WPPU I §2). 'Moral philosophy, or ethics, is the practical science that teaches the manner in which a human being can freely compose his own actions according to the law of nature' (WPM I §1).

³² Wolff: 'What is taught in moral philosophy must be demonstrated' (WPM I §4). For a demonstration, see §28 note 63 below.

³³ 'directive notions <*notionesque directrices*>', a term of Wolff's. Cf. Wolff (1983). For a discussion of the term, see Camposampiero (2016). For fecund, see §34 below, and also note 81 to that paragraph.

§4

Richness and bounty, dignity and majesty, truth, exactitude, and a good method (§2), perspicuity and distinction, certainty and evidence, life, and finally moving power are foremost among the prerogatives of practical philosophy (§1, BM §669).

§5

Narrowness and triviality, submissiveness and shallowness, deceptive perceptions and those thick with tumult, obscurity and confusion, the uncertainty of the superficial and the non-evident, and, finally, inertia and sterile speculation most of all are the defects of practical philosophy (§4, BM §82).

[BIP 3]

Prolegomena to Universal Practical Philosophy

§6³⁴

FIRST (universal)³⁵ PRACTICAL PHILOSOPHY³⁶ is the science containing the first principles that are proper but also common to the rest of the practical disciplines.³⁷

Passerin d'Entrèves sees the relative concept of the *vis directiva* as the core of the right of nature (i.e. natural law): 'If I am not mistaken, one of the essential characteristics of old-time natural law was the stress laid on the *vis directiva* of law as distinguished from its *vis coactiva*. It was the *vis directiva* – the moral content of the law – that ultimately decided about the “obligatoriness” of the legal precept' (1970, 131). Regarding the *vis coactiva* and obligation, see the first chapter immediately below.

³⁴ Kant E6457, 1764–6 (referring to §6): 'Principles in the objective sense <*principia sensu objectivo*>, subjective sense <*subjectivo*>.

Practical philosophy <*Philosophia practica*>:

1. of prudence <*prudential*>

2. of obligation <*obligationis*>

the former of either the personal <*prior vel privatae*>

or the social <*vel socialis*>

the latter either economic or political <*haec vel oeconomica vel politica*>

of obligation or of the moral <*obligationis sive moralis*>

either of the imperfect: ethics <*vel imperfectae: Ethica*>

or of the perfect: natural right <*vel perfectae: Jus naturale*>

Social right in the <*Jus sociale in statu*>:

1. domestic state <*domestico*>

2. or the civil state <*vel civili*>

in the personal state <*in statu privato*>

a. Civil right <*Jus civile*>: constitutional law

b. Public right <*Jus publicum*>. International law'

³⁵ We see here Baumgarten's practice of using parenthetical metonyms. They are not to be understood as synonyms, but rather as approximate or related terms (sometimes misguidedly) used by other philosophers (cf. BM 89, in the second preface).

³⁶ Wolff: 'Universal practical philosophy is the practical affective science of directing free actions through most general rules' (WPPU I §3). Wolff here closely reflects the first sentence of his own doctoral thesis, where he writes: 'UNIVERSAL PRACTICAL PHILOSOPHY is the practical affective science of directing any free actions of the human being whatsoever to the best end through universal rules' (1703, §1).

³⁷ For an explanation as to why we have broken with all previous translations of this key sentence, see p. 23f. above. Baumgarten briefly discusses the practical disciplines in his *Ethica philosophica*: 'The cultivation

§7

Just as metaphysics is related to all the rest of the disciplines, so too is first practical philosophy related to the rest of the practical disciplines (§6, BM §1).

[AA 19: 11]

§8

Those things said about first practical philosophy in §§1–5 (§6) are also in effect, and since the apodictic method puts principles ahead of what is founded on principles, first practical philosophy is rightly set ahead of all the other practical disciplines and moral sciences (§§6, 2).

§9

Beyond the uses it has in common with philosophy (§1) and practical philosophy (§§3, 8), first practical philosophy (1) augments the evidence in the notions of every practical discipline, of theology and of the two types of law, whether universal or particular, and of counsels of equity answering to either; (2) very diligently determines and ultimately develops the first propositions of any of these; and (3) promotes both the ultimate approach to proofs and thereupon their certainty (§7, BM §3).³⁸

[BIP 4]

Chapter 1: Obligation

Section I: Obligation in general

§10³⁹

Since those things that are morally necessary are morally possible (BM §§723, 81),⁴⁰ these being free determinations that, however, fall to a free substance alone (BM §719),

of a wit through the knowledge of disciplines is TRAINING. DISCIPLINES are collections of propositions that are similar among one another, signified by a common name, and methodically proposed. Hence the one who is TRAINED TRULY AS SUCH is the one who cultivates a wit through disciplines' (BEP §404). On 'wit', see note 19 above in the preface. 'Before other things, one who is trained is obligated to the love of life and ardour in one's cognitions. All of one's training shall be practical, having nothing to do with speculation, the theoretical least of all. The more fecund the disciplines one comes upon, or the more fecund they are in porisms or practical implications, i.e. the more pragmatic one hopes to make these, that much more one is obligated to cultivate these; whereas, the more truly sterile are the disciplines one finds, and the less useful in practice they are, that much less is he obligated to cultivate such' (BEP §425).

³⁸ Wolff: 'Universal practical philosophy delivers heuristic or artificial principles for discovering moral and political truths' (WPPU I §11).

³⁹ Kant E6458, early 1760s (referring to the beginning of §10): 'The morally necessary is either objective, that whose opposite is repugnant to moral law objectively considered, or subjective, etc. <Moraliter necessarium est vel objective: cuius oppositum legi morali objective spectatae repugnat, vel subjective etc.>'. Next to §10 'a PERSON – who': 'immediate necessity. immediate goodness <necessitas immediata. bonitas immediata>'. Referring to the end of §10: 'Necessitation is the alteration of what is contingent in itself into the necessary <Necessitatio est mutatio in se contingentis in necessarium>'.
⁴⁰ Wolff: 'The morally necessary is that whose opposite is morally impossible' (WPPU I §115); 'the truly morally necessary is of such a sort that its opposite is indeed morally impossible' (WPPU I §117).

i.e. a PERSON, OBLIGATION is either attributed to free determinations or to the persons who are necessitated (BM §723), i.e. either to the determination that obligates or to the person obligated. Hence obligation is either ACTIVE or PASSIVE.⁴¹

[AA 19: 12]

§11⁴²

There can be no obligation where there is no freedom; therefore obligation cannot destroy freedom, nor is it its opposite, but is rather its consequence and implication (§10).⁴³ And the actions to which we can obligate and be obligated not only can be free, but they are even necessarily such (BM §724). Therefore, whatever determinations are not free, we are neither obligated to these, nor can we be obligated. Those things that are absolutely impossible (BM §15), and those posited beyond our power, are not free (BM §§719, 712). Therefore, the absolutely and unqualifiedly physically impossible is no obligation – neither active, nor passive (§10, BM §469).^{44, 45}

[BIP 5]

⁴¹ Wolff: 'The moral necessity of acting or not acting is called a *passive obligation*. However, the connection of a motive with an action, whether the action is positive or privative, may be called an *active obligation*' (WPPU I §118). See also the similar definition in WTN I: 'The moral necessity of acting is that which is usually called by one name, *obligation*, namely *passive*. And indeed, only the connection of a motive with an action is *active obligation*' (WTN I §973).

⁴² Kant E6459, early 1760s (referring to the beginning of §11): 'The cause of the (overriding) moral motives obligates; that of the pragmatic motive impels <*Causa motivi moralis (potioris) obligat, motivi pragmatici impellit*>.'

1764–6 (underneath and referring to §11): 'Practical syllogism: Do the best you can. But certainly this is the best. Therefore ... insofar as this minor is true, the practical conclusion is morally necessary; insofar as it is considered as true, but is not, with a false minor having been posited: the conclusion is subjectively necessary, especially if some erroneous necessity belongs to the minor proposition. The harmony of this ultimate necessity with freedom is reconciled. <*Syllogismus practicus: Optimum per te possibile fiat. Atqui hoc est optimum. Ergo ... quatenus haec minor est vera, conclusio practica est moraliter necessaria; quatenus cogitatur ut vera, non est, posita minore falsa: conclusio est subjective necessaria, potissimum si sit quaedam necessitas erronea minoris propositionis. Hujus ultimae necessitatis harmonia cum libertate conciliatur*>.'

⁴³ Wolff: 'freedom does not destroy natural obligation' (WIN I §159). He discusses freedom throughout WPPU I, chapter I: 'On the diversity of human actions'. 'Actions of the *soul* and the *body* are called *natural* or *necessary* that are determined through the essence and the nature of the soul and the body; *free*, however, are called those actions that are not determined through the essence and nature of the soul and the body, but which depend on the freedom of the soul' (WPPU I §12). 'The pleasures of the senses, and the displeasures of the same sources, derive from the senses ... and since the ground of the sense of pleasure and displeasure is not contained in the soul, neither pleasures nor displeasures depend on free will' (WPPU I §14). Thus, for Wolff, freedom, or the escape from natural determination, is found in rational soul alone: 'Since a free soul consists in willing and refusing, all volitions and refusals of the soul, namely, every act of rational appetite and aversion, are free actions' (WPPU I §13). Such quotations pile up easily.

⁴⁴ Kant E6460, early 1760s (referring to the end of §11): 'Not always qualifiedly, because we are obligated to that which lies indirectly under our freedom <*non semper secundum quid, quia obligamur ad ea, quae indirecte libertati nostrae subsunt*>.'

⁴⁵ On this principle, see Schwaiger (2011, 121 and 134). Wolff: 'That which is impossible in itself is not made possible by the soundness of our will' (WPPU I §55). Again: '*the positive law does not obligate us to that which is repugnant to natural law*' (WPPU I §151); in the remark to this paragraph, Wolff adds: 'Without doubt, there is no obligation that is repugnant to nature.'

§12

One who obligates renders a free determination morally necessary, and, therefore, renders its opposite morally impossible (§10). However, the opposite of a free determination is free as to its execution (BM §726), and that which is free as to its execution is more morally possible than its opposite, as long as no, or less, preference is produced in the latter (BM §§723, 719); and also, however, it, and its opposite, are either equally morally possible or impossible if it is supposed that equal preference is produced in both the former and the latter (BM §673). Therefore, if the opposite of that to which you would wish to obligate is to be rendered morally impossible, you must excite a greater preference in the free determination to which you would wish to obligate.⁴⁶ In a free determination and its opposite, the OVERRIDING IMPELLING CAUSES are those ascribed to that free determination for which there are more when these are summed up for each (BM §697). If someone wishes to excite a greater preference in some determination rather than in its opposite, then the overriding impelling causes must be connected with it (BM §§712, 342). Therefore, the one obligating connects the overriding impelling causes with a free determination.

[AA 19: 13]

[BIP 6]

§13⁴⁷

One who connects the overriding impelling causes with a free determination renders its opposite morally impossible (§12), and therefore renders the former free determination morally necessary, and, indeed, obligates it (BM §723).⁴⁸

⁴⁶ Kant E6461, early 1760s (referring to §12, sentence 3): ‘the greater reasons belonging to true preference must be actualized <actuandae sunt majores rationes lubitus veri>.’

⁴⁷ Kant E6462, early 1760s (referring to §13): ‘Someone who actualizes impelling causes that subjectively necessitate does not for that reason obligate, nor does the one who actualizes those that always necessitate objectively <Causas impulsivas actuans subjective necessitantes, non ideo obligat, nec semper objective necessitantes>.’

⁴⁸ Wolff: ‘The morally necessary is that whose opposite is morally impossible’ (WPPU I §115); and again: ‘Hence arises a difference between physical and moral possibility and impossibility. Evidently the physically impossible is that which is repugnant to the power of the agent or his forces of the same. On the other side, the physically possible is that which is not repugnant to the power of the agent or the forces of the same. But the morally impossible is that which cannot come about through the healthy rectitude of action, and on the contrary, the morally possible is that which can come about through the same healthy rectitude’ (WTN1 §952). In the addition to this passage, Wolff writes: ‘Thus it is physically impossible that a human being could fly, for it cannot come about through the structure of the human body that a human could fly; consequently, it is repugnant to the locomotive power of the human being ... On the other side it is physically possible that a human being could eat food harmful to health or take good food in a quantity that could harm health. However, the same thing is morally impossible for an intelligent human being who steadfastly observes righteous action, because it cannot come about through the healthy rectitude of action that we would eat food harmful to health or take healthy food in a quantity that is harmful to us. On the other side, it is morally possible that a human being could take healthy food or take it in a quantity that would not harm health, because this can come about through healthy rectitude of action.’

§14⁴⁹

Overriding impelling causes are connected with a free determination of one who is obligated (§§12, 10). Obligated is one whose overriding impelling causes are connected with free determinations (§§13, 10).

§15

OBLIGATION, whether active (§§12, 13) or passive (§14), can be defined through the active or passive connection of overriding impelling causes with a free determination.

§16

Overriding impelling causes have the power and efficacy of obligating (§15), and are sometimes stronger, sometimes weaker (BM §§75, 726). Whence the greater OBLIGATION can itself be called STRONGER, and the smaller, WEAKER.⁵⁰

[AA 19: 14]
[BIP 7]

§17

The smallest obligation, i.e. the maximally weakest, would be the connection of one single smallest overriding impelling cause with one single smallest free determination (§15, BM §161). Hence, the more and the greater are the incentives that conquer the opposite, and, indeed, the more truly, clearly, certainly and brilliantly that they are known (BM §669), the more closely that they are connected with more and greater free determinations, the greater and the stronger will be the obligation, and so too the power and efficacy of obligating belonging to the impelling causes (§16).⁵¹

§18

Since the impelling causes are perceptions of various matters (BM §§341, 342), certain ones of which we usually consider in one discipline, and others in another, from

⁴⁹ Kant E6463, early 1760s (next to §§14–16): ‘1. Obligation is necessitation; therefore, the opposite of an action can be subjectively morally possible. 2. Objective necessitation is either categorical or conditional. 3. Obligation is either primitive or derivative; the former does not have impelling causes. <1. *Obligatio est necessitatio, ergo oppositum actionis potest esse subjective moraliter possibile* 2. *Necessitatio objectiva est vel categorica vel conditionalis*. 3. *Obligatio est vel primitiva vel derivativa; prior non habet causas impulsivas.*>’

⁵⁰ Wolff: ‘That is to say, the same motives do not have the same efficacy in all things, but others are useful for other things. For this reason, what in some people the intrinsic goodness or evilness of actions brings about, upon which natural obligation depends, to the extent that it can be understood through a demonstration of the present proposition – the same in others is obtained through fear of punishment and the hope of reward, upon which a positive obligation depends. For this reason, there are truly humans in whom natural obligation is not efficacious; likewise, there are no less others in whom positive obligation is not efficacious’ (WPPU I § 304, addition).

⁵¹ Cf. §162 below. Here we see the first example in the BIP of Baumgarten’s ‘mathematics of intensive quantities’ (cf. BM §249, but also see the principles that he lays out in section VI, chapter 2, book 1 of BM, i.e. §§165–90). Baumgarten only adds this specific term, which signifies calculus for him, in the third edition (1750) of the BM. Section VI re-organizes, expands, re-writes, and adds material to provide a proper metaphysical background for this new mathematics. See our endnotes to this section, and elsewhere, in the BM for technical details concerning the evolution of Baumgarten’s interest in the term.

which they often take a name and share with their obligation: hence the obligations are materially divided and named according to the diversity of the matters that their impelling causes establish, and according to the diversity of the disciplines in which they are usually treated (§15).

§19

All the single impelling causes connected with a given free determination constitute the TOTAL IMPELLING CAUSE, whose parts are PARTIAL IMPELLING CAUSES. The TOTAL OBLIGATION belongs to the former, a PARTIAL to the latter. Partial impelling causes, or even more correctly, the total impelling cause, beget no obligation unless they will be overriding (§§15, 12).

[BIP 8]

§20

If there are more partial impelling causes for a free determination *A* than for its opposite *not-A*, but for the latter they are so serious that, when summed up, the impelling cause for *not-A* is overriding (BM §697), there is no obligation to *A* (§19).

§21

If some specific impelling cause is thus connected with a given free determination, which was not previously connected with it and in the same way, a NEW OBLIGATION ARISES (is introduced); if an impelling cause that was previously connected and in this way with some free determination is thus no longer connected, the OBLIGATION PERISHES⁵² (it is destroyed, dissolved, extinguished or ceases). When it is enlarged, it INCREASES (it is strengthened), when it is diminished, it DECREASES (it is weakened, annulled or dies off). Whether total or partial, if, having been destroyed, it is introduced again, it is REVIVED.⁵³

[AA 19: 15]

§22⁵⁴

If the total obligation increases, a new partial obligation arises; if the total obligation decreases, a partial obligation is destroyed. An ACT by which an obligation is

⁵² Kant E6464, early 1760s (referring to 'perishes'): 'With the obligation satisfied, either the obligation perishes, as in those owed, or it remains present, as in those that benefit <*satisfaciendo obligationi vel interit obligatio ut in debitis vel superstes manet ut in benefactis*>.'

⁵³ Kant E6465, 1764–6 (between §21 and §22): 'Someone who actualizes pragmatic motives (rewards or threats) impels; someone who actualizes moral motives obligates <*Motiva actuans pragmatica (auctoramenta vel minas) impellit, moralia obligat*>.'

⁵⁴ Kant E6466, 1764–6? 1764–8? (referring to §22): 'An obligation also arises when freedom arises (the faculty or receptivity of obligating).

Generation is the act by which a father obligates himself.

He is obligated towards children, not by children; he obligates provided that he satisfies the obligation.

<*Oritur obligatio etiam, cum oritur libertas (facultas vel receptivitas obligandi).*

Actus quo semet ipsum obligat pater, est generatio.

Obligatur erga liberos, non a liberis, obligat, dum obligationi satisfacit.>'

Continued, 1764–78 (in §22): 'he who obligates, exercises an binding act <*qui obligat, actum obligatorium exercet*>.'

introduced is BINDING,⁵⁵ and an act by which is carried out that to which we are obligated SATISFIES THE OBLIGATION.^{56, 57}

[BIP 9]

§23

To one who assumes the calculation and weight of impelling causes towards opposites before summing them up, the total impelling causes towards one thing can appear overriding at one time, and those towards the other at another time (§15, BM §97). However, if, once they have been summed up, it is obvious which of the total impelling causes towards opposites is overriding, then there is no obligation towards the opposite of this (§§19, 20), and the collision of obligations disappears.⁵⁸ Whence, true obligations never collide with one another (§15, BM §12). Nevertheless, as long as the total impelling causes for each of two opposites appear to be obligations, the greater obligation is called the real one if both are said to collide (§17).⁵⁹

[AA 19: 16]

⁵⁵ 'ACT ... binding <ACTUS ... *obligatorius*>', lit. 'obligatory act'. However, we break with our standard translation here in order to avoid the suggestion that the act itself is obligatory. Cf. Wolff: 'An act is called binding in which a passive obligation is introduced' (WPPU I §121). In the *Vigilantius Lectures on Ethics*, Kant defines the *actus obligatorius* more broadly as 'any action by which something in relation to the obligation is altered; the obligation may thereby arise, or be dissolved. Thus, the obligation can cease or be released without an act and through an *actum obligatorium*: e.g. the duty to feed a child arises as soon as it is born. The birth seems indeed to be the means and not an obligatory ground <*causa obligatoria*>. When the thing perishes, so does right, without an act <*pereunte re, perit ius, absque actu*>. The debt is paid: the satisfaction of the duty is an act whereby it disappears' (AA 27.2.1: 509; Kant 1997, 274). Elsewhere, in the Collins transcript, he discusses the binding act in the manner of Wolff or Baumgarten as simply giving rise to an obligation, such as does a contract (AA 27.2.1: 261; Kant 1997, 55).

⁵⁶ Kant E6467, 1764–6 (beneath §22): 'Pragmatic motives necessitate according to the laws of personal choice; moral motives, according to the laws of common choice. The prior motives make something my interest; the former [make] something [*breaks off*] <*Motiva pragmatica necessitant secundum leges arbitrii privati, moralia: communis priora faciunt, aliquid mea interesse; posteriora, aliquid ...*>.'

⁵⁷ 'An obligation is said to be satisfied if the one obligated does or does not do that to which one was obligated to do or not to do' (WPPU I §120).

⁵⁸ Kant E6468, 1764–6 (next to §23, sentence 2): 'Those things opposite to the grounds of obligating are either moral or pragmatic. <*rationum obligandi opposita sunt vel moralia vel pragmatica.*>'

⁵⁹ Wolff: 'If two duties collide with one another, that one to which there is the greater obligation is victorious. And indeed, since obligation is the moral necessity of acting or not acting, that one to which there is the greater obligation is that which it is more necessary that it come to be. For this reason, if two duties collide with one another, the one to be satisfied indeed is that one to which there is the greater obligation, consequently in the case of collision, the duty that is victorious over the other is that one to which there is the greater obligation' (WPPU I §230); here we see a great example of why Wolff's books are so long. In the addition to the same paragraph, Wolff writes: 'This principle is the most fecund throughout the entire theory of the right of nature.'

§24

(1) Where there are no free determinations, therefore where there are no persons to be obligated (§10), (2) where there are no impelling causes, (3) where there are, but they are not overriding, (4) and where there are, but they are not connected with free determinations, then in these cases there is no obligation (§15).

§25⁶⁰

Either to introduce a new obligation or to strengthen an old one requires (1) either an entirely new free determination or, at least, augmenting the excellence of a free determination, to which you would be obligated (BM §166); (2) impelling causes that are either entirely new, or multiplied, or more noble, or truer, or clearer, or more certain, or more brilliant, or, in short, greater than they were previously; (3) impelling causes that are more overriding than they were previously, either through being increased, or through the decrease of the causes impelling towards the opposite, which they either now conquer for the first time or which they exceed to a greater extent than previously; and finally (4) that you either first, or to a greater extent, connect given impelling causes with given free determinations, i.e. you are required to show the nexus and consequence more perfectly, i.e. why this free determination must be posited when these impelling causes are posited (§§17, 21). And lo! – the general duties of a doctor of practical philosophy (§26).

[BIP 10]

⁶⁰ Kant E6469, 1764–6? 1764–8? (1769–72?) (next to §§25–7): ‘The binding act <actus obligatorius> consists merely in the agreed-upon agree harmonization of the free action of the other with the existence of the motive <motivi> that thereby morally necessitates. Nobody exercises a binding act except through a good will to do something good for another; for this is a motive of free actions according to common rules conjugable with these <motivum actionum liberarum secundum regulas communes cum ipsis conjugibile>, e.g., each person wishes that it may be possible th ... good is brought about under the condition of their free actions. Threats cannot constitute a binding act <actum obligatorium>.’

The more that someone has good in his power <Gewalt>, which, according to the will of another, can be a ground of their actions, the more binding acts <actus obligatorios> one can exercise.

Indeed, the more that somebody has a good will ...

The poor can exercise few binding acts <actum obligatorios>.

(The will of an another, in as far as it insofar as it accords with the will of the other, obligates.)

One who exercises no binding act <actum obligatorium> does not obligate. The misery of the poor does not obligate, but rather the contract <Pactum> does. I can be obligated with respect to another without being obligated by him. The one obligated by someone is in a passive relation (morally) towards the one obligating, and the one obligating exercises the binding act, which is always a relation of choice to choice <obligatus ab aliquo est in relatione passiva (moraliter) erga obligantem, et obligans exercet actum obligatorium, qui semper est relatio arbitrii ad arbitrium>.’ For our translation of *actus obligatorius* as ‘binding act’ see BIP §22 and the footnote thereto.

§26

The more capable one is of more and nobler free determinations, the more perfect is one's cognition of the impelling causes, their number and weight, and their nexus with free determinations, the better can one be obligated (§§25, 17). And hence the better one can take the measure⁶¹ of the students of practical philosophy (§1).

§27

[BIP 11] If (1) those seem to be free determinations towards which you are obligated, which are not; (2) if those seem to be impelling causes, which are not; (3) or if at least those seem overriding, which are not; (4) or if at least they are such and seem to be connected with some specific free determination to an extent that they are in fact not connected with it, then a FALSE (erroneous, apparent, fictional, spurious) OBLIGATION⁶² is born (§24). Therefore, we can be falsely obligated at the same time to that to which we are truly obligated, and vice versa. We can be falsely obligated by true determinations.

[AA 19: 17]

§28

CERTAINTY,⁶³ more broadly considered, is either COMPLETE (mathematical or geometrical, strictly and rigorously considered), that which is sufficient for distinguishing the truth of a thing from everything else (free from all fear of being opposed) or INCOMPLETE, that which is not sufficient for distinguishing the truth of a thing from everything else (not without fear of being opposed) (BM §531).⁶⁴ UNCERTAINTY MORE BROADLY CONSIDERED is the opposite of complete certainty.⁶⁵

⁶¹ 'take the measure <metire>' – Baumgarten clearly means 'assess' in today's pedagogy; cf. BM §291 for Baumgarten's doctrine of measurement.

⁶² Kant E6470, 1764–8 (referring to 'false ... obligation'): 'obligation, either materially or formally false <obligatio vel materialiter vel formaliter falsa>.'

⁶³ Following Wolff, Baumgarten holds that complete certainty depends on demonstration: 'a DEMONSTRATION (taken materially) is whatever is added to a proposition such that it becomes completely certain' (BAL §176); and 'a proof sufficing for the complete certainty of a conclusion is a DEMONSTRATION STRICTLY CONSIDERED (mathematical, geometrical, rigorous)' (BAL §290). Wolff: 'A proposition is truly certain to us that we can demonstrate either directly or indirectly' (WPPU I §5); and again: 'If we can demonstrate that the predicate agrees with the subject either directly or indirectly, the proposition is certain to us' (WPR §568).

⁶⁴ Wolff: 'A *demonstration* is called *complete* in which all the principles of demonstration are either explicitly or implicitly contained. However, that which contains the principle of demonstration neither explicitly nor implicitly is termed *incomplete*' (WPPU I §854). 'If a demonstration were complete, it is understood even by that reader who has not yet been very occupied with that argument which he is considering; if, however, it were incomplete, it is either utterly not understood by such readers, or only with the greatest difficulty, or at great expense of time and effort' (WPR §857).

⁶⁵ Wolff: 'If we do not know whether a proposition is true or if it is false, it is called uncertain' (WPR §564).

In the uncertain more broadly considered, either many grounds are known for the truth, or the positing of something, i.e. ASSENT, than for the denial of the same, and it is PROBABLE,⁶⁶ or the grounds for and against are equal, and it is DUBIOUS (uncertain, strictly considered), or there are fewer grounds for assent than against, and it is IMPROBABLE.⁶⁷ The grounds for assent are called many, fewer and equal only after a summation (BM §697). The same thing can be called, in a different respect, broadly certain and uncertain. The strictly certain has no ground of uncertainty for one and the same subject. The uncertain, more broadly considered, and the dubious are by no means coextensive; i.e. it is not immediately permitted to doubt whatever is not completely certain to us. Probability and any sort or degree of verisimilitude are by no means coextensive; i.e. what is verisimilar in any way, or to any extent, is not immediately probable. Some verisimilitude can also belong to the dubious and improbable, but no probability, not even the least. If one of two opposite things becomes probable, by that very fact the other is made improbable, and vice versa. Both opposites for the same subject are never probable. The improbable is no more dubious than the probable, and the dubious is neither probable nor improbable. Everything probable is broadly certain, and everything improbable belongs to a falsity that is more broadly certain. Everything completely certain is true. But likewise, the certain thus more broadly considered, the probable, the dubious and the impossible can be true, and can be false. Someone certain, in whatever sense, is not dubious. But someone who can be uncertain is nevertheless not doubtful. Two opposites for the same thing can never be improbable at the same time, but they can be uncertain, and they can be dubious. These observations may be applied to an obligation that is completely certain or broadly uncertain, and the latter can be probable (broadly certain), or dubious (strictly uncertain), or improbable (belonging to a falsity that is more broadly certain).

[BIP 12]

[AA 19: 18]

[BIP 13]

§29⁶⁸

The connection of some overriding impelling cause with some free determinations can be adequately known from the nature of the action and the agents. The connection of some of these can be adequately known through someone's free choice. The former

[AA 19: 19]

⁶⁶ Wolff: 'If a predicate is attributed to a subject by means of an insufficient ground, the *proposition* is called *probable*. Indeed, it is clear that *in a probable proposition the predicate is attributed to the subject by means of those things that are required for the truth*' (WPR §578).

⁶⁷ Wolff: 'Now, given that what is opposed to a probable proposition is an improbable proposition, just as a false proposition is opposed to that which is true, since it may not at all come about that either one would be probable, and consequently either one is and is likewise not probable at the same time, it is evident that an improbable proposition can be true' (WPR §592).

⁶⁸ Kant E6471. 1776–89 (referring to 'and the agents'): 'not based on the agent's nature'.

1764–78 (referring to 'natural'): 'legal <*legalis*>'.
 1764–78 (referring to 'positive'): 'ancient laws appear as commands'.

Continued, 1764–78: 'ought actually to be opposed to the negative. Divine piety and sins'.

Continued, 1764–78: 'statutory [laws] <*statutaria*>'.
 Continued, 1764–78: 'Since the obligation is not immediate with respect to the law, but rather mediated by the obligation towards the legislator.'

OBLIGATION is NATURAL (objective, intrinsic, internal),⁶⁹ the latter is POSITIVE (chosen, subjective, formal, extrinsic, external).^{70, 71}

§30

Since some obligations can likewise be more closely and adequately known from nature and choice, the obligation to one and the same thing can be simultaneously objective and subjective, or natural and chosen, and it is neither valid to conclude that a posited natural obligation excludes one that is chosen, nor that a posited chosen, i.e. positive, obligation excludes one that is natural (§29).⁷²

§31⁷³

Actions are either negative or real (BM §135).⁷⁴ The former free determinations, and whichever seem such, are called OMISSIONS; the latter, and whichever seem such, are called COMMISSIONS. The OBLIGATION to omit is NEGATIVE, and the obligation to commit is AFFIRMATIVE, which ought not be confused with the positive (§29).

[BIP 14]

⁶⁹ Wolff: 'Obligation that comes from the law of nature is natural' (WPPU I §141). 'A natural obligation has its sufficient ground in the very essence and nature of the human being and of things. Hence, when a sufficient ground is posited, the thing that is rather than not, due to that ground, is also posited; when the essence and nature of the human being and of things is posited, natural obligation is also posited' (WPPU I §129).

⁷⁰ Kant E6472, early 1760s (E6472–E6474 refer to the end of §29): 'If an obligatory law is a consequence of another's choice, a positive obligation arises. A motive produced by another's choice can be a ground of natural obligation <si lex obligatoria est rationatum arbitrii alterius, oritur obligatio positive. motivum, quod ab arbitrio alterius est depromptum, potest esse ratio obligationis naturalis>.'

Kant E6473, 1764–6? 1764–8? 1769?: 'The universal ground of the moral connection of free choice with its object is the law. If this law itself in ground is chosen, then it is said to be positive.'

Kant E6474, 1764–6? 1764–8? 1769?: 'The ground of obligation to an action is a precept <praeceptum>: i.e. a command <Geboth>; a universal ground of obligation to a kind of actions is a lex: i.e. a law <Gesetz>.'

If the ground of the morality of action is choice, then it is a positive law <lex positiva>.'

⁷¹ 'A positive obligation proceeds from the will of some rational being, whether God or the human being, i.e. from the will of a legislator' (WPPU I §290).

⁷² Wolff separates these somewhat more strictly: 'A positive obligation is opposed to the natural in the same sense as a positive law is opposed to a natural law. Without doubt, a natural obligation arises from the essence and nature of the human being, as does the law of nature; and truly, a positive obligation proceeds from the will of God or human beings just as do positive divine and human law' (WPPU I §290, addition).

⁷³ Kant E6475, 1764–8 (referring to §31): 'Omissions in the practical sense are commissions in the moral sense <omissiones in sensu practico sunt commissiones in morali>.'

Continued, 1764–8: 'Omissions are not always for that reason only moral failures.

Omission (physically such) can be seen as action in the moral sense.

<Omissiones non sunt ideo semper defectus tantum morales.

Omissio (physice talis) spectari potest ut actio in sensu morali.>'

Continued, 1773–8: 'omissions concerning the laws of rectitude are commissions <omissiones contra leges rectitudinis sunt commissiones>.'

Continued, 1776–89 (in §31, referring to the concluding sentence), lined up in columns:

'merits — sins — adiaphora <merita — peccata — adiaphora>.
rectitude — depravity — adiaphoron <rectitudo — pravitas — adiaphoron>.'

⁷⁴ 'Actiones vel sunt negatiuae, vel reales': In BM §135, Baumgarten defines the real as the positive. Hence, Baumgarten could have written this sentence as 'Actions are either negative or positive.' But,

§32

All free determinations of a human being are either good or evil (BM §790); all have implications indefinitely (BM §23), and these are either good or evil (BM §790). The former, which are moral goods (§29, BM §787), are realities (BM §§145, 146), which, as such, only have realities, that is, goods (BM §147), indefinitely as their implications. The latter, which are sins (BM §788), are negations (BM §§146, 147), which, as such, only have negations, that is, evils (BM §146), indefinitely as their implications.⁷⁵ The MORAL GOODS and EVILS whose respective good and evil implications still last well after the death of the agent and the sinner are called IMMORTAL. All moral goods, and all sins, are immortal.

[AA 19: 20]

§33⁷⁶

That which is good has IMPLICATIONS to the extent that it is good, and that which is evil has implications to the extent that it is evil (§32).⁷⁷ However, they are either more closely and adequately connected with a free determination through its nature and that of the subject to whom it belongs, and are NATURAL, or through the free choice of someone, and are CHOSEN, or they are connected through both (§29). And hence it is wrong to conclude that if the implication is natural, it for that reason is utterly not chosen, and that if it is chosen, then for that reason it is utterly not natural (§30).

[BIP 15]

§34

Some of the implications of free determinations can be adequately and more closely known (I) from their own (1) essential determinations, (2) essence (3) and from the rest of their own various fecund determinations, i.e. from the nature of free determinations (BM §430, 197),⁷⁸ and some (II) from the NATURE (1) of the body, (2)

as the last sentence of this paragraph indicates, Baumgarten here refuses this formulation so as to avoid any equivocation with his use of 'the positive' in this text, which, as we see in §29, is restricted to the chosen or arbitrary in opposition to the natural.

⁷⁵ Wolff: 'An action contrary to the law of nature and the divine is called a *sin*' (WPPU I §440).

⁷⁶ Kant E6476, 1764–78 (referring to §33, first sentence): 'implications determined by law are effects; all moral laws have effects <*consectaria a lege determinata sunt effectus; omnes leges morales habent effectus*>.'

1764–78 (referring to §33, second sentence 'natural' etc.): 'Physical or moral; the latter either chosen or natural <*physica* oder *moralia*; *haec vel arbitraria vel naturalia*>.'

⁷⁷ Wolff: 'An *action* is called *good in itself* that is good through essential determinations, that is to say, if it may be demonstrated that it is good from those determinations through which an action so to speak is conceived by others through a distinct type or species, or belonging to a certain specific type or species' (WPPU I §56); 'an *action* is called *evil in itself* that is evil through essential determinations, that is to say, if it may be demonstrated that is evil from those determinations through which an action so to speak is conceived as belonging a certain type or species' (WPPU I §58).

⁷⁸ For essential determinations, see BM §39; for essence, see BM §40; and for fecundity, see BM §166.

the soul (3) and the conjoined nature of both, i.e. the HUMAN NATURE of the agent, or of that which determines itself freely.⁷⁹ Therefore, the implications of some⁸⁰ free determinations are natural (§33). Or more correctly, since the nature of no action, of no agent, is entirely sterile and without consequence (BM §23), there are natural implications belonging to all free determinations (§33), and these are always good or evil (§32).⁸¹

§35

Seeing that §34 is evident independently from the propositions that theoretical atheism⁸² denies (BM §999): the theoretical atheist, as such, also can be convinced about moral good or evil (§32) and their implications, and about the goods of the former, and the evils of the latter.⁸³

[AA 19: 21]

§36⁸⁴

ACTIONS are called GOOD OR EVIL PER SE that can be known as such, abstracting from every choice in the one wishing that these are either the latter or the former. Therefore, there are actions that are good or evil per se (§§33, 34).⁸⁵ Good free actions are related to perfection as means⁸⁶ (BM §§100, 341), evil ones, as impediments

[BIP 16]

⁷⁹ For the interaction of body and soul, see BM §§733–9, i.e. section 22 of Baumgarten's empirical psychology.

⁸⁰ Kant E6477, 1764–78 (above 'implications of some'): 'obligations or <obligationes vel>.'

⁸¹ Leibniz's insistence on the principle of sufficient ground ensures that fecundity reigns in his thought, and likewise in that of Wolff and Baumgarten. See also de Montaigne, Essay 63: 'To me, every topic is equally fecund. I could take a fly. ... I start with whatever I please, since all subjects are linked with one another <Tout argument m'est également fertile. Je les prens sur une mouche ... Que je commence par celle qu'il me plaira, car les matieres se tiennent toutes enchesnées les unes aux autres>' (1965, 3: 384).

⁸² Wolff distinguishes between the theoretical and practical atheist: 'Called the theoretical atheist is the one who denies that there is a God through words. On the other hand, called the practical atheist is the one who denies that there is a God through deeds, but whom the same professes with words' (WNT1 §502). Since the practical atheist would claim to believe in a God, the presence of such an atheist would be superfluous in the BIP.

⁸³ Baumgarten will address the atheist often in this work, as first practical philosophy is to be carried out 'without faith' (cf. §1 above). Hence, the atheist ought to grant whatever belongs to natural reason in ethics, even if he errs in not understanding the nature (i.e. the ground or reason) of natural law to the degree that a believer would (cf. §71 below). In BM, the naturalist plays the role of the atheist. All references to atheism no doubt have in mind Rom 2:14–15, in which we read that even the Gentiles can follow the law written in their hearts.

⁸⁴ Kant E6478, early 1860s–77 (referring to beginning of §36): 'Goodness is either moral or physical; the former ... <Bonitas est vel moralis vel physica; prior ...>'

1769–78 (referring to §36, from 'abstracting' until end of the first sentence): 'and from everything useful <et ab omni utilitate>.'

Continued, 1780–89? (1778–79?): 'Not only that, but also abstracting from every implication with respect to happiness <abstrahendo ab omnibus consecretariis respectu felicitates>.'

⁸⁵ 'Actions having intrinsic goodness are good per se' (WPPU I §174); 'Actions having intrinsic badness are bad per se' (WPPU I §176).

⁸⁶ 'means <remedia>' – *remedia* is only used in the first edition of BM; each subsequent edition uses *media*.

(BM §§221, 146). The respect⁸⁷ and habituation⁸⁸ of free action for perfection is its MORALITY.^{89, 90} Therefore, morality is attributed as OBJECTIVE to actions either insofar as they are seen as good or evil per se (perseity⁹¹ before the will of God, etc.) or as SUBJECTIVE insofar as they are good or evil because of someone's free will.⁹²

[AA 19: 22]

⁸⁷ For Baumgarten, respect <respectus> is relation broadly considered; see BM §37: 'the respective determinations of possible things are RESPECTS (habituations, τὰ πρὸς τι, relations in a broad sense, either external or internal): See also our introduction, p. 21.

⁸⁸ 'habituation <habitus>' – in non-technical Latin, *habitus* means someone's internal or external condition, hence habit, physical appearance or even plight. By habituation, Baumgarten clearly means that one's morality (i.e. morality, subjectively considered) is one's condition or character with respect to perfection; cf. §82 below.

⁸⁹ Kant E6479, 1764–78 (referring to 'morality'): 'Respect for the obligating power of law, to which is opposed legality: respect for the faculty of acting <respectus ad vim legis obligantem, cui opponitur legalitas: respectus ad facultatem agendi>; the judge is only concerned with legality, not morality, although deceit <dolus>, or premeditation, is a moment of the judgement.' Kant uses the legal term *facultas agendi*, which is sometimes translated as 'licence to act', and it refers to the law giving one the power, faculty or licence to act.

⁹⁰ Wolff: 'That which conforms to the good is called *morally good*; that which does not conform to the same, *morally evil*' (WPPU I §244). 'Truly the morality of human actions is not seen in external actions physically considered, but in the internal acts upon which they depend, and which precede those that we observe' (WPM II, §598 addition). In his *Anmerkungen über die vernünftigen Gedanken von Gott, der Welt und der Seele des Menschen*, i.e. his remarks on the so-called German Metaphysics, Wolff notes: 'The actions of a human being that one can determine according to his own pleasure are thus of such a nature that they supply perfection or imperfection, and they can obtain or impede either of these, and this is where their intrinsic morality <*moralitas intrinseca*> is grounded, i.e. they are good or evil for and in themselves, and not first through the will of a superior who ordered us to do such. Now, even if God had ordered what the human being should and should not do, and, indeed, I have indeed shown based on the ground of reason in my morals <Moral> that God binds human beings to such in a special manner; even so, human actions do not first become good or evil just because God orders or forbids these, but rather because God as the supremely wise legislator, and as one who never forgets his wisdom, orders something to be done because it is good, and, on the other hand, orders something else not to be done because it is evil' (WAGM §134, ad §422). That is, what God loves, he loves because it is good. We thus also see a repudiation of Ockham's divine command theory (Ockham 1981, 352), i.e. Euthyphro's first definition of piety (Plato, Euthyphro 5e7): what God loves is what is good. See also §102 below.

⁹¹ 'perseity <perseitas>': i.e. a being acting out of its own inner nature. The term originates no earlier than c. 1300 (Latham 1965, 345). The Catalan philosopher, theologian and mystic Ramon Llull (c. 1232–c. 1315) wrote a treatise, *De perseitate dei* (1314), enshrining the word, although it clearly has overtones of Duns Scotus. Llull also placed *Perseitas* among God's 100 names in his Catalan poem, *Cent noms de Déu*, opus 38 (de la Cruz Palma 2016, 500).

⁹² Kant E6480, 1764–78 (referring to fourth and fifth sentences): 'Internal morality based on the nature of the action (external, based on the duty towards orders)'

1769–78 (referring to final sentence): 'Obligation is either natural or chosen <obligatio est vel naturalis vel arbitraria>.'

Continued, 1769–78: 'No subjective morality can be thought without the presupposition of an objective morality.'

1769–78 (referring to the final sentence, 'free will'): 'Legality <Legalitas>.'

1764–78 (referring to 'subjectively'): 'When the moral motives <motiva moralia> are in another's choice <in arbitrio alieno>.'

Actually, objective morality <*moralitas obiectiva*> is pure, and subjective <subjective> affected <*affecta*>.'

§37

Objective morality must be attributed to free determinations (§36) by the theoretical atheists themselves (§35). Nevertheless, the defenders of objective morality are not held to be positing (1) that actions external to every nexus, even the nexus with perfection and their own implications, are already considered good or evil (§36, 33); (2) that all morality is only in the intellect like some, but who knows what, thought entity⁹³ (BM §62); (3) that the existence of morality in deeds⁹⁴ can unqualifiedly as such have a sufficient ground outside the will of God (BM §933);⁹⁵ (4) that all implications of free actions are determined through the nature of the action or agent alone (§33, BM §408); and hence (5) that there is no subjective morality (§36).

§38

Subjective morality, through the positing of objective morality, is not denied even in actions that are good or evil per se, and it does not deny objective morality, not even in these same free actions (§37, 33). Sometimes both can be known or not known from the latter or the former, and sometimes only one or the other can (BM §515).⁹⁶ Whence it is not valid to conclude from our ignorance perhaps of the latter, or former, or both, to the negation of both, or the latter, or the former. And since sometimes the latter and sometimes the former can be very easily known in certain free determinations by certain subjects, and since God certainly wills the good (BM §899), while some people probably do so: it is valid to conclude with certainty, due to the choice of God, from a subjective morality known from elsewhere to a similar objective morality, and with probability, due to the choice of some human beings, from a subjective morality known from elsewhere to a similar objective morality (§35); it is valid to conclude

[BIP 17]

⁹³ 'thought entity <ens rationis>' – for a discussion of the *ens rationis* in Baumgarten and Kant, see Hymers 2018, esp. 121 f.

⁹⁴ Wolff: 'An *action* that is produced by an act is called *positive*; however, a *privative* action is the cessation of action befitting the essence and nature of another being. And if the action be free, a positive action is called a *deed of commission*, and a negative action is truly called a *deed of omission*' (WPPU I §24).

⁹⁵ Kant E6481, early 1760s (referring to point 3): 'The will of God has no obligatory power unless for the reason that it proceeds from a being to whom moral perfection belongs <*Dei voluntas non habet vim obligatoriam, nisi propterea quod proficiscitur ab ente, cui inest perfectio moralis*>.' 1764–9 (next to §37, points 3 and 4): 'Moral laws, either subjective or objective <*Leges morales vel subiectivae vel obiectivae*>.'

⁹⁶ Wolff: 'Judgement can without doubt be considered in two ways: either objectively in terms of what is affirmed or negated concerning the object, or subjectively in terms of the act of the one judging, and anything that is affirmed or denied about this act' (WPM I, §139). For Baumgarten on judgement, see §125 below.

with certainty, in regard to the choice of God, from an objective morality known from elsewhere to a subjective one, and it is valid to do so with probability due to the choice of some human beings (§28).

[AA 19: 23]

§39

For human beings, overriding impelling causes are connected with committing the good rather than omitting it (§31, BM §665). However, someone committing the good omits evil (§31, BM §146). Therefore, for human beings, overriding impelling causes are connected with omitting evil rather than committing it, i.e. a human being is obligated to commit the good, and hence to omit evil (§15). The imperatives in the practical disciplines⁹⁷ serve to obligate a human being. Hence: commit or *do the good*,⁹⁸ and indeed omit evil. This obligation can be adequately known through nature, and through the natural powers of reason and its analogues (§15, BM §640), from the nature of the good and the evil that is to be committed or omitted freely, and from the nature of the human being and the human soul (BM §758).⁹⁹ Therefore, the obligation is natural (§29).¹⁰⁰ Whence our nature is said to obligate the commission of the good and the omission of evil, and indeed even the commission of the good per se, and hence the omission of evil per se (§36).

[BIP 18]

⁹⁷ Cf. §6 above, and our note 37.

⁹⁸ This is the first maxim that Baumgarten provides in the BIP. Usually they are in italics, but, as here, we have followed the typography of BIP in every instance. Louden cites the Vigilantius ethics transcript, in which Kant rejects each of the formulas found in §§39–46 (2015, 88) as sufficient for providing the general, or material, principle of all obligation.

⁹⁹ Kant E6482, 1769–78 (referring to §39, fourth and fifth sentences): ‘In God the moral good is subjectively necessary, and he is free. Humans are bound with respect to the same. Obligation <*obligatio*>.’

¹⁰⁰ Kant E6483, early 1760s–66 (E6483–5 all refer to §39, sixth sentence): ‘Rule. “Do the action that is good in itself” is an identical proposition. “Omit the action that is bad in itself,” is contained in the predicate under the principle of contradiction. <*Regula. Fac bonam in se actionem, est propositio identica. Omitte malam in se actionem, in praedicato continetur sub principio contradictionis.*>’

E6484, early 1760s–66: ‘Since the good is either physical because of the implications, or moral: the goodness of action as free is immediate, and the former rule, as vague, is not obligatory. For, 1st: if there is a good external implication, for that reason no impelling cause of desiring it results; 2nd: if there were that internal good, the impelling cause, so to speak, is present, but the goodness of the action is for that reason mediated, and it is indeed not an obligation. There is goodness of action provided that the good was intended, even if it be frustrated in its outcome. <*Cum bonum vel sit Physicum: propter consecretaria, vel morale: actionis tanquam liberae immediata bonitas, regula illa tanquam vaga non est obligatoria. Nam 1mo: si sit bonum consecretarium externum, ideo nulla resultat causa impulsiva illud appetendi; 2do: si sit bonum illud internum, causa quidem impulsiva adest, sed bonitas actionis propterea est mediata adeoque non obligatio. Actionis bonitas locum habet, dummodo intendatur bonum, etiamsi frustretur suo exitu.*>’

Kant E6485. 1764–78: ‘Making fitting, reasonable, good use of all.’

§40

[AA 19: 24]

If the good and the better, or the best among many goods, become mutually opposed (BM §81) or impediments (BM §221) to one another, the overriding impelling causes are connected to the commission of the better and the best, and to the omissions of those that are less good, which are impediments to the greater good and are themselves more evils than they are goods (BM §146), and hence are to be attached to evils by the overriding part *<a potiori>*. Therefore, of those things that are good and those truly opposed to them, commit the better and the best, and omit the less good (§39), so that both cannot come about (BM §81). If evil and the worse, or the worst among many evils, are truly opposed to one another as mutual impediments (BM §221), and indeed so that to choose one of these would be the best for you to do, on the same ground commit or do the less evil while impeding the greater evils, and these must be attached to goods by the overriding part, and omit the worse and the worst (§39).

[BIP 19]

§41

The commission of an evil that would impede something worse that otherwise would not be impeded, and the omission of a good that would impede something better that otherwise would not be obtained, is ABNEGATION.^{101, 102} Therefore, the natural obligation (§§40,¹⁰³ 29)¹⁰⁴ to abnegation is a RATIONAL OBLIGATION, which can be known either through reason, or through reason without faith. And in either sense obligation to abnegation is rational (§§40, 39).

§42

An obligation to commit evil as such, and an obligation to omit the good as such, or an obligation to commit the less good and an obligation to omit the less evil, in the case of §41, is neither natural nor rational (§41), and indeed is no obligation (§23).

¹⁰¹ Kant E6486. 1764–8 (referring to beginning of §41): ‘it does not pertain to the morally evil *<non est moraliter mali>*’.

1773–8 (referring to §41 ‘abnegation’): ‘The overcoming (of the inner hindrances: pathological or moral), when it is difficult with respect to duty, indicates a large morally good disposition.’

¹⁰² Wolff, on the other hand, frames abnegation within a religious framework, since all obligation, even natural obligation, comes from God: ‘And since abnegation of one’s own will consists in the constant resolve not to do anything unless it conforms to the divine will, *a human being ought to abnegate his own will*’ (WIN I §1146); in the remark to this passage, he adds: ‘Indeed, abnegation of one’s own will is part of piety, such that without it nobody can be called pious ... For, the right of liberty, about which we have written above, is appropriate to the human being with respect to other humans, and consequentially not with respect to God. Hence we have shown that the human being is a servant of God, and truly under the dominion of God and not under the dominion of his own right with respect to God. And whence it is that neither liberty nor servitude removes the natural obligation through which is sought servitude with respect to God, who does not obligate us to any other except for those obligations which are consistent with the law of nature, from which flows natural obligation.’

¹⁰³ This reference to BIP §40 makes little obvious sense, but BM §40 does concern nature (as essence).

¹⁰⁴ Baumgarten is inconsistent with the punctuation following his references; here he supplies a period and does not capitalize the next word. AA 19 follows this exactly; however, there must be a mistake there, since AA always concludes references within sentences with a comma, and those at the end of sentences with a period. Here, AA concludes with a period, but does not capitalize the first word of the next sentence.

§43

Whoever commits goods because they are good, commits them because perfection is posited when these are posited (BM §100). Whoever commits something because perfection is posited when it is posited, SEEKS PERFECTION.¹⁰⁵ Therefore: *seek perfection* (§39). Now the morally impossible is equally no obligation, and neither is the unqualifiedly absolutely and naturally impossible (§§11, 23). Therefore, seek perfection *as far as you can*, i.e. in that degree of strength of which you are capable, and which is neither posited entirely beyond your power, nor rendered morally impossible by stronger laws (BM §§723, 446). The determining ground or quite apparent focus of the perfection that you will be able to seek will be a reality that must be posited in you yourself, or in another (BM §141). The former will be your perfection as an end; the latter, yours as a means (BM §341). Therefore, as much as you can, seek *your* perfection by which you become either a more perfect end, or a more perfect means. *Omit, as much as you can, those things that render you more imperfect* either as an end, or as a means, or in either respect (§31).

[AA 19: 25]

[BIP 20]

§44

Since not only is perfection to be sought, but also as much as can be obtained by us (§43), and since we are not obligated to commit good acts alone, but we are also obligated to commit the best of the many goods possible for us (§40): *Do what is the best for you to do* (§39). This obligation is natural and rational, concerning which even theoretical atheists themselves can be convinced (§§41, 35).

§45

Someone seeking his own perfection intends a consensus of different things within himself into one, namely his soul, his body and his external state (§43, BM §94); he intends internal perfection both among these and with the rest of the things constituting universal nature (BM §§98, 466). And, therefore, he also seeks the consensus of his own merely natural actions, and the rest of those things both in and outside of himself that are not posited as within his power, with his own free determinations (BM §708). Hence, he intends the same ends that are posited in these (BM §341). Whoever intends the same ends as are fixed in advance by nature, however, LIVES ACCORDING TO NATURE. Therefore, someone seeking his own perfection so much as he can lives according to nature.

[BIP 21]

¹⁰⁵ Kant E6487, 1773–8 (referring to §43 'seeks perfection'): 'not merely happiness <*felicitem*>'. 1764–6 (to §43 'seeks perfection'): 'is the obligation of the imperfect. <*est obligatio imperfecti*>'. Continued, 1773–8: 'tautological imperative <*imperativus tautologicus*>. Yet have the benefit that they exclude pragmatic imperatives and stimuli <*stimulos*>. Be good, and worthy to be happy. I cannot say "be healthy", but rather: "be good", because this concerns the will alone.'

§46¹⁰⁶

[AA 19: 26] Someone living according to nature intends the same ends as are prescribed to nature (§45). These, however, constitute the maximum perfection of things belonging to him and others (BM §945) that can be obtained in the world (BM §935). Therefore, someone living according to nature so much as he can seeks his own perfection (§43). Therefore, the obligation to seek his own perfection is an obligation to live according to nature, and vice versa. *Live according to nature, as much as you can* (§43).

§47

If you wish to say that someone who lives according to nature is someone who lives as can be known from and through nature, it is once again obvious in this sense that someone seeking perfection as much as he can lives according to nature, and vice versa (§§39, 44).

§48

[BIP 22] Someone seeking perfection as much as one can desires it very strongly (§43), hence rejoices more joyfully at the perfections of what is best (BM §§682, 187), and therefore loves the best (BM §684). Someone loving the best desires this very strongly, and indeed seeks perfection as much as one can (§43, BM §187). Therefore, someone obligated to seek perfection, as much as one can, is obligated to love the best as much as one can, and vice versa. *Love the best, as much as you can* (§43).

§49

[AA 19: 27] That which obligates everyone, either in all actions, or everyone in all free actions, is a UNIVERSAL OBLIGATION. That which truly only obligates some of us, or only obligates in some free determinations, or only obligates some of us in some free determinations, is PARTICULAR. Hence the same obligation can be universal and particular in different respects. Now, all the free determinations belonging to all human beings are either good or evil (§32), either positing perfection or denying it (§36). Therefore, the obligations mentioned in §§39–48, and those which can be universally inferred from these, are universal, pertaining to all free actions of every single human being.

¹⁰⁶ Kant E6488, 1762–8 (next to §§46–8): ‘Seek perfection on account of the feeling of pleasure in the action.

Uncertainty, to recognize without moral feeling where the greatest perfection lies, or in actions of gratitude.’

Section II: Moral constraint

§50¹⁰⁷

Absolute (BM §702) and external constraint¹⁰⁸ unqualifiedly as such (BM §707), or that which comes about through external violence taken unqualifiedly (BM §714), which some alone call constraint, do not belong to free actions or determinations, and hence these are not obligations (§§11, 15), nor are they moral constraints (BM §723).

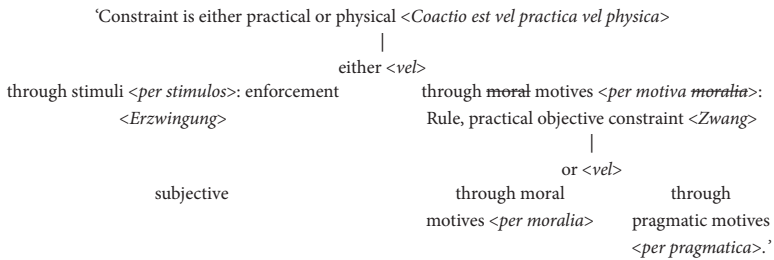
[BIP 23]

§51¹⁰⁹

INTERNAL MORAL CONSTRAINT, in which a person is said to constrain himself (BM §714), is the obligation of himself, either true or spurious (§27), which is not only not contrary to freedom taken unqualifiedly, but even assumes it as a condition *sine qua non* (§11); and it occurs whenever we connect overriding impelling causes with a certain one of our free determinations, despite many and greater things seeming to impelling us to its opposite (§15, BM §713). This constraint is then a preference (BM §712), through which is undertaken a free determination that is reluctant in some sense (BM §713); however, it remains chosen and free (BM §715, 727).¹¹⁰

[AA 19: 28]

¹⁰⁷ Kant E6489, 1764–8 (E6489–91 all refer to §50):



Continued, 1764–71: ‘Constraint is either practical or physical <Coactio est vel practica vel physica>; for constraint <coactio> it is required that action <actio> be reluctant <invita>.’

E6490, early 1760s–70: ‘Nobody can be constrained **practically** pathologically to chosen action because of free choice.

Whoever is comparatively constrained according to the laws of brute (*added later*: pathological) choice, i.e. freedom is impaired.

<Nemo cogi potest *practice pathologicæ* Willkürlichen propter arbitrium liberum.

secundum leges arbitrii bruti (pathologicæ) quilibet comparative cogitur, i.e. libertas imminuitur.>

E6491, 1764–6: ‘It is peculiar that a moral constraint is necessary through the rules of prudence; impulse is grounded on the feeling of the present condition, prudence on the gratification of the whole condition.’

On pathology, see Kant’s note 7320 below.

¹⁰⁸ Bacin notes that *coactio* or *Zwang* (i.e. constraint) is ‘conspicuously absent’ from Wolff’s works (2015, 19).

¹⁰⁹ BIP lists this as §57; AA 19: 27 silently corrects it. It is not in the corrigenda.

¹¹⁰ Kant E6492, early 1760s–70 (beside the concluding sentence of §51, referring to §51 and §52): ‘I am morally constrained externally through motives of right, internally through ethical motives. True moral constraint is external according to the motives of right. Internal constraint is command over oneself and is subjective. <externe moraliter cogor per motiva iuris, interne per motiva Ethica. vera coactio Moralitatis est externa secundum motiva iuris. Coactio interna est imperium in semet et subiectiva.>’

§52¹¹¹

EXTERNAL MORAL CONSTRAINT, by which a person is said to qualifiedly¹¹² constrain another (BM §714), either constrains by enticement and persuasion to ACTION CONSTRAINED THROUGH SEDUCTION, or by threats and dissuasion (BM §728) to ACTION CONSTRAINED THROUGH FEAR (qualifiedly through mixed external violence); external moral constraint is the obligation of another, either true or spurious (§27), which in obligating does not destroy freedom unqualifiedly considered, but instead assumes it as a condition *sine qua non* (§51), and it comes about whenever we connect overriding impelling causes with a certain free determination of some other person, despite many and greater things that seem to impel them to the opposite (§15, BM §713). This constraint then produces preference (BM §712), through which is undertaken a free determination that is reluctant in some sense (BM §713); however, it remains chosen (BM §715) and free (BM §727).¹¹³

[BIP 24]

§53

Moral constraint, both internal (§51) and external, constraining both through seduction and fear (§52), can obligate to what is involuntary in the sense adduced in

¹¹¹ Kant E6493, 1764–70 (referring to the beginning of §52): ‘Moral constraint is only possible through the moral goodness of the human being and the action.’

1764–70 (separated by an empty interstitial space of about 1 cm from the preceding sentence, next to §52): ‘merely through love.’

Early 1760s–70 (next to §52, ‘through mixed external violence ... opposite of that which’): ‘The constraining pragmatic motives produced by pleasing things <*motiva pragmatica cogentia a placentibus deprompta*> accord more with moral motives <*motivis moralibus*> than do those produced by displeasing things <*a displicentibus*>.’

¹¹² ‘qualifiedly <*secundum quid*>’, cf. BM §§16–17, as well as note b to BM §15. See also our introduction to that work (BM 30 ff.).

¹¹³ Kant E6494, 1764–70 (next to the conclusion of §52 and §53): ‘Pragmatic or moral constraint.

Necessitation of pragmatically or morally reluctant action.

One cannot be morally constrained, unless insofar as one can be in the moral sense through moral motives. E.g. I constrain someone morally, if under either an ethical condition, or one belonging to right, e.g. I impel when I point out the misery of another to someone or remind them of a promise made.

<*Coactio pragmatica vel moralis.*

necessitatio actionis pragmaticae vel moraliter invitatae.

cogi non potest moraliter, nisi per motiva moralia quatenus potest sensu morali. E.g. Cogo aliquem moraliter, si sub conditione vel Ethica vel iuris, e.g. miseriam aliorum alicui sub oculis ponendo vel datam fidem in animum revocando, impello.>

E6495, 1764–70 (above and next to the conclusion of §52): ‘The motives of that which must strictly be obligated in itself can be Ethical, i.e. I can promise something to which I am not obligated by right.

The less one can be pragmatically constrained, the more morally one can: the latter is freer.

The *min* fewer morally constraining grounds according to the rules of right there are, through which some subject can constrain himself, clearly, the more ethically constraining motives there are through which some subject can constrain himself.

<*motiva se ipsum stricte obligandi possunt esse Ethica, i.e. possum aliquid promittere, ad quod iure non obligatus sum.*

BM §721;¹¹⁴ however, not everything involuntary in this sense is morally constrained (BM §723). We can be morally constrained to what is voluntary in the sense adduced in BM §721, although the will cannot be constrained by the constraints specified in §50.

[AA 19: 29]

§54

Concerning the voluntary actions adduced in the sense of BM §722,¹¹⁵ no moral constraint indeed takes place (BM §723), whether internal (§51) or external (§52); however, an obligation does take place (§15) through almost sheer displeasure, almost pure pleasure, or a huge preponderance (BM §713). The involuntary actions adduced in the sense of BM §722 are all morally constrained, either internally (§51), or externally, or through seduction or fear (§52, BM §723), by an obligation (§15) that is either true or spurious (§27).

§55

Sometimes all obligation is called constraint, but only very broadly and unsuitably (BM §§723, 701). There can be obligation, even moral obligation, without constraint (§54). Someone can obligate himself such that he does not constrain himself; he can constrain himself such that he nevertheless remains free from external constraint, even qualifiedly such (§51). Someone can also be constrained externally to a certain free determination qualifiedly such that nevertheless he cannot be suitably enough said to be constrained by fear (§52). Indeed, someone can even be morally constrained by fear such that an action constrained in the aforementioned manner is however not extorted by fear. Moral constraint and extortion differ as superior and inferior, the broader and the narrower. However, extortion does not deny freedom unqualifiedly considered, but assumes it as a condition *sine qua non* (BM §728).

[BIP 25]

*Qvo minus quis pragmatice potest cogi, qvo magis moraliter: hoc est liberior.
qvo min paucioribus rationibus moraliter cogentibus secundum regulas iuris aliquis subiectus: eo magis patet motivis Ethice cogentibus, h.e. qvibus se ipsum potest cogere.>*

(added later: 'The less one needs self-coercion, the more one can constrain oneself: and one is that much more free.')

¹¹⁴ BM §721 lays out the notion of the voluntary, strictly taken. An action is voluntary if it follows from the superior faculty of desire, i.e., *voluntas*, rational will (cf. BM §690), and an action is involuntary if it does not follow from *voluntas*.

¹¹⁵ BM §722 then lays out the notion of the voluntary, more broadly spoken. An action is voluntary if it (i) follows from *voluntas* (ii) and is not reluctant. Actions that follow reluctantly from *voluntas* then become involuntary, more broadly considered.

§56¹¹⁶

[AA 19: 30]

Seeing that someone can be obligated to something such that another human being, however, cannot extort it, whether absolutely or physically or morally, and, nevertheless, someone can also be obligated such that another human being can absolutely, physically or morally extort from him that to which he is bound: morally possible extortion granted to another person is sometimes an impelling cause, which, through obligation, is connected with a certain free determination, and sometimes it is not (§55). An OBLIGATION to some free determination through the extortion permitted to another human being is EXTERNAL (complete, perfect), and the rest are INTERNAL OBLIGATIONS (incomplete, imperfect). Therefore, WE ARE EXTERNALLY OBLIGATED if and insofar as a FREE DETERMINATION is represented by us as THAT WHICH OUGHT TO BE EXTORTED, i.e. such that its extortion is morally possible or permitted to another human being. However, WE ARE INTERNALLY OBLIGATED if and insofar as a free determination to which we are obligated is not represented by us as that which ought to be extorted.¹¹⁷

[BIP 26]

¹¹⁶ Kant, E6496 1764–70 (next to and in §56): ‘Moral constraint (of another) is always permissible; pragmatic constraint is permissible neither under the condition produced by private utility, nor produced by the utility of another, but only under a moral condition; this moral condition can only be agreement with the will of another.

Moral constraint is either internal or external; the latter is a motive; the morally constraining obligation of what is owed is right.

<coactio moralis (alterius) semper est licita; coactio pragmatica non est licita sub conditione a privata utilitate depromta nec ab utilitate alterius, sed tantum sub conditione morali; conditio haec moralis non esse potest nisi consensus cum voluntate alterius.

coactio moralis est vel interna vel externa, posterior est motivum; obligatio debiti moraliter cogens est ius.>

(added later: ‘Moral constraint is distinguished from the discretionary duties.

Moral necessitation through another’s choice.

The morally constraining power of another’s choice is right.

The internal constraint of sensitive choice through moral motives of intellectual choice.

*<coactio moralis distingvitur ab officiis beneplaciti**

necessitatio moralis per arbitrium alterius

Vis moraliter cogens arbitrii alterius est ius.

Coactio interna arbitrii sensitivi per motiva moralia arbitrii intellectualis.>

**Beneplacitus*, ‘good pleasure’, which in this case means ‘discretionary’ (*beliebig* in German), is post-classical, tracing its origins back to the Vulgate (1 Cor. 16, 2). It was developed further by Hugh of St Victor, and became a topic of Protestant scholasticism. Luther translates it as *gutdünken*. Discretionary duties, according to Kant, are those to which no one can constrain (AA 27: 127).

¹¹⁷ Kant E6497, 1762–3? (1764–8?) 1769?? (between §56 and §57): ‘In the rules of right, everyone’s private choice, if it is taken generally, agrees only with itself; in those of ethics, choice agrees according to the object.’

§57

Since, aside from the extortion permitted to another human being, the other impelling causes may not only be more numerous but also more noble and known more truly, more clearly, more certainly, and more brilliantly than is such extortion, it would be wrong to suppose that external obligation is always stronger than the internal (§§56, 17); the external is never possible without the internal (§49), yet the internal takes place more often without the external (§56).

[AA 19: 31]

§58

When the extortion permitted to another human being is only a partial impelling cause of some free determination, such that the external obligation resulting from it is only partial (§§19, 56), then together with the other internal obligations (like a complement to a whole exhibiting the total obligation), this partly internal and partly external obligation, as a whole, is necessarily greater and stronger than any part of it, and hence greater and stronger than the external part considered separately (§17, BM §160). When an obligation of a certain strength is required in a certain person, then the better this person can be obligated internally according to §26, the less necessary is external obligation; however, the more inept someone is for more and nobler internal obligations, the more necessary is the inculcation and accumulation of external obligations for obtaining the required degree of obligation (§17).

[BIP 27]

§59

Just as an internal obligation can sometimes be stronger than an external, sometimes an external, when the other internal partial ones are divided up into parts (§§57, 58), can also be greater than another merely internal obligation (§17). But if those obligating to opposites seem to collide (§23), then that which seems to be an obligation, but is weaker, is not (§§19, 20). If an external and an internal obligation truly bind the same free determination, their very distinction is to be sought (BM §§67, 515), as is their marriage or conjunction, so as to give one total and stronger obligation (§§58, 40); what is to be avoided is their confusion and MINGLING,¹¹⁸ by which is attributed to one of the differing obligations that which belongs to another (§56), as is their separation (§72), by which the total obligation is wrongly lessened and weakened (§§21, 40).

[BIP 28]

¹¹⁸ ‘mingling <commixtio>’, *commixtio* is also a term for sexual intercourse, possibly alluding to marriage <conubium> in the previous clause.

Chapter 2: The sources of obligation¹¹⁹

[AA 19: 32]

Section I: Law

§60¹²⁰

NORMS (laws) express a determination that is in conformity with reason (BM §83), either one not connected very closely with freedom, i.e. not a moral determination, which are called PHYSICAL (NATURAL) in a broad sense, such as the laws of motion,¹²¹ the law of axial precession *<iura poli astronomica>*, and the laws of hydrodynamics, which are physical laws strictly considered, as well as some psychological laws,¹²² or they express a moral determination (BM §723).¹²³ Because these latter (1) morally necessitate free determinations (BM §723) and (2) connect them with their own grounds, i.e. with overriding impelling causes (§12, BM §726), they obligate (§15, BM §723); that is to say: they are obligatory propositions. And since obligatory propositions express a determination in conformity with overriding impelling causes (BM §§80, 342), and,

¹¹⁹ Kant E6498, 1764–6? 1772? (between title ‘The Sources of Obligation’ and §60):

‘All duties are either owed *<schuldige>* or meritorious

duties *<officia>* – owed *<debiti>* – merit *<meriti>*

The relation in the first is obligation *<schuldigkeit>* – right,

the second: benevolence – need.

The collection of the laws of what is owed: Right, that of merit: Ethics with respect to duties towards others.

The necessitating power of the former is perfect, since it is absolute.

The necessitating power of the latter is imperfect, since it is hypothetical under the condition of the furnished duty of what is owed.

But the moral goodness of actions in the former case is negative, i.e. the moral minimum, in the latter case it is affirmative, moral plerophory.

<Complexus legum debiti: Jus, meriti: Ethica respectu officiorum erga alios:

vis necessitans prioris est perfecta, qvoniā est absoluta.

vis necessitans posterioris est imperfecta, qvoniā est hypothetica sub conditione praestati officii debiti.

sed actionum bonitas moralis in priori casu est negativa, h.e. minimum morale,

in posteriori casu est affirmative, plerophoria moralis.>

¹²⁰ Kant E6499, 1764–9 (referring to the beginning of §60): ‘Laws either of what is, or a law of a possible perfection.

The first are subjective and physiological. The second, objective and practical.’

¹²¹ Cf. BM §432.

¹²² See the many laws found in the empirical psychology of BM (§§501–739), such as the laws of abstraction (BM §350).

¹²³ Wolff: ‘thus the law of nature remains the norm of human actions, and if conscience obligates us to those of our actions that are conform to it, it cannot be said that conscience is that very norm *<istam normam>* ... for conscience supposes the law of nature’ (WPPU I §522, remark).

what is more, a determination that is moral (§24), they will be moral norms (laws) (BM §723).¹²⁴ Hence MORAL NORMS (laws) can be defined through obligatory propositions.

[BIP 29]

§61

Seeing that obligations are either internal or external (§56), and MORAL NORMS (laws) are obligatory propositions (§60), the latter will also be either INTERNAL (incomplete, imperfect, persuasive, counsels) norms of free determinations that are not to be extorted, and insofar as they are not to be extorted, or they will be EXTERNAL (complete, perfect, constraining) norms of free determinations that are to be extorted, and insofar as they are to be extorted. And since the strength of a moral norm (law) is the strength of the obligation that it expresses (§16, BM §180), external moral norms (laws) are not always stronger than internal norms (§57). External moral norms are always strengthened when in union with internal ones (§58). Hence, the external moral norms indeed must be distinguished from internal ones, yet not be blindly separated, and must be conjoined with them, yet not confused and mingled (§59).

§62

Indeed, the propositions defined in BM §83 may alone be called NORMS; moral norms, RULES and constraining rules, LAWS.¹²⁵ However, seeing that received use calls all of these laws: the first are LAWS MOST BROADLY CONSIDERED; the second are LAWS BROADLY CONSIDERED, which we will unqualifiedly call laws when we are to treat of morals in the future;¹²⁶ and the third are laws strictly considered. Therefore, a LAW STRICTLY CONSIDERED is a law of a free determination that is to be extorted, and insofar as it is to be extorted (§56).

[BIP 30]

¹²⁴ de Montaigne, in concluding the edifice of his *Essais*, writes: 'It is an absolute perfection, almost divine, to know how to enjoy one's being lawfully <C'est une absolue perfection, et comme divine, de scavoyr jouyr loialement de son ester>' (1965, 3: 1115).

¹²⁵ In BM §83, Baumgarten defines a norm as 'a proposition that expresses a determination in conformity with a ground', and does not distinguish between such and either a rule or a law (both of which he leaves in parentheses as indeterminate metonyms).

¹²⁶ I.e. in his posthumous and unfinished BIN (*Ius Naturae*, 1763), a commentary on Heinrich Köhler's (1685–1738) *Seven exercises in natural law <Iuris naturalis exercitationes VII>* (1729). In BIN §32, Baumgarten charts the increasingly strict senses of law. First, we have laws most broadly considered (i.e. norms), which contain (a) physical and (b) moral law and rules. These last contain (a) internal laws and (b) external laws, i.e. law strictly considered. This last contains (a) positive law and (b) natural law strictly considered. And finally, this last contains (a) social law and (b) natural law, the law of nature most strictly considered. In the next paragraph, he clarifies that he will only use the term in the broad sense of *lex moralis*: 'therefore now, and in the future, when we treat of morals, law for us will be the moral law or the law broadly considered, and no longer law most broadly considered' (BIN §33). Concerning the volume itself, Baumgarten's first 155 sections comment and elaborate upon §§286–600 and §§732–1116 of Köhler's work; after this point, all we have are Baumgarten's unworked notes on the rest of Köhler's exercises (§§1119–648) supplied by an unnamed editor; hence the section headings from this point of the *Ius Naturae* correspond identically to Köhler's sections, and do not follow numerically from Baumgarten's final section, i.e. §1119 immediately follows §155.

§63

[AA 19: 33]

Someone who satisfies an obligation that the law expresses SATISFIES THE LAW. Seeing that obligations are either natural or positive, and that the latter are either divine or human (§29), LAWS are moreover obligatory propositions (§60) that either belong to natural obligation, i.e. these latter are to be known sufficiently from the nature of the action and of the agent, and are natural (objective) laws,¹²⁷ or they belong to positive obligation, i.e. to an obligation of reason, and they are to be known from someone's free choice, and are positive (subjective, formal, chosen); these latter are either divine, to be known sufficiently from the free choice of God, or human, to be known sufficiently from the free choice of a human being.

§64

[BIP 31]

RIGHT signifies (1) action conforming to a law, (2) a law, (3) a collection of similar laws, more broadly considered (BM §472), (4) a collection of similar laws strictly considered, i.e. STRICT RIGHT (external, constraining, complete, perfect), and (5) any moral faculty whatsoever, more broadly considered (BM §971). Since this last is granted either from internal moral laws, i.e. MORAL APTITUDE (worth <ἀξία>, merit), or from laws strictly considered (§62), (6) RIGHT STRICTLY CONSIDERED will be the moral faculty granted by laws strictly considered.¹²⁸ We will entirely abstain from the first, second and fifth senses in what follows.¹²⁹

§65

The right of nature, most broadly considered, encompasses all natural laws (§64, BM §472) that are to be known sufficiently from and through nature (§§29, 63): any absolutely necessary physical and psychological laws whatsoever (§§60, 62), and the internal and external moral laws (§§61, 62); the RIGHT OF NATURE MORE BROADLY

¹²⁷ Wolff: 'An obligation that comes from a law of nature is natural. For, natural law is posited when the essence and nature of the human being and of things are posited' (WPPU I §141).

¹²⁸ Baumgarten's conception of right is perhaps only slightly more elaborate than that of Aristotle in chapter 5 of the *Nicomachean Ethics*, who there also posits broad and specific senses. For Aristotle, broadly, right or justice (*δίκαιος*) is complete virtue with respect to others (1129b, 25–7), but as such is not a virtue per se or specifically (or at least, it is not a distinct virtue as it comprises all the other virtues). Understood specifically, the virtue of right, or justice, becomes (1) distributive, which is concerned with the fair distribution of anything that can be distributed in a society, e.g. honours or wealth, and (2) corrective, which concerns reparation for transactions. Corrective justice can be further divided into the (a) voluntary (e.g. contracts) and the (b) involuntary. The involuntary can be divided into the (a) secret (e.g. theft) and the (b) violent (e.g. murder) (1130b, 30ff).

¹²⁹ Although Baumgarten demonstrably discusses all of these excluded senses in the BIP, and elsewhere, his point is that he will not continue to discuss them *as right*. Thus, the next three paragraphs (§§65, 66, 67) discuss senses three, four and six, respectively, as right. BIN §34 provides a further chart of right: (1) right taken as a collective of similar laws, which is divided into (a) most broadly considered as promulgated laws and (b) broadly considered as moral laws. This last is divided into (a) internal laws, called prudence and (b) external constraining laws. Then there is (2) right taken according to the moral faculty, which is (a) moral aptitude and (b) right considered strictly conceded by laws strictly considered.

CONSIDERED is the collection of natural and moral laws.¹³⁰ The collection of natural laws that obligate human beings is NATURAL RIGHT, BROADLY CONSIDERED, to which we will only turn our attention when we are to treat of morals (§62),¹³¹ and practical philosophy, objectively considered, is more suitably said to comprise both internal and external moral laws. Part of it is the collection of external or constraining natural laws, i.e. the RIGHT OF NATURE STRICTLY CONSIDERED (constraining, external), contradistinguished from counsels, internal laws and persuasions, insofar as they are natural (§63), which are also to be exhibited through practical philosophy (§§1, 61).¹³²

§66

The collection of positive laws is POSITIVE RIGHT (§§63, 64) that, BROADLY CONSIDERED (§§63, 64), collects both the internal and external laws; or, STRICTLY CONSIDERED, it is a collection of the external laws alone (§65). And each of these, again, is a collection of positive divine laws and is DIVINE, or it is a collection of human positive laws and is HUMAN. Nevertheless, positive law and right, both the divine and the human, can likewise be natural if, and insofar as, they can be known at the same time from the nature of the action and of the agent as natural law and right; they, both the divine and the human, can also be positive if, and insofar as, both of these same can be sufficiently known from the free choice of God or human beings (§§30, 65).

[BIP 32]

§67

Right taken as a moral faculty (§64) is either NATURAL, which is granted from the law of nature, or POSITIVE, granted from positive law; the right granted from divine law is DIVINE; that from human law is HUMAN. In this sense as well, right is either BROADLY CONSIDERED, i.e. granted from either natural or positive divine or human laws, even the internal ones, or it is STRICTLY CONSIDERED, i.e. a moral faculty granted from constraining laws, either natural or positive, and these either divine or human

[AA 19: 34]

¹³⁰ Wolff: '*In the Right of Nature, natural laws are to be demonstrated.* And, indeed, in the Right of Nature the natural rights and obligations of human beings are to be explained. But all natural obligation comes from the law of nature, and natural right belongs to the human being through the power of the law of nature (WPPU I §§141, 144); consequently, the obligations and natural rights belonging to human beings are only understood through natural laws (WPPU I §160)' (WIN I §3). See the references above in WPPU I for practically identical formulations. In the remarks to this paragraph, Wolff continues: 'whenever we speak of the right of nature, we never understand the law of nature, but rather the right belonging to the human being through the power of this law, i.e. naturally.'

¹³¹ Once again, in his BIN, which divides the right of nature, taken most broadly as a collective of laws, into (a) the physical and (b) the moral right of nature taken more broadly. The latter is divided into (a) the right of human beings taken broadly and (b) of other spirits. The former is divided into (a) philosophical prudence and (b) the right of nature taken strictly, i.e. constraining right or right in the external state. The latter is divided into (a) the right of the human being in the natural state and (b) the natural, philosophical and universal right of societies (BIN §36).

¹³² Cf. Aristotle, *Nicomachean Ethics*: 'Of political right part is natural, part legal: natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent' (1134b, 18–21, Ross translation, slightly modified).

(§64).¹³³ Nor in this same sense is it a contradiction that the very same natural right of someone, if and insofar as it also granted to him by positive law, is simultaneously positive, whether divine or human, or both, just as finally in this same sense it is no contradiction that the positive right of someone, if and insofar as it can be known sufficiently from the nature of the agent and action, is likewise natural (§§30, 66).

§68

[BIP 33]

LAWs obligating affirmatively, or to commission (§31), are PRECEPTIVE (precepts), and their right (§64) is the RIGHT OF COMMAND; those obligating negatively, or to the omission of what is forbidden (BM §723), are PROHIBITIVE (prohibitions), and their right is the RIGHT OF VETO.¹³⁴ Prohibitions and the right of veto are moral impeditions (§60, BM §967). And since not impeding morally is moral permission, broadly considered (BM §969), those things prohibited by no laws are TACITLY PERMITTED (in the broader sense), i.e. permissible (BM §723). But a PERMISSIVE LAW¹³⁵ (permission strictly considered) is a law declaring that a certain action that has indeed not been prescribed is indeed nevertheless not to be impeded; it is a particular species of prohibitive law in favour of someone who perhaps will carry out certain things that obligates others to omit an impedition that otherwise could have been opposed to such a free determination. ACTION permissible by a permissive law is called EXPLICITLY PERMITTED.

§69

If it is posited that a given law is natural, this does not then deny that it is likewise positive (§66). It is the same for the ground of right (§§66, 67). Just as someone can be unaware whether a certain law is natural or positive, one can also know both about some laws, only one of them about some laws, or at least one of these more easily than the other (BM §527). In any case, there can be positive law in human laws, and even in divine laws, that is not natural, the sufficient ground of which we cannot know from

¹³³ Wolff broadly defines right as follows: 'The moral faculty of acting <agendi> is usually called *Right*' (WTN I §954); '*right is the faculty of doing <agendi> what is morally possible, and not doing what is morally impossible*' (WPPU I §156).

¹³⁴ Wolff: 'A *prohibitive law* is that which obligates not to do something' (WPPU I §163); 'A *preceptive law* is that which obliges to do something' (WPPU I §164). '*Preceptive and prohibitive laws explain the obligations of the human being ... For preceptive laws teach that which we are obligated to do, and prohibitive show that which we obligated not to do*' (WIN I §55). As well: '*if preceptive and prohibitive laws are demonstrated, duties are also demonstrated, or duties are clear through preceptive and prohibitive laws*' (WIN I §56).

¹³⁵ Wolff: 'Called a *permissive law* is that which gives a right to do or not to do, but which however does not obligate to do or not to do' (WPPU I §165). '*A permissive law of nature gives right to those things without which one cannot satisfy natural obligation, or which are necessary for satisfying natural obligation*' (WPPU I §169). '*Permissive laws explain the rights of the human being ... From permissive law comes what rights are suitable for us, since that we must satisfy either obligation [i.e. those coming from preceptive and prohibitive laws]*' (WIN I §55). '*A permissive natural law has no other grounds than the legal*' (WPPU I, 182); '*all permissive natural laws are derivative*' (WPPU I §184).

the nature of the action and the agent. But seeing that the will of God, or his most free choice (BM §898), follows most perfectly upon supreme knowledge¹³⁶ (BM § 893), all of his positive laws have likewise a sufficient ground in the nature of the action and the agent, or are likewise natural (§63). And since God wishes every good (BM §899), all the natural laws (§39) are also divinely chosen. From natural law, one may validly infer the will of God concerning the free determinations of people, and from the will of God concerning the free determinations of people, one may validly infer the natural law. Meanwhile, often we can know with some certainty only the latter or the former at a given moment, but we conclude wrongly from our ignorance to the negation of the matter (§38).

[BIP 34]

§70

The propositions *commit the good to the extent that you are able* (§39) including its implications (§40), *seek perfection* to the best of your abilities (§43), *do what is best for you to do* (§44), and thence those things that have been demonstrated¹³⁷ above (§§45–48), those which are to be demonstrated, and those which are demonstrable, are obligatory propositions (§15) and hence laws (§60) to which nature obligates (§39), laws which are to be sufficiently known from the very nature of the actions or agents (§40), and are therefore natural (§63). Moreover, it can be shown without difficulty that these same laws are likewise divine positive laws (§66, 69).

[AA 19: 35]

[BIP 35]

§71

Theoretical atheists themselves must grant the natural laws with which §70 is concerned, if, abstracting from their error concerning the existence of God, they wish in other respects to pursue sound reason when reflecting (§35, 41). Hence, if the right of nature is asserted by the atheist in this sense, someone who denies divine existence can be convinced nevertheless about many things that have been well asserted concerning the right of nature broadly considered, or better, practical philosophy (§65), independently from one's atheism or those premises that one denies as an atheist; in any case, the right of nature is to be posited. However, once it is posited, it cannot be admitted: (1) that natural right broadly considered, i.e. practical philosophy, would be, or would exist, even if there were no God¹³⁸ (BM §824); (2) that it is utterly independent from God (BM §868); (3) that it absolutely cannot be derived from the will of God in any manner (§69, 70); and (4) that it can be equally well known by an atheist as by one who knows that God exists. Now, the atheist, persisting in his error, can still know natural

¹³⁶ 'knowledge <*scientiam*>'. See BM §875, note b, for our discussion of the translation of *scientia* as 'knowledge'.

¹³⁷ Cf. §28 note 63 above for Baumgarten's concept of demonstration, and its relation to certainty.

¹³⁸ However, see Wolff: 'Again: because this rule is a law due to obligation, but the obligation comes from nature, the law of nature has been established through nature, and would take place even if the human being had no master who could obligate him to it; indeed, it would exist even if there were no God' (WTL, 1.1 §20).

right, or practical philosophy, but it is destitute of the (1) breadth and abundance, (2) dignity of the matter, (3) truth, (4) light, (5) certainty and (6) life belonging to the right of nature broadly considered, i.e. practical philosophy, of the one who admits the divine existence (§4).¹³⁹

[BIP 36]

§72

The LAW of universal obligation is UNIVERSAL, and a law of particular obligation is PARTICULAR. However, a natural law (§70) is not only universal in every sense [AA 19: 36] among human beings (§49), but also, for similar reasons, it determines every free determination of every person (§10, 29). Hence every single deed belonging to every person is either morally necessary,¹⁴⁰ or impermissible (BM §§724, 940), since none are wholly indifferent or adiaphorous, either absolutely or, more correctly, even relatively (BM §654, 935). The collection of free determinations about which such a law expresses something is called the FIELD (sphere, extent, breadth) OF A LAW. Hence the field of natural law (§70) is the most open field.

§73

The RIGHT of the collection of universal laws, and granted by universal laws, is UNIVERSAL; the RIGHT of the collection of particular laws, and granted only by particular laws, is PARTICULAR. Now, because natural laws must be known sufficiently either from human nature in general, or from the nature of the state of this or that human being in particular, they always obligate all human beings, either in general or in particular, constituted in such a particular state (§47), and these very laws are their universal rights (§72). Hence, we may call the natural RIGHTS that are to be prescribed to both [BIP 37] human beings in general and to certain of their states, insofar as they can be known without faith, PHILOSOPHICAL,¹⁴¹ and insofar as they obligate all persons, UNIVERSAL.

§74

Since natural laws and natural rights are likewise positive and divine (§69),¹⁴² it is now obvious that there are universal divine positive laws and rights (§§72, 73). And

¹³⁹ Kant, E6499 (continues from §60) 1764–6 (next to and referring to second half of §71): ‘Divine obligatory power <potestas obligatoria divina> is based on right.

If one does not love his neighbour, whom he sees, how will he love God? etc. etc.

If one would cognize God before morality, then one does not attach moral perfections to him. Hence, religion can produce evil morals or can leave them legally indeterminate; uncultivated nations believe that God is not bound to the morals to which they are. They reluctantly sense moral constraint and believe that God is free from this.

Not all good morality is piety. A piety that begins before morality is often opposed to it.

E6500, early 1760s? 1764–8? (beneath and referring to §71): ‘The will of God indeed contains the greatest motives that obligate <größesten motiva obligantia>, but not the ground of the form of moral laws.’

¹⁴⁰ Wolff: ‘The morally necessary is that whose opposite is morally impossible’ (WPPU I §115).

¹⁴¹ Cf. §1 above

¹⁴² Wolff: ‘The law of nature is also divine law’ (WPPU I §277).

seeing that God is the universal legislator of spirits (BM §973), his most free choice about human beings in general, or about certain of their states in particular, obligates every single one in such a way that thence the laws must be known once again, and in such a way that they furnish divine positive universal rights (§§72, 73). If, however, an inquiry concerning divine positive right would infer either (1) whether God at any time will issue laws that a person could not know from anywhere else except through revelation strictly considered, and which will nevertheless obligate the entire human species: such does not pertain to philosophy (§1); or (2) whether there are such divine universal positive laws that have no sufficient ground at all in the nature of the action and the agent: such is denied (§69). Positive human law and right are only particular (§73), most of these in every sense of §72 and §49, but all at least in some sense.

§75

Since there is nothing without sufficient ground (BM §22), and each proposition has its own hypothesis, each its own premises, i.e. its principles of truth and other judgements, to every law there belongs a sufficient ground, some specific hypothesis and premises, and, along with these, a nexus, as it were, of its conclusions, i.e. a CONSEQUENCE (§60). Every law can be considered as a conclusion of some syllogism for which there are material principles; what is formal is the consequence, which is the SPIRIT OF THE LAW, since it is the spirit of every syllogism, the nexus of the law with its premises, i.e. the propositions containing the sufficient ground of its very truth.¹⁴³ Nor will anyone falter who knows how to distinguish that which is a sufficient and legitimate ground from that which just anyone can observe (BM §548).

[BIP 38]

[AA 19: 37]

Section II: Juridical expertise

§76

There can be historical cognition¹⁴⁴ of laws; also, there can be philosophical cognition,¹⁴⁵ and the latter is either any cognition whatever through a ground of certainty (§28), or it is science (§75). It is the same for the ground of right (§64).

¹⁴³ Leibniz: 'for reason is the spirit of the law' (letter to Jean Chapelain, first half of 1670, LA II: 1, 55). Also, please see Kant's discussion concerning the difference between the letter and the spirit of the law in the Vigilantius transcripts of the lectures on the *Metaphysics of Morals* (AA 27: 534 ff.). This concept does not appear explicitly in Wolff, so far as we can tell.

¹⁴⁴ 'HISTORICAL COGNITION (that it is <τῶ δτι>, empirical, vulgar, of phenomena, exoteric) is cognition of only the existence of a thing' (BAL §4). The term is Wolff's: 'cognition of those things that are and come about, which would fall either to the material world or to immaterial substances, is called *historical* by us' (WPR §3). 'Historical is the cognition of that which the one who has experience knows: e.g. that the Sun rises in the morning but sets in the evening; that the buds of trees shoot forth at the beginning of spring; that animals propagate through generation; that we only desire according to the aspect of the good' (WPR §3, addition).

¹⁴⁵ The term likewise belongs to Wolff: '*Those things which are or come about are not destitute of their own ground for why they are or come about, from whence they can be understood*' (WPR §4); thus '*Cognition of the grounds of those things which are, or come about, is called philosophical*' (WPR §6). So, for example: 'One has philosophical cognition of the motion of water in a channel who can explain in an intelligible way how it would depend on the slope of the base and the pressure

Hence there can be JURIDICAL EXPERTISE <IURISPERITIA>, i.e. either merely historical cognition of right or philosophical cognition of right, and the latter again is either any such cognition with respect to certainty or a certain cognition stemming from those that are certain, i.e. JURIDICAL SCIENCE <IURISSCIENTIA>.¹⁴⁶ One who knows the words of a law only historically, yet who nevertheless wishes to seem to be an expert, is a PETTIFOGGER <LEGULEIUS>.^{147, 148} Proficiency in subsuming deeds under laws is JURISPRUDENCE <IURISPRUDENTIA>. Both the juridical expert <iurisperitus> and the jurist <iurisprudens> is a LAWYER <IURECONSULTUS>, the former theoretical, the latter practising. If someone can therefore be a theoretical lawyer who does not practise, nevertheless no one can be a practising lawyer who is not a theoretical one. Just as everywhere intuitive cognition bests the merely symbolic, philosophical cognition bests the merely historical, and science bests the quite uncertain, as does the philosophical (BM §669), to that extent the juridical expert bests the pettifogger, the philosophical juridical expert bests the historical juridical expert, and the scholar bests the one uncertain of the law. The pettifogger and merely historical juridical expert are ignorant of the spirit of the laws and the principles of right; the philosophical juridical expert proves¹⁴⁹ these, and the juridical scholar <iurissciens> demonstrates¹⁵⁰ the same. The pettifogger possesses no jurisprudence; the merely historical juridical expert possesses doubtful jurisprudence; the philosophical juridical expert, certain jurisprudence; the juridical scholars, more certain jurisprudence (§75).

of the higher water that the lower water sustains. Nor any less would someone have philosophical knowledge of desire who could teach the way in which desire of a proffered object would in the end have arisen from the perception of it' (WPR §6, addition). Baumgarten: 'Philosophy is the science of the qualities, which are to be known without faith, in things' (BAL §1); 'Science is certain cognition from things that are certain' (BAL §2). However, Baumgarten distinguishes between philosophical and philosophical cognition: 'THE COGNITION of a thing from grounds is PHILOSOPHICAL (rational, why it is <τῶ διότι>, esoteric, acroamatic). Therefore, philosophical cognition differs from historical cognition (BAL §4), and science (BAL §2), and philosophy (BAL §1), although science and philosophy are philosophical cognition' (BAL §5). To complete the picture, let us add that Wolff holds that historical cognition is the basis of philosophical cognition (cf. WPR §10). Thus, as collective of representations, cognition is most general, historical (empirical cognition) comes next, and then philosophical cognition (grounded empirical cognition), science (certain grounded empirical cognition from other certain cognition) is even less general, and philosophy (certain grounded cognition from other certain cognition without faith) the least general.

¹⁴⁶ BIN §51: 'Proficiency in explaining laws is called juridical expertise; proficiency in demonstrating laws is called juridical science <scientia>, and either results in the theoretical lawyer'; BIN §52: 'Juridical expertise and juridical science <scientia> differ as do the genus and the more noble species.'

¹⁴⁷ Kant E6501, 1776–8 (referring to §76 'PETTIFOGGER <LEGULEIUS>'): 'Learned in the Letter of the Law <Litteram Legis Doctus>.'

¹⁴⁸ Cicero refers to the pettifogger in these terms: 'a crier of legal actions, a chanter <cantor> of formulas' (On the Orator I, 236). Glossing Cicero, Heineccius writes 'one who does not understand the laws that he holds in memory is a pettifogger' (1838, I: I, §27).

¹⁴⁹ BAL §206: 'One who reasons (1) represents some judgement from the principles of the truth of the same, which is called a CONCLUSION, (2) represents the principles of its very truth, which are called PREMISES (givens, assumptions), and (3) represents the nexus of latter with the former, which is called a CONSEQUENCE.' BAL §207: 'One reasoning while furnishing those things enumerated in BAL §206 is said TO PROVE (conclude, derive, deduce, infer).'

¹⁵⁰ See §28, note 63, above concerning demonstration. To prove is thus not necessarily to demonstrate (which is mathematical), but to demonstrate is to prove.

§77

The GROUNDS OF LAWS that must be sought in matters of deed are HISTORICAL; those situated in other internal laws or in the first morals of nature, are MORAL; and those in other laws, strictly considered,¹⁵¹ are LEGAL. The laws whose historical grounds must be known through human faith, as such, can neither be completely known nor demonstrated; however, they can be proven and known philosophically. There can be no complete science of this sort of right. However, it is wrong to conclude that a law has no ground from its supposed lack of moral and legal grounds (§75). Moral grounds of whatever sort alone do not immediately obligate externally (§§56, 61), hence they are wrongly taken for the sufficient ground of a law or right strictly considered, unless some particular ground is added to them on account of which the conclusion would externally obligate (§64, BM §22). Legal grounds based on a law that we can only know to be such through human faith are likewise historical, and hence from these alone other laws can neither be completely known nor demonstrated; however, they can be proven (§75).

[BIP 40]

[AA 19: 38]

§78

NATURAL JURIDICAL EXPERTISE is cognition of natural (§65) philosophical and universal (§73) right, either historical alone or philosophical, and the latter is again either any cognition of this sort with respect to certainty or a certain cognition stemming from that which is certain, i.e. NATURAL JURIDICAL SCIENCE. One who would only have historical knowledge of the words belonging to natural laws, and yet who nevertheless would wish to seem to be a natural expert, is a NATURAL PETTIFOGGER, making himself more disgraceful with respect to the sorts of philosophical right (§73, §1) that are not written down, than perhaps he does with respect to other sorts. NATURAL JURISPRUDENCE is the proficiency in subsuming deeds under natural laws. Although one can be one skilled in natural right theoretically but not practically, nevertheless the one practically skilled cannot be one who is not theoretically such. The easier the natural juridical science is acquired from and through nature itself, the more useful is it for giving solidity to the rest of the rights, and the more necessary is it on account of the lack of a legitimate external authority, that much greater is the failure in merely historical cognition, or even the philosophical, yet more uncertain, cognition (§5) of rights of this sort. From the subjective uncertainty of the natural pettifogger concerning natural laws, even if he would be a lawyer of positive and particular right, one cannot validly infer the uncertainty of these rights and natural jurisprudence, either absolutely with respect to the whole of human kind, or objectively as such (§76).

[BIP 41]

§79

Just as the right of nature is either broadly or strictly considered (§65), so too JURIDICAL EXPERTISE and NATURAL SCIENCE BROADLY CONSIDERED are of any natural laws

¹⁵¹ Kant E6502, 1776–8? (next to §77, first sentence, from ‘internal’ to ‘considered’): ‘Principal and subsidiary law <Lex principalis et subsidiaria>.’

whatsoever, and STRICTLY¹⁵² CONSIDERED these are only of external laws. NATURAL JURISPRUDENCE BROADLY CONSIDERED is the proficiency in subsuming deeds under any natural laws whatsoever, but, STRICTLY CONSIDERED, only under external laws.¹⁵³ Neither of these sciences of the right of nature can demonstrate any of its laws from historical grounds.¹⁵⁴ Here, no matters of fact or of history, no counsels of the prudent, [BIP 42] no opinions of orators, poets, philosophers, no revelations strictly considered, no fictions, and no philosophical hypotheses can be principles of demonstration; however, these can be correctly applied to declarations¹⁵⁵ as illustrations, and as heuristic¹⁵⁶ aids, i.e. means for discovering or recalling to memory such conclusions as are then demonstrated by other means (§2). It is good to pay attention to the moral grounds of natural right strictly considered, sometimes taken universally and sometimes taken in its particular laws (§58, 59); however, from any of these grounds whatsoever no demonstration of the latter¹⁵⁷ must be blindly and indiscriminately attempted, insofar as they belong to natural right strictly considered, i.e. they obligate externally (§65). The legal grounds of natural right <*rationes eius legales*> based on positive right would here also be historical, and hence equally useless for demonstration (§77).

§80

Practical philosophy and natural and philosophical laws and rights (1) insofar as they are sciences (§§1, 73), together with the rest of the sciences and absolutely necessary truths, possess absolute inalterability (BM §130) and (2) hypothetical inalterability as well, insofar as a law is said to be altered when it actually ceases to obligate, and hence it is hypothetically inalterable when it is hypothetically impossible that its obligation ceases. Now, however, a law cannot be altered in this respect unless its obligation ceases; [AA 19: 39] but an obligation cannot cease unless its sufficient ground ceases (BM §§30, 299). In [BIP 43] obligations, the ground of the law, of natural rights, and of practical philosophy is its own sufficient nature. Therefore, these rights, in the aforementioned sense, are inalterable, understood under the hypothesis of an enduring nature (BM §§127, 128). In this same sense, seeing that the alterability of positive human laws, which depends upon alterable and varied human choice, does not belong to the aforementioned natural laws and rights, these latter gain a new hypothetical inalterability on account of the former, since when the choice of any human being whatsoever is altered, the aforementioned natural laws and right nevertheless cannot be altered by such (§65).

¹⁵² Reading *stricte* for *srictē*, which is not listed in the corrigenda. Silently corrected in AA 19.

¹⁵³ We follow LRJP in making this a new sentence.

¹⁵⁴ Cf. §77 above; right coming from nature has moral but not historical grounds.

¹⁵⁵ On declarations, cf. §103 below.

¹⁵⁶ On heuristics, cf. BM §349 and §622.

¹⁵⁷ Reading *harum* for *horum*. There is no obvious candidate for the relative *horum* taken as masculine or neutral plural, but *harum* would refer to the feminine 'laws <*legum*>'.

§81

Since natural laws are likewise positive and divine, and vice versa (§69), henceforth it is obvious that inalterability belongs as much to the divine positive laws and rights as it does to the natural (§80). The same is to be inferred from the inalterability of the divine will, which is the sufficient ground of these laws (§63, BM §839). However, if a temporary volition is confused with one regarding temporary things, then just as these very natural laws, whose sufficient ground is the nature of transitory things (BM §299), appear to be altered when their objects are altered, or appear to cease when their objects cease (§80): and just as it appears that a human being who wishes something comports himself in a certain way only for a time, and when that time is passed, alters his will: only those POSITIVE DIVINE LAWS appear INVARIABLE that are founded in the divine choice¹⁵⁸ whose most apparent motive for us is the nature of unchanging things, and these are contrary to the VARIABLE, which are established in the divine choice whose most noticeable motive for us is the nature of transitory things. This distinction, if it involves an ancillary perception of an altered divine will (BM §530), is not lacking in subtle anthropomorphism (BM §848).

[BIP 44]

§82

The ground and respect¹⁵⁹ of our free determinations with regard to perfection is their habituation with regard to the law (§70), and their habituation with regard to the law (§70) is their respect with regard to perfection. Hence the MORALITY¹⁶⁰ of a free determination can also be defined through the ground, respect or habituation of its determination with regard to the law, such that OBJECTIVE MORALITY is the ground of free determination with regard to natural law, and SUBJECTIVE MORALITY is the habituation of a free determination with regard to positive law (§§36, 63). Now, since natural laws are simultaneously positive divine laws, and vice versa (§69), it can be inferred from this same notion of morality not only that the objective does not exclude the subjective, and also that it is not excluded by the subjective, but even that it is valid to infer some subjective morality from an objective one.

[AA 19: 40]

§83¹⁶¹

Someone satisfying the obligation of the law OBSERVES THE LAW (§63).¹⁶² Action conforming to the law is DUTY.¹⁶³ Therefore, the action of someone observing the law

[BIP 45]

¹⁵⁸ BIP reads *in arbitrio* instead of *in arbitrio*, not corrected in the errata. AA renders this correctly.

¹⁵⁹ Concerning 'respect', please see our note 87 in §36 above.

¹⁶⁰ Kant E6503, 1776–8? 1780–89? (referring to 'MORALITY'): 'Morality and legality concerning motives <*quoad motiva*>.'

¹⁶¹ Kant E6504, 1776–8 (referring to the beginning of §83): 'Obligation contains the form, duty also contains the matter <*obligatio continet formam, officium etiam materiam*>.'

¹⁶² Small capitals missing in AA 19. Wolff: 'One is said to satisfy an obligation if one does or does not do what one is obligated to do or not to do' (WPPU I §120).

¹⁶³ 'The action determined in accordance with law to the extent that we are obligated to determine it in the same manner is *duty*' (WPPU I §224).

is duty, and proficiency in observing the law is OBEDIENCE TO (observation of) LAWS. Therefore, proficiency in duties is obedience to the law. Action opposing what the law obligates is TRANSGRESSION (violation) OF LAW, i.e. HARM BROADLY CONSIDERED, and is the opposite of duty.¹⁶⁴ Proficiency in transgressing laws is NEGLECT (contempt) OF THE LAWS. Hence, if these laws are for duties towards God, to you yourself and to other things, free actions that oppose these are harms to God, to you yourself and to other things in a broader sense. Those things that may be applied to observing the law, to duties, to obedience, to harm broadly considered, and to the transgression and neglect of natural laws, are natural. The law found in §70 concerning what is to be committed: ‘commit the good’, along with those things that it logically follows are to be committed, are natural preceptive laws, and their right is a natural right of command. The law found in §70 concerning what is to be omitted: ‘omit the evil’, along with those things that it logically follows are to be omitted, are prohibitive natural laws, and their right is a natural right of veto (§68).

§84¹⁶⁵

A NATURAL LAW that is demonstrable though other laws, based on the nature of the acting human being and of action, is DERIVATIVE; but that demonstrable from nature without regard to the concurrence of other natural laws is PRIMITIVE.¹⁶⁶ Thus: ‘furnish the good’ (§70) is a primitive natural law (§39). However, the PERFECTIVE LAW¹⁶⁷ ‘furnish the better of truly opposed goods’ (§40), and the preceptive and prohibitive laws that are demonstrated from what is prior, are derivative natural laws.¹⁶⁸

[BIP 46]

¹⁶⁴ Kant E6505, early 1760s (referring to §83, fifth sentence): ‘Harm to a person, violence | offence, harm to right <laesio personae violentia | offensio laesio juris>.’

¹⁶⁵ Kant E6506, 1780–9? 1776–8? (beginning of §84): ‘Obligation, either primitive based on moral law or derivative through another’s choice <obligatio vel primitiva ex lege morali vel derivativa per arbitrium alterius>.’

¹⁶⁶ Wolff discusses derivative and primitive laws in what would be considered their logical order: ‘Primitive natural laws are those which derive from the essence and nature of the human being and from those things that belong to it through the same; that is what can be immediately demonstrated from the essence, nature and attributes of the same. Those, however, are called derivative that are deduced from other laws’ (WPPU I §183). Consider also: ‘that which holds the closest ground in the essence and nature of human beings is called a primitive obligation’ (WIN I §40); in the addition to WIN I §44, Wolff says: ‘thus the primitive obligation is the obligation of preserving his own body’. As well: ‘primitive right is that which originates from some primitive obligation’ (WIN I §44). And again, concerning the derivative: ‘Derivative obligation is that which is the closest ground among others in some obligation’ (WIN I §42); ‘derivative right is that which arises from other obligations and rights prior to it’ (WIN I §44).

¹⁶⁷ Wolff: ‘That is called the perfective law of nature which obligates us to that which is better than something else to which it is to be preferred’ (WPPU I §193).

¹⁶⁸ Cf. §68 above.

§85¹⁶⁹

Opposite moral laws collide (BM §97), and their collision is an ANTINOMY. And since a contradiction is either true or apparent (BM §12), antinomies will either be true or apparent.¹⁷⁰ For a genuine contradiction there is required an affirmation and denial of exactly the same thing about exactly the same thing (BM §§7, 12). Therefore, there is no genuine antinomy among laws (1) that do not concern exactly the same subject, (2) that do not express exactly the same moral determination about their subject, and indeed (3) of which one of a pair is affirmative and the other is negative in such a way that one is preceptive and the other prohibitive (§68). There is no genuine antinomy among preceptive laws unless one necessarily involves prohibiting that which is obligated <debiti> according to the second. There is no genuine antinomy among prohibitive laws unless one necessarily involves commanding that which is vetoed according to the second. There is no genuine antinomy among permissive laws, especially those permitting only tacitly, and others prescribing or prohibiting what is permissible through permissive laws (§68). However, seeing that laws obligating human beings are rules of human perfection (§§82, 70), and seeing that one or another of two colliding laws cannot be satisfied (§§63, 23), a moral exception arises from their collision (BM §97), and then the LAW that is to be satisfied is said to CONQUER, and the opposing law, from which there must be an exception, is said to CEDE TO THE CONQUEROR. Nevertheless, seeing that there is truly no obligation belonging to the law ceding in the case of collision (§23), the person who makes an exception to the same does not truly transgress it (§83), so that he cannot be accurately said to have effected a minor sin for the purpose of avoiding a major sin (BM §788).

[AA 19: 41]

[BIP 47]

§86

Since every exception from a moral law posits the non-consensus of a free determination with that determining ground of the perfection whose conformity with the free determination the given law expresses (BM §97, 82), some imperfection is posited in every moral exception (BM §121). Hence every moral exception is something evil (BM §146), and indeed, an exception requires (1) that it is inevitable (§80), and (2) that the smallest is to be preferred to greater ones (§40). *There shall be the fewest and smallest*

¹⁶⁹ Kant E6507, early 1760s (referring to the beginning of §85): 'There is no antinomy unless of non-obligating laws of obligation. Laws of obligation express obligation, but laws that obligate express duty. <Nulla est antinomia nisi legum obligandi non obligantium. Leges obligandi enuntiant obligationem, sed obligantes officium.>'

¹⁷⁰ Kant E6508, early 1760s (next to §85, second sentence): 'The laws [reading *legis* as *leges*] of natural right often prohibit what those of positive right permit <*legis iuris naturalis saepe vetant, quod iuris positivi permittunt*>'. Continued (referring to §85, third sentence): 'That which is the discretionary duty according to positive right is often the duty of what is owed according to natural right <*quod est per ius positivum officium bene placiti, saepe per ius naturae est officium debiti*>'. In this case, *bene placiti* means 'discretionary', and a discretionary duty, according to Kant, is one to which nobody can constrain us. See also §56, note 116.

[AA 19: 42] *moral exceptions that there can be.* Therefore if stronger and¹⁷¹ superior laws collide with weaker laws, and with those which are to be subordinated to them, let there be an exception from the weaker (BM §§181, 182) and inferior (BM §186) laws; accordingly, if the perfective natural law of the best (§§70, 84) collides with any law whatsoever, whether natural, or positive, which is subordinate to it, the former conquers the latter, which cedes (§85).¹⁷²

[BIP 48] **Section III: The principles of right**

§87

An OBJECTIVE PRINCIPLE of some discipline¹⁷³ is a proposition from which doctrines can be deduced pertaining to that discipline; a SUBJECTIVE PRINCIPLE is that faculty of the soul insofar as it is to be used primarily for the purpose of knowing such a discipline. The OBJECTIVE PRINCIPLES of a discipline are again either FOREIGN¹⁷⁴ (external, common, imposed), those which do not pertain to a given discipline as conclusions, i.e. as parts that are only to be taught in that discipline, or they are DOMESTIC (internal, proper, innate), those which also pertain to a given discipline as conclusions, i.e., especially as parts belonging to it that are only to be taught in that discipline. The FIRST of these is that which is not deduced in turn from another domestic principle; that which is deduced from other domestic principles is DERIVED (§84). Again: foreign principles are either PROPÆDEUTIC¹⁷⁵ (preliminary), which are employed when demonstrating a first domestic principle, or they are EPISODIC, which sometimes, when a first domestic principle has already been assumed, must however be added as lemmas based on another series of doctrines in order to deduce other principles from that same first domestic principle. Metaphysics alone has an absolutely first domestic objective principle (BM §1, 7); in all the rest this principle is propaedeutic, and not rarely episodic, together likewise with the implications belonging to it. The domestic principles of the rest of the disciplines are all only relatively first such that in the sciences these principles always suppose propaedeutic principles. However, these first objective domestic principles will be adequate for their own discipline if from these neither more nor fewer conclusions flow than those which concern <spectant> the given discipline as parts, and insofar as they do so (BM §311). These principles can be applied to the principles of right, of practical philosophy, and of both natural and philosophical right, insofar as the latter are seen as disciplines or sciences (§1, 65).

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¹⁷¹ Kant E6509, early 1760s? 1772? (in margin beside 'to be preferred ... stronger and'): 'reluctance towards *mor* obligating motives is either moral itself or pragmatic <*reluctantia contra motiva mor obligantia est vel ipsa moralis vel pragmatica*>.'

¹⁷² Kant E6509 (continued), 1776–8? (next to concluding sentence of §86): 'Laws are either strictly or broadly obligating <*Leges sunt vel stricte vel late obligantes*>.'

¹⁷³ Cf. note 37 to §6 above for Baumgarten's concept of a discipline.

¹⁷⁴ Kant E6510, 1776–8? (referring to 'foreign'): 'Prudence.'

¹⁷⁵ Kant E6510, continued (referring to 'propaedeutic'): 'Theology.'

§88

In the inquiry concerning the principles of right, do not let types of right, e.g. the natural and the positive, and the divine and the human (§67), nor the common principles of right, be confused with the special principles, etc. In the inquiry concerning the first principle of the right of nature: (1) do not let the objective be confused with the subjective; (2) do not let the external be invoked, when it is a question of the internal and the domestic. (3) If some specific principle in our system of demonstrating the right of nature is the first of the domestic principles, then do not let it be inferred that no other principle could also be correctly instituted as first in any other series for demonstrating the right of nature. For, what is first in a certain series of demonstrations of domestic principles can perhaps be deduced in a slightly modified chain of conclusions from another domestic principle, and this, then, only from propaedeutic principles; (4) do not let a first domestic principle be confused with a DOUBTFUL <PRECARIO> PRINCIPLE, i.e. with an entirely unproven demonstrative¹⁷⁶ principle. This is said to those who, by freely assuming first principles that are not yet completely certain (although the terms may have indeed been understood), nevertheless busy themselves with constructing a complete science of their domain by means of further entirely careless proofs. Even if something is asserted to be the first principle of the right of nature, that is to say, the first of the domestic principles, nevertheless its proof may rise from other external and common principles back to and including the principle of contradiction. (5) Episodic principles are not excluded by an adequate first principle of the right of nature, but only those domestic principles that do not follow from it. (6) Much less are formal principles, i.e. the assertions of logic procuring the certainty of form and consequence for the demonstrations of the right of nature, excluded by the same (§87).

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§89

Since the term ‘right of nature’ admits of significations of differing extension (§65), care must be taken (7) not to dispute the first adequate domestic principle of the right of nature before those in dissention come to an agreement about whether they wish the word to be understood with the same breadth; because, e.g., the adequate principle of the right of nature broadly considered ought necessary to be abundant and exceedingly broad with respect to the right of nature strictly considered, and again, the adequate principle of the latter ought necessarily to be exceedingly narrow with respect to the right of nature broadly considered (§88). And even if (8) it may not be denied that the institution or selection of this sort of first principle, as in other disciplines, thus also in the right of nature in this sense, is something CHOSEN, for which reason it is said to be undetermined by certain laws, e.g. by external or more general laws, (§62) still, just as nominal definitions, despite being chosen, are not left simply to a BLIND¹⁷⁷ CHOICE,

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¹⁷⁶ On the demonstrative, see BM 78 note d and BAL §168.

¹⁷⁷ ‘blind <coecae>’ – cf. Leibniz’s doctrine of ‘blind thoughts’, i.e. *pensées sourdes* or *cogitationes coecae*, thoughts that do not motivate us as they have no living power. See also §6, note 37, above concerning the living power of thought, as well as our introduction above, pp. 5–6. For an extended discussion, see Schwaiger (2018, 56–7).

which would be to strive against reason on who knows what grounds, but rather follow a PRUDENT CHOICE, i.e. the best cognition of the best that there can be: thus also if there are many principles belonging to any given discipline or right of nature that you could institute as the first according to preference, the one to be preferred is that which is better among the rest according to a wise preference (§70).

§90

If there is an option of which principle from among many is to be established as first in a certain discipline according to prudent choice (§89), e.g. in practical philosophy or the right of nature, then above the rest is preferred: (1) that which is appropriate to the whole discipline concerning which it is sought, e.g. that which is appropriate to practical philosophy or to the right of nature, since the entire field must be exposed, as it were, more easily to the eyes (§72); (2) that which would immediately at the very threshold expose to the eyes a worthy and noble face of that field, e.g. of practical philosophy and the right of nature; (3) that which would not only be true, but also exact enough and unmixed with false ancillary concepts and deceptive amphibolies; (4) that which could be rendered not only absolutely clear and perspicuous, as well as vivid and distinct, but which is already relatively such, or could be easily rendered [such] by those who are to be taught this discipline, e.g. practical philosophy and the right of nature, i.e. those who have been at least moderately prepared, as far as it lies in them; (5) that which would not only be certain in itself, or would perhaps be held to be such through some sort of persuasion, but also that which, if it were to belong to a science, would be completely certain and, yet, needing proof, would have to be demonstrated from those principles that, in such a science, can rightly be taken as propaedeutic. Hence the first principle of practical philosophy, and of the right of nature, which is a part of philosophy, ought to be one demonstrable without faith (§1), (6) which would generally be the maximally PRAGMATIC principle, i.e. one fecund for deducing practical implications, or PORISMS,¹⁷⁸ and specifically if the principle of a practical discipline is sought, e.g. a principle belonging to practical philosophy and the right of nature that would exhibit many and greater impelling causes towards that which the discipline, whose principle must be established, demands (§87, BM §669).

§91

Just as from the antitheses to §§87–90 it will be clear that a good many of the so-called first principles of the right of nature are inappropriate: it will be possible based on these same paragraphs to defend a principle that has not been poorly instituted as the first domestic objective principle of the right of nature broadly considered, or of the whole of practical philosophy (§65): *furnish the good or seek perfection as much as you are able*, (§§39, 43), to which *furnish the good that is to be known with certainty and without faith as much as you are able* will be equivalent (§1, 87). Therefore, the same principle cannot likewise be instituted as adequate for the right of nature strictly considered (§89, 65). This principle is indeed the primitive law of nature, and yet it

¹⁷⁸ Cf. §6, note 37 above for an almost identical formulation.

should not be assumed for that reason without any further proof; in this case the rest of the laws are derivative, and yet it should not for that reason be denied that any of these can ever be considered primitive (§§84, 88).

§92

Duties are to be considered either as conforming to internal laws, or as conforming to external laws (§§83, 61). The former are INTERNAL DUTIES (broadly considered, imperfect, of what is appropriate, of love, incomplete), the latter EXTERNAL (perfect, of necessity, of right, complete, strictly considered). Therefore, HARMS can also be seen as either opposed to internal duties, and are INTERNAL (broadly considered, imperfect, of love, incomplete), or as opposed to the duty of necessity, and are EXTERNAL (strictly considered, perfect, of right, complete) (§83), which, in right strictly and simply considered (§64), are unqualifiedly called harms. And since the entire right of nature strictly considered encompasses laws, strictly considered, and external duties (§65), everything will be deduced from the principle: *you shall harm nobody* (externally), which will be the first domestic objective principle of the right of nature, strictly considered (§87), and it is adequate to the same as a science if it is restricted thusly: *omit harms that are to be known with certainty and without faith* (§§87, 76). At the same time, the proposition: *you shall harm nobody* (either internally or externally), extends beyond right and therefore also beyond the right of nature strictly considered, and it can be numbered among the first principles of the whole of practical philosophy (§§91, 83).¹⁷⁹

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§93¹⁸⁰

ONE'S OWN (what is mine, what is yours) is the collection of one's goods. These goods either belong to one through internal laws, or through external laws as well (§§61, 43). The collection of the former is ONE'S OWN MORAL GOODS (broadly considered, internally owed¹⁸¹); the collection of the latter is ONE'S OWN WITH REGARD TO RIGHT (externally owed, strictly considered), which, in right and hence in the right of nature

¹⁷⁹ Kant E6511, early 1760s? 1769? (referring to beginning of concluding sentence of §92): 'Prohibitive law of right <Lex iuris prohibitiva>.'

Continued, 'One can harm another, i.e., infringe upon his rights, materially <materialiter>, without being formally <formaliter> unjust.

Punishment only concerns material injustice.'

¹⁸⁰ Kant E6512, early 1760s (referring to §93): 'What is one's own is logically or pragmatically or practically such; the last is either pragmatically or morally such. The first is useful through the modifiable free choice of someone, the second according to laws of public choice.

useful through choice

What is pragmatically nobody's property — —

What is pragmatically somebody's property cannot be morally nobody's property.

<Suum est vel logice vel pragmatice vel practice tale; posterius est vel pragmatice vel moraliter tale. prius est utile per arbitrium liberum alicuius modificabile, posterius secundum leges arbitrii communis:

utile per arbitrium

res nullius pragmatice — —

res alicuius pragmatice non potest esse res nullius moraliter.>

¹⁸¹ 'That which we are obligated to do is called owed <debitum>' (WPPU I §170).

strictly considered, are unqualifiedly called one's own (§§64, 65). Both are ATTRIBUTED TO SOMEONE (1) negatively, if what is one's own is not taken away, or if one is not impeded in the use of it (BM §§338, 339), and (2) positively, if its use is promoted, or rendered easier by an aid (BM §321). Someone not even negatively attributing to another human being what is his own good with regard to right externally harms him, and someone externally harming another human being does not even negatively attribute to him what is his own good with regard to right. Hence the proposition: *attribute to each* (to a human being, negatively at least) *what is his own* (with regard to right) can be established as the first principle of the right of nature, which will be adequate to this science if it is restricted thusly: *attribute to each* (to a human being, negatively at least) *what is known with certainty and without faith to be his own* (with regard to right) (§92).¹⁸² At the same time, since the terms are understood vaguely and very broadly, the proposition: *attribute* (not only negatively, but even positively, and in whatever way) *to each* (not only to a human being) *what is his own* (however it be constituted, even if it is only internally owed), extends beyond right and hence beyond the right of nature strictly considered, and can be numbered among the first principles of the whole of practical philosophy (§§91, 87).¹⁸³

§94

Obedience to laws, insofar as they must be honoured (§82,¹⁸⁴ BM §942), is called HONOURABLE. Now, however, obedience to laws is either only obedience to external laws, or also to internal laws (§§83, 61): hence the obedience that must be honoured with respect to external laws will be EXTERNALLY HONOURABLE, and if it is to internal laws as well, then it will be INTERNALLY honourable. One who (externally) harms nobody and (externally) attributes to each (to human beings, negatively at least) what is his own (with regard to right) is (externally) honourable, or lives honourably, and the (externally) honourable person, or, the one living (externally) honourably harms nobody, and attributes to each (to human beings, negatively at least) his own (with regard to right) (§§92, 93). Hence the proposition: *live* (externally) *honourably*, can be

¹⁸² Wolff: 'One who does nothing that is against the right of another but only does those things which, according to the right of the other, i.e. when the right of the other is unharmed, can be appropriate to the same, is said to attribute to *the other his own*' (WIN I §921); 'One is said to attribute to *the other his own* who furnishes to the same that which one is perfectly obligated to furnish, i.e., one who gives the other that which one is perfectly obligated to give him, or does that which one is obligated to do for the other' (WIN I §923). This legal formulation of the right goes back to the Roman jurist Domitius Ulpian (c. 170–223 CE), which is quoted in the *Institutiones* of Emperor Justinian (527–65): 'these are the precepts of right: live honourably, do not harm another, and attribute to each his own' (Inst. 1, 1, 3). On Kant's interpretation of Ulpian, see BH (82–7); see also his thoughts in reflections 7074–88 below. Outside of law books, the idea of rendering to each his own is of greater antiquity; it is found in Cicero ('justice renders to everyone his due', *De natura deorum* 3: 38), which can perhaps be traced back to the dictionary spuriously attributed to Plato, the *Definitions* ('[justice is] the state that distributes to each person according to what is deserved', 411e). Sextus Empiricus refers to a definition similar to that of Plato in his *Outlines of Pyrrhonism* ('if justice consists in rendering each his due ...': I: 67).

¹⁸³ Kant E6512, continued (referring to beginning of concluding sentence of §93): 'Preceptive law of right <*Lex iuris praeceptiva*>.'

¹⁸⁴ §83 seems like a better reference than §82.

established as the first principle of the right of nature strictly considered, and it will be adequate to this science if it is restricted thusly: *cultivate the* (external) *honourableness that is to be known with certainty but without faith* (§92). At the same time, the proposition *live honourably* (either internally or externally) extends beyond right and therefore beyond the right of nature strictly considered, and can be numbered among the first principles of the whole of practical philosophy (§§87, 91). Because the science of the right of nature strictly considered is part of practical philosophy (§§76, 1), its first domestic principle (§§92, 93) is correctly deduced from the first domestic principle of the latter (§91), having moral grounds in it, provided that a particular ground is added concerning why that principle *harm nobody* (externally), etc., obligates externally (§§92, 77). This right itself, or its implications, can no more be deduced from the legal grounds of positive rights, than from historical grounds (§79). Even if these, the implications of the principle concerning harming nobody (externally), may be demonstrated in many ways as counsels from the first principle of the whole of practical philosophy independently of the principle of avoiding (external) harm (§91), and such demonstrations ought not be entirely neglected (§79), nevertheless, once the external obligation of this principle concerning the avoidance of (external) harm is demonstrated, and with this principle being established as the first principle of the right of nature strictly considered (§92) in all the laws that are to be ascribed to the right of nature strictly considered, if someone wants to demonstrate (§79) the external obligation of these, as right strictly considered demands (§64), then one should appeal to that principle that will give a legal ground, as it were (§77).

[BIP 57]

§95

The right of nature broadly considered, or the most universal practical philosophy of the most open field objectively considered (§72), if it is subjectively considered insofar as it is perceived¹⁸⁵ by this or that subject, or by this or that human being, is reduced to¹⁸⁶ the KNOWN TERRITORY OF THE RIGHT OF NATURE MORE BROADLY CONSIDERED, i.e. that part of it that is clearly perceived <*clare perspicitur*> by a given subject (a given human being, or even the whole human species), and into UNKNOWN TERRITORY, i.e. that part of it that a given subject does not clearly perceive. The known territory of the right of nature more broadly considered, or practical philosophy subjectively considered, again belongs indeed to REASON, i.e. that part of it that a given subject distinctly and philosophically knows, and to the ANALOGUE OF REASON,¹⁸⁷ which some also here

¹⁸⁵ 'perceived <*perspicitur*>': in BM we used 'clearly perceived' for *perspicitur*, but immediately below Baumgarten writes *clare perspicitur*, i.e. 'clearly perceived'.

¹⁸⁶ 'disappears into <*abit in*>': Baumgarten's point here is that the universal territory of the right of nature becomes reduced to the smaller field that some subject either understands or does not.

¹⁸⁷ 'analogue of reason <*analogi rationis*>': this term comes from Wolff's *Empirical Psychology* (Wolff 1732, §506); cf. BM §640, note a. Baumgarten expands upon Wolff's definition ('expectation of similar cases') by listing as analogues of reason: (1) sensitive wit, (2) sensitive acumen, (3) sensitive memory, (4) the faculty of invention, (5) sensitive judgement, (6) the expectation of similar cases (i.e. sensitive anticipation) and (7) the sensitive faculty of characterization. He then uses the analogues extensively in the *Aesthetics* to serve as the basis for the sensitive representation of perfection (i.e. the beautiful).

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call experience (more broadly taken), i.e. that part of the right of nature more broadly considered that a given subject indeed clearly but only sensitively knows. Finally, the territory of reason belongs indeed to SCIENCE (strictly considered), i.e. to that part of the right of nature considered above about which a given subject is completely convinced, and to RATIONAL PROBABILITY (moral certainty),¹⁸⁸ i.e. that part of the right of nature considered above that is known by a given subject, e.g. a person who is indeed distinctly certain, but without complete conviction and thus, however, such that this person understands more belonging to the ground of assent than against (§28).

§96

[AA 19: 47]

It would be wrong to conclude from the breadth and richness in the field and sphere of the right of nature and practical philosophy objectively considered to the breadth of the known territory for any subject whatsoever taken indiscriminately, e.g. for the entire human species; it would be even more wrong to conclude from the above to the breadth of the territory that belongs to reason in a given subject; and finally, it would be the most wrong to conclude from this to the breadth of the territory that belongs to science in a given subject. It would be wrong to conclude that a law of the right of nature does not belong to the right of nature at all, just because it does not pertain to the known territory of a given human being, or to that of the entire human race; it would be more wrong to conclude this just because the law does not pertain to the territory of reason either of a particular human being, or of the entire human race; and it would be most wrong to conclude this just because the law does not pertain to the territory of the science of the aforementioned things (§95).¹⁸⁹

§97

[BIP 59]

As far as possible, (1) the limits of the known territory of the right of nature subjectively considered are to be extended into the unknown; (2) the limits of the territory of reason are to be extended into the territory of its analogue; (3) and the limits of the territory of science are to be extended into the territory of rational probability¹⁹⁰ (§76, BM §669). Since what can be clear to one person can be obscure to another, and since what can be distinct to one can be confused to another, and since what can be completely certain to one can be completely uncertain to another, and vice versa, and indeed since the same thing that can presently be obscure to one can then become clear to that same subject, and then confused, then distinct, then uncertain, and then certain: although the great inalterability of the right of nature considered objectively has been preserved (§80), the variation considered subjectively in it also remains great, both within different subjects and in the same subject at different times, and hence its alterability, growth

¹⁸⁸ Baumgarten returns to moral certainty in §143 below.

¹⁸⁹ The reference to §95 is not found in BIP but is in AA 19.

¹⁹⁰ We have added the numerals and corrected Baumgarten. Following LRJP (Baumgarten 2014b, 91 n.1), we agree that there seems to be a mistake in Baumgarten's text: (1) and (2) extend from the more certainly known to the less certainly known; in (3) Baumgarten goes in the opposite direction from the less certainly known to the more certainly known. As he originally writes: 'the limits of the territory of rational probability are to be extended into the territory of science <territorii, quod est rationalis probabilitas, limites in territorium scientiae>'.¹

and decrease (BM §162). Hence it is not valid to conclude from the perfection or imperfection of the right of nature considered in a given subject to the perfection or imperfection of the same in other subjects, unless very cautiously (§§95, 96).

§98

We call COMPLETE that right that suffices for deciding every controversy concerning the morality of deeds (either simply all of them, or of a certain type). Although the right of nature broadly considered, or practical philosophy, can thus be called the most complete right because it suffices for every controversy that is to be decided concerning the morality of any deeds whatsoever (§§70, 82), it is, however, not permitted for that reason immediately to affirm the same about the right of nature subjectively considered of either this or that human being, or of the entirety of the human species, nor indeed about every known territory of it, even less about the territory of reason, and the least about the territory of science (§95). Hence, although the supreme completeness of the right of nature broadly considered and of practical philosophy objectively considered has been preserved, nonetheless there can be a supplement to this right of nature subjectively considered, or there can be a complement to the internal right of human perfection, i.e. the collection of the internal laws of perfection in human beings, e.g. divine positive right and revealed moral theology, and there can be a supplement or a complement to the external right of human perfection, e.g. particular positive and human right; the former completes INTERNAL HAPPINESS, which is to be obtained through internal laws; the latter completes EXTERNAL happiness, which is to be obtained through external laws.¹⁹¹ And the narrower and more imperfect in other respects is the right of nature subjectively considered in some case, the more obvious and more necessary these complements will be as such in that case (§95, BM §155).¹⁹²

[BIP 60]

[AA 19: 48]

§99

Throughout the territory of reason, the subjective principle of the right of nature broadly considered is reason; throughout the territory of the analogue of reason, it is the analogue of reason, which some also here call experience (§§87, 95). And seeing that it is better to know the rights of nature quite confusedly than to be entirely ignorant of them, in the case of those who teach others, but who either cannot or will not admit these rights within the ambit of reason and science, it is hence better to advance them in the territory of the analogue of reason than to leave them entirely unknown (§97) – seeing all this, here must be recommended a twofold marriage of reason and

[BIP 61]

¹⁹¹ In contrast to Wolff, who, along with Aristotle, holds that ‘the goal <finis> of ethics is the happiness of the human being’ (WPM I §8), happiness is not the goal of Baumgarten’s ethics, but rather a complement (supplement). This is the only reference to happiness in the entire BIP. Kant will of course side with Baumgarten on this. See also Bacin (2015, 21). For Aristotle, pleasure, and not happiness, is the complement to activity (cf. Nicomachean Ethics 1174b–5a).

¹⁹² Here we see an excellent example of Schwaiger’s claim that Baumgarten ‘greatly softened the rationalist character of the Wolffian theory of action’ (2018, 58): the subjective imperfection in knowing the right of nature is mollified in one or another manner (whether through revelation or positive law). See also LRJP’s remarks in Baumgarten 2014b (91, n.1).

its analogue (BM §640):¹⁹³ (1) one whereby, after as many rights of nature as possible are known through science and rational probability, we do not, however, neglect that it is better to apprehend other rights sensitively than to ignore them entirely; and (2) one whereby we could also be able to depict aesthetically these same rights that we know, or understand with at least probable reason, for the sake of those incapable of science and stricter proofs (BM §533). Hence: here is a new use of the aids pertaining to the right of nature, aside from the discovery of science (§79), although these aids consequently would be excluded from the territory of the science of natural rights, and are a guiding hand alone (§§76, 95).

Section III: The legislator

§100

[BIP 62]

The author of an obligation that a law expresses is said to GIVE that LAW,¹⁹⁴ and one who has the right to give a law is called a LEGISLATOR BROADLY CONSIDERED, and is the legislator¹⁹⁵ of his law that he gave.¹⁹⁶ Now God is the author of universal nature (BM §§940, 466), and thereupon of all real events (BM §959); however, natural obligations are something real and positive (§12, BM §36), and have sufficient ground in the same universal nature (§39). Therefore, God is the author of obligations, and indeed of the natural laws (BM §§940, 317). Since he has the supreme right concerning the giving of laws (BM §972), he is the legislator of natural law and the whole of the right of nature broadly considered. DIVINE OBLIGATION, RIGHT and LAW are those things that have God as author and legislator. Therefore, the right of nature as well as each of the natural laws and obligations are divine, although they can be likewise called human on account of a personal object or the things that are to be obligated, and they are known through divine natural revelation (BM §986) to the extent that they are natural. If, likewise, these are known through revelation either more strictly (BM §986) or altogether most strictly considered (BM §989), to this extent they are positive and divine (§63).¹⁹⁷

¹⁹³ Wolff, too, is concerned with the 'holy marriage' of reason with experience. See the introduction of our BM for a discussion (17–20).

¹⁹⁴ Wolff: 'Called an author of a law is the one who founds it' (WPPU I §271).

¹⁹⁵ Wolff: 'Termed the legislator is the one who orders, or instructs, that a law be observed. We distinguish the author from the legislator because to found a law and to order that it be observed are different acts, which are not always found in one and the same subject, nor do they have the same effect' (WPPU I §272).

¹⁹⁶ Buried in this etymological description are the principal parts of what we have translated in this context as the verb 'to give': *fero, ferre, tuli, latus*. Thus, one who is said 'to give <ferre>' a 'law <legem>' is the 'legislator', the 'giver <lator>' of the 'law <legis>' that he 'gave <tulit>'.

¹⁹⁷ Kant E6513, 1762–3? 1769? (beneath and referring to §100): 'Someone necessitating universally according to a law gives this law. An edict.

Enacting a law does not create an obligation but rather imposes it.

<Necessitans universaliter secundum legem aliquam hanc legem fert. Edictum.

Sancit legem, non creat obligationem, sed imponit.>

§101

The divinity of positive laws, insofar as they are chosen, is not to be understood exclusively as if natural laws, as such, would not also be divine (§100), although, because all natural laws are also divine positive laws, the divinity of the prior is evident by means of a new reason (§69). Hence, they also demonstrate this divinity, because the right of nature, along with everything else that is necessarily true, depends on the divine intellect, and is eternal in it (BM §868). Just as the atheist can be convinced about the existence of the world and nature independently of his own error (BM §999), even though he denies the author of the world and nature, and just as the existence of some effect can generally be known, although its particular efficient cause is not only ignored but is even denied to exist: thus if the atheist wishes to infer that, by denying the divine legislator of the right of nature, the existence of the right of nature is to be denied, not only is the minor premise false, but so too is the consequence of the major, and he himself is to be refuted by the minor that has been dismissed (§71).

[AA 19: 49]

[BIP 63]

§102

Since all natural laws conform to the divine will, from which they are to be sufficiently known, and since all divine positive laws made for humans thus conform to human nature, such that they also have a sufficient ground in the same (§69), the will of God, or the principle *act according to the divine will*, can be numbered among the first rights of nature broadly considered, or the first principles of practical philosophy (§91) collected in §§88–94. All divine actions, and hence divine laws, and indeed natural laws as well (§§100, 101), are morally most holy, most free, and likewise morally necessary (BM §902) through his supreme wisdom, holiness and freedom, and for these reasons God cannot found, and could not have founded, another natural law other than he did, on account of the immutability of the right of nature (§72, BM §724).¹⁹⁸

[BIP 64]

§103

The action by which one can make something clearly known to another, that is to say, every DECLARATION, either occurs through speech, i.e. is EXPRESSED, and is either spoken and is VERBAL (oral) or it is written and is LITERAL, or it occurs through other sufficient signs, and it is SILENT. Now, either every declaration made by the legislator of a law that is to obligate is called its PROMULGATION, and then, by its very nature, the right of nature was, is and will be promulgated by its author; or the name ‘promulgation’ will only be given to an expressed declaration made by the legislator of a law that is to obligate, and then the law of nature, and its right, does not need an (expressed) promulgation as such (§63) of an obligation already declared through other sufficient signs, or, indeed, through each of those things that are obligated by it.

¹⁹⁸ Here Baumgarten follows Wolff in explicitly denying divine command theory; see also §36, note 90, above.

§104

There is no true antinomy among the strictly, and most strictly, revealed positive divine laws and those revealed by the right of nature (§85, BM §991). And thus if there is such an apparent collision it must be kept in mind: (1) whether the law of nature is truly, and indeed exactly (BM §515), as it appears, and not less; (2) whether it is truly revealed by speech that seems strictly revealed (BM §986), and here again in question is: (a) whether the utterances <*voces*> and language <*verba*> of the law, which seem to be revealed, are truly such; (b) if it is supposed that the law in question is expressly and explicitly (§103) signified by the utterances and language of the law, whether the sense of the utterances and language that is supposed is true, in which case hermeneutics will be needed (BM §349); (c) if it is supposed that the law in question is *IMPLICITLY REVEALED*, i.e. to be derived as a legitimate consequence from the true and legitimate sense of strictly revealed utterances, then beyond the hermeneutic investigation of the sense one ought to inquire whether the supposed consequence is true, which logic will teach, or whether other premises have been assumed for those that are expressly contained in the utterances, whose truth particularly still remains to be discovered; (3) whether both laws are speaking about the same subjects, e.g. subjects considered in the same state; (4) whether one accurately commands the same free determination, and also in the same degree, as the other forbids; (5) whether or not the commands of either can be satisfied; (6) whether or not the prohibition of either can be satisfied, e.g. at a different time; and, especially, (7) whether or not the conclusion to negate something is the result of a subject's ignorance, according to which it is perhaps not demonstrated that something is mandated or prohibited by the right of nature, or the subject does not perceive such with his own reason, or entirely does not know such (§96); that is to say, that such a free determination is either not prohibited by the right of nature (rather, more correctly, it is permitted) or it is not mandated, and henceforth, through a framework of prejudices, an incorrectly interpreted law of nature is held to permit, which contradicts a strictly revealed law that prohibits, or an incorrectly interpreted law of nature is held not to mandate, which contradicts a strictly revealed law that mandates (§85).

[BIP 65]

[AA 19: 50]

[BIP 66]

§105

The *LEGISLATOR STRICTLY CONSIDERED* is a human being who has the right to give laws strictly considered for other human beings; with respect to the laws and to the human beings that are to be obligated, the same person is a *SUPERIOR STRICTLY CONSIDERED* (a commander, a lord), since the superior *BROADLY CONSIDERED* is everyone who is more honoured. A human being for whom there is a superior strictly considered is, with respect to him, an *INFERIOR STRICTLY CONSIDERED* (a subject, a subordinate, a servant), since the inferior *BROADLY CONSIDERED* is he who is less honoured. The *RIGHT* and *PRUDENCE* of a legislator as such are *NOMOTHETIC*. And *LAWS* strictly considered according to nomothetic rules *POSSESS VISION* broadly considered, and those contrary to the same are *BLIND*,¹⁹⁹ broadly considered. The right of the superior over the inferior

¹⁹⁹ On 'blind', cf. §89 above, and note 177 to the same.

(strictly considered) is **COMMAND** (superiority, dominion), and the perfect obligation of the inferior towards the superior is **SUBJECTION** (servitude, inferiority). There are degrees of servitude (§17).²⁰⁰ To the extent that he can be subject to another human being, a human is a **SLAVE** to a human being.

Section V: Rewards²⁰¹

§106

Since rewards²⁰² are physical goods (BM §907), while physical goods broadly considered are in turn either physical strictly considered, or moral (BM §787), moral goods can also be rewards for other moral goods.²⁰³ Indeed, rewards are consequences and implications of moral goods, and hence naturally prior to these consequences and implications is the moral good on account of which they are well conferred upon an agent (BM §907); however, insofar as the same moral goods are foreseen, these, since they can be foreseen before they exist, can be conferred at an earlier time, and such that I should thus say these same rewards are reckoned in advance (BM §300).²⁰⁴ A good that contains the ground of reward that is to be received is **MERIT BROADLY CONSIDERED** (in the active sense, since in the passive sense the reward itself is merit).²⁰⁵ Therefore, only moral goods can be merits (BM §907); no metaphysical goods (BM §147), no physical goods strictly considered (BM §787), and no fortuitous good as such, i.e. goods of fortune (BM §912), are merits. Prosperity is not a merit (BM §787), just as a metaphysical good is not a reward (BM §§147, 907).

[BIP 67]

[AA 19: 51]

²⁰⁰ We here follow AA 19, which makes this a new sentence.

²⁰¹ Baumgarten reverses Wolff's discussion of rewards and punishments; the latter begins with punishment and follows with rewards.

²⁰² Wolff: 'A reward is a good that is conferred upon another on account of an action, either positive or privative, by someone who is not obligated to confer it to the same' (WPPU I §295).

²⁰³ Kant E6514, 1762–3? (referring to §106, first sentence): 'A reward is either physical or moral <*praemium est vel physicum vel morale*>.'

E6515, early 1760s? 1764–6? 1772? (next to §106, first sentence): 'A reward is gratuitous that does not respond to merit, therefore also only to correct action <*praemium gratuitum est, quod non respondet merito, ergo etiam actioni rectae tantum*>.'

²⁰⁴ Kant E6516, early 1760s? 1764–6? 1772? (next to §106, second sentence): 'A reward proposed for actions of what is owed is a reward of benevolence, and to discretionary actions it is a reward of prudence <*Praemium propositum ad actiones debiti est praemium benevolentiae, ad actiones beneplaciti est praemium prudentiae*>.' For *beneplaciti* see §56, note 116.

E6518, 1764–6? 1772? (next to §106, second sentence, above E6517): 'Merit <*Meritum*> is actually an action whereby I do more good than I owe <*schuldig bin*>. In the eyes of God, there are many merits <*merita*>.' [Adickes wonders if this is incomplete. In that case, it should run: 'In the eyes of God, many merits are ...']

²⁰⁵ Kant E6517, early 1760s? 1764–6? 1772? (next to §106, third sentence): 'Merit is either ethical merit or the merit of right. The action of the obligated conforming to reward ethical merit is gratitude, of right, payment.

Ethical merit is the action of the indebted insofar as they fail to it before insofar as he does not obligate the other to recompense.

The merit of right is that which obligates the other to recompense.

<*Meritum est vel meritum Ethicum vel meritum juris. Actio obligati conformiter praemio merito Ethico est gratitudo, juris, est merces.*

§107²⁰⁶

A kindness <*beneficium*> of one human being towards his fellow men, when performed, and which the one being kind <*bene faciens*> was not externally obligated to perform, is a MERIT STRICTLY CONSIDERED (a meritorious action). Therefore, the following is not a merit strictly considered: namely, whatever is (1) not a free determination (BM §903) or (2) not a good determination, or [AA 19: 52] (3) not a determination more useful to someone for whom it is supposed to be a merit [BIP 68], or (4) not undertaken due to love towards someone but rather due to other grounds, or (5) if the one furnishing these goods was only externally obligated to carry them out. MERIT MORE STRICTLY CONSIDERED²⁰⁷ is the merit strictly considered in which the one towards whom one has merited well is externally obligated to furnish a reward, and the reward for merit more strictly considered is PAYMENT <*MERCES*>.²⁰⁸ Someone freely undertaking something either in consideration of payment, or in consideration of payment alone, is a MERCENARY.²⁰⁹

Meritum Ethicum est actio debiti, quatenus in eam cadunt prae quatenus alterum non obligat ad remunerandum.

Meritum Juris est, quae alterum ad remunerandum obligat.>

²⁰⁶ Kant E6519, 1762–3? 1769? (next to the beginning of §107): ‘An action is a merit <*meritum*>, through which I do more than I was obligated <*verbindlich war*>; for when I only do exactly as much [as I am obligated], then the action was already necessary without the reward <*praemio*>.

Hence, I can have no merit towards God, not even a pragmatic one, because the reward from him is gratuitous <*gratuita*> and I am already indebted <*schuldig bin*> to act in such a manner without it.’

²⁰⁷ Wolff only considers merit in this stricter sense: ‘An agent is said to deserve <*mereri*> that which others are obligated to him because of good or accomplished actions, or because of that which he can accomplish, as well as that which he himself is obligated to suffer from others on account of his bad actions. Whence *merit*, with regard to good actions, is the right to that which others are obligated to him on account of these; and, however, with regard to evil actions, the right is the obligation of suffering that which must be done for others on account of these. Merit in this second case is also called *demerit*’ (WPPU I §785). In the *Metaphysics of Morals*, Kant will make yet another distinction: ‘if someone does *more* in the way of duty than he can be constrained by law to do, what he does is *meritorious* (*meritum*). If what he does is just exactly what the law *requires*, he does *what is owed* (*debitum*); finally, if what he does is *less* than the law requires, it is morally *culpable* (*demeritum*)’ (1996, 19; AA 6: 227).

²⁰⁸ Kant E6520, 1762–3? 1769? (referring to §107, penultimate sentence): ‘Payment is a reward insofar as it is a motive of action to which I was not otherwise obligated <*Merces ist praemium, quatenus est motivum actionis, ad quam alias obligatus non eram*>.’

Wolff: ‘Payment is seen as something owed’ (WOe I §231, addition); ‘payment is the pay for labours’, writes the Wolffian Baumeister (1764, 108). Kant: ‘the *rightful* effect of what is culpable is *punishment* <*poena*>; that of a meritorious deed is *reward* <*praemium*>’ (1996, 19; AA 6: 227). Cf. Rom. 4: 4: ‘a worker’s wage is credited not as a gift, but as something due.’

²⁰⁹ Kant E6521, early 1860s (next to the conclusion of §107 and the beginning of §108): ‘The reward of a pragmatic action is promulgated before the former. The reward of a moral action can be conferred after the former. Morally indifferent actions only necessitate pragmatically, *moratit* pragmatically indifferent or evil actions only necessitate morally.

Morally pure action does not have pragmatic motives mixed with moral ones. But such do not fall to the human being; for that reason, God gave, by gratuitous rewards, a complement for sufficiency to moral motives.

<Praemium actionis pragmaticae ante illam promulgatur. actionis moralis potest post illam conferri. Actiones moraliter indifferentes non necessitantur nisi pragmatice, actiones moratit pragmatice indifferentes vel malae non necessitantur nisi moraliter.

Actio moraliter pura motivis moralibus non habet admista pragmatic. Sed tales in hominem non cadunt; ideo Deus praemiiis gratiuitis motivis moralibus complementum dedit ad sufficientiam.>

§108

Merits strictly considered have no place with respect to someone to whom we cannot be useful, much less more useful, with respect to any of our determinations, and if someone cannot be externally obligated to confer rewards upon anyone, then merits more strictly considered have no place with respect to him, nor can payment be expected from him; hence a mercenary spirit is impossible towards him, at least morally (§107). If, however, someone undertakes action in consideration of a reward because he especially recognizes the GRATUITOUS, i.e. not payment, to be among the other impelling causes, then a mercenary spirit cannot be attributed to him for that reason (§107). More correctly: (1) every person acting well based on any sort of good free determination, especially not only if he fails to achieve the supreme degree of goodness and righteousness, but even if he will only achieve some small degree of goodness that will seem infinitely small to human beings, (2) especially if he is a sinner (BM §909), (3) may expect the most proportionate rewards that are to be conferred upon him (BM §907).

[BIP 69]

[AA 19: 53]

§109

Chosen rewards will either be divine or human (BM §908). Just as human rewards can be called natural insofar as they are not supernatural (BM §469), so too are all natural rewards divine, chosen rewards (BM §911).²¹⁰ Although goods of fortune can be divine chosen rewards (BM §912), the inscrutability of the divine will (BM §900) forbids us from determining whether certain goods belong to this sort (1) entirely on account of past, present or future moral goods (§106) or (2) on account of any whatsoever, and (3) whether a certain number of goods of fortune is proportionate to a certain number of these based on the judgement of God, who confers them. Sooner than pass over any good free determination either entirely without reward, or without a most proportional reward, God would rather have granted miraculous rewards (§108, BM §913).²¹¹ Nevertheless, if these things can be well and most proportionally furnished with natural and chosen, rather than miraculous, rewards, on this account he will never confer miraculous rewards (BM §497).

§110

Every free good determination has its own good implications, and hence natural rewards (§34, BM §907), which must be conceded by the atheist himself, although he will deny that these are likewise divine and chosen (§109), and seeing that something is good if, when it is posited, a perfection is posited (BM §100), a determination will

[BIP 70]

'Complementum ad sufficientiam' is also how Kant describes miracles in the Danzig rational theology transcript (cf. AA 28: 1308; Eberhard 2016, 208).

²¹⁰ Wolff: 'Those good things that befall human beings according to the nexus of nature who carry out good actions can rightly be taken as divine rewards.' See Wolff's corresponding position concerning physical evils in note 223 to §118 below.

²¹¹ Kant E6522, 1762–3? 1769? (next to the penultimate and final sentences of §109): 'Whether all good actions are rewarded in a chosen manner? Whether there is nothing good to experience in the future but that which takes place as a reward?'

be good insofar as it produces good implications, or has natural rewards, in such a way that the natural rewards of actions that are good as such indicate objective morality just as chosen rewards indicate subjective morality (§36), and hence natural rewards are simultaneously objective and subjective with respect to God (§109).²¹² Since they are impelling causes for a free determination of such a kind rather than for its opposite (BM §342), both of these rewards contribute something to obligation (§10, 12), natural rewards contributing to natural obligation, chosen rewards contributing to positive obligation (§29, BM §908), and hence natural rewards contributing to both natural and divine chosen obligation simultaneously (§109), certain rewards contributing to certain obligation, uncertain rewards contributing to uncertain obligation (§28); nay, more: immortal rewards (§32), especially, can also morally constrain (§52) involuntary actions (§53) and external duties themselves, but not insofar as they are to be extorted: that is, they can constrain external duties as well, but they cannot externally obligate them (§56, BM § 728). And hence it is wrong to conclude that rewards always obligate in a weaker fashion than does extortion (§57), or are added to obligations in vain (§58), since it is better to join their obligation with the external ones than to separate it from them (§59).

[BIP 71]

[AA 19: 54]

§111

Laws can obligate through rewards, even external laws, (§§60, 110), but not as such (§61, 62): natural laws can obligate through natural and simultaneously divine chosen rewards (§63, BM §908), positive laws through chosen rewards, divine laws through divine chosen rewards, even those which are likewise natural (§109), and also through moral goods (§106) and through goods of fortune, both the miraculous and the eternal (§109, 110), and human laws through human rewards, which, if they possess vision (§105), are natural and likewise divine chosen laws through whose rewards likewise they will not wrongly confirm their own obligation (§§110, 63). Therefore, it belongs to natural right broadly considered, or practical philosophy, to obligate through the natural rewards for good free determinations (§65); nor does the right of nature strictly considered neglect these rewards; although, it, as such, does not obligate through them either (§110). The law of nature is: *commit whatever promises*²¹³ *the most and greatest rewards, and omit its opposite* (§§70, 110). And although this law is clear to the atheist (§110), nevertheless, insofar as he partly denies (1) many rewards as well as (2) the magnitude and dignity of some of those rewards that he does admit (§109), once again, then, no small defect is uncovered in the right of nature or practical philosophy belonging to the atheist (§71, 5).

²¹² On God rewarding all good (and punishing all evil), see, e.g.: Prov 12: 24; Sir 16: 14; Matt 16: 27; Rom 2: 10.

²¹³ Kant E6523, 1780–9? Kant would replace ‘promises <*spondet*>’ with ‘merits <*meretur*>’.

E6524, 1764–6 (there is no indication where this elucidation belongs): ‘All punishments are either moral or pragmatic: moral punishments are vindictive; the pragmatic are either corrective or exemplary <*Omnes poenae sunt vel morales vel pragmaticae; morales sunt vindicativae, pragmaticae sunt vel correctivae vel exemplares*>.’

Vindictive punishments <*Poenam vindicativam*> are inflicted when one vindicates either injustice in general or some personal insult one suffered; to the last belongs wrath <*Zorn*>.’

§112

It is bad if natural rewards are confused and supposed to be coextensive with those that a certain subject recognizes as being such; it is worse if those that a given subject perceives by means of his reason are confused and supposed to be such; it is the worst if those that the same subject may know most certainly are confused and supposed to be such (§96, BM §908). Still, you must take care each day to perceive the most and greatest rewards more clearly, rationally and certainly (§97). Meanwhile, due to the immense failure of this cognition, especially among all those who are to be obligated, supplements to practical philosophy (§96) are to be recommended, as well as fictions with other aesthico-practical colours (§99). Although natural rewards, which are to be sufficiently conceived through the essence of a contingent action and a contingent natural agent, cannot be absolutely necessary (BM §468), nevertheless they are physically necessary once the action has been accomplished (BM §469), and insofar as they are likewise chosen with respect to God, they are morally necessary (§102). And since the law of nature obligates through these rewards (§111), true revelation strictly and most strictly considered truly cannot remove an obligation through them (§104). Legislators, even the human, can declare an obligation in laws, even those strictly considered, not only through rewards chosen by humans but also through divine and natural rewards; nevertheless, to the extent that one obligates through rewards alone, whatever they may be, to that extent the laws of these rewards are not laws strictly considered, nor is any human being strictly a superior and a legislator (§§105, 111). The RIGHT and PRUDENCE of determining rewards are COMPENSATORY.

[BIP 72]

[AA 19: 55]

[BIP 73]

§113

In observing all rewards, in particular the divine and natural ones, one must beware of the VICIES OF SUBREPTION,²¹⁴ i.e. those judgements that confuse the discursive with the intuitive, the sort that easily arises from the following PREJUDICES, that is to say, by rushing hastily²¹⁵ into false judgements broadly considered: (1) that for which I do not experience any rewards has, or will have, none, or is incapable in any way of having any; (2) that something is most certainly a reward because it harmonizes in many ways with a good that in other circumstances was, or is, a reward; (3) that, because an apparent physical good follows some free determination, it is the reward of the preceding, as if it would be valid to infer the goodness of the former from the occurrence and outcome of the latter (BM §548).

²¹⁴ Cf. BM §545 for Baumgarten's definition of subreption. See also our footnote to that paragraph for a discussion of the term. For the most thorough study of the concept of subreption and its relation to Kant, see Birken-Bertsch (2006).

²¹⁵ 'rushing hastily <per praecipitantiam>', cf. BM §546.

§114

From the remote material of some free determination, and from what is real and positive in the proximate material, only goods follow, and these indeed always do (§32, BM §914), and the latter can be partially conceivable from the essence alone of the former determination and partially from the nature of the agent. They can be goods of fortune. They can only be connected with this sort of determination through the choice of another (BM §912). A representation of these same goods can become an impelling cause for obligation (§15, BM §728). But if, however, the formal aspect of the action or that free determination would be evil (BM §914), such that there would be overriding causes for omitting it (§§12, 40), then in truth there will be no obligation through the above-mentioned good implications (§42), nor will any such free determination that has been committed be a moral good (§40), much less its implications, which, even if good, have not been conferred on account of the moral good, and hence are not rewards (BM §907).

[BIP 74]

Section VI: Punishments

§115

The metaphysical evils belonging to a person cannot be accurately called his punishments (BM §§146, 908); sins, however, can be punishments of other sins. By nature, moral evil always comes prior to the punishment, but it is not always necessarily prior in time (§105).²¹⁶ An evil containing the ground for a punishment that is to be inflicted is a DEMERIT.²¹⁷ Therefore, moral evils alone, not metaphysical evils (BM §146), not physical evils strictly considered (BM §788), not misfortunes as such (BM §912), not misery as such (BM §788), merit punishment; i.e. moral evils alone are demerits.

[AA 19: 56]

§116

PUNISHMENT is either called MEDICINAL, which is executed so that from its infliction, something of greater good emerges either for the one who is culpable or for all to whom it pertains, and is an evil of punishment, or it is called only a REPROACH²¹⁸

[BIP 75]

²¹⁶ §106 seems the more likely reference, as it discusses a parallel situation: rewards being conferred before anticipated moral goods have been carried out. This entire section on punishments closely mirrors the preceding section on rewards.

²¹⁷ Wolff: 'What we call the merit of the punishment is called demerit by the scholastics, whereby they accept merit in the good sense and demerit in the bad. It is called guilt in the ecclesiastical sense' (WIN VII §56, remark); 'a physical evil introduced on account of a moral evil by one who has some right to obligate someone is called a *punishment*' (WTN I §1077).

²¹⁸ Kant E6526, 1764–6 (referring to 'reproach'): 'or exemplary <vel exemplaris>.'

Continued: 'All punishments are either deterrent punishments or vindictive; exemplary punishments <poenae exemplares>, when they do not conform to these, are political.'

E6527, 1764–78 (in §116): 'Deterrent or vindictive punishments [added later as Latin gloss to the German *Warnende oder rächende: deterrentes vel vindicativae*]. The first [*breaks off*].'

'Punishment is exemplary, or a reproach, or vindictive <poena est vel exemplaris vel animadversio vel vindicativa>.'

E6529, 1764–8? 1776–8? 1769? (in §116): 'Either lest he sins or because he has sinned, or lest he sins offending against himself (reproach) or others (exemplary punishments) <ne peccetur, quoniam peccatum est vel ne peccetur ab ipso delinqvente (animadversio) vel ab aliis (poena exemplaris)>.'

(castigation), which is inflicted so that the deserving party himself is CORRECTED, i.e. his imperfections are removed. It cannot be accurately denied that this last is a punishment (BM §908). The punishments that are wisely decreed in the first sense are all medicinal, but not necessarily those in the second sense. Not every punishment that is to be wisely decided is only a reproach (BM §882).²¹⁹

§117

The aversion to some free determination simply on account of its foreseen punishments is SERVILE FEAR. Therefore, whoever averts some free determination to avoid punishments, among other impelling causes, is not for that reason guilty of servile fear.²²⁰ More correctly and truly: (1) even if one is innocent concerning many other charges (BM §909), everyone who is culpable (2) of any moral evil, even of such an especially minute quantity of depravity as may seem infinitely small to humans, i.e. of a PECCADILLO (a philosophical sin), (3) foresees the punishments that are most proportional to the sin (BM §910).²²¹

[AA 19: 57]

§118²²²

Chosen punishments are either divine or human. Just as human punishments are natural if contradistinguished from the supernatural, the natural are also chosen with respect to God.²²³ Although misfortunes can be divine chosen punishments,

²¹⁹ Kant E6525, 1764–6 (next to the conclusion of §116 and the beginning of §117): ‘Punishments are either pragmatic, lest one sin, or moral, because one has sinned. It is the same with rewards. Pragmatic rewards agree more with the moral motives than do punishments, because, insofar as they are free, they promote obligation. <Poenae sunt vel pragmaticae: ne peccetur, vel morales: quoniam peccatum est. ita et praemia. praemia pragmatica cum motivis moralibus magis consentiunt quam poenae, quia, quatenus sunt gratuita, augent obligationem.>’

E6528, 1764–6 (between §116 and §117): ‘reproach (castigation.) or exemplary punishments <animadversio (Züchtigung.) oder exemplarische Strafen>.’

All threat of punishment insults, and offends some, because they assume that the subject <subjectus> could be an object of loathing.’

²²⁰ Kant E6530, 1764–6 (referring to §117 ‘servile fear’): ‘filial fear <timor filialis> (added later: fearing someone whom he loves), he who is ashamed to incur the displeasure <Unwillen> of the one who punishes.’

Further: 1776–8?: ‘Mercenary spirit, innately servile character <Animus mercenarius, indoles servilis>.’ On the indolent, see the final paragraph below, §205.

²²¹ Kant E6531, 1764–6? 1772? (next to §117): ‘The morality in punishment is of two different sorts: 1. in how far the deed <factum> can be imputed to him as having occurred on purpose. 2. What moral law can be imputed to him, i.e. the evilness of the heart.’

²²² Kant E6532, 1764–6? 1772? (next to §118): ‘Punishing in order to satisfy justice does not improve dispositions because it awakens no love for the judge. Like, for instance, fatherly punishments.’

²²³ Wolff: ‘Those physical evils that, according to the nexus of nature, befall human beings who perpetrate evil actions are rightly taken to be divine punishments. And so God governs the universe, provided that all things are connected among one another. Wherefore, since to govern is to direct actions towards a certain end, physical evils, which are produced by actions belonging to natural causes, are not intended to such ends as are evil; it is necessary that God directs physical evils to a certain end. ... And thus physical evils are rightly taken as divine punishments that befall humans according to the nature of the nexus of things, after they bring about evil actions’ (WPPU I § 308).

[BIP 76]

nevertheless, the inscrutability of the divine will does not permit humans to determine blindly whether or not they are punishments arising from the judgement of a God who executes these (1) on account of certain sins (2) proportionate to a certain quantity of moral evils that are to be summed up, nor (3) whether or not they are only reproaches (§116). God prosecutes moral evils by means of miraculous punishments rather than with none; however, to the extent that natural and chosen punishments suffice proportionally, and not the supernatural, he will never give miraculous punishments to anyone²²⁴ (§109, BM §910).

§119

[AA 19: 58]

Every sin has its own evil implications, and hence natural punishments, which must be conceded by the atheist himself, although he will deny that these are chosen with respect to God (§110), and seeing something is evil, if when it is posited, imperfection is posited (BM §146), a free determination will be evil to the extent that it produces evil implications or brings natural punishments in its wake, in such a way that these evils belonging to an action per se indicate the objective morality, just as punishments that are chosen indicate the subjective morality, and indeed just as, likewise, natural punishments indicate both the objective and subjective morality with respect to God.²²⁵ And since both are impelling causes for omitting rather than committing an action, they confer something to an obligation, the natural punishment to the natural obligation, the chosen to the chosen, the certain to the certain, and the uncertain to the uncertain, especially the immortal obligations (§110). Although they can also increase internal obligation (§117), they, however, will only give an external obligation as such (§56, BM §728).

[BIP 77]

§120²²⁶

Laws, even internal laws themselves, i.e. counsels, can obligate through punishments (§§119, 111): natural laws through natural and likewise divine chosen punishments; positive laws through chosen punishments; divine laws through divine punishments, other moral evils, misfortunes, and eternal and miraculous punishments; and human laws through human punishments, and if these laws themselves will be likewise natural and divine chosen, they also will fittingly confirm their obligation through their punishments. The law of nature is: *omit what threatens the most and greatest punishments, and commit its opposite*. Although this law can become clear even to the atheist, insofar as (1) he denies many punishments, and (2)

²²⁴ Reading *alicui* for *aliquis*.

²²⁵ On God punishing every evil (and rewarding every good), see §110, note 212, above.

²²⁶ Kant E6533, 1762–3? 1776–8? (next to §120, first sentence): ‘Whether one can punish someone morally later, when he has already taken on another moral disposition?’

E6534, 1764–6? 1772? (next to §120, first sentence, above E6533): ‘on the execution of punishments <*de executione poenarum*>’.

he for the most part largely denies the gravity of the admitted punishments, once again we have uncovered a defect in the right of nature belonging to the atheist (§111). A PENAL SANCTION²²⁷ is the declaration of the punishment through which a certain law to which it is added will be obligated. Therefore, not every law needs a penal sanction (§111), but every law strictly considered needs one (§119). It is required not for the promulgation of every law but of laws strictly considered; however, at the same time it can be either expressed in these, or be silent. Hence natural laws strictly considered are either established without needing a penal sanction, or such a sanction, deriving from nature, is already added to these same laws by its very nature (§103).

[BIP 78]
[AA 19: 59]

§121

Many are the natural punishments that a certain subject may not recognize; more, that he may not perceive by means of his reason; and most, that he may not be able to demonstrate. Hence, we have a new reason for the utility of supplements²²⁸ to the right of nature and practical philosophy, which we should hope to find through the marriage of the analogy of reason²²⁹ with science regarding those things that are to be learned and taught pertaining to practical philosophy objectively considered. No natural punishments are absolutely necessary; when a moral evil has been brought about, natural punishments are physically and morally necessary insofar as they are likewise divine chosen punishments; hence, true revelation strictly, or most strictly, considered cannot truly remove obligation through these punishments (§112). What must be added to positive human law are the penal sanctions of chosen

²²⁷ Kant E6535, 1764–6? 1772? (referring to §120, ‘penal sanction’): ‘Is the penal sanction pragmatic or moral? If moral, **not extern** it is restricted to the duties of what is owed alone, not to those that are discretionary, unless we here suppose punishments of loss. <sanctio poenalis estne pragmatica an moralis? si moralis, **non extern** restringitur tantum ad officia debiti, non beneplaciti, nisi hic poenas damni sumas.>’ For *beneplaciti* see §56, note 116.

Continued, 1764–6?: ‘Sanction is the archetypal law <Sanctio est lex archetypa>.’

E6536, 1772? (BIP 77; no indication is given for the precise placement of E6536–9): ‘Penal laws cannot directly effect moral loathing. One hates the law, not the sin; they are a supplement <supplementum> to morality.’

E6537, 1764–6? 1769? (BIP 81): ‘An action that, with a necessary purpose, only contingently [*breaks off*].’

E6538, 1764–6? 1769? (BIP 81): ‘All imputation is a practical appropriation, the opposite of which is possible according to the rules of freedom. Pragmatic.’

E6539 1764–6? 1769? (BIP 81): ‘Because superior choice <*obere Willkühr*> has power <*Gewalt*> over inclination, yet not such that it is possible to wish to be completely unhappy, and because, moreover, even the use of freedom has its grounds that no longer arise from freedom: thus, one does not always know to judge whether an action can be imputed.’ Kant defines *obere Willkühr* in his reflections on metaphysics: ‘Superior choice is the ability to avail oneself of incentives or sensitive stimuli according to their laws, yet, however, always according to the representation of the understanding (in relation to the final and general purpose of sensibility)’ (E5616; AA 18: 256).

²²⁸ On supplements to practical philosophy, see §98 and §112 above.

²²⁹ On the marriage of reason and its analogue, see §99 above.

human punishments (§120);²³⁰ however, if they possess vision,²³¹ they are likewise natural and divine laws, and their obligation can be confirmed by chosen and natural divine punishment. The RIGHT and PRUDENCE of determining punishments are PUNITIVE.

§122

In observing all punishments, in particular the divine and natural ones, one must avoid the vices of subreption arising from the following prejudices, e.g.: (1) that when I experience that no punishments belong to something, or when I experience that no punishments belong at a certain time, or when I experience that no punishments of a certain type belong to it, I then experience that there are none for it, that no penalties follow it, and that none can in any way belong to it; (2) that something is indeed certainly a punishment, and, on the contrary, not just a reproach, because in many ways it harmonizes with an evil that in other circumstances is a punishment (§116); (3) that, because an apparent physical evil follows some free determination, it is thus the punishment of the preceding, as if it would be valid to infer precisely the viciousness of the former, or indeed, the degree of evil in it, from the vicious and unhappy outcome and occurrence of the latter, or indeed, from the gravity of evil in the same (§113).

[AA 19: 60]

§123

Every finite action, such as all the free determinations of human beings (BM §743), as partially evil (BM §264), have some aspect of formal evil (BM §§914, 146) from which there can only be evils to infinity (§32), some of which can only be adequately conceived through the essence of the determination and the nature of the agent, some of which can be unlucky, and others of which can only be connected with such a determination through the choice of another. The representations of all these can become the impelling causes of obligation. But if, however, the material aspects of this sort of free determination are so good that they are the overriding causes for committing it, there will in truth be no obligation, through the above-mentioned implications, for omitting the free determination of this sort; nor is the determination a moral evil, nor, for this reason, have these evil implications been conferred on account of a moral evil; and nor, for this reason, are they punishments (§114, BM §908).

[BIP 80]

§124

Indeed: all punishments, in terms of the formal aspect, are only privations (BM §908, 146); however, some of these seem such and are PUNISHMENTS OF LOSS, while some of these privations seem positive and real and are PUNISHMENTS OF THE SENSES

²³⁰ Wolff: 'As great and as many punishments must be added to laws as suffice for restraining the transgression of laws, insofar as there is such' (WIN VIII, §585); in the remarks to this paragraph, he adds an example: 'Thus, if adultery is prohibited, a punishment for adultery must be added to the law' Cf. Plato's *Laws*, book 9, for the classic statement of law's need for punishment.

²³¹ On laws possessing vision, see §105 above.

(BM §36), in proportion as a penalty seems to be inflicted either through omission or through commission (§31).²³² Hence one who takes privative punishments (of loss) to be nothing, or thinks that they are not felt at all, errs gravely (BM §534). In punishments, will only what is real in these, e.g. those things mentioned already (§116, BM §915), as well as forbearance without procrastination (BM §916), impartiality (BM §917) and equity (BM §918), which all belong to the punitive prudence (§121) (just as impartiality and equity belong to the compensatory prudence, §112), of every legislator, also strictly considered (§§108, 48). IMPUNITY is the state of a sinner in which there is no punishment. ABSOLUTE IMPUNITY would be the absence of all punishments, while RELATIVE IMPUNITY would be the absence of a certain punishment for which one is culpable.²³³ Absolute impunity does not exist (§117). However, the absence of the following PUNISHMENTS is not impunity, for the reasons given, namely, those that are: (1) manifest to all (§122) as (2) unjust, (3) partial, (4) unreasonably accelerated, (5) CRUEL, i.e. those carried out according to the punisher's joy in punishing evils, (6) those that seem positive to this or that person, where those that seem privative would suffice, and (7) miraculous, where the natural and non-miraculous would suffice (§118). Neither is it correct to conclude from a specific relative impunity, much less from that which is only apparently such, to the rectitude of an action (BM §901).

[BIP 81]

Section VII: Imputation of deed

[AA 19: 61]

§125

APPLICATION is the judgement according to which what is affirmed about some universal (a notion) is affirmed about its inferior (a concept under it), under the same content, or what is denied about some universal is denied about its inferior, under the same content. Called IMPUTATION BROADLY CONSIDERED is (1) the judgement according to which one is judged to be the author of a certain deed, (2) the application of a law to a deed, or the subsumption of a deed under a law. We call the former the (physical) IMPUTATION OF DEED,²³⁴ and the latter a (moral) imputation of LAW.²³⁵ This is the affirmation or denial of a predicate concerning some deed, a predicate that a certain law affirmed or denied concerning the superior, i.e. the concept, under which a given deed is contained. IMPUTABILITY (imputativity) is that disposition <*affectio*> of some determination that can be (1) attributed to some author, or (2) subsumed under

²³² In much mainstream Christian theology, the damned are so-called because of their loss <*damnum*> of the vision of God (an omission), and, in Hell, their punishments involve the senses: worms, hellfire and so on (a commission).

²³³ Wolff: 'If one could have permissibly received a more serious punishment but receives a lighter one, the penalty is said to have been mitigated' (WIN I §1090).

²³⁴ Wolff: 'Called the *imputation of action*, either positive or privative, is that judgement by which an agent is declared the free cause of the good or evil, either to himself or to others, that follows from the action of this agent' (WPPU I §527). 'When a human being freely does or does not act, he is termed the free cause of his action, and also that which flows from it. A judgement by which an agent is declared the free cause of his own action, or of that which follows from it, either good or bad, is termed *imputation*. For that reason, only free actions can be imputed, and insofar as they are free' (WIIN §3).

²³⁵ Baumgarten is commenting on Köhler's definition of imputation as the 'application of deed to law' (Köhler 1729, §381). Cf. Aichele (2005, 6).

[BIP 82] a certain law.²³⁶ The former belongs to the (physical) DEED, i.e. the dependency of a determination on freedom; the latter belongs to the (moral) LAW, i.e. the dependency of the free determination on the law, the applicability of the law to a given deed, and that disposition of it by which it is contained under some notion concerning which a certain law affirms or denies something such that the same can hence be affirmed or denied according to the maxim of all and none <*dictum de omni et nullo*> (BM §154).²³⁷

§126²³⁸

[AA 19: 62] Somebody imputing either judges himself to be the author of a certain deed by imputation of a deed and subsumes his very own deed under the law by imputation of law, or judges another to be the author of a certain deed by imputation of a deed and subsumes the deeds of another under the law by imputation of law (§125). The latter is IMPUTATION STRICTLY CONSIDERED, both of DEED and LAW. The former is CONSCIENCE (moral conscience, also strictly considered), both of DEED and LAW, by which name, however, the faculty and proficiency in the aforementioned actions is often signified (BM §219).

§127

[BIP 83] Deeds have no efficient or deficient cause besides a free substance (BM §§940, 319), and hence a person (§10). Hence somebody preparing to impute a deed ought to know (1) the deed, (2) the person and (3) the dependency of the former upon the latter (BM §313). And the better the cognition of these three, the better will be the imputation of deed (§125). Now a deed is an effect (BM §940), an effect is something caused (BM §319), something caused is actual (BM §307), and hence very determined (BM §54), and a past, present or future singular being (BM §298), something completely determined (BM §148), an event (BM §323).²³⁹ And since richness is a perfection

²³⁶ Kant E6540, 1764–6? 1769? (next to §125, fourth and fifth sentences): ‘actions, e.g. loss of a game, are appropriated <*appropriirt werden*> when the opposite was practically possible according to the rules of prudence.’

E6541, 1764–6? 1769? (BIP 81; no indication of precise placement is given): ‘All imputation is a moral appropriation or assigning. A (contingently) good action is accounted to someone when the opposite was morally possible; hence, no obligation <*schuldigkeit*> is accounted. An evil action is accounted to someone when the opposite was possible was necessary. Hence, only merit and debt. (*added later*: That which is worthy of reward or punishment.)

(*added later*: One cannot account an advantage to oneself that another draws from a debt paid to him.)’

²³⁷ Wolff: ‘This is called the *maxim of all*: Whatever can be affirmed about all of a kind <*genere*> or species <*specie*>, that is also affirmed about anything contained under that type or species’ (WPR §346); ‘On the contrary, the following proposition is called the *maxim of none*: Whatever can be denied about all of a kind or species, that also ought to be denied about anything contained under that type or species’ (WPR §347). Wolff holds that the combined maxim is the essence of the syllogism: ‘every syllogism depends on the maxim of the all and the none’ (WPR §353). As we see below, imputation is to be syllogistic (§171).

²³⁸ Kant E6542, 1776–8? 1780–89? (referring to §126): ‘Here only moral and not juridical imputation is treated.’

²³⁹ Baumgarten defines an event as ‘a single action with its own effect’ (BM §323). Thus, in BIP a deed is an event belonging to a moral agent.

of cognition, as is extension (BM §§515, 94), somebody who will more successfully impute a deed is obligated to pay attention to as many of its many differences and circumstances as²⁴⁰ he can (BM §323), the smallest of which often alters the deed (BM §324), while preserving the rest of the perfections belonging to imputation (BM §669).

§128

The internal and external, or relative, differences of a deed to which one must pay attention in the imputation of the same are the MOMENTS IN THE DEED (circumstances, improperly considered), part of which is the occasion, and the circumstances (properly considered) (BM §323).²⁴¹ Ignorance, either the total or partial error concerning any of the various given aspects of the deed, is IGNORANCE AND ERROR OF THE DEED: ignorance concerning the various aspects of the deed to which one need not pay attention in imputation is EXTRA-ESSENTIAL, and that concerning the moments in the deed is ESSENTIAL. Investigations into the various aspects of the deed are QUESTIONS OF THE DEED: investigations into the various aspects in the imputation of the deed to which one need not pay attention are EXTRA-ESSENTIAL, and those into the moments in the deed are ESSENTIAL. The specification of the moments in the deed is the SPECIES OF THE DEED (the deed). Hence when one will impute, one produces the species of the deed, which certainly is not bloated with extra-essential questions concerning the deed, yet a richer one from whence it can be known: (1) entirely whether or not a given determination came to pass (the existence of the crime together with the evidence of it is the BODY OF THE CRIME); (2) whether or not a given determination is a deed; (3) what type and (4) how great it is; (5) whose it is and (6) how much depends on him; (7) how much depends on his freedom, (8) or on which laws it does, and (9) under which laws it is to be subsumed. Inasmuch as any of the following remains entirely unknown, the imputation of deed is impossible: (1) the existence of deed, e.g. the body of the crime; (2) the person who is its author, or (3) the dependence of the former on the latter (§127).

[BIP 84]

§129

Every human deed admits degrees and quantities (BM §940), and not only philosophical cognition based on proofs, even those that establish matters of deed²⁴² through witnesses, but also mathematical cognition²⁴³ (BM §249), i.e. the noble part

²⁴⁰ 'as,' AA 19: 62 improperly renders BIP's *quot as quod*.

²⁴¹ Baumgarten's point here is that the moments of the deed are improperly called the circumstance, since the circumstance, as a relation, is strictly external; the collection of external relative circumstances is called the occasion (cf. BM §323 for circumstance and occasion, and BM §37 for relations). However, the moments in the deed also include the different internal respects (again, cf. BM §37; see also §36 above).

²⁴² 'matters of deed <*res facti*>' – often translated by others as 'matters of fact', here kept as 'matters of deed' for consistency.

²⁴³ Wolff: '*Mathematical cognition of the freedom of the soul and the imputation of actions deliberated in kind is possible*' (WPPU I §608). In the *Preliminary Discourse*, Wolff defines mathematical cognition as 'the cognition of quantities belonging to a thing', in contrast to empirical cognition of the existence of a thing (historical cognition) or rational cognition of the reason for the existence of a thing (philosophical cognition) (WDP §17).

of the mathematics of intensive quantities.²⁴⁴ Hence, when one is preparing to impute a deed (§127), whether it be a merit or a demerit (§§106, 115), it is always good to measure (BM §291), and especially to estimate, the value²⁴⁵ of the merit (BM §337) and the degree of the harm (BM §336) or damage (loss) of the demerit, which, since it may be so great that the value of the good is removed by something harmful, is sometimes even called the value of the harm, damage, or loss; and it is often necessary to do so when the degree is obviously a legally necessary moment (§128) in the deed, i.e. it pertains to the determinations of the subject or the predicates concerning which law is said to be applied to a certain deed.

[AA 19: 63]

[BIP 85]

§130

All human deeds surely have some mutual similarity and agreement <*convenientiam*> or identity (BM §265); however, if two persons do the same thing, it is never totally the same (BM §269), nor is a deed of one ever totally equal to the deed of another (BM §272). Therefore, it is far from the case that all sins are totally equal; rather, it is the case that neither any bad deeds nor any good deeds belonging to multiple people, nor any somewhat dissimilar or heterogeneous good or bad deeds belonging to the same person (BM §267), are totally equal. Since, however, all deeds admit degrees (§129), they admit of specific grounds among themselves and correspondences of grounds (BM §265), or proportions (BM §572), as well as the disproportions of the same (BM §573), somebody preparing to impute needs sufficient perspicaciousness (BM §573) for their investigation (§129)²⁴⁶ and must never despise subtleties.

§131

Those things that are not free determinations are not deeds (BM §940). Therefore, in these neither the imputation of deed nor of law takes place, neither as merit nor as demerit (§125). Those things are not deeds that are absolutely necessary; that are constrained by external violence unqualifiedly as such; that are internally or physically constrained, but unqualifiedly; that are physically necessary and impossible, but unqualifiedly; purely natural impotence (BM §469); and purely natural actions (BM §708) – and hence none of these are imputed (§50).²⁴⁷ UTTERLY INEVITABLE (ineluctable) THINGS are those whose existence is posited as either absolutely impossible to impede, or unqualifiedly beyond the control of some author to impede. Since these are not, and will not be, entirely in one's control, they would neither be free with regard to the

[BIP 86]

²⁴⁴ On the mathematics of intensive quantities, cf. §17, note 51 above.

²⁴⁵ 'value <*valor*>' – in Latin, *valor* means either economic or moral value.

²⁴⁶ Surely this reference should be to §128

²⁴⁷ Wolff: 'A constrained action is not imputed to someone' (WPPU I §586); 'a constrained action is to be imputed to the one constraining' (WPPU I §587).

ground of execution for that author (BM §708), nor could one have desired these or averted them according to preference (BM §712), and therefore not freely. Whence these utterly inevitable things are not deeds, and are not imputable.²⁴⁸

[AA 19: 64]

§132

Things belonging to fortune, or the fortuitous as such (BM §912), prosperity (BM §787), misery (BM §788) and misfortune (BM §912), insofar as these are not deeds of the subject whom they befall, are not imputable to the same (§131). These things are encompassed within the CRIME OF FORTUNE,²⁴⁹ if it is said to be a moral evil or sin into which the author would have been thrown purely by bad fortune, and the MERIT OF FORTUNE,²⁵⁰ if it is said to be a moral good, which someone arrives at through being furnished with these purely by good fortune (BM §§788, 787).

§133

Every deed has its own implications indefinitely through every succeeding state of the world (§32, BM §489), either good or bad (§790). Insofar as it is posited within the control of an author to freely determine himself to actualize these through the commission of a deed or to impede these through the omission of a deed, they are the free IMPLICATIONS OF DEED (BM §719), which we call MORAL (BM §723). These alone, however, are the implications of a deed imputable to authors (§131, BM §940). Therefore, neither none nor all of the implications of these deeds can be imputed to authors, but only the moral ones. Now, however, it is not posited within our control to freely determine ourselves to actualize or impede something unless it is posited within our control (1) to foresee it, (2) to anticipate that it is to be actualized or impeded by some effort of our own, (3) to intuit it as good or bad, and these indeed (4) at least in part distinctly (BM §712, 719). Therefore, moral alone are the implications of deeds for which is posited in our control: (1) the foresight (2) of those things that are anticipated to be actualized or impeded through any of our own powers, (3) the intuition of such as goods or evils, and these (4) at least partially as distinct. Therefore, the implications of deeds cannot be imputed (1) that were posited as beyond the control of the author unqualifiedly to foresee; (2) that were perhaps possible to foresee, but it is posited beyond one's control unqualifiedly to anticipate whether they are to be actualized or impeded through any of one's powers; (3) of which this kind of anticipation was perhaps also possible to pursue, but none of which were unqualifiedly intuited as

[BIP 87]

[BIP 88]

²⁴⁸ Kant E6543, 1762–3? (1776–8??) (referring to the last three sentences of §131): '(added later: The good consequences of merit, even those which we do not foresee, and those of debt, can be imputed.) The good consequences of an action that someone absolutely did not, even mediately, intend, cannot be imputed to him; the evil consequences, whose opposite he did not intend, insofar as he was guilty, can be imputed to him. However, not those whose opposite he has sufficiently intended. When the mind is full of rage <Wuth> or pain <Schmerz>, one easily imputes his evil to another, or even to himself.'

²⁴⁹ Cf. Cicero, *Pro Cluentio* 46: 129; Cicero too denies that crimes of fortune may be imputed.

²⁵⁰ Cf. Boethius, *Cons. Phil.*, book 2, prose 1. Boethius clearly sees this as not imputable, and, in fact, as a type of constraint on freedom. See also Kant, *Critique of Pure Reason* A 550/B 578, note.

belonging to goods and evils; (4) and, finally, the intuition of which an author can perhaps obtain but without any distinctness at all in these four conditions, such that any sort of conception of these is unqualifiedly posited beyond one's control for the author of the deeds whose implications they are (§§131, 125).

§134

The effect of a deed is correctly imputed to the author of a deed (§125, BM §940) and hence not just the immediate effect that is also obvious to anyone, but also those mediated and hidden effects, and all the effects taken in every intensity, i.e. the complete effects (BM §330), and nevertheless only the moral effects, hence the effects that are to be foreseen in the way aforementioned in §133, since the remaining effects descend indeed from the deed, but not insofar as it is a free determination, and hence having an author, but not insofar as the author is a free agent (BM §940). Now, however, suppose some determination *A* to be physically impossible (now and in this manner)²⁵¹ for a certain person in a certain qualified state and posited beyond his control. Suppose again that this qualified physical impotence itself as such is the moral implication of some preceding deed *B* belonging to another person (§133) and that the latter person could have foreseen according to §133 a subsequent omission of determination *A* arising from deed *B*. Here, both the qualified natural impotence as such as well as the consequent omission of determination *A* following from it are correctly imputed to the author of deed *B* (§133).

[AA 19: 65]

[BIP 89]

§135

Suppose that thing *A* is inevitable (now and in this manner) for a certain person in a certain state in such a way that impeding its existence is posited qualifiedly as beyond the control of this person. Suppose again, however, that this qualified natural impotence is the moral implication of some preceding deed *B* belonging to another person, and that from this it could have been foreseen by the author [of deed *B*] in the way spoken of in §133 that the non-impediment of thing *A* would follow; then, both the natural impotence of this person, and the consequent non-impediment of thing *A* following from it, are correctly imputed to the author [of deed *B*] (§134).

§136

From the fact that someone does not foresee certain implications of his own deeds according to §133 and can truly say 'I hadn't thought of that',²⁵² it does not follow that these are not imputable to him; it suffices if it was posited as in his control to foresee

²⁵¹ 'now and in this manner <pro nunc et sic>'. In BM §469, Baumgarten introduces this as a formula for qualification.

²⁵² 'I hadn't thought of that <non putaram>' – see Cicero, *De officiis* 1: 81; also, Valerius Maximus, who attributes this phrasing to Scipio Africanus (*Facta et Dicta Memorabilia* 7: 2). From these writings developed the proverb: *insipientis est dicere, non putaram*: 'It's the part of the fool to say: "I hadn't thought of that!"'

these in the aforesaid manner. But suppose, on the contrary, a certain implication *A* of some deed that is arranged such that its foresight as required in §133 (now and in this manner) is posited as qualifiedly beyond the control of a certain author in a certain state. Suppose again, however, that this qualified natural impotence for the aforementioned foresight is the moral implication of a preceding deed *B* belonging to another person, and that the author of this deed could have foreseen in the appropriate ways that *A*, which is about to follow, is unexpected [by the aforementioned person who caused *A*]. Then both this very impotence of foresight and the implication of deed *A*, which is unexpected because of this, are correctly imputed to the author of the previous deed *B* (§133).

[BIP 90]

§137

Imputation, and hence imputation of both law and deed, is either true or erroneous, just like every judgement (§125). However, just as not every true imputation, if it is designated by the overriding part, is exact, so too can much that is true be contained in an erroneous imputation. Imputation is either methodical or tumultuous (BM §515). It is very obscure, or very vivid, or very distinct. Imputation is either doubtful (§88) or PERSUASIVE, and the latter is either persuasive in a GOOD SENSE, sensitive certainty or persuasive in a BAD SENSE, i.e. an opinion held to be certainty or it is CONVICTION, i.e. rational and intellectual certainty, which is either SOLID, accurately probative as much as it can and ought to be regarding the underlying matter, or something SUPERFICIAL,²⁵³ inasmuch as it indeed is not probative; it is either certain or uncertain, and the latter is probable, or dubious, or improbable (§28), or it is either evident or non-evident (BM §531), or it is either inert and empty or moving and pragmatic. The truer, the more exact, the more lacking in tumultuousness, the clearer, the more distinct, the more certain, the more solid, the more evident and the more brilliant, that much better is the imputation (BM §669).

[BIP 91]
[AA 19: 66]

§138

Since one of the first questions in the imputation of the deed is the question of the deed, i.e. whether a given deed came to pass at all, or the question concerning the existence of this single deed (§§128, 127), somebody who wishes to avoid erroneous imputation (§137) ought to take care (1) not to impute things that are internally impossible as deeds to anyone (BM §58), even if the great number, dexterity, or sincerity of witnesses would seem most absolutely to reconcile the probability of belief with unbelievable things of this sort (§129); and (2) not to reject immediately as not being deeds those things that he hastily judges to be internally impossible, much less those that he supposes to be physically impossible for a certain person, or at least to be qualifiedly

²⁵³ ‘superficial <superficiaria>’ – although here the term simply seems to mean superficial, in Roman law, *superficiarius* or superficiary describes something to which one has legal right, but which is situated on someone else’s land, e.g. a superficiary house or farm. *Superficiarius* can also describe the one having this useful but not direct dominion (*dominium utile*, not the *dominium directe*) over the superficiary.

posited beyond a person's own control, when in truth they are perhaps only difficult (BM §527), and least of all those that in the same way he takes to be morally impossible for a given person. Whence he should abstain from further imputation of these.

§139

Somebody who wishes to avoid erroneous imputation (§137) ought to take care (3) not to immediately infer the existence of a deed from whatever possibility there is of it, even the hypothetical, physical or moral (BM §723). We do not undertake all the things that are in some way posited as in our control, nor all the things that are permitted, especially those only permitted by some particular laws. Least of all can the existence of a deed be sufficiently deduced from internal possibility (BM §59). One ought also to take care (4) not to suppose the entire truth of one's imputation in advance by means of a true cognition of some moments in the deed, since one can err nevertheless in the rest of the still unexamined essential questions of deed (§128).

[BIP 92]

§140

In addition to what has been observed up to this point and discussed in §138 and §139, somebody who wishes to impute quite successfully ought to take care (5) not to confuse the imputation of law and the imputation of deed; correctly, one will even begin from the latter, because otherwise there will often be no reason for the former if the latter in the end fails after having been attempted (§125); (6) to proceed cautiously in darkness and dim light since obscurity and confusion are the mother of error;²⁵⁴ (7) if you distinguish well, you will impute correctly;²⁵⁵ (8) not to be falsely persuaded to confuse liveliness and brilliance,²⁵⁶ or, rather, that very distinction through which the thing that is supposed to be a deed is either depicted or even explained, with conscience, clarity and the light of the very truth itself; (9) and that one, being superficial, not ignore all of its solidity simply because the imputation of a given deed cannot be made completely and scientifically certain, i.e. simply because it is not mathematically demonstrable (§137).

§141

We who are to be obligated are obligated to intend a free determination (§15, BM §342), i.e. to actualize that which must be established by us as an end (BM §341). Therefore, somebody who is obligated is obligated to furnish the complete determination of that to which one is obligated (BM §148), as much as this is physically and morally possible for one (§10). Therefore, somebody who is obligated to something is likewise obligated to all that is physically and morally possible, antecedently, concomitantly

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²⁵⁴ Cf. BM §604, where Baumgarten discusses the confusion and obscurity of every sensation.

²⁵⁵ 'you will ... impute <imputabis>'. Baumgarten here unexpectedly switches briefly to second person, as he does a few times below.

²⁵⁶ Cf. BM §531, where Baumgarten discusses liveliness and brilliance as an aid to the clarity of perception.

and consequentially, without which a given duty could not exist (§83). Now, however, deeds cannot exist without the efficacious desire of the person who is obligated to these (BM §675), nor can any free determinations (BM §723). Therefore, all obligations and laws obligating a person to something obligate the same person to the efficacious desire for these. And since the one obligated to actualize something freely is obligated to a desire for this as great as the one obligated himself judges is required for its production (BM §719, 712), obligations and laws demand complete desires for those things whose commission they obligate (BM §671), and those obligations and laws obligating desires obligate decrees, consequent volitions and the intention <*propositum*> (BM §696).²⁵⁷ Therefore, mere pleasure (BM §655), and mere desires,²⁵⁸ or more correctly, incomplete and only antecedent desires (inclinations) concerning those things to which the law obligates, do not satisfy it (§22, BM §695).

[BIP 94]

§142

Somebody who is obligated is obligated to desire completely that to which he is obligated (§141). However, in a dubious obligation he would be obligated equally, yet completely, to desire opposite things. However, since that is physically impossible, and it is indeed unqualifiedly impossible (BM §673), nobody would be obligated to the physically impossible if it be unqualifiedly such (§§24, 27). One needs to satisfy neither of these dubious desires (§22), nor, for this reason, the law of a dubious obligation (§63). This law (§60), since it is obvious from and through nature, is natural (§39, 63). Therefore, somebody following a dubious obligation (one that is truly such) transgresses natural law (§83).²⁵⁹

§143

Obligation is either completely certain or probable, or dubious or improbable (§28). Now it is not permitted to follow the dubious²⁶⁰ (§142). However, this is better than the improbable (BM §669). Therefore, it is even less permitted to follow an improbable obligation (§70), which is truly no obligation since the opposite that is probable is always stronger (§§23, 17). Hence only the completely certain or probable obligation

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²⁵⁷ Kant E6544, 1772? 1776–8? (referring to the penultimate sentence of §141): ‘One cannot impute good or evil resolutions equally as deeds <*facta*>.’

²⁵⁸ Kant E6545, 1780–9 (referring to ‘mere desires’): ‘Could endeavour now be ethically imputed <*conatus num imputari qveant ethice*>?’

²⁵⁹ Kant E6546, early 1760s (next to the penultimate and final sentences of §142): ‘Dubious authorization.’ (Instead of ‘Therefore, somebody following a dubious obligation’ in the final sentence, Kant would prefer: ‘somebody claiming a dubious right <*Jus dubium exigens*>.’)

²⁶⁰ Kant E6547, early 1760s (instead of ‘it ... dubious’, Kant would prefer): ‘It is not permitted to enjoy a dubious right, but it is permitted to follow a dubious obligation; not only is it permitted, but it is even necessary <*dubio iure uti non licet, sed dubiam obligationem sequi licet, et non licet solum, sed etiam necesse est*>.’

[AA 19: 69] must be satisfied; the MORALLY CERTAIN²⁶¹ is indeed not completely certain, but nevertheless it is certain to a degree that assent can be morally given by one asserting such.²⁶² Therefore, only an obligation that is at least morally certain must be satisfied, and one sins who commits or omits something without even being morally certain that he is indeed obligated to commit or omit it (§142).²⁶³

[BIP 95]

§144

The dubious or improbable imputation of either deed or law (§125) is never correct (§§137, 143). Hence somebody who wishes to impute correctly, including deeds, (10)²⁶⁴ will at least seek moral certainty (§70), and not be content with some sort of verisimilitude, which can also belong to the dubious, or more correctly, the improbable (§28), or with CONJECTURES containing an insufficient ground for assent (BM §901). Complete data are here the moments in the deed sufficient for an imputation that is at least morally certain. Fewer and smaller data than these are incomplete. Somebody who will correctly impute will only impute based on complete data (§128). A concept exhibiting those notes that could render you at least morally certain whether it is good or evil is called a SUFFICIENTLY MORALLY DETERMINED CONCEPT OF DETERMINATION; one not exhibiting such notes is not yet sufficiently determined. Somebody imputing a deed so that he can progress to the imputation of a law²⁶⁵ only correctly considers the prior act in itself if the idea of the deed is sufficiently determined (§§125, 139).

²⁶¹ Kant E6548, 1764–6? (referring to ‘MORALLY CERTAIN’): ‘Certainty is either logical or practical, and the latter either pragmatic or moral <Certitudo est vel logica vel practica, haec vel pragmatica vel moralis>.’

²⁶² Moral certainty is the equivalent of today’s judicial certainty ‘beyond reasonable doubt’. Above, Baumgarten had defined moral certainty as rational probability, i.e. certainty ‘such that this person understands more belonging to the ground of assent than against’ (§95). Although there is an entry in the index of BM pointing to BM §723 for moral certainty, the phrase never appears in that work. It also occurs in Leibniz’s *Theodicy* (Leibniz 1952, 51), where it signifies knowledge of contingencies. Moral certainty first occurs in the work of the French theologian Jean Gerson (1363–1492), but draws upon Aristotle’s plea to moderate the demands of accuracy in different domains (Schuessler 2019, 48).

²⁶³ Kant E6549, 1772? 1776–8? (referring to §143, fifth and sixth sentences): ‘To take something to be permitted based on mere probability is moral probabilism <probabilismus moralis>; it is the presumptuous wagering of something against the transgression of law. Concerning authorization, one must be fully certain; however, the mere probability that something (whose authorization is certain) is also my obligation <Schuldigkeit>, i.e. that the omission of that is prohibited i.e. the mere probability <warscheinlichkeit> is precisely possible, i.e. the mere possibility that omission is wrong, is already obligating. I.e. in general, one must be certain about the conformity of one’s actions with right.’

E6550, 1772? 1776–8? (referring to fifth sentence): ‘When I do not know that I have paid for something, and the other makes a demand: it is morally certain that it must be paid.’

E6551, 1772? 1776–8? (referring to fifth sentence): ‘Morally certain is that whereby there is* no danger doing wrong. Whoever himself affects being certain, but is not, acts against morality.

* (A judgement in the assertion of which there is no moral danger. The judgement itself must be practical, e.g. that of a doctor concerning a dangerous medicine.)’

E6552, 1780–9 (in the concluding sentence, instead of ‘is obligated’ Kant would prefer): ‘has the right <ius habere>.’

²⁶⁴ This list continues from §140 above.

²⁶⁵ Cf. §140 above where Baumgarten argues that the deed should be imputed before the law.

§145

If you wish to impute correctly, (11) be impartial (§144, BM §917). And since not only reason, but also many uses of reason, are very useful for those things that we have seen up to this point are required for the one who wishes to impute (BM §640, 646), somebody who wishes to impute more successfully (12) should be rich both in reason and its use. Now, however, affects often violently impede the use of reason (BM §678, 693). Hence (13) mastery over oneself, i.e. avoiding moral slavery (BM §730), is very useful for somebody who wishes to impute more correctly, as is abstaining from everything that will excite affects contrary to correct imputation.

[BIP 96]

§146

Since every free determination is imputable (§125), along with its own antecedent, concomitant and consequent determinations that are physically and morally possible for a person without which a given determination could not exist (§141), and along with all its moral implications (§133): not only are the elicited acts of the soul imputable (§125), but also the mastered acts (BM §730),²⁶⁶ not those alone that are directly under freedom, but also those that are indirectly such (BM §731), as well as those chosen and voluntary movements of the body for which the free determination to them is posited as in the control of human beings (BM §733).

§147

Every thought (BM §505), or more correctly, all obscure representations that themselves differ by degree (BM §511), ignorance, error, cognition with their degrees (BM §515, 669), attention and abstraction with their species (BM §529), all sensations (BM §543) and deceptions of the senses (BM §545), drunkenness and its fruits (BM §554), death itself (BM §556), images (BM §569),²⁶⁷ dreams (BM §593), things undertaken through a dream, e.g. sleepwalking (BM §594), memories and forgetfulness (BM §582), fictions (BM §590), delirium itself (BM §594), and those things brought about through those who are insane, melancholic or furious (BM §688), foresights (BM §602), any judgements whatsoever (BM §606), prognostications (BM §610), presumptions (BM §612), intuitions and significations (BM §620), all operations of the intellect (BM §624), the intension, extension and steadfastness of attention (BM §628), the soundness, corruption and cultivation of reason (BM §646), indifference (BM §651), pleasures and displeasures (BM §655), instincts and flights (BM §677), affects (BM §678), and preferences (BM §712), insofar as: (1) they are the mastered acts of the soul that fall at least indirectly under freedom (BM §730); (2) they are either physically or morally possible (§141) for this author, and antecedent, concomitant or consequential to a certain decree, without which the thing decreed

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²⁶⁶ BM §730 tells us that the elicited acts of the soul are free volitions and nolitions (i.e. they belong to the faculty of rational desire), whereas mastered acts are the free acts of the rest of the faculties.

²⁶⁷ BM §557 seems the more correct reference since it defines image per se; BM §569 is more concerned with the imagination.

[BIP 98] cannot exist, and which, for this reason, the one deciding the existence of this thing likewise decreed (BM §55); (3) these are the implications of the deeds that are to be foreseen in the ways mentioned in §133, even if they are not always foreseen (§136); and, (4) in the same way, they could have been foreseen to be impeded by certain deeds, either commissive or omissive (§§133, 135) – these are all imputable (§146), but not, however, for these reasons by just anybody (§144).

§148

[BIP 99] An unfree determination, or better, whatever is not moral in deeds themselves – especially in very composite deeds (BM §215) – is not to be taken as a true deed, even if in some particular determinations it may be fitting for a deed that is quite similar to it, and hence no good implication of this is a true reward (§113), and no bad implication is a true punishment (§122); nor does any (moral) law express anything whatsoever about such a determination or action (§61), and, what is more, nor can such an action that is quite similar to a duty be said to have observed the law and its proficiency in the obedience to laws, nor can a non-moral determination that is quite similar to some sort of harm be called a true harm, or a transgression or violation of the law (§83). Therefore, there is no distinction of those who violate laws into those who violate morally and those who violate immorally. Most of all, if a particular law decrees that evil is to be inferred in those bringing about such things as are similar to harm but that are not moral evils, a declaration of this sort is nevertheless not a penal sanction (§120).

Section VIII: The author

§149

[AA 19: 71] In the imputation of a deed, beyond the deed itself, the author deserves attention; since the author ought to be a person (§127), a deed is not imputable to any agents²⁶⁸ who are not persons, whatever they may do. Hence no actions of brutes (BM §795) are imputable to them,²⁶⁹ nor can they be said to observe or violate (moral) laws on any ground, nor can evils following upon certain of their actions be called punishments for these based on the will of the legislator, nor can such goods be likewise called rewards (§148).²⁷⁰ Nevertheless, those actions of brutes are imputable that (1) a human being should have foreseen in the manner of §133, and indeed such that it was posited as in the control of a human being to determine himself freely to actualize or impede these through a commissive or omissive deed (§134), even if these actions were the

²⁶⁸ Baumgarten here distinguishes between author and agent. For Wolff, an agent is by definition intentional: 'an agent is said to *intend* something because of what he does. Whence the intention of the agent is his volition, because of what he does, or his volition, in terms of what he wishes be done or not, because of what he does' (WPPU I §616).

²⁶⁹ Wolff: '*Actions cannot be imputed to brutes*. Since brutes are destitute of free will and refusal, the actions of the same are not free. And since only free actions can be imputed, the actions of brutes cannot be imputed to them' (WPPU I §530).

²⁷⁰ Kant E6553, 1764–8? (referring to the second sentence): 'The one who does it, the author and instigator, the assistant.'

sufficiently indirect effects of such a deed and the human being may dwell in a natural but imputable impotence, in a certain state, for either actualizing or impeding these (§135), and, finally, they were not foreseen, or more correctly, in a certain state they could not have even been foreseen on account of an imputable impotence (§136); and insofar as they are (2) antecedent, concomitant or consequent to a certain decree whose production or impedition was physically or morally possible for the author of the decree, without which, however, the thing that was decreed could not exist.²⁷¹ These actions are imputable to the human being, to the person, with whose deed they are connected by the aforementioned ground, since his concurrence, either commissive or omissive, towards the same things can be imputed quite accurately to him.²⁷²

[BIP 100]

§150

The author of a deed, especially a very composite deed, is either solitary, or many authors concur in the deed. It is either the case that one of the authors who concurs in a deed is observed to be primary and the rest are secondary, or it is not (BM §314); or it is the case that they are mutually coordinated among one another, or subordinated, or coordinated and simultaneously subordinated (BM §315). If a moral cause strictly considered intends the exact same deed that an author subordinate to him does (BM §940),²⁷³ the latter is essentially subordinated to the former, and because the former thus does something through another, it is the former himself who must be thought to have done it (BM §§316, 317).

§151

Authors are either efficient or deficient causes (BM §940, 319), and the former are seen to be authors of things committed, and the latter, of those omitted (§31); truly, the authors of duties or moral goods are efficient, and those of sins, as such, are deficient (§124). A deed can be imputed to the associate and aiding (BM §§320, 321) author (§150), as well as to a person who is instrumental, i.e. assisting (BM §322), and occasional (BM §323).

[BIP 101]

§152

If many authors are judged to belong to the same deed, either all the moments in the deed are imputed to all the authors, or certain moments of these are only imputed to one person, and certain moments to another (§§125, 128). In the former case the DEED IS IMPUTED INDIVISIBLY, and DIVISIBLY in the latter. If someone concurs in a deed

²⁷¹ Cf. §147 above.

²⁷² Wolff: *'The actions of brutes are imputed to a human being insofar as one did not impede these when one could'* (WPPU I §535); in the addition, Wolff continues: *'if someone knew that a dog bites, and permitted it to wander freely throughout the city, it is to be imputed to him if the dog bit a boy'*. Again: *'The actions of brutes cannot be imputed to a human being if one could in no way impede these'* (WPPU I §536); *'the actions of brutes are imputed to a human being insofar as some free positive action concurs with these'* (WPPU I §537).

²⁷³ Baumgarten defines a moral cause as an author, and hence as a person, in BM §940.

along with others, but only as an efficient or deficient cause for the event and not as the author of the deed, one can, insofar as it is an event, be its occasional, instrumental and assisting, immediate, or better, even its principal cause (§§150, 151); nevertheless, the same deed, to the extent that it is a deed (BM §940), cannot be imputed to this person on any ground, not even divisibly (§125).²⁷⁴

[AA 19: 72]

§153

If someone was not only the efficient cause but also the author of various things that, however, belong to the deed only extra-essentially, and not only those that are external or relative, but even those that are internal, a deed can indeed be imputed to him, but not that deed whose imputation is now in question (§128). If one of the associated authors was the physical author of only some of the moments in a deed, insofar as he is contradistinguished from the moral cause strictly considered,²⁷⁵ and will be the immediate author of the rest of the moments in the deed, but only insofar as he will at the same time be the moral cause of these, strictly considered, and indeed such that the former will be his immediate moral effects, and the rest of the moral implications of the deed stem from him (§§133, 134), the deed is correctly imputed indivisibly to each (§152). However, as soon as one of the associated authors does not concur in only one moment even morally, much less as the physical and immediate author (BM §960), the deed may only be imputed divisibly in an exact imputation (§137).

[BIP 102]

§154

Since, in every human deed, be it called either good because of the overriding part or evil for that same reason, the material aspect is good and the formal aspect is the evil belonging to finitude²⁷⁶ (BM §914): suppose that someone concurs with a good deed immediately, or morally, as an author, but only with its negations and the evils connected with the same, then the deed is to be imputed divisibly (§153) to him also, but not as good. Suppose that another person immediately, or morally, concurs with an evil deed, but only with the good moments in the deed, i.e. those moments which must be referred to its material aspect (BM §914), as far as can be observed by the one imputing, then the deed is to be imputed divisibly (§153) to him also, but not as evil. Hence, someone concurring with that which is called evil because of the overriding part, even morally, must sometimes be judged to have acted well by someone imputing exactly, and someone concurring with that which is called good because of the overriding part, even morally, must sometimes be judged to have acted evilly by someone imputing exactly (§137).

[BIP 103]

²⁷⁴ Kant E6554, 1772–8? (referring to the concluding sentence of §152): ‘a servant ordered by a master to bring a letter, etc. etc.’

²⁷⁵ That is, independently of the author externally constraining one, qualifiedly, to be an author of the deed through enticements, threats, persuasions, dissuasions and extortion, etc. (cf. BM §940 and 728).

²⁷⁶ For finitude, cf. BM §261.

§155

Someone who gives an order is a moral cause, strictly considered, of that deed that he ordered (§100, BM §940). Hence the deed that he ordered, and insofar as he has done so, is imputable to him (§150). Or more correctly, if he had ordered only some moments in the deed, and likewise intended its other implications that should be foreseen, these, along with all of the order's implications that are freely determinable by it, are correctly imputed to him (§133). However, the moments in the deed ordered that he did not order, nor intend, and which are not freely determinable by him, along with their implications, cannot be imputed exactly to the one who gives the order (§§154, 153). The same is true of someone advising, of SOMEONE AGREEING, i.e. of someone deciding the same thing as another, and of the one enticing²⁷⁷ (BM §§728, 940).

[AA 19: 73]

§156

And if someone, as an occasional cause, intends to do his own part of something sought by means of another's deed (§93),²⁷⁸ either he likewise freely intends the deed that was to be accomplished on that occasion, i.e. that deed through which the thing is to be sought, in terms of all its individual moments, and the deed can be imputed to him indivisibly, or he does so in terms of some specific moments, and the deed can be imputed to him at least divisibly (§§153, 154), or in the end he utterly does not freely concur in the moments of the deed at all, and then that deed of another to which he gave an occasion or that deed through which that thing is sought, in which he might have wished to participate, cannot be imputed to him (§153).

[BIP 104]

§157

Someone neither morally nor physically impeding some deed (BM §967, 968), e.g. someone not revealing²⁷⁹ some deed, for this very reason omits doing so, either because he agrees with the deed in question, and then he must be judged according to §155, or because, despite not agreeing at all with the deed or entirely dissenting from moments within it, he nevertheless was wholly unable to impede or reveal it either physically or morally. In the latter case these omissions are correct deeds (§72, BM §901). Hence, unimpeded and unrevealed evil deeds, as such, cannot depend on these correct deeds (§32). However, they would depend on such if, on account of the aforementioned omissions, an evil deed could be correctly imputed to those omitting as moral causes strictly considered (BM §940). Therefore, such evil deeds in the aforementioned case cannot be imputed to those not impeding and not revealing as moral causes strictly

²⁷⁷ 'enticing <*allicientis*>', which stems from the verb *allicio* (to entice); BM §728, to which Baumgarten refers, uses *illicebrae* (enticements).

²⁷⁸ As an occasional cause, someone would contribute alone to the occasion, i.e. the external relative circumstances, in which the deed in question could come to pass. See BM §323 and §128, note 241, above.

²⁷⁹ 'revealing <*manifestans*>': this also has the connotation of betraying in the sense of disclosing to the public, i.e. whistle-blowing, as the first case indicates. See also remark 6586 below, as well as note 7 to the same.

considered. Much less can sins be imputed to the one who, as a moral cause, (1) foresaw everything, (2) had it within his command to physically impede everything, (3) morally impeded everything, (4) and physically the majority, but (5) could not morally impede some things physically for the sake of wisdom (BM §§969, 970).²⁸⁰

§158

[BIP 105]

All, and only, free determinations are imputable (§125); an obligation takes places for all, and only, free determinations²⁸¹ (§§15, 72). Therefore, those things to which someone can be obligated, and to the extent to which someone can be, can be imputed to the same, and to that same extent. Those things that cannot be imputed to someone, and to the extent that they cannot, one cannot be obligated to, and to that extent. Those things that can be imputed to someone, and to the extent that they can, one can be obligated to (which are either to be omitted or to be committed), and to that extent. Those things to which someone cannot be obligated, and to the extent that one cannot be, cannot be imputed to the same, and to that extent. Reluctant actions due to ignorance or error (BM §716) that are (1) free (BM §719), and (2) moral implications imputable (§147) to ignorance or errors (§133), can be correctly imputed to an author (§125).

[AA 19: 74]

Section VIII: The degree of imputability

§159²⁸²

[BIP 106]

Since, to the extent that as a deed is an event (§127), only the moral aspect within it is imputable (§158): the imputability of a deed would be the least when the fewest and least various moments depend the slightest on freedom (BM §161). Therefore, the more various are the moments of a deed, and the greater they are, and the more they depend on freedom, that much greater is its imputability (BM §160). Seeing that, however, there is a universal nexus of essential determinations, attributes, modes, qualities or quantities, and degrees in any given person (BM §49, 50): the greater the freedom of the person (BM §725), and the greater the acquired proficiency in mastery over this freedom (BM §730), that much more do all of his deeds depend on his freedom, and therefore that much more are they imputable to him, all else being equal.

²⁸⁰ As BM §§969 and 970 fully explicate, Baumgarten is referring to God. But this is also implicitly clear in this paragraph, for God alone has the power to foresee, and to both morally and physical impede, everything. On the relation of God's wisdom (providence) to evil, cf. the classic statements in St Thomas, ST I:22:2 ad 2, and St Augustine, *Enchiridion*, esp. chapters 4, 8 and 26. Of course, Baumgarten's immediate influence is Leibniz's *Theodicy*.

²⁸¹ Kant E6555, 1769? 1773–5? 1776–8?? (next to the heading 'Degree of Imputability', BIP, 105): 'The determination or identification of the deed <facti> is distinct from accounting.'

²⁸² Kant E6556, early 1860s–72 (above §159): 'Insofar as the analogues of moral actions of prudence are imputable as morals [breaks off] <Quatenus analogae moral actiones prudentiae ut morales sunt imputabiles ...>'

This is a new field of mathematical cognition concerning deeds (§130).²⁸³ Deeds free with regard to their ground of execution that are mutually opposed to one another are either indifferent to each other in terms of the exercise of the act (BM §708), and, all else being equal, are equally imputable, or one is more difficult than the other (BM §527), and the commission of the more difficult is more imputable, the omission less so; the commission of the easier is less imputable, and the omission more so, all else being equal (§134).

§160

If the deed had fewer and smaller good moral implications that are more difficult to foresee, then its commission is more imputable, and its omission less so. The commission of a deed that had fewer and smaller evil moral implications, which were to be foreseen with more difficulty, is less imputable, and its omission more so. The commission of a deed that has more and greater good moral implications, which were to be more easily foreseen, is less imputable, and its omission more so. That which has evil implications of this sort: its commission is more, and its omission less, imputable. The more of the fortuitous there is in a deed, the less imputable it is; the less of the fortuitous there is in a deed, the more imputable it is (§§159, 132). Also, a more mediated deed that only depends on freedom in a hidden way is less imputable; a more immediate deed and manifestly dependent on freedom is more so. The commission of a deed that is naturally but only qualifiedly impossible is more imputable, its omission is less so (§134). But all of this is with all else being equal (§159).

[BIP 107]

§161

A qualifiedly inevitable thing that is yet imputable according to §135 is less imputable than if it did not have such inevitability (§160). If the moral implications of a certain deed were not foreseen, or more correctly, if they could not have been qualifiedly foreseen naturally, then that deed is less imputable than if they had been foreseen, or at least could have been foreseen, also for the aforementioned reason (§136). It is foolish to assign a great degree of merit or demerit to those deeds that are utterly not imputable, and disputes concerning the degree of their imputability are in vain. Deeds to which a certain degree of imputability is correctly denied must not for that reason be held immediately to be entirely non-imputable (§138). From the

[AA 19: 75]

²⁸³ These complicated mathematics of intensive quantities abound in Baumgarten, but are relatively scarce in the relevant texts of Wolff, and Wolff's are much less developed; for instance: 'The freer an action will be, that much more is it actually imputed. For action is imputed to someone to the extent that it is free. For that reason, the more an action is to be imputed, the freer it will be' (WPPU I §606). 'Deliberated actions are imputed more than non-deliberated actions, and the more deliberated the action will be, that much more is it imputed' (WPPU I §607). 'The less there will be of a reason for an agent to do those things from whence some sort of evil or good abounds in another, that much less is the action imputed' (WPPU I §609). 'The more that good or evil will follow from an action, the more it is imputed' (WO §612). 'The more negligence there will be, that much more blame there is' (WPPU I §759).

[BIP 108] unspecified imputability of a deed it is not valid to infer a certain greater degree for it. Hence arguments proving the former must not immediately be seized upon as arguments for the latter (§139).

§162

The more difficult and the less advanced is the mathematics of intensive quantities, the more care we ought to take in proceeding to determine the degree of imputability, (1) lest the degree, perhaps conspicuous, of morality that is determined by a certain law be blindly confused with the degree of imputability in a deed that is compared with the given law (BM §626),²⁸⁴ (2) lest the degree of clarity in the perception of a deed, either good or bad, be confused with the degree of imputability attributed to it, (3) lest the degree of good and evil generally in an event that is in part also a deed be confused with the degree of imputability in the deed, (4) lest the degree of vividness, with which we consider the supposed degree of imputability, be confused with the degree of our consciousness of its truth, i.e. with the degree of certainty (§140).

§163

[BIP 109] The imputability of a deed can be certain, at least morally, even without its degree being so (§162), and hence, not everyone who imputes the deed, even correctly, is permitted to pass a judgement²⁸⁵ that decides about the latter (§144). And since the affects are wont to magnify their objects through a spurious clarity, one who is preparing to establish the degree of imputability must especially beware of these obstacles to correct imputation (§145). Then, among others things, it will be clear that the mastered acts of the soul, and those things that are indirectly under freedom, all else being equal, are less imputable than the elicited acts of the same and those that are also directly under freedom (§§160, 146), and this principle will be well applied to those things related in detail in §147.

§164

Just as not even the least degree of imputability belongs to that which is externally or internally, but absolutely, constrained, the deeds to which I am said to constrain myself, and those to which I am said to be constrained externally but qualifiedly (BM §§727, 728), are imputable (§125). The commission of a deed for which my own constraint is needed is more imputable, and its omission is less so (§159, 160), because the preponderance of a kind produced by me when constraining myself postulates

²⁸⁴ Kant E6557, 1764–75 (referring to §162, point 1): ‘The eviler the heart, naturally is the imputability <imputabilitas> that much greater.’

²⁸⁵ BM §606 defines judgement as the perception of perfection and imperfection in things, and throughout the BIP, Baumgarten attaches judgement to the meting out of rewards (e.g. §109) and punishments (e.g. §118). Uncertainty of the degree of imputability thus precludes proper judgement.

many serious things that I myself must actualize either through entirely elicited acts of the soul and the immediate effects of freedom, or at least through those that are less mediated (BM §§713, 714), and a greater command of a human being over himself postulates greater freedom (§159, BM §730). Less imputable is the commission of a deed for which there has been an attempt to constrain it externally and qualifiedly, and its omission more so, because it cannot be omitted without my own constraint (BM §714); the commission of a reluctant deed through ignorance or error is less imputable, and its omission is more so (§159).

[BIP 110]
[AA 19: 76]

§165

If a reluctant person accomplished a deed, the degree of imputability is in no way always diminished by this alone (§164), much less is all imputability removed by it (§161). Hence, neither can it be denied that an event is a deed, and imputable, just because it is called involuntary (BM §721).²⁸⁶ Rather, there are some involuntary deeds that cannot be non-imputable (BM §722). Or more correctly, if something is involuntary, this by itself in no way always diminishes the degree of imputability, since the degree can increase at any time (§164). The *involuntary originating*²⁸⁷ in the voluntary as a moral implication is imputable (§133), and to that extent it is *held to be voluntary*. The same is especially true of complete and consequent (BM §695), albeit ineffective (BM §675), volitions and non-volitions, which can be called the MERITS OF DEMERITS OF EFFORT.²⁸⁸ In these, truly, ineffectiveness, since it is often merely fortuitous, in no way always diminishes imputability (§132).

§166

Imputable (§142) are the moral proficiencies (BM §723), and habits of this sort (BM §650), and deeds accomplished through the latter and the former, as well as the lack of both the latter and former due to the freely omitted exercise of these, and the moral implications of the lack of the latter, i.e. omissive deeds (§133), since they are the moral implications of free determinations, and the consequences without which the exercise of actions of this sort, or the omission of their exercise, cannot exist (BM §577). The more deeds for which there are implications, the more serious the implications are, and the more these depend on freedom, that much more imputable they are (§159). Now, more constant exercise is required to occasion a moral habit than to acquire some

[BIP 111]

²⁸⁶ BM §721 is one of the few times Baumgarten gives an example within BM, even if it remains strictly formal: if I follow my sensitive appetite and not my will <*voluntas*>, then the action is free (thus imputable) but still involuntary (as it does not follow the *voluntas*).

²⁸⁷ BIP reads '*artum*' ('strictly') instead of '*ortum*' ('originating in'). This is silently corrected in AA. In his index, Thiele renders this correctly.

²⁸⁸ Kant E6558, 1764–75 (referring to 'MERIT ... EFFORT'): 'Merits of the proposed <*Merita propositi*>'. Continued, 1762–3? 1769?: 'Either a practical or a physical impediment ~~through motives~~ is opposed to the effort <*Conatui opponitur vel impedimentum per motiva practicum vel physicum*>; actually, it does not matter whether someone is held back due to fear of punishment or impossibility.'

disposition or smaller proficiency (BM §§650, 577). Therefore, it is so far from the case that the HABITUAL, which is accomplished through habit, is always the ground, if not of none, then at least of a smaller imputability, that, rather, it is the ground for the contrary.²⁸⁹

[AA 19: 77]

§167

Since deeds, which are all imputable,²⁹⁰ and all deeds in which an obligation occurs, are either elicited or mastered acts of the soul (§146), we call the former DIRECTLY and the latter INDIRECTLY MORAL (BM §§723, 731); the former are DIRECTLY and the latter INDIRECTLY imputed; in the former a DIRECT OBLIGATION occurs, in the latter, one that is INDIRECT. And hence moral proficiencies will either arise from deeds that are, at least principally, directly moral, and they are called DIRECT MORAL PROFICIENCIES, or from deeds that are, at least for the most part, only indirectly moral, and they are INDIRECT MORAL PROFICIENCIES. The former are more imputable than the latter (§166), just as all directly moral proficiencies are more imputable than the indirectly such, all else being equal (§160). Now habit, however, along with what is habitual, can also be directly moral, at least in terms of the prior and overriding part of the exercises from which it originated. And, therefore, from this ground a smaller degree of imputativity cannot be attributed to habit and to the habitual as if,²⁹¹ were they moral, they would then always only be indirectly such (§159).

[BIP 112]

§168²⁹²

HUMAN WEAKNESS is the natural impotence for actualizing a certain degree of rectitude in one's own free determinations. Therefore, it is either unqualifiedly and absolutely such, or only qualifiedly (BM §469). A prior merely natural failure of rectitude flowing from this human weakness, which is utterly inevitable as such, cannot be imputed (§131). Suppose, nevertheless, that a failure of this sort were to arise from a qualified natural human weakness that was the moral implication, foreseen according to §133, of some earlier either commissive or omissive deed, then both this human weakness

[AA 19: 78]

²⁸⁹ Kant E6559, 1762–3? 1769? (referring to the concluding sentence of §166): 'The habit and not the action is to be imputed to the one who does something good by habit, and likewise with evil. Thus, if he is fighting against habit, then the action is less to be imputed to him.'

²⁹⁰ Cf. §§72, 131 and 132 above.

²⁹¹ 'as if <ac si>'; which, in legal Latin, denotes that a legal fiction follows.

²⁹² Kant E6560, 1762–3? 1769? (referring to the beginning of §168): 'The weakness of human nature consists in the weakness of the moral feeling in relation to other inclinations. Therefore, providence has enlarged it with auxiliary drives like the analogues of moral instincts <analogis intinctorum moralium>, e.g. honour, natural affection <Storge>, sympathy, or else with rewards and punishments. If these are partial motives, then the morality <moralität> is not pure. Moral science <moral> that excludes all of these auxiliary motives <motiva auxiliaria> is chimerical.' For 'storge', see reflection 6678, note 50, below.

E6561, 1776–8? (referring to 'HUMAN WEAKNESS'): 'Impurity and fragility'.

Continued, 1776–8: 'Negative'.

Continued, 1776–8: 'Imperfection of human nature and impurity of virtue'.

itself as such, and the failure from which it arises, are correctly imputed (§134). And imputability is greater (§159), the more, and the more serious, are the omissive or commissive deeds by which this kind of human weakness is furnished or conserved, the more these depend on freedom, and the more, and the more serious, are the failures of rectitude it brings in its wake as moral implications (§159).

[BIP 113]

§169²⁹³

The FRAGILITY (slipperiness) of HUMAN NATURE²⁹⁴ is its natural inclination (propensity, proneness) to moral evil, or that condition of human nature through which it is easy to impel a human being into moral evil. This fragility would also be either absolute (BM §964) and non-imputable (§131), or hypothetical, and this again either merely fortuitous and non-imputable to the person to whom it is attributed (§132, BM §912), or it is the moral implication of some deed that is either commissive, although perhaps it was only indirectly moral (§167), or omissive, by whose commission the incitement to moral evil would have been impeded (BM §§22, 222) and hence, at any rate, rendered with more difficulty (BM §527), and then this sort of fragility of human nature is imputable to the person to whom it is attributed (§133), according to the degrees declared in §168.

§170

Since the elements of the use of the understanding are usually infinitely small and unobservable in human beings, it is difficult for the boundaries of infancy²⁹⁵ to be exactly established through these (BM §639). As soon as it is unqualifiedly posited as within the control of an infant to determine itself freely at least concerning some things, these are its deeds (BM §719), and they are imputable to it (§125). Nevertheless, based on these origins, certain actions, deeds so to speak (§147), like those belonging to infants themselves, and the deeds belonging to those who are psychologically minors simply in the bad sense, the insane, the melancholic and the furious (BM §688), can be imputed (§133), and yet, since the freedom of such human beings is less (BM §725, 730), the deeds of this kind are less imputable (§159).

[BIP 114]

²⁹³ Kant E6563, 1762–3? 1769? (referring to the beginning of §169): ‘Universal fragility does not consist in evil inclinations, but rather in the great possibility of the same to become evil. This is the propensity of inclinations to evil, before the inclinations are evil. If morality were also to increase along with the augmentation of all the inclinations, everything would remain good.’

²⁹⁴ Kant E6562, 1776–8 (referring to ‘THE FRAGILITY OF HUMAN NATURE’): ‘positive’.

²⁹⁵ ‘of infancy <*infantiae*>’. The term here is used in the legal sense of one who has not reached the age of legal majority.

[AA 19: 79]

Section X: The imputation of law**§171**

Somebody who subsumes a deed [under a law] reasons to this by the imputation of law (§125). The reasoning of imputation that is declared (§103) is called an **IMPUTATIONAL SYLLOGISM**.²⁹⁶ The syllogistic rules of the logicians exhibit a new moral use (BM §723) for the more perfect cognition of this imputation (§137). The major of its premises is the law, the minor is the deed. Just as the collection of things that can be observed concerning its minor premise are questions of the deed, and any ignorance or error occurring concerning the minor is ignorance or error of the deed (§128), the collection of things that can be observed concerning the laws, or the majors of imputational syllogisms, are **QUESTIONS OF LAW** (of right),²⁹⁷ and error or ignorance concerning these is **ERROR OF IGNORANCE OF LAW** (of right). Questions of law that do not apply to its imputation, and error or ignorance concerning these, are **EXTRA-ESSENTIAL**; however, the questions of law to which one must pay attention in its imputation, and ignorance or error with regard to these, are **ESSENTIAL**.

[BIP 115]

§172

Whatever has been proven above concerning imputation in general is also valid concerning the imputation of the law (e.g. §125). The more it subsumes a deed under more, stronger and superior laws, the more perfect it is, all else being equal (§127). Hence a deed that must be subsumed under laws both human and divine, both natural and chosen, is well subsumed under each individual law (§63). Not only will it then be true, but also exact, as much as is possible for it to be (§137). Moreover, true imputation will be that whose imputational syllogism is true, faulty neither in material nor in form, neither a paralogism nor a sophism. The sophist in imputing laws is a **QUIBBLER**.²⁹⁸ The quibbler in imputing natural laws is a **NATURAL quibbler**, and the more laws these are (BM §182), and the more universal they are (§72), the more disgraceful he is.

²⁹⁶ For a discussion of Baumgarten's theory of syllogistic imputation, and its novelty with respect to Wolff and Köhler, see Aichele (2005, 6ff). Kant's account of syllogistic imputation is treated in BH, 149–61.

²⁹⁷ In the *Critique of Pure Reason*, Kant famously frames the Transcendental Deduction in terms of the distinction between the question of deed (*quid facti*) and the question of right (*quid juris*), writing: 'When teachers of law speak of authorizations and claims, they distinguish in a legal action between the question regarding what is legal (*quid juris*) and that which concerns deed (*quid facti*), and since they demand proof of both, they call the first, which is to demonstrate the right or also the legal entitlement, the *deduction*' (A 84/B 116; our translation). Baumgarten speaks of the question of deed in §128. Henrich (1989) remains the key study of the legal background to Kant's notion of a deduction.

²⁹⁸ 'quibbler <*rabula*>': this word resists succinct translation; most dictionaries list something like a brawling or wrangling advocate, c.f. Latham (1965) and Lewis and Short (1958). Kant calls the *rabula* one who 'expound[s] the meaning of law against the wording of it' in the Vigilantius ethics (1997, 325; AA 27: 572), and Heath glosses it as 'a wrangling lawyer' (1997, note u). In ancient Rome, a *rabula* was a lawyer known for braying and sometimes slanderous arguments. One must feel for Publius Antistius; not only did he suffer political assassination on the Senate floor in 82 BC, but Cicero immortalized him in *Brutus* as a '*rabula sane probabilis*' – a plausible quibbler (63: 226), and attributes the success in his career only to Rome's lack of otherwise good lawyers.

§173

So that an imputation of law be true and not erroneous (§172), (1) a deed may not be subsumed under false laws, (2) nor under laws in which an essential error of right is committed (§171), (3) nor may the deed be false, (4) nor such in which an essential error of deed is committed, (5) nor may a fault of form be committed. And since a false imputation may be viciously inferred from (approximately) true premises, (6) one may not infer a true imputation of law from the truth of the deed without any investigation into the consequence. Seeing that true things can legitimately follow from the false, (7) one may not securely infer the truth of the imputation of laws solely from the truth of the conclusion in the imputational syllogism (§172). For a CONCLUSION can be ACCIDENTALLY TRUE, as is said of the true conclusion of a false syllogism (faulty either in matter, or in form, or in both).

[BIP 116]

§174

Lest a fault of form be committed in the imputation of law (§173), (9)²⁹⁹ one ought to avoid imputational syllogisms with four vicious terms, hence (10) every single moment determined in the subject of the law, and no more, should also be in the deed that is necessary in proportion to the law (§§139, 128); (11) every single moment determined in the predicate of the law, and no more, should also be in the conclusion of the imputational syllogism; (12) the degrees determined in the law should be the same in the deed and the conclusion (§129); (13) the deed about which the minor premise and conclusion speak should be one and the same; (14) the imputation of law may not blindly make an inference from mere particulars, e.g. a particular law, (15) nor blindly from mere negatives, which can be denied of the deed in question, e.g. by attributing to deeds a predicate that the law has denied of them; (16) the conclusion should follow the weaker part.³⁰⁰

[AA 19: 80]

[BIP 117]

§175

So as to avoid the erroneous imputation of law (§173), one must take care (17) lest, perhaps through the artifices of the quibblers (§172), the premise omitted in imputational enthymemes be transmitted without an examination, since it may be the principal premise; (18) lest you trust too much in incomplete induction, e.g. when an appeal is made to observation; (19) lest in hypothetical syllogisms you conclude blindly from a false prior to a false posterior; (20) or from a true consequent to a true antecedent;³⁰¹ (21) lest a possible member of the disjunction in disjunctive syllogisms

²⁹⁹ Baumgarten does not identify an eighth condition, an oversight not identified in the *errata typographica*; thus, to ease consultation with the original text, we have not changed the numbering. AA also lets the numbering stand, but without comment.

³⁰⁰ In this paragraph, especially in points 9, 14, 15 and 16, Baumgarten rewrites the laws of syllogisms to fit the rules for sound implication. A sound implication cannot have four terms (point 9); nor can it conclude from two simple particular (point 14) or two negative (point 15) premises; and its conclusion must follow the weaker premise (point 16).

³⁰¹ Point 19 is the fallacy of denying the antecedent; 20, the fallacy of affirming the consequent.

be omitted; (22) or that more be likewise posited, etc. And since imputational reasoning may very well belong to a composite proof, (23) the same care required for the truth of the episyllogism is to be continued through every prosyllogism (§173, 174).

§176

So that the imputation of law be methodical (§§137, 172), one should especially take care lest the questions of law be confused with questions of deed (§171). And since, for the purpose of obtaining the certainty of the conclusion from the premises, certainty of all the premises – here, those concerning essential questions of law and deed (§128, 171) – and of the form are both required; each and every one of these ought to be certain, at least morally, for the one who will correctly impute a law (§143).
 [BIP 118] If one single premise or form is dubious or improbable, the imputation of the law will only be dubious or improbable, hence not correct (§144), because in this sense as well the conclusion follows the weaker part (§174). Nevertheless, do not let doubt and uncertainty be confused in any way (§28).

§177³⁰²

HERMENEUTICS (BM §349) is either MORE GENERAL, that concerning the significations that are to be known of any signs whatsoever; or it is GENERAL, that concerning the interpreting³⁰³ of any speech whatsoever; or it is SPECIAL, that which applies general rules to certain species of speech and signs, e.g. to revelation strictly considered, in which case it is SACRED, or it applies these to those spoken and written signs whose signification and sense a lawyer as such must know, e.g. laws and contracts, in which case it is JURIDICAL.³⁰⁴ The first principle of general hermeneutics is: *you are to be a fair* (respectful) *interpreter*, or, from the many LITERAL SENSES (i.e. the series of representations that can be signified by a specific utterance through the use of speech (lexicon and grammar)), you take as the TRUE SENSE (i.e. that series of representations that the author of the utterance intended to signify through that speech) that literal sense which, if intended, fits best the perfections of the author, until the contrary be understood (§87).³⁰⁵ This principle is easily extended so as to be adequate for more general hermeneutics, and it is easily restricted as regards subject matter so as to be adequate for any given special hermeneutics (§89).
 [AA 19: 81]
 [BIP 119]

³⁰² Kant E6564, 1776–8 (referring to the beginning of §177): ‘Authentic or doctrinal interpretation <*interpretatio avthentica oder doctrinalis*>.’

³⁰³ Wolff: ‘To *interpret* is to infer <*colligere*> in a certain manner that which someone would wish to indicate by means of his words or other signs. *Interpretation* is thus investigation of the mind as indicated by means of words and other signs’ (WIIN §794).

³⁰⁴ Wolff: ‘Therefore, within universal practical philosophy, there is a general theory of signs concerning the correctness of human actions’ (WPPU I §10).

³⁰⁵ See Wolff’s German Logic, from the 4th edition onwards, where he decries *Consequenzerei*: an interpretation whereby harmful consequences are drawn “with the deliberate intention to harm” (WGL §2); on this, cf. Hymers 2017, 202. Leibniz, *New Essays*, I: 2, §22: ‘I have found that most accepted doctrines can bear a sound sense <*bon sens*>’ (1981, 100f; gloss added). From this, Perkins derives the hermeneutic principle of generosity (2004, 163).

§178

Since proficiency in imputing laws is jurisprudence (§§125, 76), it belongs to the practising lawyer to apply as best (§70), and hence as solidly (§137) as possible, true and genuine laws (§173) and hence positive laws understood such as the legislator wished them to be understood, i.e. according to the hermeneutics of right (§177), to those deeds correctly imputed to the author (§§125–170), and to do so indeed from properly examined grounds of law, as well as from moral (ethical, economical and political) grounds and from the legal grounds of the right of nature strictly considered (§§77, 66), without neglecting the historical and legal grounds of the positive laws coming from other positive laws (§77). Here, it behoves all juridical expertise, or more correctly, the juridical science of the theoretical lawyer, to strive to be more perfect (§76, BM §669). JURISPRUDENCE of what must be done is CONSULTATORY, and hence consultatory jurisprudence of the laws that are to be carried out is nomothetic (§105); of the rewards that are to be conferred, it is compensatory (§112); and of the punishments that are to be inflicted, it is punitive (§121).

§179

Just as the more general hermeneutics of right (§177) at times concerns judging signs of a silent agreement (§§155, 103), so too in the special interpretation of positive law, found in §177, does a first principle arise (§87): *take as true and genuine the literal sense of positive laws that, if it were true, would harmonize best with the nomothetic rules, until the contrary be understood, or: do not interpret any positive law as blind without necessity*.³⁰⁶ Hence, it is in fact easy to deduce why one must pay attention to the ground of the law and why also to the analogy of right, why one must inspect the whole law, why one must pay attention to the parallelism of laws, why interpretation sometimes ought to be declarative or sometimes misapplied, and the latter³⁰⁷ extensive, restrictive or altogether corrective,³⁰⁸ why one must interpret the favourable in one way, and the

[BIP 120]

³⁰⁶ On 'blind', cf. §89 above, and note 177 to the same.

³⁰⁷ This division of kinds of interpretation originates in Roman law but was refined in the modern tradition. According to Heineccius and Wolff, declarative interpretation sticks to what the actual words of the law state, thus being literal in the contemporary sense, while the other forms of interpretation effectively change the law so that it better matches the original reason or spirit behind it. Thus, restrictive interpretation gives the words a meaning narrower than their literal meaning, and extensive gives them a wider one (see Heineccius 1838, 79–80). It seems strange that Baumgarten would state here that interpretation should at times be declarative and at others misapplied. If we are not mistaking him, then his meaning may be that special hermeneutics, particularly in the case of right, sometimes requires us to violate the more general rules of interpretation stated in §177. In this case, we would not aim to interpret the law according to the meaning of the one who wrote it historically, but rather restrictively or extensively depending on our understanding of the true spirit of the law. This would serve as a fine example of Baumgarten's doctrine of the collision of superior and inferior rules of perfection. If this is indeed Baumgarten's meaning, then 'the latter <haec>' must be taken as referring to interpretation that is 'misapplied <abusiva>'; and if not, then simply to 'interpretation'.

³⁰⁸ Wolff: 'That *interpretation* is called *extensive* in which, on account of the identity of the rational will or nollition, someone's mind, which has been spoken, is extended to cases, which are understood at least according to their total quality, under words by which a promise or a contract is contained' (WIIN §811); 'a restrictive interpretation is that by which a case is removed on account of a lack of sufficient ground for why the legislator stipulates that he either wished this to occur, or did not so wish' (WIIN §813).

hateful in another, etc.; but at the same time a broader use of nomothetic jurisprudence is clear, which one discerns only in passing new laws (§108).

Section XI: The court

§180³⁰⁹

[AA 19: 82]

[BIP 121]

A VALID IMPUTATION is the imputation upon which the effects determined by law sufficiently depend; the imputation upon which the effects constituted by law do not sufficiently depend is INVALID. The state of a person in which it is possible to impute certain deeds and laws is a COURT (a tribunal). DEEDS are called INTERNAL (unqualifiedly internal) insofar as they occur in the soul alone, observable by no signs, or anything external, through the body; however, EXTERNAL DEEDS are thus harmonic,³¹⁰ such that they are also indicated by external signs through the body.³¹¹ The EXTERNAL COURT is that in which only external deeds can be validly subsumed under external laws.³¹² However, the INTERNAL COURT is that in which internal deeds can also be validly subsumed under internal laws.

§181

[AA 19: 83]

The COURT in which the subsumption of a given deed under laws can validly occur is COMPETENT; the rest are INCOMPETENT. That court is competent with respect to a given deed in which (1) laws are (2) to be known with at least moral certainty (§176) and (3) validly applied to a certain deed whose (4) cognition, (5) which is at least morally certain (§144), (6) can be validly established in that same court to which the given deed pertains. However, any court whatsoever in which there are no laws at all, or laws that are not at least morally certain, or are to be applied only invalidly to a given deed,

³⁰⁹ Kant E6565, 1762–3? 1769? (referring to §180): ‘The one who is arbitrarily <willkürlicher> assigned a right to judge the rights of two parties in a particular contentious question is an arbiter <arbiter>. The one who in general has to adjudge the law with respect to certain others is a judge <iudex>. The judge <Iudex> always presupposes commonly obligating laws <leges communiter obligantes>.’

E6566, 1772? 1776–8? (referring to §180): ‘For objective necessitation, namely for the knowledge of that which one ought to do, the law is sufficient; but for subjective necessitation, namely, that one can still be necessitated to do something when the moral motives <motiva moralia> are insufficient, there is required executive power <potestas exsecutoria>.’

Thus, the rule of right already entails that one acts whether one wants to or not <nolens volens>.’

E6567, 1772? 1773–5? (referring to §180): ‘The court <forum> must judge correctly, 2. have power <Macht>.’

The court <forum> is the means of connecting the legislative <potestatis legislatoriae> and executive <exsecutoriae> power.’

³¹⁰ On harmonic actions of body and soul, see especially BM §§738–9. These are of course predicated on Baumgarten’s adoption of Leibniz’s pre-established harmony as the best and only possible psychological (and indeed, world) system (BM §§768–9).

³¹¹ Kant E6568, 1772? 1776–8? (referring to §180, third sentence): ‘The opinion that one has not declared belongs to the internal deeds <internis factis>.’

³¹² Kant E6569, 1764–8? (referring to §180, fourth sentence): ‘Before the external court, internal (grounds of imputing) (causes of imputation) are not sufficient, therefore neither [those] based on equity <Coram foro externo (rationes imputandi) (causae imputationis) internae non sufficiunt, ergo nec ex aequitate>.’ *Ex aequitate* is a legal term.

or any court whatsoever in which cognition that is at least morally certain of a given deed is impossible, or in which cognition can only be invalidly established <*institui*>, or if the given deed does not pertain to that court, then that court is incompetent with respect to a given deed (§180).

§182³¹³

The HUMAN COURT BROADLY CONSIDERED (the terrestrial court)³¹⁴ is the state of human beings in which one can validly apply certain laws to certain deeds (1) that are one's own, or are proper to one, and this is the COURT OF CONSCIENCE (§§126, 180), and (2) to certain deeds that belong to another, and this will be a HUMAN COURT STRICTLY CONSIDERED.³¹⁵

[BIP 122]

In the court of conscience, deeds that are internal can also be validly subsumed under laws that are internal as well. Hence the court of conscience is an internal court, to which internal deeds, duties and obligations (§§56, 83) also pertain (§181). The COURT OF REASON is the state of human beings in which deeds that are to be known through reason without faith can be validly subsumed under laws known through reason in the same manner. Hence the court of conscience can be a court of reason, although the former can also be extended to laws that are not to be known without faith. The court of reason can be a court of conscience, although the court of reason can also be extended to the deeds of others. Hence the court of reason is also an internal court (§180), to which internal deeds, duties and obligations pertain (§181) as well.

§183

The court of reason is a court of jurisprudence (§178) that is natural, more broadly considered (§76, 65). Hence it can be divided into the INTERNAL COURT OF REASON, which judges deeds that are also internal according to laws of nature that are also internal, and the EXTERNAL COURT OF REASON, which judges external deeds alone according to constraining laws of nature, i.e. laws alone strictly considered, and the latter belongs to natural jurisprudence, strictly considered (§180, 79). The human court strictly considered can be as much an internal court of reason as it can be one that is external; nevertheless, it can be extended to laws that are also not to be known without faith (§182). However, seeing that the internal deeds of one human being cannot be known naturally by another if they are in no way indicated by the body of

[BIP 123]

³¹³ Kant E6570, 1772? (referring to §§180 and 182): 'The external human court: either of justice or equity; the internal: of conscience, either natural or statutory <*Forum humanum externum: vel iustitiae vel aequitatis; internum: conscientiae vel naturale vel statutarium*>.'

³¹⁴ 'the terrestrial court <*forum soli*>' literally means 'the court of the earth'. In §§184–5 below, Baumgarten will contrast the *forum soli* more strictly considered with the court of conscience, i.e. the *forum poli* or 'celestial court', literally translated. Byrd and Hruschka point out the role of Thomasius in solidifying this terminology within the Leibnizian–Wolffian tradition (2008, 618 n. 59; see also 616 n. 50). In his classic study of the natural-law basis of law, Passerin d'Entrèves situates Thomasius within the school of Puffendorf, who also distinguishes between the internal and external court; however, Passerin d'Entrèves stresses that they borrow this terminology from canon law (1970, 86). Cf. also Kant 1996, 27; AA 6: 235.

³¹⁵ Kant E6571, 1764–8? (referring to §182, first sentence): 'valid imputation <*valida imputatio*> also denotes that which thus necessitates action.'

the former, cognition of an internal deed, as such, is naturally impossible in a human court strictly considered, and indeed internal deeds do not pertain to human courts strictly considered, nor to the external court of reason (§§181, 182).

[AA 19: 84]

§184³¹⁶

Since a human court, strictly considered, can only validly subsume external deeds under laws (§183), either it will subsume these under laws that are also internal and persuasive, or it will validly subsume them only under external and constraining laws. The latter is the HUMAN COURT (terrestrial court) MORE STRICTLY CONSIDERED. Hence in a natural, or rational, human court more strictly considered, only constraining natural laws can be applied only to external deeds (§183).

§185³¹⁷

Called the DIVINE (celestial) COURT (1) in the first place is divine omniscience, insofar as it can most distinctly (BM §889) and hence most correctly impute (BM §901, 972) every possible nexus (BM §872) of all persons and all deeds, even the innermost ones (BM §869), with all laws, however many there are and can be; and (2), in the second place, (a) the internal courts of reason and conscience, insofar as (α) they more closely apply either natural or positive divine laws (§100) (β) to internal deeds as well, and are closer to divine omniscience than external courts, which particularly subsume external deeds under human laws alone; (b) and all courts, insofar as they ultimately depend on God (§180, BM §954). In the first sense, the divine court is internal (§180). And in the divine court very many deeds can be imputed to us that our very own conscience does not impute to us, and to the persons whose deeds are in question that their conscience does not impute to them (§182), since God will be better acquainted with, and will know infinitely better than we ourselves, and better than those persons whose deeds are in question: (1) the moral nexus and concurrence of all persons, and even the moral nexus and concurrence of which the agents themselves are ignorant; (2) the state of our freedom and any nexus whatsoever with any deeds whatsoever and our free determinations, even the state and nexus <eos> of which either we were never conscious, or we forgot, and (3) even that which belongs to all the deeds of which we either were not conscious, or we forgot; (4) the moral implication of all these same deeds, even those of which we either did not foresee, or those we did not discern afterwards; (5) and finally all the laws that are to be applied to these deeds, even those laws that we either never knew or at least never compared with deeds.

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[BIP 125]

³¹⁶ Kant E6572, 1776–8 (referring to §184): ‘The observation of discretionary duties, and indeed external ones, has something meritorious in itself, which thereby [*breaks off*].’

³¹⁷ Kant E6573, 1764–8? (1776–8?) (referring to the beginning of §185): ‘Subtlety in imputation of deeds before the divine court <*Subtilitas in imputatione factorum coram foro divino*>.’

Section XII: The external court

§186

The internal courts (§180) of conscience and of reason (§182) and the divine court (§185) are able to decide internal obligations, duties and harms, which hence for this reason are called competent (§181). However, external courts (§180), and human courts more strictly considered (§184), are only competent for external obligations, duties and harms (§§92, 181). No free determination pertains to the external court that would not likewise pertain to the internal, but many belong to the internal that do not pertain to the external (§§57, 185). The more the internal court thrives, the less necessary is the external court; the more the internal court languishes, the more necessary is the external court (§58). If a deed pertains to both courts, either the courts will seem to collide, and the court whose imputation is correct is the one whose laws are stronger (§85), or they act in unison, and indeed they are to be joined together but not confused, distinguished, but not separated (§59). The same is permitted concerning the different types of internal courts, e.g. the courts of moral philosophy and revealed theology, and the external, e.g. the natural and civil courts. Rights strictly considered only belong to external courts; to the internal belong the persuasive norms, counsels and moral aptitudes only of incomplete right (§§180, 64). Hence the external natural court and the external court of reason follow only the natural law strictly considered, which constrains (§§183, 65). The internal and external courts of nature or reason cannot have one and the same adequate first domestic objective principle (§§183, 89).

[AA 19: 85]

[BIP 126]

§187

IGNORANCE and ERROR are VINCIBLE if someone could have avoided these such that, not having avoided them, one can validly impute demerit to oneself.³¹⁸ INVINCIBLE, however, are the ignorance and error that someone could not have avoided in the aforementioned manners.³¹⁹ Now, since all ignorance is an imperfection that we could have avoided absolutely, physically and morally, and error even more so (BM §515), they are both vincible in the internal court (§§180, 39). However, just as the external court does not at all judge concerning internal ignorance and error (§183), so the internal ignorance and error indicated as vincible only then appear in the external court if they contravened external laws, or if someone was externally obligated to avoid ignorance or error of this sort and magnitude. Ignorance of those things that we are not externally obligated to have known, and error in those things about which we are not externally obligated to have known, are to be ruled invincible in the external court (§180).

[BIP 127]

³¹⁸ Wolff: 'Vincible ignorance is that which can be evaded, but only if we want' (WPPU I §44, addition). 'Error is called *vincible* that could be avoided, but only if we want' (WPPU I §30).

³¹⁹ Wolff: 'However, invincible error is that which we cannot, or could not, avoid' (WPPU I §30).

§188

Since there can be many different things in a deed to which attention must be paid in the internal court but nevertheless not in the external, e.g. mental states, entirely dissimulated intention, thoroughly clandestine impelling causes, utterly hidden defects, and things about which no law strictly considered determines anything applicable (§§183, 184),³²⁰ there can be essential ignorance and error of deed in the internal court that nevertheless is extra-essential in the external court (§128); particularly, a certain degree of the deed can be a moment in the deed in the internal court, and an essential question, which nevertheless is extra-essential in the external (§129). Hence, somebody who will impute according to the internal court is not to confuse the degrees that one must pay attention to according to the internal law with those that one must pay attention to according to the constraining law in the external court (§174, 180). Here we have a new example of forensic³²¹ mathematical cognition in the reasoning of the internal and external courts, which sometimes must be subtly, but usefully, distinguished (§130).

[AA 19: 86]

§189

That which appears inevitable concerning which (1) another human being who is preparing to impute cannot be at least morally certain (2) that it is an external deed (3) that could have been avoided in some EXTERNAL state, i.e. a state PERMITTED according to external laws, is not correctly imputed by one in the external court (§§131, 181). That which appears unlucky concerning which (1) another human being who is preparing to impute cannot be at least morally certain (2) that it is an external deed (3) that is NOT EXTERNALLY PERMITTED, i.e. according to external laws, cannot be correctly imputed in an external court (§§132, 181). That which appears to be an ACCIDENTAL IMPLICATION of a deed, i.e. something not necessarily flowing from or depending on the same, concerning which (1) another human being who wishes to impute cannot even be morally certain (2) that it should have been foreseen according to external laws in the ways mentioned in §133, cannot be correctly imputed in an external court (§133, 181).

[BIP 128]

§190

Correctly imputed, even in an external court (§§135, 181), is the omission of those things that are qualifiedly posited in a certain state (now and in this manner) as beyond or outside of someone's control, but only insofar as another human being who wishes to impute these could be certain, morally at least, that the implication belongs to a deed that preceded this impotence and should have been foreseen through external laws in the ways mentioned in §133. Also correctly imputed in an

³²⁰ Cf. Thomas Aquinas, ST IIa-IIæ q. 40, art. 3, ad. 2, where Thomas argues that we are under no absolute external obligation to declare our purposes or our meaning to another.

³²¹ 'forensic <forensis>' – although not in English, the relation to *forum* (i.e. 'court') is obvious in Latin.

external court (§§135, 181) is the qualifiedly inevitable, if another human being who wishes to impute could be certain, morally at least, that one's impotence in avoiding such is an implication of a certain moral state that also should have been foreseen through external laws. That which someone could not foresee in a certain state can also be correctly imputed in an external court (§§136, 181), if another human being who wishes to impute could be certain, morally at least, that it is an implication of another moral state that also should have been foreseen through external laws in the ways mentioned in §133.

[BIP 129]

§191

The methodical imputation of law in an external court is a TRIAL. Hence, a tumultuous trial is confusing (BM §515). The ultimate conclusion of the trial, or of the imputational episyllogism formed by it, which has the right of validly and of externally imputing, is a (decisive) SENTENCE. The methodical collection of those things that are, or seem to be, still necessary for the correct formation of a sentence by lawyers is called the ACTS. A (decisive) sentence can only be correctly formed by complete acts (§144). However, since it is possible for something to be quite morally certain, even rigorously, for one human being that is nevertheless not entirely morally certain for another, the one who is preparing to issue a sentence ought to be at least morally certain about that which one judges (§144): many deeds may not only be true, but even rigorously or much more morally certain to this person or that, which, nevertheless, if they are not yet such to the one about issue a sentence, cannot be correctly imputed by an external court in accordance with these true deeds. Nevertheless, since specific deeds, even those that are morally certain to this person or that (e.g. to the one who wishes to issue a sentence), can on the contrary also be false, and indeed be of certain falsity, at least morally, to others (§28), the external court can correctly impute in accordance with these false deeds (§137), or better, these deeds the falsity of which the others are convinced.

[BIP 130]

[AA 19: 87]

§192

Not imputable in an external court (§§191, 180) are any determinations or actions, however free, any of their antecedents, concomitants, consequences, however morally possible they may be for a certain *<certo>* author, any of their implications, however moral, (1) that may be so truly internal that another human being could not be at least morally certain about these and their dependence on the freedom of the other, (2) concerning which external laws, and these strictly considered, determine nothing, or those which do not pertain to the field of constraining law (§72).

§193

Many things that are imputable according to §147 will not be imputable in an external court (§192) that are, however, imputable in an internal court (§180), since many (1) merely internal things, (2) which could depend mediately and indirectly on freedom, and so be lucky or unlucky, and thus indeed such that another human being

[BIP 131] often could not be at least certain about whether or not they are free in a given case, (3) are not determined by laws strictly considered, and they give a clear example to those who wish to explain how necessary is the distinction between courts for those who wish to impute correctly (§186). The same things may be noted in imputing the actions of brutes to a human being (§149) and in deciding the moral cause, strictly considered (§150).

§194

If someone who wishes to impute can be at least morally certain that many authors concurred, at least morally, in a deed that is to be subsumed under external laws, and indeed in every single one of its moments, but, however, he cannot be quite morally certain that a specific one of those authors did not cooperate in a given moment of such a deed, the deed can rightly be imputed to these authors indivisibly in an external court. Actions that are reluctant due to ignorance or externally invincible error (§187) cannot be imputed in an external court (§§158, 192). Since no deed is imputable in an external court unless (1) it is external, (2) it is to be subsumed under external laws, (3) and it is at least morally certain to other human beings, indeed to those who will impute externally and validly (§191), it is clear why the degrees of imputability in that same deed can differ greatly according to the internal and external court, even such that what is less imputable in an internal court is at times more imputable in an external court than are others that are much more imputable than it in the internal court (§159).

[BIP 132]

§195

Hence, the difficulty in determining the degree of imputability (§162) is again increased in the human court, whether strictly or more strictly considered, because the cognition of our own deeds can be easier and more certain to us through experience than the cognition of the deeds belonging to others, where, for the purpose of acquiring some certainty, a new summation of historical probability is often required, and the affair itself would be credible to the degree that the testimonies are reliable (§184). Whence can it be understood here how necessary for correct imputation are impartiality (§148), the use of reason, power over oneself, and freedom from harmful passion (§§163, 188). Declarations of the grounds explaining why some given imputation of an external court does not take place with regard to a given deed are called *EXCEPTIONS IN RIGHT*. If that imputation was in fact otherwise at least as morally certain as the correct imputation ought to be (§144), the exception will not be valid (§180) until it has rendered that prior imputation at least dubious (§28).

[AA 19: 88]

§196

Also correctly imputed in an external court (§§165, 190) is an involuntary deed in any true sense concerning which, however, (1) another human being who wishes to impute it validly in an external court can be at least morally certain (2) that it

[BIP 133]

contravenes external laws even if it subsists only indirectly under freedom, and that it is an implication, which should have been foreseen through external laws, of a voluntary state, or at least that it pertains to the field of laws strictly considered (§72). The demerit belonging to an endeavour can also be correctly imputed in an external court (§§165, 190), if (1) the preparations for its efficacy alone, even the more remote ones, would already contravene external laws, but were still done such that (2) another human being who wishes to impute could be at least morally certain that these were done with the tacitly or expressly declared (§103) intention of carrying out the demerit that subsists in the effort.

§197

Moral proficiencies in external duties and external harms can also be correctly imputed in an external court if another human being who wishes to impute can be at least morally certain about those proficiencies that have been either tacitly or expressly declared (§166). And such habits, as well as the habitual deeds originating from them, also increase the degree of imputability in an external court, because, based on these, another human being who wishes to impute can become more morally certain about external duties or harms that are frequently exercised (§§166, 194).

[BIP 134]

§198

Not only absolute but also qualified human weakness, once posited, along with its own inevitable implications (§189, 168), is nevertheless not imputable in an external court (1) if it is either not at all an implication, foreseeable through external laws, of a certain moral state, or (2) if another human being who wishes to impute cannot be at least morally certain that it is such. The declaration of grounds explaining why something is entirely not imputable as a demerit is an EXCULPATION;³²² the declaration of grounds explaining why a given degree of imputability belonging to it must be denied is an EXCUSE. Therefore, exceptions in the juridical sense will either be exculpations or at least excuses (§195).³²³ Human weakness, even qualifiedly such, not only sometimes excuses in an external court, but even exculpates; nor rarely does it excuse with certainty when it cannot entirely exculpate (§168). The same is true of human fragility (§169).

[AA 19: 89]

§199

The external court will not impute the actions of children, of minors, of the simple in the bad sense, of the insane, of the delirious and of the furious until (1) another human being who wishes to impute can be certain, morally at least, that (2) they were freely undertaken, and thereupon they (3) can establish that the actions are such as pertain to the field of external laws (§§170, 194). All those things proved generally about the

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³²² Kant E6574, 1776–8? (referring to §198, 'EXCULPATION'): 'justification'.

³²³ Wolff discusses exculpation in terms of conscience, but seemingly not in terms of the external court (WPPU §§464–5).

external court in §186–99 must be applied to the natural external court of reason (§§183, 125). One of the overriding questions of right concerning the law is whether a law that is to be applied to a deed is a law strictly considered (§§171, 180), so that in an external court, even in the court of reason, the wish to apply counsels and internal laws, even the truest, as the major propositions in an imputational syllogism, would be an error of right, and indeed an essential error (§§193, 173). The natural external court belongs to the science of natural juridical expertise and to the science of natural jurisprudence, strictly considered (§§79, 183).

Section XIII: Conscience

§200

[BIP 136]

Since conscience is the act, or faculty, or proficiency in imputing deeds to oneself, and of applying laws to these (§126), what has been said up to this point about imputation also applies to conscience (BM §154).³²⁴ Now, in their own free determinations all human beings indeed follow some specific knowledge <*notitiam*> of these laws (BM §665), and indeed in respect to perfection (BM §655), and hence knowledge of both the morality in the same (§36) and of the habituation for law (§82); but the natural obligation for always choosing the best (§70) requires that *you always seek*³²⁵ *your best conscience as much as you can: i.e. take pains (1) to perfect your conscience as much as you can, and (2) to act appropriately according to the best conscience that you can acquire.*

§201

[BIP 137]

Called the LAWS OF CONSCIENCE are those (1)³²⁶ that conscience is bound to apply to our deeds, i.e. those laws obligating conscience, and then all the external and internal laws that determine something about our deeds are also laws of conscience; (2) or those which we are obligated to observe through no other source indeed than our conscience, and then all internal laws are laws of conscience (§182); (3) or finally those that give instruction regarding our obligations towards our conscience, such as are exhibited in §200. And since the use of our powers for perfecting the cognition and actuation of the means for something is TAKING CARE of it: take care of (guard) your conscience, so much as you can. Do not harm your conscience, not only by acting against that which is best for you, but also by omitting the promotion of any of its perfections that you would have been able to furnish (§92). The more laws one knows sufficiently well that will determine one's deeds, and likewise, the more of one's deeds one sufficiently knows that are to be subsumed under these laws, the MORE INSTRUCTED is the CONSCIENCE; the fewer laws and deeds that one knows sufficiently well in this manner, the MORE IMMATURE it is.³²⁷ All else being equal, the more instructed conscience is more perfect

³²⁴ Wolff: 'The faculty of judging the morality of whether our actions are either certainly good or bad, and whether they are to be committed or omitted, is called *Conscience*' (WPPU I §417).

³²⁵ 'seek <*sequere*>' – Baumgarten typically uses *quaere* in such formulations, but not in this one case.

³²⁶ Ordinal numbers added by the translators.

³²⁷ Wolff: '*Conscience especially supposes acquaintance with natural law*' (WPPU I §429).

than the more immature (BM §669). Or, therefore, so that you do not unintentionally harm your conscience: whenever it seems insufficient to you, instruct it as much as you can (§200).

§202

A CONSCIENCE that applies powers equal to the weight of deeds that are to be compared with laws is PROPORTIONATE, and the conscience expending either lesser or greater powers is DISPROPORTIONATE. And since a conscience can be called LIGHT that pays less attention than is deserved to those weightier deeds that are to be judged according to laws, while a conscience that pays attention beyond moral possibility to smaller ones can be called MICROLOGICAL (leptological): seek a proportionate conscience, and shun not only the light but also the micrological as much as you are able, especially that feigned (pharisaical) conscience that could lead others to believe that you are an intractable boaster who is surely accustomed to applying that same degree of powers as is necessary for examining one's own weightier deeds also to things that appear trivial (§§200, 669).

§203

The more exactly conscience establishes both laws and deeds, and their nexus, all else being equal, the more perfect it is (BM §515). The lively representation of laws and deeds is more perfect than the quite obscure, all else being equal (BM §531). Hence you, who wish to take care of your conscience as much as you can, do not take refuge in the immature and crass cognition of good or evil, but instead seek its exact cognition without contempt for any liveliness in representing laws or deeds, because, and inasmuch as, distinct, adequate and pure cognition <*cognoscere*> of everything pertaining to the court of conscience is not a given. For the same reason, you should seek conviction of conscience, but without, nevertheless, neglecting persuasion in the good sense (§201, 137), particularly when conviction cannot be obtained (§202).

§204

Just as every cognition is moving to some degree, even if the degree be infinitely small (BM §§669, 23), so still greater is every cognition belonging to conscience (§200). But that conscience which has acquired the rest of the perfections (§§201–3) as much as is possible, would be, as is proper, also the most brilliant conscience that there can be (BM §669). Whence not only must inert speculation of all things pertaining to conscience, as much as can be observed, be shunned (§201), but also speculation subsisting in those solicitations insufficient for whatever must be done, moving only incompletely. As much as is possible, one must seek a more strictly living cognition of an otherwise perfect conscience, a cognition that is sufficiently rousing and completely moving for whatever must be done (BM §671). Thus, whenever you would satisfy the first law of conscience among those specified in §200, it will follow from itself that the second is satisfied (BM §668).

§205³²⁸

[AA 19: 91]

Called *SERVILE* by some is the *CONSCIENCE* that is otherwise perhaps not so much imperfect as it is inert and powerless, such that, in a struggle of the inferior and superior appetitive faculty against affects that lead to the opposite, the desire following conscience is always conquered;³²⁹ called *FREE* by some is the conscience that is indeed *LIVING*, such that, in the above case, the desire following it is victorious, or has scarcely to endure any observable struggle at all.³³⁰ Seek the free conscience of the upright character, and flee the servile conscience of the abject character, as much as you can (§204). A richer treatise on the laws of conscience (§200) is better left to a special practical discipline or science (§6).

³²⁸ Kant E6575, 1776–8? 1778–9?? (referring to §205): ‘We ought to be threatened by conscience; conscience as a judge must not be threatened. It must be free.’

E6576, 1776–8? 1778–9?? (referring to §205): ‘A conscience is slavish that allows itself to be frightened in judgement.’

When the judgement of conscience grounds itself in belief, but this belief [is based] on fear.’

³²⁹ Wolff: ‘In short, if a conscience proposes that an action be committed or omitted, but at the same time we are led by the sensitive appetite or sensitive aversion to the contrary, or we are snatched by the urge of the affects to the same, we call this *conscience servile*; if however we make a judgement situated outside of this state, we name this a *free conscience*’ (WPPU I §426), and in the remark to this paragraph: ‘if a conscience is servile, the sensitive appetite and sensitive aversion influence judgement: this is not to be feared when a conscience is free.’

³³⁰ Cf. §51 above. See also Rousseau in his *Social Contract*: ‘for the mere impulse of appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty’ (book 1, ch. 8).

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Prepared by Anton Bernhard Thiele

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Anton Bernhard Thiele (1736–1807) was a student of Baumgarten and later preacher in Rathstock. His works include a study of the theologian Gotthelf Samuel Steinbart's system of pure philosophy, *Das Steinbartische System der reinen Philosophie oder Glückseligkeitslehre des Christenthums* (1782). He was also a renowned wine expert. In that capacity, he wrote an economic analysis of the possibility of reviving viticulture in Brandenburg, *Ökonomischen Grundsätzen, nach welchen der ehemals blühende Weinbau in den Marken Brandenburg wieder hergestellt werden könne* (1798), which formed the appendix to Carl Renatus Hausen's history of the same: *Darstellung des Weinbaues und des mit einheimischen Weinen getriebenen inländischen und ausländischen Handels in den Marken Brandenburg von 1173 bis auf gegenwärtige Zeit* (1798).

¹ Thiele lists this as §115.

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² §182 refers to the human court 'strictly' but not 'more strictly' considered.

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chosen	\$33	implicitly revealed	\$104
moral of deeds	\$133	natural derived	\$84
natural	\$33	natural primitive	\$84
improbable, the	\$28	obedience to	\$83
impunity	\$124	observance of	\$83
absolute	\$124	particular	\$72
relative	\$124	perfective	\$84
imputability	\$125	permissive	\$68
of deed	\$125	preservation of	\$83
of law	\$125		
imputation, broadly considered	\$125		
direct	\$167		
indirect	\$167		

said to cede to the conqueror	\$85	of effort	\$165
said to conquer	\$85	of fortune	\$132
satisfaction of	\$63	strictly considered	\$107
sphere of	\$72	mine	\$93
spirit of the	\$75	moral exceptions must be the smallest and fewest possible	\$86
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positive	\$63	decrease of	\$21
prescriptive	\$68	direct	\$167
prohibitive	\$68	divine	\$100
promulgation of	\$103	external	\$56
lawyer	\$76	greater	\$23
practising	\$76	increase of	\$21
theoretical	\$76	indirect	\$167
legislate, to	\$100	internal	\$56
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strictly considered	\$105	natural	\$29
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honestly	\$94	new, introduction of	\$21
lord (legislator as)	\$105	partial	\$19
love the best as much as you can	\$48	particular	\$49
mercenary	\$107	passive	\$10
merit	\$64	perishing of	\$21
broadly considered	\$106	positive	\$29
more strictly considered	\$107	rational	\$41

³ Thiele lists this as \$60.

revival of	§21	porisms	§90
satisfaction of	§22 ⁴	principle, derived	§87
smallest	§17	adequate	§87
to satisfy	§22	chosen	§89
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⁴ Thiele lists this as §49.

nomothetic	§105	syllogism, imputational	§171
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Kant's *Reflections on Moral Philosophy*

1764–8.
General Remarks.

[AA 19: 92]

6577. 1764–8. BIP I.

Juvenal: We must pray for a sound mind in a sound body.¹ <*Juvenalis: Orandum est, ut sit mens sana in corpore sano.*>

To the first belongs a healthy understanding and a good heart.

Through experience and instruction, the understanding is trained to serve as a means.

The heart determines the end.

The science of the means is prudence or skilfulness.

The science of ends is wisdom.

Practical wisdom that which observes———subj
 that which instructs: preceptive <*praeceptiva*>.

Of free actions and their goodness. Subjective: that which observes and that which explains.

objective.

(*added later*: The ideal of simplicity, prudence and wisdom.)

(*added later*: All consideration is either physiological or teleological.)

Teleology <*teleologia*> is either empirical or rational: when the end is given through external experience or internal inclination.

Teleology is either external <*externa*> or internal <*interna*>.)

6578. 1764–8? 1769–72? BIP I.

objective <*obiective*> and *subjective* <*subiective*>: what ought to happen, and what happens, phenomenon.

[AA 19: 93]

moral: of ends, and pragmatic: of means to happiness.

pure moral philosophy or applied.²

ideal

¹ *Satires*, 10.356.

² *moralis: finium, et pragmatica: mediorum ad felicitatem. philosophia moralis pura oder applicata.*

theoretical and practical <*theoretica et practica*>. The latter: Education, legislation. (*added later*: the contemplative <*contemplativa*> distinguished from the practical <*practica*>.

With respect to the human being, we first notice choice, but then with respect to his most general actions, also free choice, chiefly ~~what~~ that he is capable of representing something that he ought to do, even if he does not do it.)

6579. 1764–8. BIP I.

1. ~~Mistake~~ Neglect of the subjective philosophy concerning the natural human being and the civilized.³
2. What ought to happen: confusion of the pragmatic with the moral.
3. What is moral in general, without considering what is particular to human beings and to its state. (*added later*: pure <*pura*>.)
(*added later*: 4. applied <*applicata*>.)
The ancients confused ~~right~~ natural right with ethics.

6580. 1764–8? 1769–72? BIP I.

One who obligates ensures that the choice of another⁴ that is not agreeable to himself opposes itself, taken universally; therefore, one only obligates through the agreement of another.⁵

6581. 1764–8. BIP I.

Of moral sense <*sensu morali*>. The rules of prudence presuppose no special inclination or feeling, but rather only a special relation of the understanding to these. The rules of morality relate to a special eponymous feeling, at which the understanding is directed just as in the previous case.

According to the Stoics, active love has its maximum <*Maximum*> when it is equal to [one's] powers. There is no inner measure in space, but rather [this is] arbitrary; but a circle is an absolute measure.

[AA 19: 94]

The doctrine of the mean is really that a greatest good [*breaks off*]

6582. 1764–8? 1769? BIP II.

Either the inefficacious will or choice of the one obligating necessitates <*Obligantis vel voluntas inefficax necessitat vel arbitrium*>.

All obligation is of two kinds: 1. that to which one can be constrained; 2. that to which one cannot be constrained. In the former [*breaks off*]

³ *gesitteten*.

⁴ Reading *alterius* for *arterius*.

⁵ *Obligans efficit, ut arbitrium arterius suo non consentiens sibimet ipsi universaliter sumto repugnet; ideoque non obligat nisi per consensum alterius.*

6583. 1764–8. *BIP II.*

The best condition of the human being according to the rule of right is society, and the best condition of the social human being in respect to its security is ~~authority~~ the irresistible power⁶ that necessitates him to proceed according to this rule of right. The sciences and arts make him less resistant. He does not become better through this, but only tamer. One can easily draw him along through some small infringement of his gratification or through honour. He actually becomes weaker, because every need is a strap that binds him to the laws even if these happen to be chosen.

The ideal of Diogenes concerning the highest good *<de summo bono>* was negative, namely: no pain and no vice, the minimum *<minimum>* of means. That of Epicurus [was] negative with respect to virtue and the highest good *<summum bonum>* of Zeno [was negative] in respect to happiness.

6584. 1764–8.

That one fares well and behaves well.

Means to the former: sensuous pleasure; to the second: virtue.

(*added later*: Natural or mystical ideal; the latter: where the means does not lie in nature.) [AA 19: 95]

Happiness and the good, morality, together constitute the highest good *<summum bonum>*.

Diogenes: Happiness in the lack of pain without anything dispensable and morality in the lack of vice.

Epicurus: Happiness in the enjoyment of the greatest gratification without moral striving.

Zeno: Happiness in the greatest virtue without physical gratification. Rectitude *<rectitudo>*.

The highest good *<Summum bonum>*. Maximum *<Maximum>* of happiness in the minimum *<minimo>* of needs and in simplicity. (minimum *<minimum>* of virtue.)

Epicurus: Maximum *<Maximum>* of happiness in the maximum *<maximo>* of needs and in their satisfaction.

Zeno: Maximum *<Maximum>* of happiness through virtue alone.

Platonic mystical moral philosophy. (supernatural *<supernaturalis>*.) The endpoint *<terminus ad quem>* is confused with the beginning *<a quo>* (natural *<naturalis>*).

The sect of the Cynics: minimum *<minimum>* of moral striving in order to be morally good, while desires are also at their minimum *<minimum>*. The human being of uncultivated nature, system of simplicity.

The maximum *<maximum>* of well-being and good conduct is achieved either through the maximum *<Maximum>* of both particularly or together; the latter is the maximum *<maximum>* of the followers of Zeno.

The Epicurean system is an ~~system~~ ideal of sensuality, the Stoic [is] an ideal of virtue and the Cynical [is] an ideal of simplicity.

⁶ *Gewalt*.

According to the first, it would mean: ~~one can only~~ good conduct consists merely in the ~~striving~~ aiming of actions at well-being; according to the second: that well-being is an agreement of our desires with good conduct. In the former, (physical) sensuality is at its maximum <maximo>, in the second [it is] at its minimum <minimo>.

[AA 19: 96]

Well-being consists in the relation of enjoyment to the desires; if the former is equal to the latter, then that is called contentment. Contentment directly constitutes a whole, and it is the same whether much enjoyment stands in such a relation to much desire or little enjoyment to little desire. Ill consists in that the tally is smaller, and the good in that it is greater. The good is at its minimum <Minimum> when the desires are the smallest and when enjoyment is equal to them.

Good conduct consists in the relation of conduct to our moral precepts, i.e. to conscience.

In all ideals the measure of the remaining relations is to be sought in the relation based on their equality.

The ancients all had the fault that they made chimeras from their ideals. The Stoics from their sage, which was correct as an ideal, but foolish as an actual precept of human conduct.

6585. 1764–8. BIP III.

The first mark of acts of beneficence is that they become the ground of an obligation in another; and that of indebtedness is that they undo an obligation that was there, and therefore cancel none.

The second is that moral omissions <omissiones morales> in the second case are negative magnitudes and that actual actions are required for them to again become = 0. Ethical omissions are = 0 and do not decrease the moral worth <valorem> that is already there. Ethical duties are therefore undetermined. By contrast, the duties of right <officia iuris> are determinate. The merit of an action of right <actionis iuris> is = 0, for $-a + a = 0$; but the merit of an ethical action <actionis Ethicae> is something: $a + 0 = a$.

6586. 1764–8? 1762–3?? BIP III.

There are various degrees of the determination of our choice:

1. According to universal laws of choice in general, namely right.
2. According to universal rules of the good in general, namely beneficence.
3. According to universal rules of private good, namely (rational) self-love.
4. According to particular rules of a private inclination, namely sensuous drive.

[AA 19: 97]

The moral motives <motiva Moralia> are of various degrees:

1. The right of another.
2. My own right.

3. The need of others.
4. My need.

Self-interest is no ground of right.

The interest of many provides them with no right against one.

Right is not founded on motives of beneficence.

We see very sharply in moral matters (through sentiment <*sentiment*>), but not clearly; e.g. an informant⁷ concerning a public crime <*crimini publici*> is despised, because one does not wish to sacrifice private duty simply and entirely to public duty. One suffers on behalf of an offender.

6587. 1764–8? 1762–3?? BIP III.

I can do something wrong towards another, even if I do him no wrong; e.g. one who pays a dullard⁸ with a counterfeit bill. This is proof that not all obligation towards another presupposes that the other obligates <*obligatio erga aliquem alterum obligantem voraussetzt*>.

6588. 1764–8? 1762–3?? BIP III.

Next to the duties of what is owed⁹ there is no greater than that of reciprocal love in response to the love of another, and in particular the reciprocation of actions that please us, which we have accepted from others, and hence gratitude.

The duty of parents towards children is a ~~strict~~ duty of what is owed.¹⁰

6589. 1764–8? 1769? BIP XV'.

Something is good to the extent that it harmonizes with the will; agreeable: to the extent that it harmonizes with sensation; now, I can think of a will while abstracting from the charm of the one who wills or also from the subject graced by this charm, and therefore of something good without a view to charm. Still, nothing is good that is entirely without charm; but goodness <*bonität*> consists in the relation to the will, until finally the absolute goodness <*bonität*> consists in the agreement of happiness with the will.

[AA 19: 98]

Beauty always concerns what is accidental in respect to goodness, namely the relation to taste.

⁷ *Angeber*. Used in an archaic sense not even found in Adelung, although it does appear in Ebers. In this sense, it was used as a legal term equivalent to the ancient Greek συκοφάντης, which, as is also true of the English term 'sycophant' derived from it, originally meant one who brings accusations to the authorities. Often, but not always, the word has the negative connotation of one who does this only to slander. See also §157 above.

⁸ *blind Pferd*, lit. a blind horse.

⁹ *Schuldigkeit*, used in the *Metaphysics of Morals* specifically for *officium debiti*, i.e. for the duty of indebtedness or of what is owed, or the duty to fulfil a certain debt. This is distinguished from what goes beyond what is strictly owed and is hence meritorious. See MS, AA 6:391.

¹⁰ See previous footnote.

6590. 1764–8? 1769? BIP XVI'.

Whatever contributes to the perfection happiness of the human being does not for that reason belong to his perfection. If the upright person is unhappy and the vicious person is happy, then the human being is not imperfect, but rather the order of nature [is imperfect].

In respect to duties towards oneself, the worth of the person and not the worth of the condition¹¹ must contain the motive. To a person belongs soul and body and their perfection. Perfection does not consist in accidental goods, e.g. science, elegance, etc., but rather in what is essential. The perfections of one's body must be preferred to all gratification. Only in respect to the great obligations (e.g. to preserve one's chastity) to fulfil the right of others is the body no longer accounted to the person; hence death itself (though not a voluntary one) is linked with the worth of one's person.

6591. 1764–8? 1769? BIP XVI'.

We have a fundamental activity of reason, according to which we cannot exercise our activities otherwise than in concert with reason, and hence experience a displeasure as soon as they are refuted by it. For example, I cannot avoid rejecting the chemical synthesis of gold as soon as I discover that it is impossible. Now, all judgements through reason are necessarily universally valid; consequently, if they [i.e. judgements] are not universally valid I see myself necessitated to reject them. That is, I can allow two opposed sensations to occur within me, but not two opposed cognitions.

6592. 1764–8? 1769? BIP XVI'.

It is said absolutely that it is necessary to ascribe three angles to the triangle. Just the same: it is necessary to hold a promise.

6593. 1764–8. BIP XVII', XVIII'.

The order of consideration concerning human beings is the following:

[AA 19: 99]

1. The ~~indete~~ natural indeterminacy in the manner and proportion of his faculties and inclinations and his nature as capable of assuming all kinds of forms.
2. The vocation¹² of the human being. The proper¹³ state of the human being: whether it consists in simplicity or in the culture of his faculties and the greatest enjoyment of his desires. Whether from the degree of [his] ability there is also evident a

¹¹ *Zustandes*.

¹² *Bestimmung*. LRJP: 'destination'. BGR: 'determination'.

¹³ *eigentliche*. LRJP: '*réel*'. BGR: 'actual'. The modern sense of 'actually' or 'really' is not central to the definition of this word in Adelung. Instead, in Kant's time *eigentlich* seems to still bear a relationship to the term *eigenthümlich*, meaning what especially belongs to or is characteristic of something (thus *Eigenthum*, 'property'). *Eigentlich* has a range of meanings including true, precise, proper or properly (thus *eigentlich zu sagen*, 'properly speaking'), and adequate.

natural final end [that] is to be cultivated¹⁴ to a certain height.¹⁵ Whether sciences necessarily belong to this.

(4. The wild or (uncultivated) human being of nature. Whether this condition is a state of right and of contentment. Distinguish the personal perfection of the uncultivated human being and that which he has in respect to others. Whether the human being can remain in this condition.)

3. The human being of nature considered purely according to his personal attributes, without a view to his condition. Here the question is purely: what is natural and what is from external and contingent causes? The state of nature is an ideal of the external relations of the purely natural, i.e. of the uncultivated human being. The state of society can also consist of persons with purely natural attributes.
4. Émile or the civilized¹⁶ human being. The art or culture of the powers and inclinations, which agree most fully with nature. Through this natural perfection is improved.
5. In the external condition.* The social contract <Social contract> (social contract¹⁷) or the ideal of constitutional right (according to the rule of equality) considered in abstract <in abstracto>, without a view to the particular nature of human beings.
6. Leviathan: the condition of society, which conforms with the nature of human beings. According to the rule of security. (I can exist either in the state of equality and possess the freedom to be unjust and to suffer injustice, or in the state of submission without this freedom.)
7. The league of nations:¹⁸ the ideal of international law as the completion of societies with respect to external relations.

The social contract <social contract>. Or public right as a ground of public the highest power.¹⁹ Leviathan or the highest power as a ground of public right.

*(The state of nature: an ideal of Hobbes. Here right is considered in the state of nature and not the deed <factum>. It is shown that emergence from the state of nature is not by choice, but rather necessary according to rules of right.

[AA 19: 100]

With the right of war of individual persons all material of right is lost; but in nations, since every individual can be regarded as at peace with every other, one has only a right to attack the whole and the goods that belong to it.)

¹⁴ *excoliren*. A Kantian coinage, from the Latin *excolere*, meaning to cultivate (figuratively speaking), improve or honour.

¹⁵ LRJP: 'Qu'un but final naturel puisse être mis en lumière aussi par la degré de capacité serait un très haut sujet d'investigation.' BGR: 'Whether a natural final end is illuminated by the degree of ability would be very worthwhile to investigate.'

¹⁶ *gesittete*.

¹⁷ *Bürgerbund*. This could be translated more literally as 'union of citizens', as 'league of citizens' or as 'civil union' (as in BGR). But Kant is probably drawing on the Biblical sense of 'bund' as a 'covenant' in an attempt to find a suitable German translation for 'social contract'.

¹⁸ *Völkerbund*. It may be more precise to translate this as 'contract of nations', given Kant's use of *Bürgerbund* above, and given that it refers more to the legal agreement between nations than to the body of nations itself (see AA 8:354).

¹⁹ *Gewalt*.

6594. 1764–8. BIP XVII'.

Benefit does not determine right, but rather every individual will. However, because according to the rule of freedom everyone must determine benefit according to his own mode of thought, another has no authorization to judge concerning what is beneficial, but rather concerning the will of another.

The multitude can form a body politic according to rules of prudence, although it has not in the least arisen according to the rule of right.

No one can relinquish all power²⁰ to another with regard to the execution of one's own judgements of right, ~~for in that case wou~~ without reserving to oneself an equal authorization to constrain him to his obligation; for in that case one would grant another a right to do what he wants (licence <*licentiam*>); if, however, the other cannot do wrong through his own act, then his actions rest only on his power and not on his right.

6595. 1764–8. BIP XVIII'.

One must first know: what would be right, if every will that accords with right were irresistible; second: through which means an irresistible power²¹ is combined with a right, and what it is only permitted to do under this condition. Right considered abstractly <*in abstracto*> may also be thought without the means through which it can be actualized. But considered concretely <*in concreto*> one must consider the security with which the conditions of right can be actualized.

What is true in the abstract <*in abstracto*> is also true in the concrete <*in concreto*>. For, if something is abstracted from individual cases – –

What is possible in universal <*in universali*> and abstract notions, is not always possible considered concretely <*in concreto*>, because the universal <*universale*> is not determined with respect to many predicates that are determined in the concrete <*in concreto*>; hence, what does not contradict in the universal <*universale*> can conflict²² in the individual <*individuo*> or in the species <*speciei*>.

The maximum considered abstractly <*maximum in abstracto*> is thoroughly determined, but it is not always possible when considered concretely <*in concreto*>. All attributes of a maximum considered abstractly as such <*maximi in abstracto qva talis*> are not only possible in it, but rather also true; but considered concretely <*in concreto*> they can be impossible, because the determinations of the maximum as such <*maximi qva talis*> conflict with the determinations of the species <*speciei*>.

6596. 1764–8. BIP XVIII'.

Every act of right is a maximum <*maximum*> of free choice, if it is taken reciprocally.

The human being is inclined to look towards the extreme in every magnitude, the maximum <*maximum*> and minimum <*minimum*>, partly because he does not cease

²⁰ *Gewalt*, here and below.

²¹ *gewalt*.

²² *widerstreiten*.

with respect to addition and subtraction without this terminal point <terminum>, partly because he requires a measure: the greatest is thought either indeterminately, insofar as one thinks only a further progression, such as (number) space, time (everything); or determinately: if the greatest approaches determinate relations. The greatest of all beings can be thought determinately in many ways according to the relations that the various realities of things can have towards one another, in order to decrease or increase the magnitude.

This greatest is either thought itself given through certain determinations of a thing, which exist in alterable relations with respect to one another, or it consists purely in an arbitrary increase in magnitude. The latter is a fictional ideal, the former an ideal of reason, which is distinguished into either a purely mathematical or philosophical ideal. The smallest (of the power movable) can be called a moment.

There is no genuine maximum <maximum> and minimum <minimum> in the absolute sense with respect to the quantitatively continuous <continuis>, but there is with respect to the discrete <discretis>.

Moral Constraint.

§§50–9.

[AA 19:102]

6597. 1764–8? 1769–70? 1772–5? BIP 26, 27. Next to the three last sentences of §56.

(Moral constraint through the choice of another includes the appropriate suffering from all sensuous displeasures, insofar as they are necessitated through the other's choice.)²³

When I satisfy an obligation of right <obligationi iuris>, I do not thereby obligate any other towards me. When I satisfy an ethical obligation <obligationi Ethicae>, I obligate another; since there is no moral necessity <necessitas moralis> to obligate others: one can see that ethical obligation is a moral abundance <affluentia moralis>. Moral necessitation by the state of another is ethical <Necessitatio moralis per statum alterius est Ethica>.

The rule of right is: impede nobody in the use of their free choice contained under the law of common choice.

The rule of ethics is: add the complement of sufficiency even to the inefficacious will of others according to the rules of the common will.

Seeing that by forcing another into the conformity of his actions with universal rules of choice, I make my choice agree with general rules, constraint is permitted.

But if I constrain someone to obli make good what is owed to another, the act of my choice is not permitted.²⁴

²³ *Coactio moralis per arbitrium alterius includit debitam passionem omnium sensitive displicentium, quatenus necessitantur per arbitrium alterius.*

²⁴ *Regula iuris est: neminem impedire in usu arbitrii sui liberi contenti sub lege arbitrii communis.*

Regula Ethica est: voluntati etiam inefficaci aliorum addere complementum ad sufficientiam secundum regulas voluntatis communis.

Qvoniam cogendo alterum ad conformitatem actionis suae cum regulis arbitrii universalibus facio consentire arbitrium meum cum regulis generalibus, coactio est licita. Sed si aliquem cogo ad obli debitum alii praestandum, actus arbitrii mei non conte impedit est illicitus.

With regard to all other morality, my higher choice is only subjected to motives <motivis>, but not to the choice of another, with the exception of right.

[AA 19:103]

1769.

General Remarks.

6598. 1769–70? (1764–8?) BIP IV.

The means are only the form of the intention or the method of execution; the end is the matter. Actions are rational either according to their means or according to their end; in the first case, reason determines the form, in the second also the matter of the aim.

The understanding is only mediately good as a means to another good or to happiness. The immediate good can only be met with in freedom. For, because freedom is a faculty to act, even when it does not please us [to do so]: it has it is not tied to the condition of a private feeling; however, since it nevertheless always only concerns what pleases, it has a relation to feeling and can have a universally valid relation to feeling in general. Hence, nothing has an absolute worth aside from persons, and this consists in the goodness of their free choice. Just as freedom contains the first ground of everything that begins, it is also what alone contains independent goodness.

Moral feeling is not an original feeling. It depends on a necessary inner law to consider and sense oneself from an external point of view. So to speak, in the person of reason: here one feels universally and views his individual self <individuum> as a contingent subject, like an accident <accidens> of the universal.

6599. 1769–70? (1764–8?) BIP IV.

[AA 19: 104]

There are two kinds of feeling: namely, either of loathing or of the difficulty of becoming accustomed to something. Wrong is, as it were, something awkward²⁵ to one who always has the reversal of authorization in mind.

Moral sentiment <sentiment> only becomes inclination when others are added to it, e.g. love of honour (what others think).

6600. 1769–70? (1764–8?) BIP V.

Benevolence only occurs when one experiences well-being.

²⁵ Kant's play on words here cannot be translated: wrong in German is 'Unrecht', or un-right, which Kant says here is 'as it were' something left-ish ('linksches'). This exact word is not found in historical dictionaries. Our best guess is that Kant intends *linkisch*, which comes from *links* ('left'), but means in the wrong way (*verkehrt*), awkward or even deceptive (see Adelung). We suspect that this is yet a second play on words: *linkisch* suggests *verkehrt*, which goes with 'reversal' (*Umkehrung*). Kant's meaning here is unclear. Given the context, the thought might be that one who seeks to reverse the order of what is rightful is always inconvenienced by their own feeling of loathing towards their actions.

6601. 1769–70? (1764–8?) BIP V.

Of the ethical ideal of the ancients, the highest good. It is either negative or positive, i.e. absence of vice and pain, innocence and moderation, or virtue and happiness. The latter are either subordinated in such a way that happiness is a necessary consequence of virtue or virtue a necessary form of the means to happiness. The first is Stoicism, the second is Epicureanism. Finally, the ground of the highest good is either in nature or in community with the highest being. The former principle <principiūm> is natural, the latter mystical. The latter is the Platonic doctrine.

We highly respect everything that is good in itself; we love whatever is good relative <respective> to ourselves. Both are sentiments. The former is preeminently in the idea ~~this in the~~ of approval, the latter is more a ground of inclination. Whatever we regard as worthy of high respect, we do actually respect highly; whatever we regard as worthy of love, we do not always love, namely, when it is not particularly in connection with us.

Both sentiments are at times opposed to one another. Partiality towards us makes it so that we love a person, but not that we hold them in high esteem.

We have a greater drive to be respected than to be loved – but a greater [drive] to love others than to respect [them]. For, in love for others one senses one's own precedence, in respect for others [one] restricts the same.

All actual ~~motives~~ motivating causes of action are either pathological (or subjective) and are called impulses, or they are ... (objective) and are called motives <motiva>. The latter are pragmatic or moral. The universal pragmatic imperatives <imperativi> are also categorical; but then they are more propositions that state what everyone wills, than what he ought to will.

[AA 19: 105]

6602. 1769–70? (1764–78?) BIP V.

Only one who fares well is capable of love together with the love of ~~delight~~ gratitude.

6603. 1769–70? (1764–78?) BIP V, VI.

Whatever pleases only under the condition of a determinate inclination or feeling is agreeable; whatever pleases under the condition of a determinate nature of the power of cognition, through which all objects of feeling must be cognized, is beautiful; whatever possesses a universal and necessary relation to happiness in general without relation to a special feeling or a special cognitive proficiency, is good. For example, non-being necessarily displeases, even if this displeasure is outweighed by particular loathing; the sickness, mutilation of a person requires no special feeling in order to displease. All right has a universal relation to happiness insofar as each brings it about through themselves in such a way that the rules of private intention do not contradict one another according to universal laws. All duties of love consist in the desire to promote universal (not merely one's own) happiness through one's own actions. An arbitrarily invented intention without motivating grounds [*breaks off?*]

6604. 1769–70? (1764–78?) BIP V.

In the character of a prince justice is fully identical with beneficence, even though in private character both can be very different from one another. Hence, in wrong towards one's own person beneficence is yet opposed to justice.

6605. 1769–70? (1764–78?) BIP VI.

[AA 19:106]

There is a free choice that has no personal happiness as its intention, but rather presupposes it. The essential perfection of a freely acting being depends on this freedom choice not being subject to inclination or in general not being subject to any foreign cause at all. The chief rule of externally good actions is not that they harmonize with the happiness of others, but rather that they harmonize with their choice, and just as the perfection of a subject rests not on its being happy, but rather on its state being subordinated to freedom; so also universally valid perfection [rests on] the actions standing under universal laws of freedom.

6606. 1769–72? BIP IV.

The system of refined self-interest is distinguished from the doctrinal concept of self-sufficient virtue in that the latter loves virtue in itself, and for this reason, rather than despite it, can hope for an all-seeing judge of their purity and their reward. Love of virtue is the hope of being happy, and this provides them with strength to withstand the displeasure that is joined with virtue. By contrast, in the first system the hope of happiness is, if possible, the ground of virtue, [but] properly a ground of prudent actions that elicit precisely the same effects, but not from the same principles <*principiis*>.

6607. 1769–72? BIP VI.

The ancients did not coordinate happiness and morality, but rather subordinated them; for the reason that, if both compose two different parts the means to which are distinct, the two often stand in conflict. The Stoic doctrine is the most genuine of the pure moral sciences, but is the least in conformity with the nature of human beings. It is also the easiest to comprehend. The Epicurean is less true, but ~~more~~ perfectly in conformity with the inclinations of human beings. The Cynical conforms most with human nature in the idea, but naturally [conforms] least in execution and is the ideal of the most artificial²⁶ education as well as of civil society.

[AA 19: 107]

The Stoic ideal is the most correct pure ideal of morals, but concretely <*in concreto*> applied to human nature [it is] incorrect; it is correct that one should proceed in such a way, but false that one ever will proceed in this way. The ideal of Epicurus is false according to the pure rule of morals and so also in the theory of the moral principle <*principii*>, even though in moral doctrine [it is] true; however, it agrees the most

²⁶ *Künstlichste*. The connotation of this term is not nearly as negative as that of the phrase 'most artificial'. Also possible would be 'most elaborate' or 'most artful'. We have chosen 'most artificial' because of the intended contrast with natural earlier in the sentence.

with the human will. The Cynical [ideal] concerns merely the means²⁷ and is correct in theory, but in practice *<praxi>* very difficult, albeit the norm *<norma>*. The previous ideals were merely theories of moral ~~enig~~ philosophy, the Cynical merely a doctrine of the means.

6608. 1769–70? 1764–8?? BIP VII.

A doctrine is practical, if it contains not merely idle cognition, but instead is also a means to its execution. It is in this way that ~~moral science itself primarily~~ logic is mostly expounded ~~primarily~~. Practical philosophy is a philosophy regarding practice, often appears otiose *<otiosa>*, and [is] a means of judgement, not of execution.

6609. 1769–70? 1764–8?? BIP VII.

Either a thing or a person is liberated; if the first: the thing is without a possessor, i.e. vacant.²⁸

6610. 1769–70? 1764–8?? BIP VII.

Morality is an objective ~~dependence~~ subordination of the will to the motives of reason. Sensibility (practical *<practice>*) [is] a subordination *<subordinatio>* of the will to inclination.

Inclinations ~~become unified~~, unified through reason, agree with happiness, i.e. with the well-being based on the permanent satisfaction of all our inclinations. Individual inclinations conflict with happiness if they prevent attentiveness to the satisfaction of the remaining ones ~~prevent~~. ~~Affects~~ Passions therefore conflict in a natural way as much with happiness as with morality. Happiness, however, agrees only in a contingent way with morality (actually or subjectively *<actualiter sive subiective>*); but objectively *<obiective>* it agrees with morality in a necessary way, i.e. the worthiness to be happy.

[AA 19: 108]

6611. 1769–70? 1764–8?? BIP VII, VIII, 139.

(added later: The concept, the idea, the ideal. The concept is a universal ground for discriminating (mark). The *a priori* concept alone has true universality and is the principle *<principium>* of rules. Concerning virtue, there is only possible a judging according to concepts, and hence *a priori*. Empirical judging according to intuitions in images or according to experience furnishes no laws, but rather mere examples, which require an *a priori* concept for judging. Many are not capable of deriving their principles from concepts.

The idea is cognition ~~of pure~~ *a priori* (of the understanding), through which the object becomes possible. It relates to the objectively practical as a principle

²⁷ *Mittel*, here and below. BGR translates this as 'mean' and provides a footnote discussing the so-called doctrine of the mean. We believe that Kant is instead saying that the Cynical ideal only concerns the way to achieve happiness and thus is a doctrine of the means. LRJP: 'moyens'.

²⁸ *liberatur vel res vel persona; si prius: res est vacua sive vacans.*

<*principium*>. Contains the greatest perfection in a certain intention. A plant is possible only according to an idea. It is purely in the understanding and in respect to human beings in concepts. The sensible is only an image. E.g. in respect to a house the idea contains all the ends. The outline is only the sensible that conforms to the idea. All morality rests on ideas, and its image in human beings is always imperfect. In the divine understanding there are intuitions of itself, and hence archetypes.

An ideal is the representation of an object of the senses conforming to an idea and the intellectual perfection in this. Ideals concern only objects of the understanding and are fictions <*fictiones*> with respect to and for human beings.²⁹ It is a fiction for presenting an idea concretely <*in concreto*> in intuition.

The three ideals of morality based on concepts. The mystical ideal of intellectual intuition of Plato. Holiness is the ideal of supernatural influence. (Concept of a plant, but not idea.)

[AA 19: 109]

The ideal of innocence. Of prudence. Of wisdom. ~~virtue~~ Of wisdom and of holiness.*
(*added later*: ideals, etc. etc.) (*added later*: The Cynical ideal was negative.)

In the first simplicity of morals and moderation in well-being.

2. Morality is ~~the end of~~ regarded as the necessary consequence of the prudent intending of happiness, hence ~~in morals~~ well-being in amusements and virtue in the active cognition of means.

3. Wisdom has as end only the good, perfection; and well-being depends not on things and on sensation, but rather wise is the one who is happy in their virtue. To the Epicureans special laws of morality were superfluous, to the Stoics special laws of prudence.

4. Holiness has for well-being blessedness. Arises from community with God. (*added later*: Platonism: through nature with God, Christianity: through supernatural means. Philosophy or fantasy. Enthusiastic, fanatical, mystical.)

The Epicurean ideal consisted in the satisfaction of the totality of inclinations combined, the Stoic in the power³⁰ and mastery over all. That of holiness in the moral peace with all, i.e. their harmony, or also release from them, the Cynical in the moderate elimination³¹ of all.

(*added later*: The Cyrenaic philosophy. De la Mettrie makes morality into mere skilfulness in the satisfaction of our desires. Helvetius.)

[AA 19: 110]

(*added later*: 1. The human being of nature (not the uncultivated and animal, but instead of the wise human being who conducts himself according to the intentions of nature). 2. The man of the world. 3. The wise man. 4. The Christian and the Platonist.)

(*added later*: The highest good. The grounds of the highest good lie either in nature, and the precepts are only negative such as moderation and innocence, namely not to spoil nature, or in art, applied to happiness (prudence), or to morality (virtue, wisdom), or in a being superior to nature: Holiness and blessedness.)

(*added later*: Morality, worthiness to be happy lies in conduct. All worthiness lies in the use of freedom.)

²⁹ This last part could possibly also be rendered 'exist only in human beings and for them are fictions'.

³⁰ *Gewalt*.

³¹ *Vertilgung*. AA also gives *Verneinung*, or 'negation' as a possible reading.

6612. 1769–70? 1764–8?? BIP VIII.

All philosophy is either theoretical (of objects): contains (the use or also the) rules of the understanding (general logic) or practical* (of free action, to make it actual): contains the rules of the free will.

(* Practical sciences determine the worth of the theoretical sciences: whatever has no employment is useless. They are first in intention, the ends precede the means, but in execution the theoretical are first.)

All practical philosophy is either 1. objective or 2. subjective. 1. Of possible good conduct: the conditions of perfection; 2. of actual conduct. The objective is either: 1. that which prescribes the means to the general end, namely happiness; 2. that which prescribes the end which then makes one worthy of becoming happy.

6613. 1769–70? 1764–8?? BIP VIII.

The doctrine of prudence is a doctrine of the practical understanding.

[AA 19: 111]

That of morality contains genuine laws of the will.

(*added later*: Practical: insofar as it is contradistinguished from speculation or the theoretical.)

(*added later*: Moral science can be a mere judging and theory, and it still calls for a practical doctrine of morals.)

6614. 1769–70? 1764–8?? BIP VIII.

The end of cognition is either immediate gratification or the employment for another or employment for what is beneficial.

6615. 1769–70? 1764–8?? BIP VIII.

Moral motives must be extracted from the mixture with the rest (likewise of delight with respect to the skilfulness of execution); it is of pure and heavenly origins; when one observes it in one's conduct, one finds oneself ennobled and sees all happiness as its mere retinue.

6616. 1769–70? 1764–8?? BIP VIII.

(Contentment based on) the release from pain is welfare.

Contentment based on the satisfaction of inclinations is happiness.

~~Contentment based on self-sufficiency with respect to gratification is blessedness~~ based on a possession of well-being that is independent from external things is self-contentment. Self-contentment to which the world can make no addition is blessedness.

(Aristippus: mere doctrine of skilfulness. Epicurus: of prudence, that in which happiness consists and how one can attain it: the cheerful heart. Not to deny everything that is superfluous, but rather what does not consistently please. Zeno: the rules of how one ought to become worthy of being happy.)

[AA 19: 112]

6617. 1769–75. BIP VIII.

The chief error of Epicurus is that he placed the principles of execution under those of judging, of Zeno, however, the converse.

6618. 1769–75. BIP VIII.

(*added later*: Skilfulness that has nothing but good ends is wisdom.)

Practical sciences:

1. of skilfulness (*added later*: The end is discretionary.) (*added later*: commands³² problematically);
2. of prudence (*added later*: commands categorically);
3. of morality (*added later*: commands apodictically);
4. of wisdom. (Wisdom is a morality that is supported through prudence (administered)).

Moral philosophy:

1. Pure <Pura>,
2. Applied <Applicata> (particular circumstances),
 - a. theoretical <theoretica>,
 - b. practical <practica>.

(*added later*: End of the human being: personal worth: moral. Nature has no worth of its own.)

(*added later*: judgement <diuudication> of happiness is given through the general inclination, that of the understanding [is] cognized. Reason seeks the means.)

6619. 1769–70? (1764–78?) BIP IX.

Epicurus took the subjective grounds of execution, which move us to action, to be the objective grounds of judgement <diuudication>. Zeno did the converse. The fact that Epicurus bases everything on bodily stimulation appears to be more an opinion, aimed at explaining the decisions of human beings, than a precept. Even the greatest spiritual joys admittedly locate the ground of their approval in an intellectual concept, their incentives <elateres>, however, in what is sensible.

It is remarkable that the representation of benefit and honour cannot generate a resolution to emulate virtue as strongly as can the pure image of virtue by itself; and even when privately driven through the prospect of honour, one in fact does this not for the sake of such honour alone, but instead insofar as we are able, through a private

[AA 19: 113]

³² *Imperirt*, here and below; from the Latin and obviously related to ‘imperative’.

persuasion, to imagine that the principles of virtue have brought it about. We must disguise the mechanics of our self-interested impulses from our own eyes.

The most powerful means of impelling human beings towards moral good is thus the representation of pure virtue, in order to esteem it highly and see distinctly that one can only esteem oneself to the extent that one measures up to it, but also to show that this is the single means of being esteemed and loved by others, resulting in the greatest security and ease; to be sure, one does not perform the good for the sake of these things, but they do accompany the good. The inclinations that closely harmonize with morality must be excited: love of honour, sociability, freedom.

Thus, the practice <*praxis*> of morality consists in that formation of the inclinations and of taste which makes us capable ~~our-gr~~ of combining the actions that result in gratification ~~and-as-su~~ with moral principles. This is the virtuous, consequently the one who knows to conform his inclinations to moral principles.

(*added later*: Even without any morality,³³ present and promising benefits can impel us to the same action that morality³⁴ would command. However, in no case will someone submit himself universally and according to a universal rule of such actions based on mere motives of self-love without any moral motives or persuasion by this.)

6620. 1769–70? (1764–78?) BIP X.

The fact that Epicurus derived all the impulses of nature from bodily sensibility cannot be cause for accusation, since he wanted that one should always resolve³⁵ to pursue these gratifications of the body to one's ends. ~~One~~ Nature has placed these in us in order to impel us; but often we ought to resolve to pursue different and more noble aims for ourselves, and then the satisfaction of these impulses will be savoured all the more. Thus, with respect to the right and enduring gratification of the sexual inclinations, a cast of mind worthy of being loved is the aim that we ought to pursue. However, we would be impelled only slightly by such means, if the stimulation to sex did not accompany those representations, and we make our gratification more palatable when we mask it under more noble aims. Honour impels us to virtuous actions; however, one must appear to flee it in order to obtain it.

[AA 19: 114]

6621. 1769–70? (1764–78?) BIP X.

The doctrine of virtue does not limit the gratifications of sense so much as teach one to choose from among the manifold kinds of gratification those that agree most with the rule of universal approval, which is indeed the best universal rule of prudence. For to bank on one's being in every ~~state~~ case orientated towards the greatest gain without rule brings too much anxiety and leaves one's mind in a state of unrest. (Moreover, the conduct that one universally prescribes must also be adopted as if its aim were universally known and approved.) However, there are various

³³ *moralitaet.*

³⁴ *Sittlichkeit.*

³⁵ *vorsetzen.* As noted by Timmermann, this does not mean to propose, but to intend or firmly resolve (GT, 163).

sources of contentment among which we can choose. If I cannot acquire prosperity by universally approved means, then I shall have the trust of my friends; I will be limited, but can live without fear of responsibility or freely. (*added later*: Science, skilfulness, prudence, wisdom, knowledge, skilfulness, etc., etc. For knowledge can exist without skilfulness.)

Generally, it appears to us that, for the sake of all our actions, nature has finally subjugated sensuous needs. However, it was necessary that our understanding concurrently devise universal rules, ~~of how we~~ according to which we had to order, limit and harmonize the endeavour towards our happiness, so that our blind impulses do not impel us now here, now there, just by luck. ~~There is, however~~ Since these customarily conflict with one another, a judgement was necessary that, with regard to all of these, devised impartial rules that are thus abstracted from all inclination solely by means of the pure will, and which, valid for all actions and for all human beings, would produce the greatest harmony of a human being with himself and with others. In these rules there must be placed the essential conditions under which one is able to attend to one's impulses, and as if the observation of these rules alone could be an object of our wills, which we ourselves would have to pursue to the sacrifice of our own happiness, even though it was indeed only the constant and reliable form.

[AA 19: 115]

Epicurus placed the ends of all virtuous actions purely in the relation of the objects to sensibility, that is, to the satisfaction of inclinations, just as in the vicious ones, and distinguished virtue only through the form of reason in respect to the means.

Zeno placed all ends of virtuous actions purely in what is intellectual and in the defeat of all sensibility.

According to him, self-approval was the whole of genuine happiness. The contingencies of condition were not, however, a person's own. Only the inner worth of the person.

6622. 1769–75. *BIP X.*

In many cases the admixture of advantage seems to diminish moral gratification. I wish for the time when I can do someone a great service out of gratitude, not pleased to expect a reward for this, so that my contentment will be pure.

6623. 1769–70? (1764–78?) *BIP XI.*

If a special feeling were the cause of moral decision, then the highest disapproval of vice would actually arise from the greatest loathing or the most unpleasant sensation, which accompanied its representation, and hence the moral motive would naturally outweigh the others. Now we only judge that it rightly ought to outweigh all others. That which we cognize as worthy of loathing, we actually loathe in others. But in another we hate the attributes adverse to us more than we do his moral evil, and yet in a manner that we despise and blame the person more on account of the latter.

[AA 19: 116]

6624. 1769–70? (1764–78?) BIP XI.

The theories of the ancients appear to be aimed at reducing to one the two elements or essential conditions of the highest good: happiness and morality. Diogenes to something negative, namely the simplicity of nature. Epicurus morality to self-produced happiness as. Zeno happiness to self-sufficient morality. ~~Epicurus said the~~ The systems of the moderns³⁶ serve to discover the principle *<principium>* of moral judgement. Aside from those that derive it from an empirical source (custom or authority), ~~are~~ they divide into the moralists of pure reason and those of moral sense. Of the former — — — has accepted the rule of truth as the standard of morals, Wolff the concept of perfection. However, the general concept of perfection is not comprehensible through itself, and from it no practical judgement will be derived, but it is much rather itself a derived concept, since what pleases in particular cases will have attached to it the general name of the perfect. From this concept (from which one certainly would not judge what pain or gratification is) all practical (albeit tautological rules, namely that one ought to do good) precepts in respect to both morality and happiness will be derived and this distinction not indicated.

6625. 1769–70? (1764–78?) BIP XI.

All systems are either those that derive morality from reason or from feeling (from the constraint by authority, and from custom).

Those from reason: either of truth or of perfection (the middle way of inclination: Aristotle). Wolff made the general name of perfection into the ground for determining it, and did not name ~~that which or the ends~~ the conditions under which actions and ends are good and deserve the name of perfection.

6626. 1769–70? (1764–78?) BIP XI.

The doctrine of moral feeling is more a hypothesis for explaining the phenomenon *<phaenomenon>* of the approval that we give to a few kinds of actions, than that it should establish maxims and first principles that hold objectively regarding how one ought to approve or reject, do or refrain from doing.

[AA 19: 117]

6627. 1769–70? (1764–78?) BIP 1.

The conditions without which the approval* of an action cannot be universal (not stand under a universal principle of reason) are moral. The moral conditions of actions make the actions that agree with them permitted and limit those that are pathological. The approval of an action cannot be universal if the action does not contain grounds of approval without relation to the sensible impulses of the one who acts. Accordingly, all universal approval concerns the objective end of something or of a faculty, (e.g.) of the freedom of speech, and this limits all subjective ends. Hence, the ends that a human

³⁶ *Neueren.*

being has due to inclination are to be distinguished from the end for the sake of which the human being has these or those attributes, limbs and inclinations. The latter is the primary³⁷ or original, the former the (rightly) subordinate end.

(*either the negative of the permissive or positive of the desiring will.)

6628. 1769–70? (1764–78?) BIP 1.

The first investigation is: which are the first principles of moral judgement <*principia prima diiudicationis moralis*> (*added later*: theoretical rules of judgement <*diiudication*>), that is, which are the highest maxims of morality, and which is their highest law.

2. Which is the rule of application (*added later*: practical of judging application <*diiudicirenden application*>) to an object of judgement. (Sympathy for others and an impartial spectator.) 3. By what means the moral conditions become motives <*motiva*>, that is, upon what rests their moving power <*vis movens*> and therefore their application to the subject? The latter are firstly the motive <*motivum*> essentially conjoined with morality, namely the worthiness to be happy.

6629. 1769–70? (1764–78?) BIP 1.

[AA 19: 118]

If all good actions without fail found no advantage and good fortune were merely a prize³⁸ of cunning or blind accident's lot, then a well-thinking human being would still follow the moral rule from sentiment due to the greater beauty [of it], as long as it did not bring about his greatest harm. If happiness could be achieved immediately through this, then moral beauty would be entirely swallowed by self-interest and would never attain the honour of merit. Now being virtuous brings a natural advantage according to universal rules, even though vice can exceptionally also be a means to gratification; now **there**, however, virtue does not carry with it any certain advantage; so its motives must be combined with the benefits that it creates.

6630. 1769–70? (1764–78?) BIP 1.

The Stoic propositions: 'health is no good and pain is nothing ill (evil), instead merit and demerit' are true to the extent that these things do not make the man in whom they are found to be good or evil. Pain in what is vicious is good, that is, merits the approval of reason; for otherwise neither are objects of reason's judgement, rather of the senses, although the worthiness of both is an object of reason. And a governance of the world would be evil in which not everything was ordered according to this worthiness.

(According to Epicurean propositions pain is no misfortune; we need not be aggrieved concerning this, as little as [we need] to be delighted by pleasure.) (*added later*: All gratification is bodily.)

³⁷ *ursprüngliche*.

³⁸ *Preis*.

6631. 1769–70? (1764–9?) BIP 1, XI.

Doctrinal system.³⁹ From (*added later*: empirical and contingent) subjective grounds:
a. internal (*added later*: physical): 1. feeling, moral (*added later*: sensible form) (*added later*: physical); 2. self-love (*added later*: immoral feeling) (*added later*: Mandeville).

b. external. Custom and example or authority (both contingent).

(*added later*: how the senses are organized or become formed.)

[AA 19: 119]

Secondly, objective (*added later*: necessary) of reason (*added later*: as qualities of the action in itself or relationally): 1. of ~~essential rules laws of freedom~~ the internal*:
a. truth (*added later*: appearance), *b.* perfection. 2. Of the external: of the will of God. (From the goodness of reason or of choice.) (Our system is the doctrinal system of ~~freedom~~ choice subordinated to the essential laws of pure reason.

It is the agreement of all actions with the personal worth of oneself. Formal principle of identity in morality. Material: public happiness <*principium formale identitatis in moralibus. materiale: felicitas publica.*>)

(Morality must be considered pure without sensuous motives <*motiva sensualia*>.)

*(*added later*: Either from the universal concept of a perfection or the individual idea of it.)

(*added later*: From the idea of a universally valid will, not through might, but rather through the ground of agreement. Original, derivative will.)

(*added later*: From grounds of sensibility or of the understanding and reason. The highest principle <*principium*> of moral science not from concepts, but rather from the idea of the highest and original good of an all-governing will or the all-unifying will, in which our own is also included.)

(*added later*: 1. The idea, that is, the principle of the judgement of morality. 2. The incentive.)

(*added later*: Negation of all moral science. Purely pathological motivating causes.)

6632. 1769–70? (1764–9?) BIP XI, 1.

[AA 19: 120]

Contentment with oneself can be distinguished from contentment with one's condition (the former good conduct, the latter well-being). The Stoics said: one can always be content with one's condition, if one is content with oneself; the Epicureans: one can be content with oneself, if one is content with one's self-effected condition.

6633. 1769–70? (1764–9?) BIP 1.

~~Even though the~~ The highest principles of moral judgement <*diuidicationis moralis*> are indeed rational, but are only formal principles <*principia formailia*>. They determine no end, but instead only the moral form of every end; hence, according to this form, material first principles <*principia prima materialia*> arise in the concrete <*in concreto*>.

³⁹ *Lehrbegrif.*

6634. 1769–70? (1764–78?) BIP 2.

The principle of Hutcheson is unphilosophical, since it invokes a new feeling as an explanatory ground, secondly [since it] sees objective grounds in the laws of sensibility.

The principle of Wolff is unphilosophical, since it makes empty propositions into principles and provides the abstraction of all that is sought <*quaesitis*> before the ground for cognizing what is sought <*quesiti*>. Just as if one wanted to seek the ground of hunger in the desire for happiness.

The ideal of the Christian is unique in that it not only makes the idea of moral purity into the ground principle <*Principio*> of judgement, but also makes it into the irremissible standard of actions and [holds] that one ought to be adjudged according to it. The incapacity, which we would like to plead, is not clear, and hence the greatest apprehension must arise from the ideal of holiness. The Christian religion relieves this by saying that God supplements such a lack of holiness (so that the inner incapacity does not absolve one from compliance with the rule⁴⁰). Now, he who believes that one must make oneself worthy and capable of this supplement through every natural effort is the practical Christian. But he who maintains that even every in respect to all these actions one must only be passive, in order to bring it⁴¹ about through work upon his heart and his disposition, and that rather in place of these certain religious efforts could move the divinity to fill them with holiness — [*breaks off*]

[AA 19: 121]

6635. 1769–70? (1764–78?) BIP 1.

All systems of moral science first seek to discover the highest (theoretical) ground of moral judgement, second the highest ~~mor~~ actual moral rule from which the rest flow. As concerns the former, they derive 1. such not from universal principles of reason but rather and investig seek more the ground of what happens and is judged than what ought to be judged, and therefore regard the moral principle <*principium morale*> as subreptive <*subrepticium*> and as the law of phenomena <*legem phaenomenorum*>. These make *a.* fashions and examples, *b.* love of honour and self-interest into the source of all our apparently virtuous actions. They then view every moral imperative as conditioned by subjective conditions <*sub conditione subiectiva*>. 2. Seek an objective <*obiectivum*> empirical principle <*principium empiricum*> 1. which through in contingent human laws: Hobbes; 2. in a special impulse of human nature and feeling or 3. rational <*rationale*>.

6636. 1769–70? (1764–78?) BIP 3.

The subjective principle <*principium*> of moral science is the subordination of all ends to the judgement (approval) of pure reason; the objective principle <*principium*> [*breaks off*]

⁴⁰ LRJP: '*afin que l'impuissance intérieure ne soit pas déchargée de l'observance de la règle*'. BGR: 'thereby doing away with the inner incapacity for following rules'.

⁴¹ *sie*. Grammatically this should refer to the actions as the nearest feminine noun, but we believe it makes more sense for it to refer to the supplement (*die Ergentzung*).

That the goodness of free choice concerns not merely the ends, but also the means.
The ideal of the highest will as of an archetype of every free will.

6637. 1769–70? (1764–78?) BIP 3.

All systems of moral science:

1. Those derived from contingent and chosen principles: custom and civil law.
2. From necessary and natural grounds, but of mere selfish inclinations: Mandeville.
Helvetius.
3. From ~~reason~~ moral feeling:
 1. the knowledge of God through reason: theological;
 2. the nature and quality of the action itself:
 - a. truth,
 - b. perfection.

[AA 19: 122]

6638. 1769–70? (1764–78?) BIP 4.

The necessitation of an action through motives *<per motiva>* is in general practical, through moral motives *<per motiva moralia>* is obligation.

(Motives necessitate either subjectively or objectively *<Motiva vel subiective necessitant vel obiective>*. I can subjectively *<subiective>* necessitate someone by constraining him.)

It is a mistake to call everything practically necessary also morally necessary.

6639. 1769–70? (1764–78?) BIP 4.

The categorical (objective) necessity *<necessitas>* of free actions is the necessity according to laws of the pure will, the ~~hypothetically~~ conditional: according to laws of the affected will (through inclinations).

6640. 1769–70? (1764–78?) BIP 4.

Imperatives *<imperativi>* never concern physically necessary things, since the objective *<obiective>* and subjective *<subiective>* is in this case one and the same, but only concern free and contingent beings.

6641. 1769? BIP VIII'.

The method of moral science must not be conducted so that it begins from the first principle of freedom and from the simplest concepts, and also not from individual experiences, but instead from a certain mean⁴² of the universal laws that we observe in the concrete *<in concreto>*.

⁴² *gewissen Mitte*.

6642. 1769? BIP VIII'.

According to the intellectual philosophers of moral science, the principle of truth is good as a means of ~~subsumption~~ judgement. For that the maxim of which can be publicly acknowledged is good. Hence, everything morally evil is against the truth, since one tacitly <*tacite*> accepts other maxims than one admits. (The moral system of science. Vice is ignorance. Chrysippus.)

[AA 19: 123]

6643. 1769? BIP VIII'.

All admonitions are tedious, but recommendations maintain our interest; with the former one wishes to state that virtues are worthy of approval, and about this no one has doubts; with the latter: that virtuous conduct also has merits, and indeed more than vice, and that is alluring.

Obligation in General.

§§10–49.

6644. 1769–70? BIP 6.

Whatever lies in an appearance concerns, for this reason, not the quality of the thing, but what is common to all appearances (this is a concept determined *a posteriori* (the location of things that lie in all lines of vision <*lineis visionis*>); hence moral stations <*stationes morales*>). All appearance is only the manner in which the subject is affected by objects.

6645. 1769–75. BIP 13. Referring to §29.

All active obligations <*obligationes activae*> occur through an act of obligation <*actum obligatorium*>, and all binding acts <*actus abligatorii*> are chosen; but the obligatory power <*vis obligatoria*> rests on a law (which contains the ground of the form of obligation). Now, this obligatory power <*vis obligatoria*> of the action is itself chosen or necessary in itself; in the first case, obligation <*obligatio*> is positive <*positiva*>.

But how can choice be a ground of a law [?]. Whatever is the ground of a necessary agreement of one will with the will of another generates a rule. For no one is obligated except through his agreement. Now this is either necessary or contingent.

[AA 19: 124]

6646. 1769–75. BIP 13. Next to and under §30.

That I comply with a command of my parents is a hypothetical obligation; but the ground of the moral connection of the command with my will is natural, whereas in the case of a master towards a servant [it is] chosen.

(If) the ground of the faculty of obligation is chosen, obligation is positive.⁴³

⁴³ *ratio facultatis obligandi (si) est arbitraria, obligatio est positiva.*

6647. 1769–75. BIP 13. Referring to §31

Moral omissions are activities that are really <realiter> opposed to impulses⁴⁴ towards certain actions.

6648. 1769–75. BIP 15. Referring to §36

An action that is good in and of itself must necessarily be good for everyone, hence not relatively in respect to feeling.

6649. 1769–75. BIP 15. Referring to §36.

A merely pragmatically good (or evil) action is morally indifferent.

6650. 1769–75. BIP 15.

To be free is a privilege of the species <species>, but a dangerous independence of a creature. For in this case it is without direction and predetermination. Without rule according to the subject and entirely abandoned to chance.

6651. 1769–75. BIP 16.

Morality <Moralitas> consists respectively <in respectu> either of the nexus <nexus> with or the opposition to moral motives <motiva moralia>. Moral motives <motiva moralia> ~~are the~~ consist in the agreement with moral law. This, however, consists in the consensus of choice <consensu arbitrii> with all common rules <regula omnibus communi>. So the actions agree with what can be regarded universally as an object of the will and what still holds as good when it is an object of the will of another.

6652. 1769–75. BIP 16.

Obligation with respect to others <obligatio respectu aliorum>;

Obligation towards others <obligatio erga alios>; if I can still rationalize⁴⁵ with respect to obligation, then it is an imperfect obligation. [AA 19: 125]

6653. 1769–75. BIP 16.

Duty, obligation, obedience.

1. When the needs of another are obligating grounds.
2. When the will etc. etc.
3. When the will etc. etc. according to a universal rule.

⁴⁴ Regungen.

⁴⁵ vernünfteln.

Imperfect duties can only exist in a being that has a broad faculty with respect to its obligation.

6654. 1769–75. BIP 16. Next to the beginning of §37.

Subjective morality <*moralitas subjectiva*> bases itself on the objective. Because it is good to obey, I obey, and secondly: because the choice <*arbitrium*> of another is good, I obey.

6655. 1769? (1764–78?) BIP 19. Referring to §43.

Seek perfection (goodness), not agreeableness. Perfection (in the absolute sense <*in sensu absoluto*>) is known through the understanding, and indeed not merely the mediate, where the end is given through sensibility, but rather the immediate.

6656. 1769? (1764–78?) BIP 19. Referring to §43.

The perfection of the human being and the perfection of the condition are to be distinguished. (*added later*: Perfection here is distinguished from well-being.)

6657. 1769? 1770–1? 1773–5? 1776–8? BIP 19. Referring to §43.

One also cannot say that the highest moral rule has a connection to the perfection of another. For not their perfection, but their will necessitates me.

6658. 1769? 1770–1? (1773–5? 1776–8?) BIP 20. Referring to §45ff.

Living according to nature means: living not in accordance with the drives of nature, but rather the idea that lies at the basis of nature. Nature and freedom are contrary to one another; the moral law is not a law of nature. Animals live pathologically in accordance with their nature, the human being must not his — — [*breaks off*]

6659. 1769? 1770–1? (1773–5? 1776–8?) BIP 20.

The moral law is either absolute (*added later*: unconditioned) or hypothetical <*Lex moralis est vel absoluta vel hypothetica*>. (*added later*: The first obligates without condition, the second is restricted through conditions of its necessity.)

6660. 1769? 1771? (1772–8?) BIP 20. Next to §43, §44.

The expression: ‘it is good’ expresses a relation to desire, just as the expression: ‘it is true’ [expresses] a relation to holding to be true.

Obligation consists in the nexus <*nexu*> of actions with the impelling cause <*causis impulsivis*>; moral sense constitutes the impelling cause <*causas impulsivas*>, e.g. why are you moved? The understanding indicates that such impelling causes are

encountered and the means to achieve its end. The subjective ground of obligation <*ratio subjectiva obligandi*>, taken from God, presupposes this being. God is regarded either as lord and father or as judge.

If a spider had understanding.

Moral Constraint.
§§50–9.

6661. 1769–70? (1764–78?) BIP 22. *Over and referring to §50.*

The moral laws constrain and are the grounds of a possible constraint in a fallible creature. They limit his freedom to do evil.

6662. 1769–70? (1772?) 1764–8?? BIP 23. *Referring to §§50–2.*

Because actions are only **morally** categorically good to the extent that they are morally good, and happiness itself is only good through its harmony with such: there is really no strict objective necessitation <*necessitatio obiectiva stricta*> except only through moral motives <*motiva moralia*>. So all objective constraint is moral; I can therefore constrain another only morally or **subjectively** <*subjectiv*> pathologically. [AA 19: 127]

6663. 1769–70? (1772?) 1764–8?? BIP 23. *Referring to §§50–2.*

Through motives of morality one can constrain only the virtuous; through those of prudence, the prudent; through the pathological, the drives of the sensitive. The more one is free from pragmatic or pathological constraint, the freer one is.

6664. 1769–70? (1772?) 1764–8?? BIP 23. *Referring to §§50–2.*

Whether a human being can be moved through moral grounds in the same measure as he has reason, and what the heart matters [or means]? Whether a simpleton can be morally good?

(*added later:* The good heart consists not in the faculty of moral judgement, but instead in the power of its motives. Now, since these come to be recognized only through the understanding, in a simpleton the understanding indeed has not a great compass, yet depth, yet quickness*: ~~but~~ all determinations that also belong to an empty volume, but yet more power, substance, mass.

*(a more extensive, deeper and nimbler understanding.))

6665. 1769–70? (1764–78?) BIP 23.

The human being must be morally constrained and does the good reluctantly not because he has evil inclinations, but instead because he generally has inclinations that are not fully under his control. If one could at pleasure produce in oneself inclinations and so also grounds of good conduct, every human being would be holy.

6666. 1769–70? 1772? BIP 25.

How one can acquire a right through the unjust act of another <*iniuriam alterius*> must be explained as follows. Each free action is right except to the extent that the will of another opposes ~~according to~~ and makes the action impossible according to the rule of the common will. So naturally I have no right to alter the condition of another except with his agreement, by contract <*pacto*>, or by a previous unjust act <*facto injusto praevio*>; for in the latter case he forfeits his right, the opposition ceases, and the other determines himself through his will without a positive ground of right.

6667. 1769–70? 1772? BIP 25, 24.

Right is (between two) what is possible through their common will.* (What is necessary through the same is called obligation.) One has ~~the~~ a right with respect to another (*affirmative* <*affirmative*>), ~~insofar~~ if one's private will can be regarded as the same as the common. The necessity of an action because of the ~~univ~~ rule of right is called formal obligation, because of the right of another, however, material obligation. The rule that in general necessarily depends upon the common will is discovered by seeking out the condition that is necessary in order for it to be universally valid. One can compare the relations of right with those of physical bodies. Each body is in rest with respect to all others, except to the extent it is moved by another, and in exactly the same way everyone has duties of omission with respect to others, except to the extent others either compose a unanimous will with him or alter his condition against his will. Action is equal to reaction <*Actio est aequalis reactione*>. A smaller body reacts upon a greater body just as much as the greater body acts upon it. The common centre of gravity, i.e. the common will, is the same before and after the action.

*~~(That action which the actual causes through the common will which is possible under the a condition conforming to law is conditionally right. For example, one to punish under the condition that his actions contradict the law of the common will.)~~

6668. 1769–70? (1764–78?) BIP 27.

All obligation is twofold: we are obligated either to someone or by someone. In the latter case either as a matter of law <*iuridice*> or ethically <*Ethice*>.

6669. 1769–70? (1764–78?) BIP 27. Referring the two last sentences of §56.

There is a distinction between: doing wrong and: doing a wrong; in regard to the first, no one can be constrained to do what is right. Secondly: there is a distinction between the obligation according to strict right and according to equity; no one can be constrained to the latter.

[AA 19: 128]

[AA 19: 129]

6670. 1769–70? (1770–1?) (1764–78?) BIP 26. Next to the conclusion of §57 and §58.

The ethical rule reads: do that which you would think to be a good to another; that of right reads: do that which harmonizes with the universal rule of actions, to the extent that each does what he himself would think to be good.

6671. 1769–70? (1770–1?) (1764–78?) BIP 26.

It is remarkable that human beings are roused more by the ethical beauty of actions than by obligation. Which happens either because they assume the latter to be necessary or because human beings ~~no~~ soon find that it is impossible for them to follow the rules of right in their entire extent.

6672. 1769–70? (1764–78?) BIP 27.

Whatever is possible according to the rule of the ~~uni~~ pure will, taken universally, is right; whatever is possible according to the rule of inclination, taken universally [*breaks off*] (*added later*: The rule of private inclination is self-interested and not moral.)

The universally valid rule of inclinations is a rule of happiness; for what is universal in all inclinations is agreeableness and its abstraction *<abstractum>*, happiness. Whoever does wrong deserves the enmity of all human beings; whoever is not beneficent can be as happy as he can make himself, but is not ~~capable~~ worthy of human love. If all human beings and governments were to proceed according to rules of right, then the duties of beneficence would be unnecessary.

The judgements concerning right and obligation consider the rules of pure will *<voluntatis purae>*, and so are the easiest; those of beneficence concern inclinations, circumstances of well-being, and are difficult. Straight-forward and right⁴⁶ is the precision⁴⁷ of justice *<praecisio iustitiae>*. Motives of right can be compared only with other motives of right, never, however, with those of beneficence. But these can be compared with and outweighed by pragmatic [motives].

[AA 19: 130]

6673. 1769? (1764–78?) BIP 27. Next to the closing sentence of §58, 'obligation ... internal obligations'.

With respect to right the obligating ground *<ratio obligans>* is purely the choice of another.

⁴⁶ *schlecht und recht*. LRJP: '*tant bien que mal*'. Kant, however, is not using this phrase in its modern sense, but instead in a meaning similar to that given it in a passage from the early Luther Bible, which reads, '*Sihe, deine sache ist recht und schlecht, aber du hast keinen Verhörer vom Könige*' (see 2 Samuel 15, 3; cf. Job 1, 1). '*Schlecht*' has the sense of being straight (as opposed to crooked), and hence sincere or fair, but also of being simple in the positive sense, and '*recht*' the sense of being upright or justified. We believe that with this phrase Kant wishes to underscore that the distinction between what is just and unjust is obvious, unlike in the case of what is, e.g., prudent.

⁴⁷ In a note, Adickes also gives *praevision* as a possible reading, hence foresight.

Law.
§§60–75.

6674. 1769? 1764–8? 1776–8?? BIP 36. Next to §72.

The moral laws are grounds of the divine will. The latter is a ground of our [will] by means of his beneficence and justice, according to which he combines consequences happiness with good conduct.

If there were no God, then all our duties would vanish, since there would be a senselessness⁴⁸ in the whole, according to which well-being did not harmonize with good conduct, and this senselessness would excuse others.

I ought to be just towards others; but who ensures my rights for me?

6675. 1769? 1764–8? 1776–8?? BIP 36. Next to §73.

Right <ius>, considered as an authorization, is only universal and without restriction in God, that is, he can (may) do what he wants, for he can never will what is evil. In human beings, right is limited <ius limitatum>; the impediments <impedimenta> of actions are either physical or pragmatic or moral; the latter pragmatic limit my right, if the opposite would be harmful to me; the moral: if it would be harmful to others. Happy, whoever knows of no other hindrance than the moral, or is restrained through the latter most of all.

6676. 1769? 1764–8? 1776–8? BIP 38. Referring to §75, 'SPIRIT OF THE LAW':

The spirit of physical law <Anima legis physicae> reveals moral laws <leges morales>. The spirit of pragmatic law is only the letter of the moral law.⁴⁹

(added later: If, for example, omission does not occur due to moral motives, but instead due to physical causes, e.g. lack of powers, rather or from pragmatic: in view of harm.)

The Principles of Right.
§§87–99.

6677. 1769? 1764–8? BIP 60. Next to and referring to the beginning of §99.

One must not bring moral feeling into the judgement, but rather after it, purely in order to call forth inclination; if the feeling, e.g. sympathy, precedes the maxim, then a false judgement results.

⁴⁸ *Ungereimtheit*. Lit., 'unrhymed,' and the equivalent of the archaic English word 'rhymeless,' as in the phrase 'without rhyme or reason'. The idea is that it would be unreasonable or senseless, not necessarily absurd.

⁴⁹ *Anima legis pragmaticae est tantum litera legis moralis*.

6678. 1769? 1776–8? BIP 61. Next to the first sentence of §99, ‘those in – marriage of reason’.

Moral instinct: to impute actions oneself. Natural affection <storge⁵⁰>.

The Legislator.
§§100–5.

6679. 1769? 1776–8? BIP 61. Over and next to §100.

Only God, whose will itself is the ground of the ~~divine~~ human will, is the cause of the agreement of the human will with him and is the original legislator <legislator originarius>, that is: he whose power <potestas> does not base itself on a contingent and discretionary agreement of the human will; all other persons have only a legislative power granted by contract <potestatem legislatoriam pacto concessam>.

6680. 1769? 1776–8? BIP 61.

There are arbitrary,

There are natural laws. The former have an author <autor>, the second a legislator <legislator>.

[AA 19: 132]

Punishments.
§§115–24.

6681. 1764–8? 1769? BIP 74.

Pragmatic punishments are cautionary and concern the external aspect of action, the moral concern evil disposition.

Authorities punish pragmatically.

6682. 1764–8? 1769? BIP 74.

All punishments are either ~~correct~~ vindictive or corrective, the latter are either reproaches or exemplary.⁵¹

⁵⁰ One of several Greek words for love (στοργή), probably short for *storgai phusikai*. It can also mean familial love, but in early German sources it is glossed with such things as ‘natürliche liebe und Zärtlichkeit’ (*Historische Merkwürdigkeiten die Königin Christina von Schweden* (Amsterdam: 1751), vol. 1, p. 18). Kant could have lifted the term from any number of sources. In Melanchthon, it is regarded as an implanted instinct for virtue: ‘Besides, there are other images of God in us, engraved upon us, so that they would be reminders of Him as well as being seeds and incitements of virtues, that is, affection (*storgai*): the parents’ love for offspring, the offspring’s good will towards the parents, compassion towards those who are unfortunate, protection of petitioners, friendship between equals brought together by worthy duties’ (Melanchthon 1999, 162).

⁵¹ *Omnes poenae sunt vel correct vindicativae vel correctivae, posteriores vel animadversiones vel exemplares.*

6683. 1764–8? 1769? BIP 74.

The power of legislation <*potestas legislatoria*> rests merely on the inclination of the legislator towards happiness, consequently not on the faculty and will to punish. Accordingly, punishments are not as good as the rewards in harmony with morality.

6684. 1769? 1776–8? BIP 75.

Pragmatic punishments <*poenae pragmaticae*> have nowhere near the ~~moral~~ necessity that the moral <*morales*> do, since the actions are also necessary without punishments. And the moral punishments are in fact the rules of the pragmatic, and penal sanctions <*sanctiones poenales*> are not permitted without moral grounds.

6685. 1769? 1776–8?? BIP 75.

Punishments as well as rewards for the sake of the moral disposition are infinite.

Punishments do not directly improve the disposition.

6686. 1764–8? 1769? 1776–8? BIP 75.

The pragmatic ~~punishments~~ and rewards are directly proportionate to what is meritorious in the action, the moral [are] infinite. Because only our unworthiness limits the divine kindness, which is infinite in itself.

[AA 19: 133]

1770–1.

General Remarks.

6687. 1770–2? (1773–5?) BIP 2.

The moral method is either aesthetic or ~~intellectual~~ philosophical.

The principles <*principia*> are either empirical or intellectual; in the application, however, either ideal or real. The former happens when one thinks to make ideals actual in humanity.

6688. 1770–1? (1773–5?) 1769?? 1764–8?? BIP 4, 5.

(*added later*: The agreement of the will with the form of reason can be determined *a priori*, [and] is universally valid delight.)

If the first grounds of morality rest on reason, then one asks whether departure from the doctrines of morality is to be attributed to error or to the evilness of the will.

(*added later*: Response <*Responsio*>: false moral judgement is to be attributed to the weakness of reason (against prejudices of selfish self-love), the actions contrary to these judgements to the impotence of reason over the inclinations. Reason moves only pure spirits, and the means to moving human beings is that they appropriate the universal through love of honour, sharing in the inclination of others, or calm with

respect to their responsibility. Weakness in the representation of these alien judges leaves the judgement of reason ineffective. All these assisting sentiments concern what is connected to the action based upon the judgement of reason and not upon accident or physical necessity.⁵² It is the consequence of an action, if it were known universally, consequently agreement with the universally valid rule.)

[AA 19: 134]

6689. 1770–5. BIP 4.

An action is morally good to the extent that it is possible in relation to every will and every inclination.

6690. 1770–1? (1773–5?) 1769?? BIP 4.

The pure will relates to the inclinations in the same way as reason relates to the senses. The judgement based on inclination is an appearance and is valid only for the subject; that based on reason [is a] concept and is valid for the object. Such inclinations as harmonize with all others taken together, are moral inclinations and arise from feeling.

6691. 1770–1? (1773–5?) 1769?? 1776–8?? BIP 5.

The question is whether moral judgements occur from the fact that actions are regarded as good or rather as agreeable. If it is the first, then it is the quality of the action, which is the same for every understanding, that contains the ground of the judgement, and this occurs through reason; if it is the second, then one judges based on feeling, and this is not necessarily valid for every [understanding].

6692. 1770–2? (1773–5?) BIP 5.

The question is whether the concept of good and evil is an empirical or a rational concept.

6693. 1770–1? (1773–5?) 1769?? 1776–8?? BIP 5.

Moral feeling is either a fundamental feeling or a derivative one; the latter is a moral instinct.

6694. 1770–1? (1773–75?) 1769?? 1776–8?? BIP 5.

All judgements in relation to feeling in the abstract <*in abstracto*> are judgements of reason, in relation to a feeling in the concrete <*in concreto*> are sensuous.

[AA 19: 135]

⁵² BGR: 'to that which is connected with the judgement of reason and not to what is connected with actions by chance or physical necessity'.

6695. 1770–1? (1773–5?) 1776–8?? BIP 5.

Moral sense is the ground of a moral inclination and the immediate ... in the moral good.

6696. 1770–2? (1773–5?) BIP 5.

There is a moral feeling; this, however, is not a ground of judgement, but rather of inclination.

Obligation in General

§§10–49.

6697. 1770–1? (1772–5?) 1769?? BIP 5. Next to and referring to §12, the end of sentence 3, the beginning of sentence 4.

Pure choice is freedom.

6698. 1770–1? (1772–5?) (1769?) BIP 5.

Moral precepts are valid for every rational and free being, the inclinations of such a being may be whatever they wish.

Obligation is also the same in all degrees of inclination to the opposite; only the imputation is different, for the latter depends on how far the action can be attributed to the subject itself, i.e. to its freedom.

6699. 1770–1? (1773–8?) BIP 6. Referring to the conclusion of §12.

Moral motives are stronger than all the rest, seeing that that they are prompted by absolute goodness; however, hypothetically, absolutely evil motives are as well.⁵³

6700. 1770–1? (1773–8?) BIP 6.

Everything that is good taken universally is good in itself; consequently, only moral goodness is good in itself.

6701. 1770–1? (1773–8?) BIP 6, 7.

One distinguishes the motives of obligation from the motives that obligate; the latter are stronger than the other moral motives. (Among obligations), one only derogates a moral motive morally.⁵⁴ The duty of love only a duty with regard to oneself. (*added*

⁵³ *motiva moralia sunt potiora ceteris omnibus, quoniam deprompta sunt ab absoluta bonitate; absolute autem mala hypothetice etiam sunt.*

⁵⁴ *distinguuntur motiva obligandi et obligantia; haec sunt potiora motivis aliis moralibus. Motivo morali (inter obligationes) non derogat nisi morale.*

later: The betrayal of another for the sake of preserving one's life cannot be regarded as an authorization, unless this preservation is an obligation.)

6702. 1770-1? (1773-8?) BIP 7. Above §17.

Because with duties of beneficence it depends not on the relation of my will to the will of another, but to their need, this motive <*motivum*> can be compared with that of my own benefit. Hence [*breaks off*]

6703. 1770-1? (1773-8?) BIP 7. Next to §17.

Meritorious actions are only necessary under the condition of the need of others, but those that are owed⁵⁵ also without this.

6704. 1770-1? (1773-8?) BIP 7. Next to §18.

The magnitude of obligation is not measured according to the magnitude of good that ought to occur, but rather according to the magnitude of the moral rule; so the magnitude of obligation is a magnitude of the form and not of the material of actions.

6705. 1770-1? (1773-8?) BIP 7.

It had been noticed that the understanding subordinated nothing except ~~univ~~ the particular to the universal and concerned purely universal relations; but since this did not provide the absolute, namely delight, that was the reason why, since moral delight does not concern relations, one invented a special principle for this, namely moral feeling.

1772.

General Remarks.

[AA 19: 137]

6706. 1772-5? (1769-70?) BIP II.

Science is either practical according to form or has practice <*praxis*> as its object. The subjective practical philosophy is anthropology and it is the sister of moral science.

(Practical philosophy absolutely so-called is in all respects and unconditionally practical.)

6707. 1772-5? (1776-8?) BIP III.

It is a question whether, in respect to morality, the understanding and its might ought to be increased or the feeling for this can be promoted through particular means. Whoever is to be steered in this way must have feeling, and to this alone relates this expression.

⁵⁵ *schuldige*.

The uncultivated human being has only feeling for the senses, the civilized for concepts and rules. Hence, we must direct whatever is sentimental in writings towards concepts. Moral feeling can be formed through nothing better than through all signs of the immediate loathing for vice in education; honour.

6708. 1772–5? (1776–8?) BIP III.

The system of the ancients was either 1. of simplicity or 2. of wisdom. The former *a.* of moderation, *b.* of innocence. That of wisdom either of prudence or of morality. Therefore A. the natural human being; B. the wise; C. the holy Christ. The wise is based either on inclination or on principles.

[AA 19: 138]

6709. 1772–5? (1776–8?) BIP III.

Since there are three kinds of respects⁵⁶ <*respectus*>: 1. of substance to accident <*accidens*>, 2. of parts in a whole, 3. of effect and cause, there are also three main parts in moral science: 1. duties towards oneself, 2. towards other human beings (*a.* that they do not conflict, *b.* that they combine through common ground. Right and love). In just the same way moral possibility, existence, necessity. In the nature of the human being there is something that ~~he himself~~ cannot vary from itself. Such are the fundamental attributes of the soul. Even the human being, as an animal, is subjected to these.

6710. 1772–5? (1776–8?) BIP IV.

We hold in high regard whatever furnishes the good with security and determinate certainty, hence everything that accords with a rule of the good. However, the good that makes the rule insecure displeases. This is the source of morality. One is only worthy of the good to the extent that one follows the rules.

6711. 1772–5? (1776–8?) BIP IV.

The worth of an action or person is always decided through relation to the whole. But this is only possible through agreement with the conditions of a universal rule.

6712. 1772–5? (1776–8?) BIP IV.

The whole determines the worth absolutely <*absolute*>, everything else is merely relative and conditioned. Something must have a worth in relation to feeling, but the universality of this worth determines it absolutely <*absolute*>. All restriction of what is good displeases; hence we must take universality as the measure. The first ground of valuation is the absolute good. The restriction may only be cognized on the basis of the absolute.

⁵⁶ See the discussion of this term on p. 21.

6713. 1772–5? (1776–8?) BIP VI.

Everything that pleases in a necessary way without respect to the subject, pleases objectively. Whatever pleases based on grounds of reason, pleases in a necessary way, and so objectively; it is therefore something objectively necessary; hence, good actions are objectively necessary.

[AA 19: 139]

Personality is the independence of the will from inclinations. So, morality is the agreement with personality.

The will to be happy is necessary, but contingent according to determinate inclinations.

Obligation in General.

§§10–49.

6714. 1772? (1776–8?) BIP 3.

Morality has the feature that it harmonizes together with universal and essential benefit and hence finds necessary approval. This also appears to be the true cause of its preeminent goodness.

6715. 1772? (1776–8?) BIP 3.

The moral laws, since they are valid for the free will in general, are also valid for the human [will]; however, the pure rules of duty, applied to the weakness of human nature, sustain no exceptions or mitigation (these would also tend to the detriment of human nature and other human beings), but they serve, through the consciousness of one's own injustice, to prevent all claims from being made, not merely based on beneficence, but rather on grounds of right, which would otherwise be made according to the strict authorizations of the justice of a person, who were themselves just. E.g. the constitution of a state. For it is not to be required that all be just towards us, if we are not with certainty [just] towards others. Second: the addition of religion to duties.

6716. 1772? (1776–8?) BIP 3.

The essential benefit is the benefit *a priori* based on the necessary and universal sources of that choice and also from that which the person [*breaks off*]

6717. 1772? (1776–8?) BIP 3.

The moral laws are principles of judging and imputing <*principia diiudicandi et imputandi*>, at the same time for judging and adjudging.⁵⁷

[AA 19: 140]

⁵⁷ *zu beurtheilen und zu richten*. Regarding the distinction between judging and adjudging, see remark 7208, note 269, below.

6718. 1772? (1773–8?) BIP 6.

Moral motives <*motiva moralia*> must be propounded pure and unmixed with stimuli <*stimulis*>, with motives <*motivis*> of prudence.

The universal validity of the will is possible either, in that the private will of each is the ground of the will of all, or in that the will of all is the ground of each private will.

The first is only possible if every private will is good; but from the concord with every private will no concord⁵⁸ is possible, hence no rule, except insofar as it is restricted through the second. So the first is the law, the second [is] love.

6719. 1772? (1773–5?) BIP 6, 7.

We are obligated to an action towards one, or also obligated by one. The latter is passive obligation <*obligatio passiva*>.

(*added later*: The obligation of the obligated towards the one obligating is passive <*obligatio obligati erga obligantem est passiva*>: towards a creditor and benefactor; towards what is to be obligated, it is active <*erga obligandum est activa*>: towards the poor. There is also a third obligation, ~~towards~~ not towards someone (a formal obligation:⁵⁹ truth).)

(*added later*: Duty of debt <*officium debiti*> (with respect to oneself and others) and merit <*et meriti*>.)

(*added later*: There is also an obligation without someone obligating <*obligatum absque obligante*>.)

(*added later*: Obligation to pay is passive, but to do good is active. In the first there is a relating⁶⁰ towards the one obligating <*respectus erga obligantem*>, in the second, towards what is obligated <*erga obligandum*>.)

6720. 1772? (1773–8?) BIP 7. Next to the beginning of §17.

Formal moral motives are obligations per se, material are hypothetically obligations, i.e. [motives] of obligation.⁶¹

6721. 1772? (1773–8?) BIP 7. Between §17 and §18.

Moral motives <*motiva moralia*> concern either the form of action or the matter. The first are always obligating motives <*motiva obligantia*>, the second motives of obligation <*obligandi*>.

⁵⁸ AA suggests 'universal' should be inserted here before 'concord'. We have departed from our standard translation here (i.e. 'agreement') in order to avoid the confusion with agreeing in the sense of giving consent.

⁵⁹ *obligatio erga non erga aliquem (obligatio formalis)*:

⁶⁰ *respectus*. Usually translated as a 'respect' based on BM §37. However, in this context such a translation would misleadingly suggest *Achtung*.

⁶¹ *Motiva moralia formae sunt per se obligantia, materiae sunt hypothetice obligantia, i.e. obligandi*.

6722. 1772? (1773–8?) BIP 7.

The impelling power of moral motives is the weakest; stronger is that of the pragmatic, and still stronger is that of the pathological. Thus, all the converse according to rules of judgement. But, instead of strengthening the impulses of morality and weakening those of sensibility, one must also not align the latter with the former, since through this one certainly improves the actions of human beings, but not the human beings themselves. Not advantage, not honour, not renown.

6723. 1772? (1773–8?) BIP 7.

The freedom of a perfect being is objectively unlimited, of an imperfect being is limited, bound. Unboundedness is lawlessness.

6724. 1772. BIP 8.

Is there not in every moral imperative <*imperativus*> an obligation? That is, a necessitation through the will of another, which is the constant and original will, namely either immediately through the superior intellectual will or through it mediated by the will of another.

Whoever has a purely intellectual will cannot be obligated. The understanding commands.⁶²

Great, good, happy. A great ruler makes his state great, but not happy, much less good.

6725. 1772. BIP 9.

The entire difficulty in the controversy over the principle <*principium*> of moral science is: how a *apodictic* categorical imperative <*imperativus*> is possible, which is not conditional, under neither problematic conditions <*sub conditione problematica*> nor *apodictic* <*apodictica*> ones (of skilfulness. prudence). Such an imperative <*imperativus*> says what is originally, primitively <*primitivus*> good. It is amazing that the primitive good: the condition of all that pleases, belongs to only one will. The cause of this is that all perfection presupposes an idea and the actuality of this idea presupposes a will,⁶³ and everything contingent and every origination grounds itself on freedom. All necessity of judgements grounds itself on universality or the latter of these two on the former. Hence, the ground of necessity, which moral propositions enunciate, is to be placed in the universal validity of the grounds of the will (simply necessary, absolutely <*absolute*>, does not mean internally, but rather necessary in general).

[AA 19: 142]

⁶² *imperit.*

⁶³ BGR: 'all perfection of an idea as well as its reality presupposes a will.'

6726. 1772. BIP 8. Next to §20, the beginning of §21.

Morally free in the objective sense is the one who is under no moral necessitation; in the subjective: the one whose reason can determine independently from the passions. The former freedom would be limited through contingent moral motives <*motiva*>. Necessary moral motives <*motiva*> (those that are internal to the subject) produce no obligation.

If obligation is removed, the person is liberated. One satisfying strict obligation is liberated.⁶⁴ (*added later*: Not broad <*latae*>. If the condition under which the obligation towards someone occurs is contingent; it is advisable not to let an obligation arise.)

Next to the first half of §21, under 'satisfying' in the note above.

(*added later*: Obligations from which one must never hold oneself to be liberated. Good deeds.)

(*added later*: We cannot satisfy an obligation towards merits <*non possumus obligationi erga merita satisfacere*>.)

6727. 1772–5. BIP 9. Referring to §22, 'ACT ... OBLIGATION'.

Obligation is extinguished through the forgiveness of another <*per remissionem alterius*> or through satisfaction <*per satisfactionem*>; one cannot exempt oneself from any duty or become free from duties towards oneself by forgiveness <*per remissionem*>. God cannot liberate anyone from essential obligations <*obligatione essentiali*>, e.g. telling the truth. But indeed from contingent duties towards him.

[AA 19: 143]

6728. 1772–5. Between §23 and §24.

With regard to exchanges⁶⁵ I can become free by making good <*praestando*> and am also. With regard to gifts, gratuitous acts <*actibus gratuitis*>, I lose some freedom, in regard to good deeds more.

6729. 1772–5. Next to §24.

Whether one can lift the obligation to be free oneself and so can obligate oneself to be the slave of another. The obligations towards oneself <*obligationes erga se ipsum*> cannot be lifted.

6730. 1772–5. BIP 9. Between §24 and §25, next to §25.

Something is either accomplished for an obligation, or satisfies an obligation. The latter is when everything in a moral motive is accomplished.⁶⁶ Hence, an obligation can indeed be sufficiently performed, and the obligation extinguished, but not to

⁶⁴ *Si tollitur obligatio, persona liberatur. Satisfaciens obligationi strictae liberator.*

⁶⁵ *permutationen*. AA refers us here to the first volume of Achenwall's *Ius naturae*, §218, where 'PERMUTATIO strictius dicta' or 'EXCHANGE in a strict sense' is defined to be a contract concerning buying and selling, leasing and hiring, which is completed without the use of money.

⁶⁶ *obligationi vel aliquid praestatur vel satisfit. posterius est, si omnia in morali motivo praestantur.*

the free magnanimity of another, because, since one then acts as someone obligated <*obligatus*>, one can never match the moral goodness of the action of another, who acts freely <*liber*>. Thus, because this obligation cannot be discharged, one must not accept it. The more someone is morally free in the objective sense, the more good is he capable of.

Moral Constraint.
§§50–9.

6731. 1772. BIP 24.

We cannot replace one good action with another of a different kind. No beneficence towards others in place of obligation. No pious atonement in the place of good deeds, still less of offence.

6732. 1772? 1773–5? 1776–8? BIP 26, 27.

With respect to the right of another, neither my own need (as in regard to beneficence), nor the need of others, nor the worthiness of others is taken into account; indeed, also the certain advantage of the other never gives me a right, but rather only his will.*

[AA 19: 144]

Materially <*materialiter*> wrong is what contradicts the matter (the object of the will of others), formally <*formaliter*> [wrong], what contradicts the conditions of the reciprocal will in general. Hence, with the latter the action not only can be no object of the will of all, but rather also ~~universally~~ is impossible taken under a universal rule.

*(The moves <*motiva*> of right are limit all other duties except towards oneself. Actions of right must not be conferred in the form of beneficence. These laws are determined. Through the payment of indebtedness obligation ceases. Concerning the case of necessity. Right is opposed to right <*casu necessitatis. Iuri opponitur Ius*>.)

6733. 1772? 1773–5? 1776–8? BIP 27.

That which cannot possibly be an object of a common choice⁶⁷ is unjust; that which, even if it were an object of such, would still be impossible to execute according to laws of choice, is wrong.⁶⁸

6734. 1772? 1773–5? 1776–8? BIP 26, 27.

An action is wrong insofar as it is impossible if others assume these principles in us. E.g. lie. It is impossible to deceive one who knows that you will deceive, or unfaithfulness in a contract. It is also impossible to will and to approve such actions as a universal

⁶⁷ *gemeinschaftlichen Willkühr.*

⁶⁸ *Unrecht.* See our discussion of the distinction between *Unrecht* and *Ungerecht* in the introduction to this volume, p. 31.

authorization. Unsociable is he who has such maxims that, should others have exactly the same, he would not be able to deal with them. This requires money.⁶⁹

The agreeable human being wishes that all human beings were just like himself; the unsociable the opposite. The just demands it. Justice is a ground of the possibility of society, although without wish. Beneficence is an impulse towards society. Demand of others what you would want others to demand of you.

6735. 1772? 1773–5? 1776–8? BIP 26.

[AA 19: 145]

No rules can be provided for how our need limits beneficence. Whatever is right must stand under a publicly recognized rule, hence white lies are not permitted.

Law.

§§60–75.

6736. 1772. BIP 28.

Many people do indeed take pleasure in performing good actions, but want therefore to stand under no obligation towards others; if only one approaches them with submission, then they do everything; they do not want to submit to the rights of human beings, but rather to regard such only as objects of their magnanimity. It is not all the same under whichever title I receive something. What is mine must not be granted only at my request. Hence, before all recommendations of the rules of beneficence the neck must first be bent under the yoke of duties owed. He who sets himself apart as doing what human beings demand of him, but as a free thinker and merely after his own discretion, is always a rebel against the divine governance.

6737. 1772? 1776–8?? BIP 30. Next to and in the middle of §63.

The supreme formal principle <*principium formale*> of morality must be truthfulness. For we become liberated from all other obligations that others trespass against us, but never from this one.

6738. 1772? 1776–8?? BIP 30. Next to, in and under the conclusion of §63.

Right in general is an action insofar as one is free in respect to it. A right, however, is the freedom through which the freedom of others is limited: the right to ask <*jus quaesitum*>.⁷⁰ All are free from nature <*a natura*>, and only the actions that limit no one's freedom are right.

⁶⁹ Following Adelung and Ebers. BGR: 'Money belongs to this.' LRJP: '*L'argent fait partie de cela.*'

⁷⁰ The *ius quaesitum* is the legal right to ask, or recover, something from the one obligated.

6739. 1772? BIP 32. Next to the middle of §66.

Moral relation⁷¹ <*respectus moralis*> is either merely negative, since it [*breaks off*]

[AA 19: 146]

6740. 1772? BIP 32. Next to and under §66.

All consensus <*consensus*> of free actions with their objective grounds is twofold. 1. negative: that it does not conflict, or positive: that it is determined by them.

6741. 1772? BIP 32. Next to §67 (second half) and the beginning of §68.

That which is not even physiologically possible when taken as a universal rule, is formally <*formaliter*> wrong (prohibited <*illicitum*>), e.g. lying and unfaithfulness.

What it is impossible to will universally ~~taken~~ and reciprocally is **materially** <*materialiter*> wrong. Like the execution of the prisoner ~~materially~~ <*materialiter*> wrong, that is, unjust (unjust <*injustum*>). The condition of the savage. Here still the establishment of a condition of right always remains possible.

6742. 1772? BIP 32.

It is unequitable to punish one who is ignorant of the law.

6743. 1772? BIP 32.

Whatever ~~under a~~ cannot be forbidden through universally expressed laws, although it is inevitably ~~contained is~~ forbidden through tacit [laws], is unequitable.

6744. 1772? BIP 32. Between §67 and §68.

Laws are: that through which something becomes an obligation.

Commands: that through which a natural obligation is taught. Divine commands are moral in themselves.

6745. 1772. BIP 33. Over and next to §68.

What belongs to the tacit conditions of a positive law, but is inevitably missing in the express [conditions], is the equity of the positive law. What is strict right according to the law of nature, is **merely** according to the positive [law] mere equity. (*added later:* E.g. If I have hired someone for a certain job, but he does more: then he has no right to demand something.

[AA 19: 147]

What one has not stipulated, one cannot strictly <*stricte*> demand.)

⁷¹ See p. 21 above.

6746. 1772. BIP 33. Next to the conclusion of §68 and between §68 and §69.

He who has equity on his side, cannot constrain another who himself has the right, and also not escape the legal constraint⁷² of the other.

A right that lacks the necessary conditions of an express law is a right of equity.

Whatever is not possible through ~~the express~~ the tacit universal will, ~~but~~ although it is permitted by the necessary conditions of an express laws is ~~not forbid~~, is unequitable.

6747. 1772. BIP 33. Lower margin. Referring to §68.

~~Actions~~ Whatever ~~under~~ cannot ~~stand~~ be necessitated through a universal express law, although it is necessary through the tacit [law], is equitable. So equity is really the limitation of externally valid right (~~through which~~ of which external and express laws are possible) through the mere internally valid laws. So equity bestows no right and frees no one from obligation.

6748. 1772? 1769? BIP 34.

There is a moral ~~disp~~ instinct that moves not so much through the gratification which good actions furnish, as rather through the loathing that their omission would awaken in us.

6749. 1772? 1769? BIP 34.

We do not get the greatest gratification from morally good actions, but we hold it to be the highest, i.e. we judge that this gratification itself deserves the greatest approval.

Through habit moral maxims finally bring about a feeling for morality.

We hold the understanding higher than rectitude (an honesty based on principles); but we believe that the latter must be more highly prized.

All our gratifications will be diminished if we realize that their objects are not worthy of respect.

We know that death is not to be feared and fear it still.

We know that good actions based on inclination do not have as much moral worth as those based on mere maxims. But yet we prefer those that are good based on inclination.

6750. 1772? BIP 34.

We can ~~the~~ know⁷³ through reason only the ~~relative~~ formal, hence also only what is good in some circumstance, or the form of the good; but the first constitutive <constitutiva> part of the good is only known by one whose reason is intuitive; but we have no first

⁷² *Rechtswange*.

⁷³ *erkennen*, here and in the next line. For discussion of why we have chosen in this case to break from the standard translation (i.e. 'cognize'), see p. 25f.

data <data> of liking except the senses. Thus, also in the theoretical the absolute is missing, e.g. subject or predicate.

6751. 1772? BIP 34.

Moral taste concerns harmony and the spirit of the system.

6752. 1772? BIP 34. *Between §69 and §70.*

The grounds of reason are twofold. 1. Theoretical, to posit something; 2. to select something. Hence the first grounds: *a.* the supreme cause, *b.* the supreme perfection.

6753. 1772? BIP 34. *Under and in §70.*

It is necessary to put morality before religion, so that we offer up to God a virtuous soul; if religion precedes morals, then religion without *sentiment* <sentiment> is a cold ingratiation, and morals are an observance based on need without disposition. Everything must be absorbed pure and unmixed and then become connected, so as to accompany one another, not to mix.

[AA 19: 149]

6754. 1772? Pr 34. *In §69 and §70.*

I. The principle <principium> of moral science is not sensuous, neither directly <directe> or pathologically, lies neither in physical (doctrine of skill) nor in moral sense (the latter is impossible,* since there is no sense to be found in respect to the intellectual); nor indirectly <indirecte> sensuous or pragmatically (doctrine of prudence): strive for your greatest true happiness (Epicureanism). Then reason serves only as means for determining the manner in which the greatest sum of inclinations will be satisfied, and the means to this. It is therefore intellectual (pure <pure>),** but not tautological (perfect yourself, keep the mean <perfece te, medium tene>). II. It is not located externally in another will, apart from the nature of the action.

*(Even if such a thing were possible, still necessary, categorical and universal laws could not be founded upon it.)

** (They contain the agreement of actions with their previously given ends and the form of this agreement in general: 1. correctness (truth), 2. perfection, 3. not more, not less; are therefore tautological rules and concern the relation of the actions to ends, not the ends themselves.)

6755. 1772. BIP 35. *Next to and in §71.*

Feeling is the ground of the agreeable and disagreeable, the proficiency for being happy or unhappy. If there were a moral feeling, then we would count on it as a means for gratifying ourselves, it would be one more sense to gratify. However, in this manner of estimation, virtue with its ideal charms would very much lose to vice with its physical ones. But there is something in morality for taste to judge. However, since

taste is something relating to society and also to the fact that one is known in society:⁷⁴ nothing in this is constant. Nevertheless, if the human being has first learned to view vice as something worthy of contempt and hate, then he will always fear of becoming a legitimate object of disgust,⁷⁵ and this will [*breaks off*]

[AA 19: 150]

6756. 1772. BIP 35. *In the conclusion of §71.*

No ground of the moral rule (of judgement) can be derived from the motive of divine holiness, since holiness presupposes morality. Also not from the motives of beneficence; for from gratitude we can do much to please one, the natural equity of which we do not yet understand.

6757. 1772? BIP 35. *In §71.*

Moral feeling follows upon the moral concept, but does not produce it; even less can moral feeling replace it, since moral feeling presupposes it.

6758. 1772. BIP 35. *Lower margin.*

Without cognition of the divine will there is no universally valid and mighty judge. No generally competent court <*non forum competens generale*>. God sees in himself the moral law (the human being also) and sees himself as the essential archetype of this law (the human being sees in himself the possibility of the opposite). Not as the author; from this it follows that the human being sees himself subjected to the moral laws, and although God is not elevated above them, he views them as the objectively as well as subjectively necessary law [of his will]; according to what is intellectual, the moral law is also subjectively [necessary], but [according to] what is sensitive [it is] objectively [necessary]. The supreme will concerns the end that is necessary in itself, the condition of all contingent ends. This is the end of the spirit and the law of the human being. The human being has yet another end above himself. The spirit, however, fully within itself. In this way, the human being is answerable to himself.

6759. 1772? BIP 35. *Next to and referring to §71.*

Religion is not a ground of moral science, but instead the converse.

1. If morality grounded itself on the knowledge of the divine existence, then consciousness of morality would be linked to that of the divine existence.
2. We would not be capable of knowing the moral goodness of the divine will.
3. Obligatory power <*vis obligatoria*> is in the moral relation of the divine will to ours (*added later: not in the might*).

[AA 19: 151]

⁷⁴ LRJP: 'et qui plus est que l'on confesse à la société.'

⁷⁵ LRJP: 'il s'efforcera alors chaque fois d'y voir un objet légitime d'écœurement.'

6760. 1772. BIP 35. Over §71.

The principle <*principium*> of moral judgement is not the divine will.

- (5. Also the middle way. Aristotle.)
4. Not the general concept of perfection.
2. Not the general concept of happiness.
1. Not private happiness. (*added later*: It would be empirical.)
3. Not the moral feeling* and taste.** (*added later*: Taste is relative in relation to the subject.)
3. Instead reason.

(Judgements of morality are rational <*judicia moralitatis sunt rationalia*>.)

(Sentiment <*sentiment*> belongs purely to the understanding and is really healthy reason in moral matters.)

*(Consciousness of the worthiness of happiness is regarded as the possession of it, hence moral gratification. However, moral taste of the distinction rests on a subordination of the lower cognition to the higher, since one represents every action only under a universal point of view.)

[AA 19: 152]

**(*added later*: Virtue also has a decorum about it; it has a certain cleanliness and order in the appearance.)

[Between the last two sentences there is a mark indicating the insertion of the following passages.]

Moral judgement of approval and disapproval occurs through the understanding, the moral sensation of gratification and loathing through moral feeling, but such that moral judgement does not originate from feeling, but instead feeling from judgement. All moral feeling presupposes a moral judgement through the understanding.

We can approve and disapprove without any notable feeling at all and find the actions worthy of loathing. Loathing itself is finally generated through exercise. Sentiment <*sentiment*>. Moral instinct.

(In practice, the ethical duties have more of their origin in feeling than in moral concepts, those of right ~~purely~~ more in concepts than in feeling; hence, only the latter have determinate rules, while with the former the comparison of my feeling. Nevertheless, there can occur a good action purely based on moral concepts or principles without any feeling: pardon without sympathy, marital fidelity without love. And frequently based on feeling without principles: instinct. All love, just like veneration, is a kind of feeling. One cannot give such to oneself, and in respect to God only the latter is possible. We always esteem goodness higher based on feeling than on principles (yet the former must be established according to the latter), because otherwise they are variable and often false. Principles are too weak and can be outweighed by sophistry.

One always believes it more secure when sensibility assists reason and ordains it to enchain the fickle human being. The good mind is really this good feeling and, since it is without principles in itself, it is weak and more kind than noble.

[AA 19: 153]

The evil mind can be just as correct in judgement; but the evil heart consists ~~either~~ really in that it is not capable even once of good principles ~~or only~~. For the man who always has good principles, but cannot constrain his desires, has a good heart, but an evil temperament. The moral feeling is good, but the desires are unconstrainable. – But there is also an evil heart, which one could distinguish from an evil mind, where the principles are good, but the inclinations are not only too strong, but also have immediately evil ends. Envy. Misanthropy. Revenge. (*added later*: Intolerance. Conceitedness. Rudeness. Falseness.) Likewise, those whose natural inclinations already concern something morally good, the happiness and love of others, have a good heart, and if they are of a different nature can still have a good mind. Instruction can contribute much to good understanding, less to the good mind, and nothing at all to the good heart.)

6761. 1772? BIP 36. *In the beginning of §73.*

Moral freedom <*libertas moralis*>: authorization; its opposite is obligation. The contrary opposite is the prohibited.⁷⁶

6762. 1772. BIP 36.

What cannot stand under a universal rule of the pure will is morally incorrect. The agreement of free ~~choice~~ action with the universality of the pure will is morality.

6763. 1772. BIP 37.

In regard to what concerns the subjective motives of morality or the incentives, the understanding has indeed a power to bring about the wish for such a good will; however, the ~~lever~~ weight, which ought to move the sensuous human being, must be borrowed from ~~the animal~~ the supply of sensibility, although it should indeed be distributed appropriately on its lever by the understanding. Nevertheless, I believe that in order for virtue to occur, especially of the yielding, suffering kind, the renunciation not merely of comforts, but rather of self-love (exclusive love of one's person, not exclusive inclination towards living well), the human being must be somewhat enervated, weak and deprived a bit of his confidence in himself. He who would be free from the weak and enfeebling upsurge of blushing and ~~humiliation~~ embarrassing humility; who had of others a true and vivid representation so as not to place such great weight in their judgement with respect to his own; who did not soften with anxiety, when he suspected that others were disinclined towards him, or was not made pliant to the laws of society through a lack of self-sufficiency, who only gained new powers through troubles and became only warm and brave through enmity and threat; who was hardened, resolute equally in living well and in privation, who was not the toy of his fantasies and sympathies, but rather was of a strong, self-possessed state of health. This person would be greatly tempted to hazard what others would allow

[AA 19: 154]

⁷⁶ *oppositum eius est obligatio. Contrarie oppositum est illicitum.*

themselves to be deterred from, because they could not countenance <contenance> the reproachful eyes of others, those who hope and fear much of others and who believe themselves banished to a solitary wasteland when they see the inclinations of others towards them grow cold. He would not for this reason immediately be a scoundrel, but a little yielding etc., etc.

Virtue towards oneself depends on strength, likewise magnanimous virtues towards others, but the mild and gentle, the yielding [depend] on weaknesses. The steed must become enervated, so that the human centaur can govern it.⁷⁷

6764. 1772? 1776–8? BIP 36. In §73.

In actions we can consider their morality and legality. When the latter takes place, the former has not yet, either according to the object (beneficence) or merely according to the motive (disposition or fear). Legality is either juridical or ethical.

6765. 1772? 1776–8? BIP 37. In §74.

The action whose intention, when considered as a universal rule, would necessarily conflict with itself and with those of others, is morally impossible.

The disposition to conduct oneself in one's actions in conformity with the universal principle <principio> of rules is moral. When the will is subjected to the form of the understanding in general.

[AA 19: 155]

The impelling power of the understanding rests on its opposing itself to all principles <principiis> of actions that make the use of rules impossible.

Juridical Expertise.

§§76–86.

6766. 1772? 1769–70? BIP 38. Over §76.

Whether morally (practically) good or evil lies in the understanding or the will?

There is an evil and an indolent or lazy will. Even imprudent actions, e.g. a mad love, have their origin not in the weakness of reason, but instead in the incorrigibility of the will.

The Principles of Right.

§§87–99.

6767. 1772? 1769? 1764–8? BIP 49.

Morality (objectively) is freedom according to (under) laws.

Freedom under inner laws is ethical obligation

— — — — — external — — — juridical obligation.

⁷⁷ LRJP: 'Le coursier doit être calmé afin de pouvoir gouverner le centaure humain.'

Law is the limitation of freedom through universal conditions of its agreement with itself.

Freedom that is good without law is original.

(Agreement rests either on the unity of the end or the unity of the [*breaks off*])

1. Act in conformity to law without constraint.
2. Exercise constraint, but according to laws.
3. Subject freedom to the constraint of the laws.
 - a. Furnish everyone with a view to your security (through subjection to constraint).
 - b. Furnish everyone security towards everyone (through exercise of constraint in conformity with law).

6768. 1772? 1764–8? BIP 54. Referring to the beginning of §93.

[AA 19: 156]

What pertains to the modification of another is physically his own.

What is naturally modifiable according to the choice of another is practical.

— morally — — — — — — — —⁷⁸

The Legislator.

§§100–5.

6769. 1772? 1776–8? BIP 61, 62.

The author of an external constraint according to the law is the legislator. He is not always the author of the law, and, in the case that he is, the law in itself obligates contingently.

Now, the moral law of reason is holy, ~~consequently~~ i.e. without fault or deficiency, the archetype of perfection and the standard measure of the judgement of all worth and lack of worth of actions. So the divine law is holy and unrelenting.

6770. 1772? 1773–5? 1776–8? BIP 61.

The pragmatic legislator (is an author) who does not intend morality.

moral⁷⁹ (*added later*: Of dispositions. Only God is this.)

⁷⁸ *Pertinens ad modificationem alterius est suum physicum.*
modificabile per arbitrium alterius naturaliter est practicum.
 — — — — —
 — — — — —
moraliter — — —

⁷⁹ *Legislator pragmaticus (est auctor), qvi non intendit moralitatem. moralis*

6771. 1772? 1776–8? BIP 61. *Over and in §100.*

The author of an obligating law is a legislator. The author of an obligation in conformity with a law is not a legislator. Whether God can be called the author of the primitive moral laws? He is the principle, not the author.⁸⁰

Referring to §100 'GIVE that LAW'.

This is not to be the author of a law.

One who connects an obligation of choice with the law gives a law.

One gives a law who, according to his choice, declares a law as such to be obligating.⁸¹

6772. 1772? 1776–8? BIP 60.

The author of a nexus of a constraint with obligation ~~an obligating law~~ is a legislator.⁸²

God is not merely a pragmatic legislator <legislator pragmiticus>, but instead also a moral one <moralis>. One who follows the divine law pragmatically (because of reward and punishment), is a good citizen (or subject) in the divine state, but not yet his child and favourite and inhabited by his holy spirit.

[AA 19: 157]

6773. 1772? 1776–8? BIP 61.

The divine will is the ideal (archetype, model, standard) of the most perfect will; consequently, to say: he is the author of all obligation, means that the greatest perfection contains the ground of morality.

Imputation of Deed.

§§125–48.

6774. 1772? BIP 80.

Because the laws of what is owed can only be linked with punishments and the meritorious duties only with rewards, validly <valide> also only omissions of what is owed and commissions of love can be imputed.

Action can be attributed (be ascribed) to somebody, if it seems to proceed from freedom.⁸³

⁸⁰ *Auctor legis obligantis est legislator. Auctor obligationis conformiter legi non est legislator. Utrum deus possit auctor legum moralium primitivarum dici? Est principium, non auctor.*

⁸¹ *non est auctorem legis esse.*

connectens obligationem arbitrii cum lege legem fert.

legem tanquam pro secundum arbitrium suum obligantem declarans legem fert.

⁸² *Autor nexus coactionis cum obligatione lege obligante est legislator.*

⁸³ *Actio potest alicui attribui (zugeschrieben werden), si videtur perfecta a libertate.*

6775. 1772? 1769? BIP 81.

*We attribute something to a person like a predicate to each subject; we assign or ascribe something to him when it is regarded as something belonging to his person, e.g. an invention to a genius <genie>; we account it, when it is assigned unqualifiedly⁸⁴ <simpliciter>, i.e. represented as having arisen from freedom.

*(to assign | to ascribe | to account)

6776. 1772? BIP 81.

Whether ethical omissions <omissiones> are actions of omission <actiones omissivae>, and so can be imputed? Yes, the *aet* omissions based on beneficence, but not the omissions based on a lack of beneficence; for the latter are omitted because they have no motive.

6777. 1772? BIP 81.

The action is imputed in respect to which someone is free, that is, is neither objectively nor subjectively constrained.

6778. 1772? BIP 81.

Pragmatically I do not impute commissions that are pathologically necessary, and not such omissions, but rather only those whose opposite is possible according to the rules of inclination.

6779. 1772? BIP 81.

Not imputed to one, ~~whereto~~ is that to the opposite of which there is no constraining law.

6780. 1772? 1764–6? BIP 81.

What is good pleases human beings the most through appropriation, e.g. that a famous man is our compatriot. Still more through the imputation to ourselves.

6781. 1772? 1769? BIP 81.

What is proper to the person is more one's own than what [is proper to] the condition; and what is ascribed to freedom, still more; what to morality, most of all.

Every action whose opposite is morally possible is imputed. Consequently, no good action of obligation,⁸⁵ every action of beneficence, etc.: consequently, that of which the

⁸⁴ *simpliciter*, lit. 'simply', in such cases usually means absolutely, or without further qualification.

⁸⁵ *Schuldigkeit*, here and below.

opposite is not an obligation is imputed, consequently not poverty due to a lack of a beneficent deed.

6782. 1772? BIP 83. *Over and next to the second half of §127, next to §128.*

Even in regard to mechanical effects, the commission of an effect to which a thing is impelled is not to be attributed to its activity, and the omission to which it is not impelled, also. For the first is not a self-activity, the second not an action at all. By contrast, the omission of an effect to which the subject is yet impelled (enticement) and the commission of an action to which it is not constrained are ~~not~~ attributed; for in the first case, it is an opposition or also lack of self-activity, in the second it is entirely self-activity. Contrary actions, which not only do not operate in conformity with a law, ~~but rather its effects and since~~ but rather act contrary to it, are firstly omissions according [AA 19: 159] of the law and to this extent resistances,⁸⁶ and thus are distinguished only by degree from those actions that are depriving. If I do not give back to someone what was lent, then it is just as if I take something from another; for then I deprive another of what is his. If I do not confer a good deed on someone, then it is just as if I take something from him, based on the ground of right, that I could have released⁸⁷ him from.

6783. 1772? 1764–8? BIP 83. *Between §127 and §128.*

If something that is not necessitated according to moral laws can be regarded as a free action, then it is a deed *<factum>*.

6784. 1772? BIP 84. *Next to the conclusion of §128.*

The consequences of a deed that is morally indifferent will not be accounted; thus all accounting has a connection to moral laws, and an action that stands under a moral law (command – or prohibition –) is called a deed. Every deed *<factum>* is either a merit *<meritum>* or a demerit *<demeritum>*, none is *adiaphoron*.⁸⁸

6785. 1772? BIP 86. *Referring to §132.*

How few goods can be imputed to us, when all merits of fortune *<merita fortunae>* are subtracted: understanding, as well as education, example, health, lack of misdirection, etc.

⁸⁶ *widerstrebungen*.

⁸⁷ LRJP: 'quelque chose que j'aurais pu lui accorder.' This makes sense, but Kant's term here is 'erlassen', to remit or release from.

⁸⁸ We leave *adiaphora* (things that cannot be morally differentiated, and thus are neither morally good nor evil) in its original language.

6786. 1772? BIP 88. Next to §133, §134.

The consequences of an action can be accounted to one, if he 2. the action itself (not he in respect to the action) was free (physically <physice> and legally <legaliter>); 1. if it was an action and not a mere omission. Now, firstly, all juridical omissions (e.g. not paying a debt) are actions, since they occur contrary to a law, which the impelling power of which one resists. Secondly, they are free, since they occur even contrary to the law and thus are in no way constrained. So the consequences of juridical omissions can be imputed.

On the contrary, the consequences of juridical commissions cannot be imputed, since the action was not free. On the contrary, the consequences of all ethical omissions are not to be accounted; for they are not actions at all (deeds <facta>) and are contrary to no law (based on the will of another) or, much rather, are not acted contrary to another. Hence, their consequences cannot be regarded as deeds <facta>. On the contrary, juridical commissions cannot be imputed in their consequences, since the action was not free. The action itself is to be imputed as right (neither as merit <in meritum> nor demerit <demeritum>) as permitted <in licitum> (like ethical omissions). But ethical commissions and juridical omissions as merit <in meritum> or as demerit <demeritum>.

Summary <Summa>: 1. juridical conformity to law (is not free) and ethical opposition to the law (is a mere omission) cannot be imputed in their consequences; 2. juridical opposition to the law and ethical conformity to law must be imputed in respect to all of their consequences.

(Observations of juridical and violations of ethical laws cannot be imputed as merit <in meritum> or demerit <demeritum>.

Violations of juridical and observations of ethical laws must be imputed as demerit <in demeritum> and merit <meritum>.

Therefore juridical alone: their observation is imputed in its consequences neither as merit <in meritum> nor demerit <demeritum>.

Their violation is never imputed in its good consequences as merit <in meritum>, in its evil consequences every time as demerit <in demeritum>.

Juridical laws declare free or guilty, the ethical free or not guilty or meritorious.)

6787. 1772? BIP 88.

All free actions (understood in the physiological meaning) [*breaks off*]

6788. 1772? BIP 89.

Whatever happens according to a juridical law is necessary, can be imputed neither in its good nor in its evil consequences. What is contrary to it can be imputed with respect to all evil consequences, but not good ones.

6789. 1772? 1764–8? BIP 89. Next to the conclusion of §134 and the beginning of §135.

All ethical actions towards oneself can be imputed, no matter whether they are good or evil. One can ascribe one's own health or sickness to oneself.

6790. 1772? BIP 89. Next to §135.

The evil consequences of that which I necessarily do cannot be imputed to me.

1773–5.

[AA 19: 162]

General Remarks.

6791. 1773–5? 1772? BIP III'.

A skilful use of one's faculty ~~skilfulness~~ for the preferred end; a rational use or end for one's happiness; a good end to that which is good in every respect.

6792. 1773–5? 1772? BIP III'.

(*added later:* One calls virtue every good performance⁸⁹ (attribute of good use). A drink, dish, tool, metal, vessel has virtue and lacks some virtue;⁹⁰ a horse. Virtue in humans is one's attribute of good conduct; virtuous however: who contains a universal ground of good conduct in general; everything moral is virtue *κατ' ἐξοχήν*.⁹¹)

[AA 19: 163]

Virtue consists in rectitude and benevolence,* insofar as both are active.

Rectitude in the respect for the rights of human beings and of humanity in one's own person.

*(I would in the place of this [*breaks off*])

(*added later:* Moral, pragmatic, physical virtue.)

(*added later:* Virtue is the fitness for good use.⁹²)

(*added later:* The willing proficiency to use all one's powers for a (universally) good aim is moral virtue. Virtue is therefore morality in ~~inclination~~ proficiency.)

6793. 1773–5? 1772? BIP III'.

The faculties of sensation and intuition belonging to sight. The former for light and colours in general, the latter for the relations of illuminated objects in space, i.e. shape. Just the same for judgement and feeling in the good.

6794. 1773–7? 1772? BIP IV'.

It is indisputable that virtue would produce happiness, if it were exercised by everyone; but Epicurus maintained: also if one alone exercised it.

⁸⁹ *Verhalten*.

⁹⁰ *hat untugend*. For this sense of *tugend* see note 92 below.

⁹¹ Meaning *par excellence*, simply, or absolutely.

⁹² *Tugend ist die tauglichkeit zum guten Gebrauch*. The sentence is strictly untranslatable, as it highlights the etymological connection between *Tugend* (virtue) and *taugen*. The last has many senses, among which are to be of some use, to be good for something, to be apt at something and to be suitable or fitting. Of course, this recalls the ancient notion of virtue as excellence.

Whether it is not the case, as Chrysippus said, that we do evil purely from ignorance (*added later*: hence the moral system of truth). Therefore, only one virtue, namely science (and proficiency) of the good. (Aristotle.) (The practice of the senses is dialectical and is grounded on appearance.) The *adiaphora* rich or poor: about this one can decide as one wants, but not about honourableness <*honestum*> and dishonourableness <*turpe*>.⁹³ Health is to be wished for, but not to be given approval, sickness to be loathed (fled from), but not to be reproached.

6795. 1773–5? 1772?? BIP V'.

The essential laws are those without which freedom would be a dangerous behemoth; namely, freedom must not be used in such a way that it is contrary to humanity in itself, 2. is not contrary to the freedom of others. So there are rights of humanity and rights of human beings: rights of humanity in one's own person and the same rights in regard to others.

6796. 1773–5? 1772? BIP V'.

Morality rests on the rule of actions from the standpoint (station) of the universal participant or representative:

[AA 19: 164]

1. of the participant of nature in respect to himself,
2. of the participant of freedom in respect to others. In the latter case either of the representative of the choice of others or of their welfare.

Universality is either of the attribute or of the things that have a certain attribute. Internal universality <*Universalitas interna*> or external <*externa*>. Moral feeling is that through which the (universal objective) principles <*principia*> of judgement become subjective [principles] of resolution, thus the absolute rules become maxims.

Freedom is independence from incentives, and so also from feelings. Hence, there can exist no feeling that is necessary through reason, insofar as reason determines choice through the universality of rules. Logically, reason is the ground of the rule. Whatever is valid in the universal is valid also in the particular that is contained under it. And practical in general: only that which pleases in universality (in all) can please in the particular that is contained under it. What restrains freedom is only the universality for choice with respect to all actions. The pleasure in this rests on the harmony of all actions of choice among one another through agreement with what is universally valid of them.

6797. 1773–5? 1772? BIP V'.

1. How one is disposed;
2. — — resolves.

⁹³ This reflection is very reminiscent of a passage from Shaftesbury's *Characteristicks of Men, Manners, Opinions, Times* (Shaftesbury 1737, vol. 3, 182–3). For more on our translation of *honestum*, see p. 27.

6798. 1773–5? 1772?? BIP V’.

If the feeling of reason provides the power of the incentive, then everything is good. However, if the incentive should determine the judgement, then everything is an arbitrary arrangement of God, and one does not know whether it is good.

6799. 1773–5? 1772? BIP V’.

Human morality is duty, for one’s freedom is not determined originally based on the understanding. It is therefore only a conditioned spontaneity, and indeed such that one ~~the~~ *[breaks off]*

6800. 1773–5? 1772? BIP V’.

With the empty concept of perfection nothing is made clear. If it is known beforehand what is good, then perfection is the fullness of the good, i.e. when the good of a certain kind is complete. Otherwise, perfections mean attributes that serve in a thing as means to all kinds of ends for it.

[AA 19: 165]

6801. 1773–5? 1772? BIP VI’.

It is of the greatest necessity for reason to assume certain practical rules as principles that absolutely necessitate (categorically), without resting on the conditions of utility, e.g. to have no intention contrary to one’s own life or not to sacrifice one’s own person to the intentions of others. For, since everything is contingent in the determination of utility (the universal condition, however, of all ~~purposes must be that the person not the essential~~ free actions and the precedence of freedom itself, which makes the human being capable of a moral and inner worth, this is, that he is never to become overwhelmed by animal incentives so as to will that which betrays a principle *<principium>* of action contrary to itself, etc. etc.) ~~those actions that irrespective of their utility and damage,~~ that which is a prior ~~action~~ condition for making use of one’s freedom must necessarily limit it, and consequently [also limit] the essential determinations of one’s own person and life itself. No intention can occur contrary to these, although they themselves may not be exactly the end itself. Essential determinations are those without which one would either not be a human being or not be a free being at all.

One should not intend to tell an untruth, since, as one who can signify his own mind, he must not nullify its significance.⁹⁴ One ought not to kill himself, since, when he disposes of himself after his pleasure, he considers himself a thing and loses the dignity of a human being. One offends others when he treats what is not his thing as what is his own. One who commits suicide also displays freedom in the greatest conflict with itself, hence in the greatest ruin of its own delusion. Humanity is holy and inviolable. (As much in one’s own person as in that of another. One’s own consent

[AA 19: 166]

⁹⁴ *Bedeutung*. Like ‘significance’, this term denotes both importance and meaning. Kant likely has only the second in mind here, but the possibility that he is playing with both meanings makes it worth retaining the ambiguity in English.

is void here, since one has no will to cease to be anything at all.) All duties ~~consist in that~~, namely those that are necessary, do not consist in our honouring the human being's welfare, but rather humanity's merits and dignity. So the right of humanity is that which limits all freedom through necessary conditions. The human being can himself exercise great actions in misfortune ~~but the intent~~ and in that case where he sacrifices life not because he hates it, he is after all worthy of life. One who prizes life less than the ease of good fortune is not worthy of life.

All such duties must be considered independently from duties towards God, since we can only judge the latter based on the conformity with duty of the action in itself and this life is given over to our evaluation.

Suicide is perhaps not as harmful under the ~~expectation of a~~ presupposition that there is no other world; but then it is even more dreadful. How would you regard a friend of whom you were never sure whether or not he would consider suicide? (*added later*: Against suicide. As long as a human being lives, he always has the opportunity to exercise good and even heroic virtue. When in the greatest misery, he must regard life as the challenge of fate to his own fortune.)

6802. 1773-5? 1772? BIP VII'.

The universal and highest practical law of reason is: that reason must determine free actions. We can only delight in actions once we see such actions harmonize with it [i.e. reason]. It is necessary for a rational being to first bring freedom under the universal law of reason. This consists in the agreement of the disposition of the action, taken universally, with free choice (with itself) and the ceasing of freedom first of all to be licence and lawlessness. Appetites provide no universally coherent laws; either nature or choice provides the ground of reference in general in relation to which there must be a universal agreement of actions. Upon what, then, rests the satisfaction ~~with~~ in the agreement of actions with that which, taken universally, would necessarily please? And why does this universal validity please us? Whence are we determined to derive the particular from the universal? The reason is that we regard reason as the necessary condition of judgement in ~~judgement~~ practical judgement just as much as in theoretical judgement.

Actions are not correct, freedom is without rule, if it does not stand under such a limitation based upon the idea of the whole. It displeases us ourselves. This is the necessary condition of the practical form, just as space [is] of intuition.

6803. 1773-5? 1772? BIP VII'.

I am very much concerned that one is only sensitive to a certain extent, for the reason that one is thoughtless to that extent.

This delusion takes away from reason its prestige and the moral law its **power** (*added later*: dignity. For in this case it is the law of a taste that is in itself contingently conferred. For it cannot be said whether this taste concerns the genuine good without presupposing moral feeling.)

6804. 1773–7. BIP VII’.

Scoundrels have moral judgement that is as perfect as we, but not moral feeling. The rule rests on concepts, exercise on feeling that is in accord with these concepts, but not with impressions.

Obligation in General.

§§10–49.

6805. 1773–5. BIP 3.

We feel ourselves actually intellectually <intellectualiter> necessitated through the highest will; but the transmission of this higher will to sensibility depends on us ourselves, and it is this that we blame.

The under conformity of an action with a necessary and universally valid rule of delight is morality.

[AA 19: 168]

Rules under which alone something can universally please are precepts <praecepta>.

There are laws, (which) request something (material) categorically, to do something, and others, which request hypothetically, if one wants to do something (that is discretionary), that it be done in a certain special way that stands under this rule (form); the latter are rules of right <regulae juris>.

One demands free actions to allow of being brought under rules, most of all under those without which irregularity would be necessary. This form is moral. (Actions based on principles or on impulses or occasional causes.)

Imputation of Deed.

§§125–48.

6806. 1773–5? 1772? BIP 82.

Obligations⁹⁵ are not imputable (neither as reward nor punishment <nec in praemium nec poenam>), but their opposites can be: crimes. Merits are imputable, but not their opposites: ignoble actions. Imputation occurs according to the degree of **subjective fre** the imputability of action and of subjective freedom.

6807. 1773–5? 1772?

Imputation is either of a relation (to attribute the action) or of a deed (to account the deed); the latter is the effect of a (voluntary) action. The effect of an action necessitated either physically or morally is not imputed; in the latter case actions can be imputed.

⁹⁵ *Schuldigkeiten*.

Duties of what is owed are not imputed, but omissions are. But omissions of merit along with their implications are not imputed, but commissions are imputed.⁹⁶

6808. 1773–5? 1772?

Internal deeds *imput* (a crime of endeavour or intention) are imputed internally. I.e. ethically in the court of conscience.⁹⁷

6809. 1773–8. BIP 82. Referring to §127.

[AA 19: 169] An action is imputed insofar as it is free. A deed <*factum*>, insofar as it is necessitated through no law. A law, insofar as the law is determined. Injustice is most strongly imputed, and this imputation cannot be compensated through ethical merit.

The effect <*effectus*> of a formally <*formaliter*> evil action, e.g. a lie, cannot be juridically <*iuridice*> imputed (only internally <*interne*>).

6810. 1773–5? 1772? BIP 87. Next to §133, sentences three through five.

The imputability of actions objectively <*obiective*> i.e. or subjectively <*subiective*> according to the freedom of the subject.

6811. 1773–5? 1769? BIP 89. Between §135 and §136.

Imputation <*imputatio*> is either only practical in general or also moral: assessment as merit or demerit <*in meritum et demeritum aestumatio*>.

The Degree of Imputability.
§§159–70.

6812. 1773–6? 1772? BIP 105. Referring to the heading and §159.

The less that nature, the more that the human being (based on freedom), acts in relation to his duty (be it through transgression or observance of such), the stronger can it be imputed to him. The magnitude of imputability can be judged objectively according to the degree of obligation or subjectively according to the degree of difficulty. But the difficulty must not be one's own fault.

6813. 1773–6? 1769? BIP 105. Referring to §159, first sentence 'only the moral'.

Juridically necessary deeds are not imputed according to the law, but rather their opposite are.

⁹⁶ *Imputatio est relationis (Handlung beymessen) vel facti (That zurechnen); posterius est effectus actionis (voluntariae). Effectus actionis necessitatae vel physice vel moraliter non imputantur, sed imputari possunt in posteriori casu actiones. Officia debiti non imputantur, sed omissiones. Sed omissiones meriti cum suis consecrariis non imputantur, commissiones imputantur.*

⁹⁷ *Facta interna imput (delicta conatus, vel propositi) imputantur interne. h.e. Ethice coram foro conscientiae.*

It is likewise with deeds opposed to the (hypostatic) right of human nature – because each of these rests on freedom and even on personality, concerning which choice could establish nothing. But the strength of a moral proposition, invincible to all opposing causes, is the analogue of merit.

However, every action not proceeding from the law proper but from a moral end, i.e. ethical action, is likewise meritorious, because it indeed responds to obligation, but not to that which is owed, and, not morally constrained, it is truly voluntary, and it is that much more to be imputed the greater are the obstacles that it can overcome.⁹⁸

The External Court.

§§186–99.

6814. 1773–8? BIP 129.

The ethical duties have as a rule: make use⁹⁹ of freedom with respect to that which is your own **not conforming** appropriate to the **conditions** universal ends either of humanity or of human beings.

(The material aspect is what is your own. The formal aspect is morality, i.e. necessitation through **moral** obligating motives.)

What is your own is either essential or accidental. Concerning what is essentially your own: it is not permitted for you to arrange it. Concerning what is materially your own: it is in function *<in usum>* of public happiness. Therefore, what is necessarily essentially your own is private; what is accidentally your own belongs to public use.¹⁰⁰

Juridical duty.

(*added later*: The material aspect is what belongs to another. The formal aspect is legality, i.e. congruence with external law (of action, not of motive and intention).)¹⁰¹

Justice *<Justitia>* is the administration of right.

Natural state *<Status naturalis>*.

⁹⁸ *facta lege iuridica necessaria non imputantur, sed eorum opposita.*

item opposita iuri humanae naturae (hypostatico) – quia vtraque nititur libertate et vel personalitate, circa quas arbitrium nihil statuere potest. Sed robur propositi moralis invincibile ab omnibus causis oppositis est analogon Meriti.

Omnis actio autem non proprie a lege, sed a fine morali profecta, h.e. ethica, est simul meritoria, quia respondet quidem obligationi, sed non debiti, adeoque voluntaria est, non moraliter coacta, et eo magis imputatur, quo majora impedimenta superare potuit.

⁹⁹ Directly after ‘make use’, Kant struck out *eo quod est*, which is hard to render clearly. However, his intent seems clear, as he appears to have abandoned a passage from Cicero: ‘what one has, one ought to use *<quod est, eo decet uti>*’ (*De Senectute*, IX: 27), and in so doing, restricts Cicero’s maxim.

¹⁰⁰ *utere eo quod est libertate respectu eius, quod est tuum nec conformiter convenienter conditionibus finibus universalibus vel humanitatis vel hominum.*

(*Materiale est tuum. Formale est moralitas, h.e. necessitatio per motiva moralia obligantia.*)

Tuum est vel essentielle vel accidentale. Circa tuum essenziale nulla licet tibi dispositio. circa tuum accidentale in usum felicitatis publicae. Ergo tuum essenziale necessario est privatum, tuum accidentale est publici usus.

¹⁰¹ *Materiale est suum alterius. Formale est legalitas, h.e. congruentia cum lege externa (actionis, non motivi et intentionis).*

Private justice <*Justitia privata, Privatgerechtigkeit*>. ¹⁰²
 Public justice <*Justitia publica*>.

Conscience.
 §§200–5.

6815. 1773–8? BIP 134.

Conscience is the consciousness of the duty to be honest in the accounting of one's own deed. Honest is one whose confession of his judgement always conforms to the consciousness of it. – Conscience is therefore a court of law in which the understanding is the legislator, the power of judgement is the prosecutor and defence council, but reason is the judge. In the second instance honesty is required.

[AA 19: 171]

1776–8.
 General Remarks.

6816. 1776–8? (1772?) BIP I.

The correct use of the understanding and reason: logic.
 The correct use of the pure understanding and reason: metaphysics.
 The good use of the pure understanding and reason: moral science.

6817. 1776–8? (1770–2?) BIP I.

Every rational science is either of the possibility of things in themselves or through free choice of the will. The former are theoretical, the latter practical sciences. Practical philosophy deals either with the possibility of things through free choice of the will and is called pragmatic, or with the possibility of this free choice of the will itself and is practical in a strict sense. It is philosophy concerning praxis <*praxis*> in general, i.e. concerning the grounds of willing, not the means, which the will uses for things.

6818. 1776–8? (1770–2?) BIP I.

In some cognitions one considers only what the things are; in others, what they ought to be. The latter is what is purposive, and the ground of its possibility lies in the idea. Hence, organic beings. To the actuality of that which should exist in a certain way there belongs beings that have cognitions and are not indifferent, which contain the end, and the actions, and the means.

[AA 19: 172]

6819. 1776–8? (1770–2?) BIP I.

The practical philosophy of the ancients was materially <*materialiter*> different.

¹⁰² Kant here gives both the Latin and the German, which would have to be translated identically.

The moderns differ in form *<in formali>*: which the principle *<principium>* of morality. Whether understanding or utility or feeling?

(added later:

The modern principles *<principia>*: 1. Through reason.

2. Through sentiment. Taste.

*3. Through inclination.

*(Theological. The ancients had systems, which executed the means to the highest good.

Moderns —

— — — judgement.)

6820. 1776–8? (1778–89?) BIP I.

Moral philosophy is the science of ends insofar as they are determined through pure reason. Or of the unity of all ends (where they do not conflict with themselves) of rational beings. The material of the good is given empirically, the form *a priori*. Morality is the good based on principles of spontaneity, hence the universality of the good.

6821. 1776–8? (1778–89?) BIP I.

Because our actions possess only as much worth as they contain morality, we must very precisely separate what pertains pragmatically to prudence, as well as what pertains pathologically to inclination, from what is moral and not mix up the motives in the laws, because otherwise there perhaps remains no morality at all, but rather only the appearance of it; the silver content in coins.

6822. 1776–8. BIP IV.

In the metaphysics of morals we must abstract from all human attributes, from the application and their obstacles in the concrete *<in concreto>*, and seek only the canon, which is a pure and universally valid idea.

6823. 1776–8. BIP V.

Practical is everything that makes one skilled; pragmatic [is everything] that makes one prudent; moral [is everything] that makes one wise. The first concerns purely the form of action, the second its universal end: happiness, the third the idea of unity all of all agreement of the ends with themselves.

6824. 1776–8. BIP VI.

The imperatives *<imperativi>* of skilfulness are **requi** rules, which enunciate requirements (postulates) and postulate. Those of prudence [enunciate] precepts, contain ~~edicts~~ *<edicta>* and precepts and dictate to us. Finally, those of morality [enunciate] laws or much rather commands.

One frets over one's lack of skill; one feels ashamed about one's imprudence; one loathes oneself on account of one's immorality.

6825. 1776–8. BIP III.

The ancients derive the two articles of the highest good <summi boni> either from a third. (Nature or God.) Or from each other.

Each thing must 1. be considered absolutely <absolute> and afterwards respectively <respective>. If morality is an inner goodness of the human being, then weigh it first absolutely <absolute>. Do not ask: what is it in respect to God? In respect to benefit or harm? Instead consider it in itself. One does not estimate virtue, for one has never looked at it solely. Or one praises it merely.

6826. 1776–8. BIP VII.

One who is diligent deserves to enjoy it, but is not for this reason worthy of favourable circumstances or even of his talents.

Worthiness to be happy. One who is good wills to employ nature and all his faculties well. In that consists this goodness of choice. This is a different question than: what is the highest good <summum bonum>. It is the question about the first part of it, which carries the second along after it.

6827. 1776–8. BIP VII.

Of price, worth, worthiness of the human being, natural gifts (talents. Goods of fortune. Merits. Wide <Late>).¹⁰³ Worthiness to be happy is the first. The highest good <Summum bonum> is the ideal of the perfection of the world.

Whether when one is worthy of being happy, one can then hope to become such. Rational governance.

The wish to be happy is based on self-love, the judgement of worthiness on reason.

Highest good <Summum bonum> | Epicurus wanted to impel towards virtue, Zeno to explain it.

The highest end (happiness) and the objective condition of this end.

6828. 1776–8. BIP VII.

Virtue shall not be learned.

6829. 1776–8. BIP VII.

The ideal of simplicity (innocence without virtue); the ideal of virtue: the ideal of prudence; that of holiness; the sage of Antisthenes is the human being of nature, that of Zeno, the virtuous; that of Epicurus, the man of the world; that of the gospel, the Christian.

¹⁰³ AA: uncertain.

When one says: the virtuous behave thusly, and the human being ought to behave thusly.

6830. 1776–8. BIP VIII.

We have only two powers by which we are capable of rules *a priori*: understanding and will.

6831. 1776–8. BIP VIII.

One can ask whether happiness and morality are a matter of nature or of instruction and discipline. In the first case, it is just the same as in the case of health, which is not a matter of instruction and art, but rather something in which all instruction consists only in not disrupting nature. By nature the human being is moderate and content, likewise honest and good. The negative of morality is innocence etc., etc.

Art applied either to happiness or morality.

Or neither nature nor art, but instead the highest being.

Epicurus: the ever-cheerful heart only through virtue.

6832. 1776–9? (1780–9?) BIP VIII.

Christianity has this special feature, that where all others pretend that the human being can arrive there through its own powers, it does not excuse the weakness of human nature, but instead employs it for sharpening self-examination and help from God.

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6833. 1776–8. BIP VIII.

It is a great encomium for a science or knowledge, when it is practical. It can be in one or another respect or in all respects, and then its doctrine is wisdom. We have various objects. But generally [the object] is happiness, the condition of which is morals.¹⁰⁴ Wisdom belongs to the legislator, prudence [*breaks off*]

6834. 1776–8. BIP VIII.

Moral actions must have their own recommendation, for otherwise they would not contain the worthiness to happiness; hence, Zeno terminated ends in moral actions.

Many practical cognitions, but only one philosophy.

6835. 1776–8. BIP IX.

Since all good fortune and all goods of the world have reference to the good conduct and the good will of rational beings, it can be seen that this is the idea under which alone the world ~~poss~~ and their happiness is possible. So self-love must be limited to through the condition of agreement with the universal ends of the world.

¹⁰⁴ *Moral*, a case where the translation 'moral science' makes little sense.

6836. 1776–8. BIP IX.

The question of the highest good <*quaestio de summo bono*> asks: how should we become worthy of being happy? Through nature or through a distinctive genus of action or through prudence. The Christian religion says: we can never hope to obtain worthiness through our own merit. It requires the greatest purity of the heart.

One can trace morality either to instinct or to concepts (e.g. inclination of the sexes). The latter alone provide universal objective laws and therefore obligation. Finally, one can raise it to ideas, which determine the degree of morality by containing a maximum <*maximum*>, and so a norm or arch. In the concrete <*In concreto*> this is called an archetype.

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6837. 1776–8. BIP IX.

Epicurus looked merely to the worth of the condition, he knew nothing of the inner worth of the person. Zeno did not admit the worth of the condition, but instead recognized as the true good merely the worth of the person.

The latter philosophy rose above the nature of the human being, the former fell below it.

6838. 1776–8. BIP X.

Epicurus wanted to provide virtue with incentive and took away its inner worth.

Zeno wanted to provide virtue with an inner worth and took away its incentive. Only Christ gave it inner worth and also incentive. The inner worth is for him concept of it is not mystical, but instead natural. The incentive is free from all hindrances of nature. The incentive from the other world is already in itself the same as the renunciation of all advantage. They alone are not contingent or uncertain and serve as rule. The other (intellectual) world is really that in which happiness precisely harmonizes with morality: heaven and hell, one of which is aimed at the highest good fortune, and the other at misery. The other world is a necessary moral ideal. Without this, moral legislation is without government. It alone concerns the inner worth of actions. Through the hoped-for reward of another world virtue becomes no longer self-interested and has a pillar or sanctuary. The incentive is removed as far as possible from the senses.

6839. 1776–8? (1772–5?) BIP X.

Virtue is driven: 1. by passions (the Romans); 2. by benefit: pragmatic; 3. by superstition of religion or by pure morality.

6840. 1776–8. BIP XI.

Since the ancients knew of no other faculty of morality than the natural, they made the law lenient. By contrast, the gospels <*evangelium*> pure. Hence, a more perfect moral doctrine. The incentive in this world is also not commensurate to the dispositions.

(Nature or divinity.)

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6841. 1776–8. BIP XI.

The system of moral feeling has the merit that it abolishes all that is pragmatic.

6842. 1776–8. BIP XI.

Plato: moral philosophy based on the idea, not according to the inclinations or experiences, also not based on concepts of reflection. Only he sought his idea in God, or he made the concept of God from these ideas.

6843. 1776–8. BIP 2.

The principle <*principium*> of the necessary unity of our actions. From personal inclination <*selbneigung*> arise actions that do not have necessary unity among themselves or with others.

The principle of self-love is, to be sure, the universally subjective [principle] of incentives, but not of the judgement of actions and their objective worth.

6844. 1776–8. BIP 3.

The use of freedom that is a ground of happiness according to a universal rule is the worthiness to be happy. It lies with us whether to subject happiness to a rule.

6845. 1776–8. BIP 3.

Whatever agrees with the private will is agreeable; a universally valid will is good.

Whatever contains the conditions through which it is possible for a will to agree with the others is right; through which it actually agrees, is good.

6846. 1776–8. BIP 3.

Morality is a pure choice based on principles.

[AA 19: 178]

6847. 1776–8. BIP 131.

Rules belong so necessarily to the nature of our understanding, they are so inseparably attached to freedom under the name of ought, especially when freedom is employed towards other free beings, that we overturn the ground of all our judgements and the consciousness of our nature, if we deprive freedom of a restricting rule in exercise towards itself. Even the representation of the highest being is necessary, because it is a principle <*principium*> of rules.

The necessary conditions of universal agreement belong just as much to the valid **practic** rule of practical reason as to that of speculative reason.

6848. 1776–8? 1780–9? BIP 131.

I approve of a pang of compassion, but demand a pang of remorse.

6849. 1776–8. BIP 132.

The first ought (original = absolute <*absolute*> or the universal idea of duty) cannot be comprehended. All happiness ought to be a product of freedom, or freedom must limit itself to universal agreement in happiness *a priori*. The ground is: because otherwise one will find oneself reproachable. This is the necessary condition of the principle <*principii*> of happiness based on reason and hence of one that is necessary in itself and not contingent like that of chance.

6850. 1776–8. BIP 132. *Over reflection* 6861.

The first ought is a condition under which alone freedom is a faculty according to steady rules that determine *a priori*. This conformity to rule is, however, a necessary need of reason in regard to a faculty, which determines *a priori* dynamically.

That will which is limited to no object, and hence is pure, must first of all not conflict with itself, and freedom as the dynamic condition of the intellectual world and its commercium¹⁰⁵ <*commercii*> must have unity.

The independence of freedom from sensibility presupposes its dependence on the universal condition that it agree with itself.

[AA 19: 179]

6851. 1776–8. BIP 133.

If your will ought to harmonize with all your inclinations through universally valid conditions, then it must harmonize with that to which they all refer, namely your own self, i.e. personality. Duty towards oneself. Your actions ought to harmonize with your freedom and (the universal) your inclinations, with the freedom of others and (the universal) their inclinations.

(With your inclination and the inclination of others, with your freedom and the freedom of others.)

(The universally valid¹⁰⁶ will is a pure will, which ~~no obj~~ is not affected by impulse and inclination, and its object is the good.)

6852. 1776–8. BIP 133.

To the good outside of oneself, at which love of honour aims, there belongs not only the furthering of happiness, but also the morality of others.

¹⁰⁵ In the *Critique of Pure Reason*, Kant notes that the German word for community (*Gemeinschaft*), can mean either *communio* or *commercium*, the latter of which indicates dynamic or real community (A 213f./B 260f.). For more on this in a legal context see BH, 129–32.

¹⁰⁶ *gemeingültiger*.

6853. 1776–9? BIP 134. *Over reflection* 6862.

The subjection of freedom to the legislation of pure reason. (Going from the universal conditions of ends in general to the particular ones.) Pure reason, i.e. abstracted from all (sensuous) incentives, has legislative power¹⁰⁷ in regard to freedom in general, which every rational being must recognize, since without conditions of universal agreement with oneself, in respect to oneself and in respect to others, no employment of reason would take place at all in respect to freedom. Now, something through which a the highest power conflicts with itself is a natural and necessary object of loathing, just as in logic, when such a power contradicts itself.

[AA 19: 180]

6854. 1776–8? 1780–9?? BIP 128.

The metaphysical concept of morality. A. Internal choice. Form of the inner moral sense.

1. We do not abstract the concept of freedom from experience. If we want to act, then we see the future action as fully problematic in respect to the present moment, and the ought is a condition of the agreement of the future action with reason, which is therefore not at all in a pre-determined connection with appearances, i.e. with nature.
2. Free choice is singular. There is always the question of what I want in general under certain conditions; but the universal is not given through experience.
3. It is singular. I have only one [faculty of] choice in relation to all my ends.
4. The *a priori* rules of the unity of inner choice, which contain a categorical necessity, may be given without regard to the material of the will. (Analogue <*analogon*> of nature.)

B. Choice in community.

1. Freedom in community has conditions that are also not drawn from experience.
2. It is the unity of external choice for reason. Another concept of freedom is in itself irrational.
3. Categorical rules can be given for this *a priori*.

Summary <*Summa*>: freedom according to laws, insofar as it is itself a law, constitutes the form of the moral sense. The matter is the moral feeling, which has as object nothing except the agreement with the end of humanity and of human beings in general.

1. Categories of morality. (– Functions of it freedom are in everything practical.)
2. Principles: in part constitutive <*constitutiva*>, juridical moral, in part regulative <*regulativa*>, juridical.

¹⁰⁷ *Gewalt*.

6855. 1776–8? 1780–9? BIP 128.

[AA 19: 181]

Prudence with regard to the state is grounded purely (on) empirical principles, right of the state on rational. The conditions of the first are generally mixed with the latter in the concept of a constitution.

6856. 1776–8? 1780–9?? BIP 129.

The dignity of human nature lies purely in freedom; only through this can we become worthy of any good. But the dignity of a human being (worthiness) rests on the use of freedom, since he makes himself worthy of all good. However, he makes himself worthy of this when he partakes in it as much as lies in his natural talent and as is permitted by the external agreement with the freedom of others.

6857. 1776–8? 1780–9? BIP 129.

Worthiness to be happy consists in merit that actions have for happiness, which actions, inasmuch as they depend on freedom, would also actually make oneself as well as others happy, were they universal. One says: a human being merits to eat who has made his own bread or has provided bread for others.

6858. 1776–8? BIP 129.

It is true: without religion morals¹⁰⁸ religion would have no incentives, which must all be taken from happiness. Moral commands must carry with them a promise or threat. Happiness in this life is not their incitement; moreover, ~~there is~~ the pure disposition of the heart is what makes up genuine moral worth; this, however, is never correctly known by others, often totally misjudged. There has certainly never been a human being who monitored with complete conscientiousness the purity of his morals¹⁰⁹ and who did not at the same time hope that someday this diligence would be of great importance, and ~~that~~ expect from a world-governing highest wisdom that this devotion to precise observation would not be in vain. However, the judgement regarding the worth of actions, as far as they are worthy of approval and of happiness, must still be independent of all cognition regarding God.¹¹⁰

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6859. 1776–8? 1780–9? BIP 130.

In moral science, we need no other concept of freedom than that our actions do not, in accordance with experience, run away on the thread of instinct, but instead reflective acts¹¹¹ of the understanding intervene among incentives. Through this there would arise a lack of connection, since instinct has rules when it alone dominates (just as does the understanding, when it alone dominates), but the understanding that does not

¹⁰⁸ *Moral*, again a case where 'moral science' would make little sense.

¹⁰⁹ *Sitten*.

¹¹⁰ *Erkenntnis von Gott*, which could also mean 'recognition by God'.

¹¹¹ *Reflexionen*.

prescribe rules itself makes everything irregular, when it fills in for the lack of instinct. So freedom from instinct requires conformity with rule in the practical use of the understanding. Thus, we represent as possible the conformity to rule and unity in the use of our choice purely through the understanding's linking of choice with conditions that make it consistent with itself. But from whence this use of the understanding shall become actual, whether it even does or does not have its prior determining causes in the series of appearances: is not a practical question.* Enough: laws of the agreement of choice with itself, which is not to be expected from impulses, but rather can only come from reason, solely have this effect and are therefore in conformity with our higher will (in regard to the sum of our ends) and good.

*(There can be no controversy about whether or not we should follow these laws of agreement, and whether actions that conform to them or are contrary to them are good or evil. But a significant controversy may nevertheless arise about whether ~~not~~ these laws or their opposite ever with certainty become determining causes of human conduct ~~or whether other~~ or whether instead everything in the human being follows its course according to these laws or against them, allowing no possibility of the opposite, just like the motions of machines. That the understanding, through objective laws, should have the influence of an efficient cause on appearances, is a paradox *<paradoxon>*, which makes nature (the sum of appearances) and freedom distinct, while our actions are not determined through natural causes (as mere appearances). The self-activity of the understanding is another species of causes. ~~The and~~ Otherwise the understanding produces nothing but ideas. How it becomes the cause of appearances is paradoxical *<paradox>*. It could just as well be the instincts.

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The necessity of actions based on the understanding, to the extent that one makes use of the latter, is certain, and also, that one must make use of one's understanding.)

6860. 1776–8? 1780–9? BIP 131.

We can form no concept of how a mere form of actions can have the power of an incentive. Nevertheless, this still must be, if morality should take place, and experience confirms it. This formal causality as effective is not determined among appearances. Hence, it is always new, despite everything that may have happened. It is purely ourselves that determine the action and no alien predisposition, no chain of appearances, which is empirically determined. The apperception of oneself as an intellectual being that is active is freedom.

6861. 1776–8? 1780–9? BIP 132. *Under reflection 6850.*

The apperception of sensation is substance, that of self-activity is the person. The worth of the person rests on the freedom that agrees with itself according to original rules.

6862. 1776–8? 1780–9? BIP 134. *Under reflection 6853.*

Everything ultimately depends on life; what enlivens (or the feeling of the furtherance of life) is agreeable. Life is unity; hence all taste has as principle *<principio>* the unity of enlivening sensations.

Freedom is the original life and in its coherence the condition of the agreement of all life; hence, what increases furthers the feeling of universal life, or the feeling of the furtherance of universal life, produces a pleasure. But do we indeed feel well in universal life? Universality makes it so that all of our feelings harmonize, albeit there is not a special kind of sensation for this universality. It is the form of consensus

[AA 19: 184] <consensus>.

6863. 1776–8. BIP 136.

The hypothesis <Hypothesis> of feeling (it is no system) is that of the blind guidance of freedom according to a moral instinct.

6864. 1776–8. BIP 136.

1. The principle <principium> of moral judgement is (the principle <principium> of the conformity to reason of freedom in general, i.e. the conformity to law according to universal conditions of agreement): the rule of the subordination of freedom to the principle* <principium> of its universal agreement with itself (in respect to one's own as well as other persons).
2. The ground of moral feeling,** upon which rests the delight in this agreement according to principles, is the necessity of delight in the form of actions, through which we harmonize with ourselves in the use of our choice.*** The lack of moral feeling (We have necessary delight in rules.) rests on the fact that one does not take as much interest in the form as in the matter and does not consider an object from the vantage point of universality or applies it to one's feeling. This is not a special feeling, but rather a way in general of considering something from the vantage point of universality.
3. The incentive**** of moral conduct is, however, distinct from this and rests on the resoluteness to act in conformity with a resolution (a universal maxim) once it is taken. Thus based on the might of reason in respect to freedom.

*(<added later: The principle <principium> (universal practical) of the legislation of pure reason in respect to freedom in general.

The system of moral science based on the principles (laws) of pure choice <principiis (legibus) arbitrii puri>, i.e. the system <systema> of **to**ge [breaks off]

Only in what is practical does reason provide objective principles.)

**(<added later: How can morality, when it is an object of reason, be felt? It relates to all our actions in conformity with our pleasure or displeasure and contains the condition of their universal agreement; through this it relates to the feeling of pleasure according to form.)

***(<added later: The epigenesis of happiness (self-creation) based on freedom, which is limited by the conditions of universal validity, is the ground of moral feeling.

In Smith's system: why does the impartial judge (who is not one of the participants) assume that which is universally good? And why does he take any delight in this?)

****(<added later: How can reason provide an incentive, when otherwise it is always only a guide and inclinations impel, [and] the understanding only prescribes the

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means? Agreement with itself. Self-approval and confidence. The incentive that can be combined with duty, but must never replace it, is inclination or constraint. The first, for the reason that inclination (even the benevolent) must be governed by duty. The second, for the reason that the need of being constrained¹¹² is in itself already a weakening of the might of duty.)

6865. 1776–8. BIP 136.

What concerns feeling (*added later*: it can also be applied only for judgement) is indeed only felt by us through the senses; but we can adopt at will the standpoint in which we oppose the object. Here we adopt this in reason and sense from the universal standpoint. (*added later*: Self-creator of universal happiness.)

6866. 1776–8. BIP 136.

The impelling power depends on the feeling delight, to the extent that it is applied to oneself and to self-esteem, and indeed according to one's universally valid price, i.e. inner worth. The elevation of humanity.

[AA 19: 186]

6867. 1776–8. BIP 137.

The principle <*principium*> of moral science is the autocracy of freedom in respect to all happiness or the epigenesis of happiness according to universal laws of freedom. Happiness has no self-standing worth, insofar as it is the gift of nature or good fortune. Its origin from freedom is what constitutes its independence and agreement. Hence, good conduct, i.e. the employment of freedom according to laws following which happiness is the self-creation of good choice or choice conforming to rule, has an absolute stability, and the worthiness of being happy is the ~~harm~~ agreement with the highest good through nothing other than the complement of the faculty of free choice, insofar as it harmonizes according to universal rules with happiness in the whole. Moral feeling here concerns the unity of the ground and the possession of the sources of happiness in rational beings themselves, as that to which all judgement of moral worth must refer. The good use of freedom has more worth than contingent happiness. It has a necessary inner worth. Hence, the virtuous possesses happiness in himself (in receptivity <*in receptivitate*>), however bad the circumstances may be. He has in himself (as much as is in him) the principle <*principium*> of the epigenesis of happiness. Here it must be assumed that originally ~~the~~ a free will, which is universally valid, is the cause of the order of nature and of all fate. For then the arrangement of actions according to universal laws of the agreement of freedom is at the same time a principle <*principium*> of the form of all happiness.

¹¹² *Zwangsbedürftigkeit*.

6868. 1776–8? BIP 137.

That all ends lie in a unity or all freedom has a necessary unity through relation to ends in general.

6869. 1776–8? BIP 137.

Morality is ~~agreement~~ the determination of freedom with the universality of the ~~conditions~~ through the essential conditions of a universal choice.

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6870. 1776–8? BIP 137.

Feeling is the sensation of life. The complete use of life is freedom. The formal condition of freedom as an employment that is thoroughgoingly in agreement with life is conformity to rule.

6871. 1776–8? BIP 137.

We have no special feelings at all, although indeed various senses and capacities of sensation. There is only one principle of life and hence only one principle <*principium*> of the feeling of pleasure and displeasure,* which can then also be stirred by reason (through the conformity to rule or the lack of rule of freedom). And even if through this it in fact moves only a little, yes!, even just resisted: it still stirs feeling to agreement and conflict, in regard to our entire existence and all our powers, since free use of powers and freedom in general is the most important and most noble, which, when it is without rule and incompatible with itself, must displease every rational being, as one whose reason requires rules *a priori* through which to order everything manifold under principles of its secure employment.

*(Hence, we do not in fact view the objects of feeling, the sensations, as homogeneous, but compare feelings of pleasure and displeasure and are able to prefer a gratification of the senses over a moral good.)

6872. 1776–8. BIP 138.

The highest good <*summum bonum*> of the philosophical sects could only occur, when it is accepted that the human being could be adequate to the moral law. For this end, one must either construe favourably one's actions with moral conceit or make the moral law very lenient. The Christian can acknowledge the fragility of his personal worth and still hope to partake in the highest good itself under the condition of the holy law.

6873. 1776–8. BIP 138.

When it is said: 'The sage, the Christian acts in this way, feels in this way etc. etc.', then this concerns the ideal and not the persons known by such a name.

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6874. 1776–8. BIP 138.

(Pragmatic or moral principle of the highest good <*principium vel pragmaticum vel morale summi boni*>.)

The difference between the Epicurean and Stoic philosophy concerns the concept of the highest good: whether virtue is nothing but prudence with respect to the end of genuine happiness or happiness is nothing but consciousness of one's virtue, hence the unity in the concept of the highest good.

The difference between the Cynical and the Platonic [concerns] the origin of the highest good: whether it is physical or hyperphysical; the Epicurean and Stoic take the origin to be artificial and the effect of acquired and reflectively discovered principles.

6875. 1776–8? 1769? BIP 139.

The end that is necessarily universal is: that all its ends are achieved, i.e. happiness.

6876. 1776–8. BIP 138. *Over and in* §203.

The mistake of the philosophical sects was that they wanted to make moral science independent from religion (*added later*: that they expected from nature happiness in connection with morals¹¹³ and also required only so much morality as was necessary to make themselves worthy of this natural happiness); the nature of things, however, does not contain a necessary connection between good conduct and well-being, and hence the highest good is purely a being of thought.

But without religion one must still have a concept of this, even though religion alone can prove the reality of this highest good <*summi boni*> with respect to human beings. If the course of the world determines all consequences of good and evil actions, then worldly prudence is the good conduct that leads to the highest good. For this, however, it would be required that one view morality as the rule, but with provision for all exceptions, which the circumstances make advisable for our advantage. For scrupulous obedience to rules would be pedantry, since rules do not command absolutely¹¹⁴ whose end is not a necessary consequence of them.

[AA 19: 189]

Happiness is only conditionally good.

The highest good contains a pathological (immediately agreeable, but not always good) and a practical good. Good conduct and prosperity.

The good will to employ well all gifts of nature and fortune (internal and external good) makes us altogether worthy of such.¹¹⁵ For worthiness is the agreement with the universal end.

Happiness is no genuine good; worthiness is, to be sure, a genuine and the highest good, but not the complete good.

(Nature, art, over nature.)

¹¹³ *Moral*, another case where 'moral science' would make little sense.

¹¹⁴ *schlechthin*.

¹¹⁵ BGR gives an alternative reading: 'The good will, in order to avail itself of all gifts of nature and gifts of fortune (inner and outer good), makes us completely worthy of those gifts.'

6877. 1776–8. BIP 138.

Through rules one becomes skilled, through laws prudent,¹¹⁶ through maxims wise.

6878. 1776–8? 1769? BIP 138.

The highest good of this world alone is worldly prudence (and worldly wisdom¹¹⁷).

The highest good of this and of another world is holiness.

The ideal of natural simplicity, prudence, virtue, holiness.

The human being of nature, man of the world, sage, Christian.

6879. 1776–8? 1769? BIP 139.

[AA 19: 190]

The ancients did not ask about the ~~unity~~ sameness of the consequences in the idea of the highest good (welfare and virtue), but instead the ~~unity~~ sameness of the concept. For the Stoics conceded the sameness of consequences in comparison with the Epicurean system.

The ~~seat~~ origin of the highest good: 1. physical. 2. pragmatic. 3. moral. 4. mystical.

1. Ideal of nature. 2. of prudence. 3. of virtue (*added later*: wisdom). 4. (*added later*: of holiness.) (*added later*: Purity of the will itself in thought.)

6880. 1776–8. BIP 139.

The ancients did not ask, (as do we) how: whether through understanding or feeling we judge morality, but instead: in what we place it, either in the intellectual of virtue or the sensual of welfare or simplicity.

(*added later*: Likewise: of which origin: natural, artificial or mystical.

Two parts: good conduct and prosperity; hence first worthiness to be happy and then ~~acquis~~ attainment of happiness. ~~They do not say uni~~ The way to attain the highest good, was 1. nature, 2. care for one's happiness, 3. for virtue, 4. occupation with what is intellectual.

Epicurus too much debased the dignity of virtue, Zeno too much elevated it. The former made the principles of virtue sensitive, the latter those of happiness intellectual. The human being of nature, the man of the world, the sage, the pure spirit (intelligence). System of uncultivated nature, of art and of fanatical¹¹⁸ spirit.)

6881. 1776–8? BIP 139.

One must never say that one places one's end in gratification; instead that, what immediately gratifies is our end, since gratification is only the relation of an end to our

¹¹⁶ *gescheut*. Following Adelung, who states that this was a common way of saying and writing '*gescheidt*', meaning sensible or prudent; not to be confused with a form of *scheuen*, to fear or dread. LRJP: '*on est mis sur ses gardes*'.

¹¹⁷ *Weltweisheit*. This was also a common word at the time for philosophy.

¹¹⁸ *schwärmerischen*.

feeling. Delight in the conformity to rule of freedom is intellectual. Hence, the end is outside of us never selfish, if the end is not our own varied state of the senses.

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My gratification is thus either selfish or universal and spiritual. If something pleases me, but not insofar as it affects my senses, then the gratification is intellectual and a free gratification.

6882. 1776–8. BIP 138.

Epicurus: the morality in good humour; Zeno – in all grave dignity. Diogenes: in natural simplicity. Plato: transcendent.

Highest good. 1. Wherein it consists; second: how it is acquired.

Diogenes: that he is methodical through science. The first: natural; the second: acquired; the third: inspired.

If the hope for happiness should conform to our moral worthiness, then the sage of the gospels <evangelii> is the true moral ideal. Namely, he who does not regard natural virtue and natural good fortune as sufficient, but instead both as requiring supplement for worthiness and also the possession of happiness.

6883. 1776–8? (1769?) BIP I'.

We understand nothing of purely moral happiness or blessedness. If all materials that the senses supply to our will were removed: ~~then~~ where would be the rectitude, beneficence, self-mastery, which are only the forms in which to order all these materials? Hence, since we can conceive all happiness and genuine good only in this world, we must believe that we transgress the limits of our reason when we depict for ourselves a new and also higher kind of perfection.

Serious enjoyment and a mind that is, so to say, majestically or gravely stirred is entirely distinguished in sensation from light-hearted mirth. The question is: which suits the human being? The former comes near to pain and draws from it a certain agreeable extract, the bitterness of which prevents easy joy from becoming stale.

6884. 1776–8? 1772? BIP I'.

It is only the scholar who can have a merit that tends to universality, in part through his instruction, in part through transmission of the deeds of human beings. By means of his [deeds?] alone can good actions be of universal influence as examples. But this universal utility (for space and time) makes them worthy of high respect, but not of veneration. It is not a morally greater merit, but rather pragmatically. Scholarship is the most excellent tool; but the purity of the intention, the sincere¹¹⁹ and good will are good in themselves.

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¹¹⁹ *lautere*.

6885. 1776–8. BIP I’.

Facility cannot be learned, but instead only the prevention to which one is bound and constraint.

6886. 1776–8? (1769?) BIP I’.

Everything that belongs to nature is good; what belongs to freedom is more evil than good. This makes it so that we have no other standard of judgement in nature than nature itself, e.g. in animals their rapaciousness etc. etc., but in freedom the idea which is not abstracted from nature. The idea is the rule for judging our own actions, but not the worth of the world. Through this alone can nature produce its good in us, even while it [*breaks off*]

6887. 1776–8. BIP II’.

He who emulates politics¹²⁰ in private life is political. This is an expression of derision. Little statesmen. One who pretends to be the legislator of manners is a little master <*petitmaitre*>. Dandies are apes of little masters <*petitmaitres*>.

6888. 1776–8? BIP II’.

Happiness (according to form) – worthiness to be happy.

1. The anticipations of sensitive choice. 1. External: form of agreeableness. 2. Internal: of contentment. Material. Stimuli <*stimuli*>. 1. Self-love. 2. Sociability or much rather 1. Self-loving, 2. compassionate feeling. (*added later*: Former: analogue <*analogon*> of happiness, latter: of morality. Empirical principles <*principia*> of practical laws.)
2. The categories of pure choice.

1. (*added later*: Morality in general.) Good. *Adiaphoron*.¹²¹ Evil. ~~To do and to omit and to be thought or disposed~~ Willing to reflect.

2. Universal good.*

In many (empirical) circumstances good.

Singular good. (*added later*: Law, rule, instinct.)

3. Substance. Duty towards (nature) oneself.

Causality. Universal happiness.

Community <*Commercium*>.¹²² Common choice.

4. (*added later*: Obligation. Meritorious.)

Permitted, good, obligation.¹²³

¹²⁰ *Staatsklugheit*, lit. ‘state-prudence’.

¹²¹ See note 88 on p. 91.

¹²² For the special meaning of *commercium*, and its distinction from *communia*, see note 105 on p. 206.

¹²³ *Schuldigkeit*.

Possible, actual, necessary good. (*added later*: Where the opposite is excluded: strict <*stricta*>.) (*added later*: Bound (where one can indeed still do something better) wide <*late*>.)

Material obligation to something that is to be attributed (furnished, given) <*ad aliquid tribuendum (praestandum, dandum)*>.

Formal obligation to the way in which something is made <*ad modum, quo aliquid fit*>.

Veracity <*veracitas*>.

*(What is formally <*formaliter*> good (truth essential).)

(*added later*: Primitive or direct inclination.

Freedom, enjoyment and influence or faculty in itself (wealth, might, honour).

– Indirect of high esteem and love.)

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6889. 1776–9? BIP III'.

(1. † Universality of the intention directed at all: morality. (Collective.) (*added later*: 1, Intellectual universality.) 2. Every intention directed to each particular. Private intention of all: happiness. (Distributive.) (*added later*: 2, Empirical universality.) 3. †† Universality, disjunctive, when the one or the other (intellectual singularity. The whole) ††† can have, indeterminate universality of a problematic intention: skilfulness. (Disjunctive.) (*added later*: 3, Empirical singularity.) Hence three kinds of practical rules: 1. universality and unity of intention; 2. universality of the person and diversity (opposition) of intention; 3. universality of means and indeterminacy of intention. Freedom stands not only under rules (skilfulness) and under laws (prudence), but also under principles (morality).)

† (Universality of willing by abstracting <*abstrahendo*> from all intention, the universally valid form of choice.)

†† (*added later*: 3. Universal agreement with one's own intention, namely that of one's nature.)

††† (Happiness is connected in the idea with morality as a principle <*principio*> and with skilfulness in experience. The former is a ~~rational~~ intellectual principle <*principium rationale intellectuale*> of it, the latter an empirical <*empiricum*> [principle] of it. The actual end is: to be happy. Conditions are morality and skilfulness.)

6890. 1776–8. BIP III'.

Nowhere is there anything that is ~~in itself~~ absolutely good except the good will. ~~Either~~ The rest is either mediately good or only under a restricting condition. Universal happiness is very good or agreeable for those who enjoy it, but it is not absolutely good, i.e. in everyone's eyes, i.e. in the universal judgement of reason, if those that enjoy it are not worthy of it in their conduct. Talents are very good as means; but ultimately it depends on which will the subject has to make use of them. Every kind of perfection in the highest being: eternity, omnipotence, omnipresence is in itself sublime and terrifying as long as a good will is lacking to use these well. ~~In~~ Free will and its constitution ~~makes itself~~ is alone capable of an inner goodness. Hence, it is

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not happiness, but instead the worthiness to be happy that constitutes the supreme condition of every good.

6891. 1776–8. *BIP V*’.

One practical maxim is: no institution is good in which it is impossible to become better. Hence, hereditary servitude is contrary to good ends, since it is impossible for one’s condition to improve. If it should be a punishment, then it is missing the relation of all punishments to perfection and improvement.

It is also ridiculous for one to scoff at the inability of such persons to govern themselves, since they surely have such an inability only through this condition.

- Legality is: 1. of freedom (what is permitted),
2. meritorious: of ends.

The purity of motives or ends (intention).

6892. 1776–8. *BIP VIII*’.

The concept of morality consists in the worthiness to be happy (the satisfaction of one’s will in general). This worthiness rests on agreement with the laws under which, were they universally observed, then everyone would partake of happiness in the highest degree as can occur only through freedom. (But why must one conduct themselves in a way worthy of happiness?)

1. – This agreement with all universally valid laws of choice is, according to reason, a necessary ground of our self-approval and contentment with ourselves, whatever else others may do.

Now, if we can be happy without much gratification of the senses or stilling of their needs, then that inner approval is a sufficient motive to necessitate us.

But since self-contentment uplifts the soul and indemnifies it concerning the many sensual entertainments, which in its eyes are rightfully seen to be minor, since they can be overcome through strength: it is a great and the greatest motive of reason, to make happiness into a product of spontaneity independent from the senses.* Hence, only in respect to the insufficiency to become happy without the cooperation of fate, is the complement supplied by the idea of the possibility, and merely by the possibility, of a holy and kind being.

6893. 1776–8. *BIP VII*’.

*(One who can settle for this contentment, is the worthiest of esteem in his own eyes and in those of others, and hence the rule of reason is: one ought to proceed in such a way, and one always disapproves something contrary, even if one pardons it.

One approves only that in which one takes a universally valid delight. Namely, the action of freedom in this case is considered through reason, i.e. as having arisen from a choice¹²⁴ that agrees with itself and is valid in general for nature and freedom.

¹²⁴ *Willkühr*.

Of synthetic principles of choice or the principles of pure choice.)

6894. 1776–8? BIP IX'. Top margin, left and right columns.

Epicurus and Zeno were (in respect to unity) different in concepts of the highest good.

Diogenes (Epicurus, Zeno) and Plato in the means to achieve it. [AA 19: 197]

The first said it is the simple nature. Negative the highest good.

2 — — — — art. Positive.

3 — — — — that which is above nature and art: God. Hyperphysical.

(*added later*: All four teach wisdom.) (*added later*: The morality that is at the same time prudence is wisdom. 1. Worthiness, 2. Happiness.)

Epicurus taught to seek happiness (*added later*: without) particular worthiness to be such.

Zeno worthiness without also intending happiness. (*added later*: Namely, that the latter did not come into conflict with the former or in mixture. Aristippus (Cyrenaic sect) said sensual pleasure when enjoyed is the highest good <Summum bonum>. Epicurus: the philosophy through which we acquire it.) (*added later*: The former was crude sensuality, the latter wisdom.)

Christ happiness through worthiness to be such.*

The ideal of the first is the human being of nature, the second: the man of the world, the third: the sage, of Christianity: the Christian.** The models of all these ideals are: simplicity, prudence, virtue and moral faith.

*(Or firstly make oneself worthy and then hope for happiness as its consequence. Aspired to the kingdom of God. Faith. Hence, good conduct in faith as much in respect to worldly concern as in respect to spiritual concern regarding our fragility.)

Christ said also that the highest good consists in the community with God; but his way is through good conduct in faith, not through intuition or false devotion. In this he is distinguished from Plato.) [AA 19: 198]

**(*added later*: The moral law according to form (purity) as a divine law, i.e. as a law of the most perfect will. The highest happiness only occurs with a divine provider of rewards; but is thereby in that case a divine, i.e. strict judge, not merely of actions, but instead of dispositions; the new human being who is born from God.)

The motivating cause is either pathological: following one's inclinations and pleasures; or pragmatic: happiness according to its true constitution: means; or moral: from the worth of action in itself. (*added later*: If I purely pursue an advantage in this world, then the moral law cannot be pure. If it is pure, then it does not have happiness as its consequence.)

Morality, prudence and religion. Christ alone has taught actual religion, namely the moral in conduct towards God.

The system of Epicurus is the principle <principium> of self-love.¹²⁵ Which word we employ for the reason that it comprehends both **self-interest** benefits and honour.

¹²⁵ *Selbstleibe*.

But we also employ it to differentiate from selfish self-love,¹²⁶ because the latter is an exclusive self-love, whereas according to Epicurus self-love is also a ground of the love of others and is not exclusive, but instead increases our delight.

Moral feeling is that in what is universally good or evil. That is true, but the feeling of delight or displeasure that follows the judgement that a thing is good or evil, and is not the condition of the judgement, but instead of the desire or inclination to the thing. Which, when it (concerns the practical) is practical, is called rectitude; but if it is only compassionate, is called kind-heartedness.

6895. 1776–8. BIP IX'. Lower margin.

Practical delight in the universal good is that in a moral action which aims at a good will as the single ground through which the good is distributed according to a rule. For this depends on an idea and cannot arise purely from nature. Freedom is the condition of the good.

6896. 1776–9? BIP X'.

The case of necessity is where I am myself necessitated to employ my (*added later: own*) power¹²⁷ itself to assert my right. Otherwise the authorization to exercise constraint according to my right means: that there are certain criteria of judgement, according to which a third, who is a competent judge, can judge and universally constrain. These rules determine the conditions of a constraint conforming to right. But this authorization does not belong to the one whose right is a matter of controversy *<ius controversum>*.¹²⁸ The rules of right towards another are reciprocal. I must also generate a right for another. Hence, I must submit myself to constraint, according to which the right of another is ensured. That I will also conduct myself rightfully towards others, is the condition of obligation towards them. I first establish what is right. Then the question is still whether I am obligated to permit myself to be limited in respect to another through his mere right. This is valid only when the same right reciprocally secures me from the other, since I thus have no need at all to depend upon my own power.

The (sufficient) constraint conforms to right, because it ensures my right from the other side, by making it possible for all actions to be directed with universal validity solely through the rule of right.

The case of necessity is where I secure¹²⁹ my own right and am my own judge.

Nature takes the place of right, if there is no valid administration of justice, e.g. the preservation of one's life.

There is no case of necessity to lie, **rather** but there is one where it is right to speak an untruth.

¹²⁶ *Eigenleibe*.

¹²⁷ *Gewalt*.

¹²⁸ *Ius controversum* is a technical term, meaning a matter controversial among jurists. See Berger (1953, 527).

¹²⁹ Following Adelung and Ebers. LRJP: '*je fais valoir*'.

6897. 1776–9? BIP X'.

It is very damaging in method to mix the means of execution with the conditions of the idea. Whether a certain religious lesson is easy to teach, may be easily remembered, whether we have much or little faculty, whether a rule of right can be badly misused. Whether rulers will have the inclination to yield to what constitutes the right of the state: of which there is a question only after the rule is first established. To thwart this is treason against human reason.

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6898. 1776–8. BIP X'.

The moving power of the moral concept lies in its purity and difference from all other impulses. What is originally intellectual <*intellectuale*> strikes only through the fact that it is compared to other analogical motives of honour, happiness, mutual love, peace of mind and in the comparison raises itself above all. The recommendations of virtue and admonitions can be of no worth, but instead only the development of one's its concept. Better in education are examples from which the purity of the concept of virtue shines forth, and an immediate moral loathing.

6899. 1776–8? 1769? 1764–8? BIP XI'.

We can say that in a world all ends descend from the universal (the whole) to the particular and thus the end of the whole contains in itself the condition of the ends of the parts, i.e. that everyone must see himself as subject to the laws through which he conforms to universal laws in every condition either of nature or of freedom. For, if the world as a whole is purposive, then we will coincide with it and thus in respect to happiness.

6900. 1776–8. BIP XI'.

The subjective causes of morality are: 1. understanding. 2. the heart. The bad heart is a cause of foolishness. E.g. a bitter and haughty cast of mind causes one to take everything wrongly in a contentious inquiry, to judge derisively and to show himself publicly to be a fool. It takes a good heart to find the truth, above all in the conflict of the vanity of human beings with one another.

Of the small indications of an evil heart. Such as an inclination to delight over what is disagreeable to another, albeit only in trifles, and to laugh about it.

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6901. 1776–8. BIP XI'.

One can communicate in respect to concepts, but not in respect to sentiments. When we have made another understand an injustice, we find that he indeed recognizes and disapproves it, but does not loathe it. This latter we seek to impart to him through vehemence and acrimony. But in discussions there is often something disagreeable,

where politeness <*politesse*> requires that I do not disturb the nat temperament of another with my sentiments, but instead allow each to take something as he likes.

6902. 1776–8. BIP XI'.

Not only must one not cite moral feeling as a principle <*principium*>, but also not leave any moral grounds, as it were, to the decision of feeling, e.g. suicide. Also never ground motives on feeling, e.g. sympathy, loathing. For feeling has no rule and is also mutable and changes like the weather.

6903. 1776–8. BIP XI'.

Of all departures from natural judgement and the moving power of morals the most damaging is where one changes the doctrine of morals into a doctrine of religion or grounds it on religion. For then the human being abandons the true moral disposition, seeks to win divine favour, to provide personal service for it, or to obtain it by false pretence and allows every seed of the good to perish under maxims of fear.

6904. 1776–8. BIP XI'.

The kingdom of God on earth is an ideal, which has a moving power in the understanding of the one who wills to be morally good.

6905. 1776–8? 1769? BIP XII'.

The sovereign has no credit due to might. Hence, he always appoints an authority who can be prosecuted and constrained, and since he himself is judge, matters are decided by colleagues who are bound by an oath. A cancelled privilege <*privilegium*> must be settled by the province. Tax is of interest between citizens. The sovereign can do what he wants, but in execution the rights of citizens towards one another must be arranged by themselves.

6906. 1776–8? 1769? BIP XII'.

That human beings are evil by nature is clear from* the fact that they never spontaneously harmonize in their idea of the good and that they must be constrained, likewise that they allow themselves to be constrained reciprocally through each other by one. Likewise, the human being must be disciplined and the savagery removed. The good conduct of the human being is thus something enforced, and this being's nature does not accord with it. There is a principle of civil prudence as well as that of the state: every man is evil by nature, and only good to the extent that he stands under a power¹³⁰ that necessitates him to be good. However, he has the faculty to become good gradually without constraint, if the incentives of the good, which lie in him, are

¹³⁰ *Gewalt*.

gradually developed. Without discipline the child grows up evil. That means: that what is animal relates purely to inclination and duty to the idea of the good. Even if he is morally evil, he is still physically good.

*(Also from the fact that when unified into the body of a state, they are always violent, self-interested and quarrelsome.)

6907. 1776–8. *BIP XIII*’.

Happiness is twofold: either that which is an effect of the free choice of rational beings in themselves, or that which is only a contingent and external effect of such that depends on nature. Rational beings can produce true happiness, which is independent from everything in nature, through actions that are directed towards themselves and reciprocally towards one another. And also without these nature cannot provide genuine happiness. This is the happiness of the world of the understanding. That is why the representation of moral perfection makes [one] also soft-hearted. Namely, one sees so much happiness in what rests purely on the will. I cannot say I would like to be so good, if others also would like to be; for in this case it is not possible to reach the end. I must try for my part to reach the model of perfection in a possible good world.

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Good in itself is that which does not depend on contingent conditions, but instead on my choice.

6908. 1776–8. *BIP XIII*’.

The world is of no worth where there are no rational beings by whom it is used (not merely looked at); the purely discretionary use of the world concerns the gratification of life. Hence, this, as the natural end of all rational creatures, was also the sole purpose through which a world is good, not merely for enjoyment, but rather also for use. However, the highest condition of this purpose is the good use that they make of themselves and of the things of the world.

6909. 1776–8. *BIP XIII*’.

Everything in nature is good only insofar as it is purposive, and everything is nevertheless subordinated to choice. Nature harmonizes with freedom if the ends of the former comprehend the latter under themselves.

6910. 1776–8. *BIP XIII*’.

The necessary laws (those fixed *a priori*) of universal happiness are moral laws. They are laws of choice in general, and the rules of such necessitate intellectually *<intellectualiter>*; therefore, since they uniquely and alone unite happiness with the cause of freedom and thus carry the worthiness to be happy, all sensible stimuli *<stimuli>* and *a posteriori* motives of happiness *<motiva felicitatis>* are under them.

The greatest natural ends of a rational being really only concern rational beings, and hence the enjoyment of the senses is far from being a real portion of happiness.

6911. 1776–8. BIP XIII'.

[AA 19: 204] Happiness *a priori* has can be placed in no other ground than in the rule of the agreement of free choice. This is a ground of happiness before all knowledge of means through experience and a condition of their possibility in all cases. Through this the world pleases the understanding; they are creators of happiness and not usurpers <usurpateurs> of it.

6912. 1776–8? 1769? BIP XIV'.

Nature, accident, freedom (one's own responsibility¹³¹) and destiny.

6913. 1776–8? 1769? BIP XIV'.

The human being is worthy not of as many goods as he has received, but instead of as many goods as he performs. A good in respect to oneself, a good of mere agreement (according to form) or of addition (according to matter). Why do actions alone provide worthiness? Why is only freedom and its quality the highest ground of the good? I believe: actions themselves are also called good because they alone contain the condition of reason for making one happy according to universal laws. For nature provides no dispensation except that which is determined in the individual case and thus is artificial, namely that from a nature that has been modified by the highest being. But blind nature has no certain agreement. Moreover, nature is subject to freedom according to its essence, and this, as spontaneous, is master over all things.

6914. 1776–8? 1769? BIP XIV'.

Everyone is content to admit that time is required in order to become educated in an art, skilled or practised at some job, not only in order to grasp the rules, but also to be able to exercise these with ease. But to become good: that, one believes, depends purely on our volition. (Namely, on our good will, which is identical; ~~but not~~ namely to be good is properly only [to be] a good will.) There is in fact also a mere will: that which is entirely spontaneous and also rests on a maxim. But exercise requires actions in the concrete <*in concreto*> through which these principles become incentives.

6915. 1776–8. BIP XV'.

Moral goodness considered in particular according to the theory of the highest good: 1. ~~what it consists in~~ the grounds of judgement, what they consist of, how the judgement is to be carried out in the concrete <*in concreto*>. 2. Of execution or of exercise (we must seek to strengthen the power of morality through the enlisting of interest (not merely of benefit), but not intermix the two; instead the former should only be the vehicle <*vehiculum*>). a. Actions have something pleasing or displeasing about them

¹³¹ *eigene Schuld*.

either due to skilfulness (as a bandit's attack displeases when it fails to reach its goal due to incompetence). (However, we are only content until the moment that it is complete; afterwards we are discontented with the whole, thus only until the outcome, not in the outcome). Skilfulness can be perceived in a work, although not comprehended, and pleases in itself in a timepiece.

b. Concerning prudence, where the end itself indicates reflection and well understood self-love. Imprudence displeases in the greatest skilfulness: Christine.

c. Finally in itself. The action is good in itself ~~not for the reason~~. What has only a conditioned goodness, pleases from one vantage point and displeases from another and in another context. E.g. obtain an office, achieve a good marriage. But sincerity pleases everyone necessarily. This good is also greater than all other and the condition of the authorization to permit other intentions. A judge who bends what is right in the case of a bad fellow, as he calls him, and in order to avoid ruining a fine family, is loathsome in the eyes of every person, no matter how great the benefit that also arises from this (whether this judgement must be learned?). There is also this kind of action [which contains?] a ground of self-contentment, namely in one's own person, but not in one's condition. It is a separate ingredient *<à part ingrediens>* of our motives. This pleasure is gained from heaven and is the ambrosia *<ambrosia>* of the gods. Whether virtue can be derived from concepts or from an idea? (*added later*: The idea must be pure; woe to the one who spoils it to please vice or even only renders it unrecognizable by adding things foreign to it. Even the transgression is not so punishable.)

[AA 19: 206]

6916. 1776–8. BIP XV'.

He who defends moral feeling sees it either as something preformed or as the inner light of the fanatic. He who would derive morality from mere concepts of reflection produces substantial forms *<formas substantiales>* ~~and interchanges a mere form~~ and makes the reality of the end out of universal harmony. (*added later*: Virtue pleases the spectator even better when it is without advantage than when it is, the most: when it is combined with a foreseen disadvantage; for in that case it appears in the full splendour of its purity.)

6917. 1776–8. BIP XVI'.

It has long been said: that if virtue were to appear to human beings in its own characteristic form, then it would be highly esteemed and embraced by every person. One must not, on account of this, await the appearance of inspiration.¹³² It is enough to strip it of all the foreign elements by which it is distorted in the common view; in this way it shows its natural beauty and also exerts its effect, if it is represented early enough. The impression of morality can be weakened by opposing examples (which is the worst) or by onerous sacrifice or by the advantage of the opposite side, and it can also be strengthened, but not thereby refuted or its deficiency replaced.

¹³² *Begeisterung*.

Obligation in General.
§§10–49.

6918. 1776–8? (1770–1? 1773–5?) BIP 4.

The grounds of objective necessity: motives <*motiva*>, of subjective necessitation: stimuli <*stimuli*>. The former intellectual <*intellectualiter*>, the latter pathological <*pathologicæ*>.

[AA 19: 207]

6919. 1776–8. BIP 4. In §10.

(*added later*: Stimuli necessitate pathologically <*stimuli necessitant pathologicæ*>.)

Pathological <*pathologicæ*> or practical <*practicæ*> necessitate through *stimuli* <*per stimulos*> or motives <*motiva*>.

The objective necessity to act. It is good. (What ought to happen in general, not: what the subject ought to do.)

The subjective — —: it is agreeable.

The objective necessitation <*necessitatio obiectiva*> is the ought.

(*added later*: To be obligated and to be obligated by somebody <*Obligari et ab aliquo obligari*>.)

6920. 1776–8. BIP 4, 5.

The causes that move sensibly <*Causae sensitive moventes*> are stimuli <*stimuli*>. (The human being is not necessitated by stimuli <*stimulos*> and therefore free, also not by motives <*motiva*>.) The causes that move subjectively <*Causae subiective moventes*> are incentives <*elateres*>. Even the understanding has incentives <*elateres*>, which are indeed in conformity with the motives of the intellect <*motivis intellectualibus*>; the stimuli <*stimuli*> are false and equivocal, they allow of being used for evil as well as for good. Also the motive must be noble.

6921. 1776–8? (1773–5?) BIP 5.

The moral maxim is the ground of obligation, feeling: the inclination to good.

6922. 1776–8? (1773–5?) 1770–1?? BIP 5.

It is clear that only what is good when taken universally absolutely ought to occur regardless of inclination; 2. only the happiness that harmonizes with this is good.

6923. 1776–8. BIP 5.

Practical necessitation (*added later*: pathological) concerns either the motives <*motiva*> or the means <*media*>. The product of the action is the end <*finis*>.

Imperatives <*imperativi*> of skilfulness command only the means with <*media cum*> a discretionary end. Prudence, the motives as well <*motiva*>. [AA 19: 208]

6924. 1776–8. BIP 5.

Morality consists in the subordination of every will under the rule of universally good ends. (The rule must be that the action has the universally valid end as its condition.)

6925. 1776–8. BIP 5.

Skilfulness has rules, prudence maxims, morality laws.

6926. 1776–8? 1772?? BIP 4.

The goodness of action is objective necessity.

The goodness of contingent action is objective necessitation.

Necessitation is imperative. Moral [necessitation] is categorical.¹³³

6927. 1776–8. BIP 4.

(Objective) practical necessitation is through problematic, pragmatic and moral imperatives.¹³⁴ What is good for a discretionary or actual intention or in itself.

6928. 1776–8. BIP 4.

The impelling causes that necessitate subjectively are incentives, either stimuli or¹³⁵ – [breaks off]

6929. 1776–8? 1772?? BIP 4, 5.

Impelling causes necessitate either objectively or subjectively. The former is a motive and it consists in cognition (either absolutely or hypothetically) of a good (as of an immediate good or as of a mediated good with regard to happiness). The latter is a stimulus and it consists in a nexus with the inclinations of the mind. Motives necessitate pragmatically or morally. ~~An action that~~ Necessitation of action through moral motives is obligation, and the action itself is duty.¹³⁶

[AA 19: 209]

¹³³ *bonitas actionis est necessitas obiectiva.*

bonitas actionis contingentis est necessitatio obiectiva.

necessitatio est imperativus. Moralis est categoricus.

¹³⁴ *necessitatio (obiectiva) practica fit per imperativos problematicos, pragmaticos, morales.*

¹³⁵ *causae impulsivae subiective necessitantes sunt elateres vel stimuli vel.*

¹³⁶ *Causa impulsiva vel obiective necessitat vel subiective. Prior est motivum et consistit in cognitione (vel absolute vel hypothetice) boni (vel tanquam finitum immediati vel tanquam mediati ad felicitatem). Posterior stimulus et consistit in nexu cum mentis inclinationibus. Motiva vel necessitant pragmatice vel moraliter. actio quæ necessitatio actionis per motiva moralia est obligatio, et actio ipsa est officium.*

6930. 1776–8. BIP 5.

Motives *concern med* are either prompted by happiness, or by goodness.¹³⁷

6931. 1776–8. BIP 4.

Freedom is 1. an independence from external causes. 2. from inclinations: thus the faculty of rational choice, either conditioned or unconditioned representations of reason.

Whatever is possible through freedom is practically possible, i.e. morally. (*added later*: or pathologically. The first either pragmatically or morally.) Actions based on inclination in which it was also possible to act through freedom are also free.

6932. 1776–8. BIP 4.

The problematic rules for the satisfaction of a contingent inclination are those of skilfulness, the pragmatic for happiness are rules of prudence.

6933. 1776–8. BIP 5.

Obligation is necessitation; practical, not pathological; moral, not pragmatic; not by stimuli – pathological through extortion. (Even so, those that promise rewards threaten us with the loss.)¹³⁸

(*added latter*: Necessitation, whether pathological or practical or pragmatic or moral.)

Pathological necessitation is not conveyed by imperatives.¹³⁹

6934. 1776–8. BIP 5.

Obligation is practical, not physical, necessitation, and for that reason through impelling causes¹⁴⁰ according to the rules of choice.

Necessitation of pure choice is obligation.

Those which impel objectively are motives, and subjectively, incentives.¹⁴¹

6935. 1776–8. BIP 5.

Happiness itself is only conditionally good. Hence, such actions as occur for the sake of happiness are only mediately good. The condition alone is valid for everyone, and

¹³⁷ *Motiva vel concernunt med sunt a felicitate vel bonitate deprompta.*

¹³⁸ *Obligatio est necessitatio; practica, non pathologica; moralis, non pragmatica; nicht per stimulos – pathologica per extorsionem.*

¹³⁹ (*necessitatio vel pathologica vel practica vel pragmatica vel moralis.*)
pathologica necessitatio non enunciatur imperativis.

¹⁴⁰ *Obligatio est necessitatio practica, non physica, ideo per causas impulsivas.*

¹⁴¹ *necessitatio arbitrii puri est obligatio.*
obiective impellentia sunt motiva, subiective elateres.

the necessity is objective; yet particular agreeable things are subjective and have only private validity.

6936. 1776–8. BIP 5.

Imperatives <*imperativi*> are rules (objective) of actions.

6937. 1776–8. BIP 4. Under §10.

I am in possession of an obligation.

6938. 1776–8. BIP 6.

Pathological necessitation is not encountered, because the human being is free; pragmatic [necessitation] is conditioned and the imperatives hypothetical; only the moral is under categorical imperatives.

6939. 1776–8. BIP 6. In §13.

The goodness of the use of freedom in general according to principles.

6940. 1776–8. BIP 6. Next to §13.

Heterogeneity of the motives of happiness and morality; subjective homogeneity.

6941. 1776–8. BIP 6. Under §13.

Good understanding is required for prudence,¹⁴² good will for morality, namely as incentive <*elater*>.

6942. 1776–8? (1772?) Referring to the conclusion of §12.

Obligation is necessary through impelling causes that are objectively stronger (not through stimuli), and for that reason through motives, and indeed those that are categorically moving, not hypothetically under the condition of a future pleasure.¹⁴³

6943. 1776–8. BIP 6. In §12.

The kind-heartedness of pure choice. Morals.¹⁴⁴ Pure kind-heartedness is not mediated, indirectly problematic or pragmatic.

[AA 19: 211]

¹⁴² LRJP: 'L'entendement sain ressortit à la prudence.'

¹⁴³ *Obligatio est necessaria per causas impulsivas obiective potiores (non per stimulos), ideo per motiva, et quidem categorice moventia, non hypothetice sub conditione voluptatis future.*

¹⁴⁴ *Moral.*

6944. 1776–8? (1772?) BIP 6.

Only understanding is required for moral judgement;¹⁴⁵ for morally good will: that one actually love the good more than the agreeable; for exercise: that one possess the strength of the higher will over sensibility.

6945. 1776–8. BIP 6. In §1.

One who necessitates obligates through motives not through stimuli.¹⁴⁶

6946. 1776–8. BIP 6, 7. In §14.

The law expresses the obligation to actions, but must also determine their effect according to obligation, and thus be pragmatic at the same time. The obligation is purely moral; however, the pragmatic serves not as motive, but instead as balance against sensible motives, the pragmatic here flows from morality.

6947. 1776–8? (x?1773–5?) BIP 7.

The freedom of every obligated being <*obligati*> is limited, that of the highest being <*entis summi*> is not.

Obligation always occurs through the idea of the most perfect will, which subjectively may be as it wants.

Moral Motives <*motiva*> are stronger than stimuli <*potiora quam stimuli*>, moral motives <*motiva moralia*> are not all stronger than pragmatic motives <*potiora quam pragmatica*>.

6948. 1776–8. BIP 7. In §17.

Pure choice is the condition of every other (*conditio sine qua non*); for it is the condition of the agree possibility of actions based on universally valid principles. Consequently, of the use of reason with respect to freedom and the determination of this in itself lawless faculty according to rules.

In regard to ends, nothing can produce universal rules of the use of freedom except pure reason.

Categories of pure choice.

[AA 19: 212]

6949. 1776–8. BIP 7. In §18.

The ground of the high worth of the principles through which freedom is restricted by conditions of accord with itself and nature lies in the fact that freedom without morality is an isolation of the human being and a separation from divine guidance and

¹⁴⁵ LRJP: 'L'entendement sain ressortit au jugement moral.'

¹⁴⁶ *necessitans per motiva, non per stimulos obligat.*

determination by natural causes. Whoever does not have these is not worth any good and is the most dangerous and worthless creature.

6950. 1776–8. BIP 8.

Morality consists in the relation of free actions to the laws (conditions) of the universal will, either of humanity or of human beings. The universal will of humanity concerns the preservation of what belongs (to) the essential ends of human nature. The universal will of human beings consists in the object or the form of the action, through which it becomes independent from every particular inclination. It stands for partly the will of every part, the will that can be directed to each.

6951. 1776–8. BIP 8.

With respect to the one obligating, obligation is passive; with respect to the one that is obligated, it is active.¹⁴⁷

6952. 1776–8. BIP 8.

The freedom of human beings is not unlimited; it is obligated.

6953. 1776–8? (1770–1? 1773–5?) BIP 8. Under §22.

To be obligated by somebody <*ab aliquo obligari*> always presupposes a binding act <*actum obligatorium*> of another; for if one is passive, then the other must be active, consequently all passive obligation is hypothetical <*obligatio passiva hypothetica*> (this hypothesis <*hypothesis*> can be ideal in the state of nature <*in statu naturali*>, but then the passive obligation <*obligatio*> is also ideally <*idealiter*> passive). The other is not cause <*causa*>, but instead the object of obligation <*objectum obligationis*>.

6954. 1776–8? (1770–1? 1773–5?) BIP 10.

No one can obligate another except through a necessary connection agreement of the will of others with one's own according to universal rules of freedom. Thus, he can never obligate another except by means of the other's own will.

[AA 19: 213]

6955. 1776–8? (1770–1? 1773–5?) BIP 11. Referring to the beginning of §28.

All moral laws must be certain. The acts of subsumption <*subsumptiones*> can be probable.

Probabilism¹⁴⁸ in respect to what is permitted is evil.

¹⁴⁷ *obligatio erga obligantem est passiva, obligatio erga obligandum est active.*

¹⁴⁸ See note 234 on p. 276.

6956. 1776–8? (1770–1? 1773–5?) BIP 12.

The expression: we ought to do or omit this or that signifies a motive that we impress on ourselves and that actually promotes the actions. Hence, what we often reprimand ourselves for having done through over-hastiness and failure of attention does not always signify that we could have avoided it, but instead a motive, which is impressed on us, and, if it taken universally, would serve well to avoid the mistake.

6957. 1776–8? (1770–1? 1773–5?) BIP 12.

In everything that is practical there is an idea that one does not achieve, and if one comes near to it, that means: one has done enough oneself.

It is bad to satisfy oneself easily or indeed even to fashion one's idea according to one's convenience, as by doing so one thereby corrupts it; for we do not fashion the idea ourselves, it lies given within us.

6958. 1776–8? (1770–1? 1773–5?) BIP 14.

Our actions must not be subjected to the incentives and incitements or deterrents of sensibility, for the reason that these always have a private relationship to what is beneficial. The rule of actions, through which, when everyone acts according to it, then nature and choice among human beings is in universal agreement with happiness, is a law of reason and in that case signifies morality.

If reason furnishes mere service to the senses, namely carries out their demands, then by reason we are placed in greater contradiction with ourselves and with others, than even the animals who are governed by instinct that conforms to their needs, whereas reason selects certain objects and not according to the sum of sensations, but instead according to delusions heightened by arbitrary fantasy. Now, since morality grounds itself on the idea of universal happiness based on free conduct, we are necessitated to think even the cause and governance of the world according to an idea, namely, that which makes everything harmonize or even procures happiness through the concerted effort towards it; for otherwise no reality could be expected from the moral idea and it would be a purely sophistical concept.

Nature must be looked on as an idea, which in the creator is the archetype, but for us is the norm. Nothing can be a steadier and more founded precept of our actions than to take the idea to be the ground according to which we ourselves exist, such that we are determined by nature in no other way and ~~this~~ our choice rendered free, so that it acts merely according to this idea, seeing that we are constituted, as it were, based on our own preference.

6959. 1776–8? (1770–1? 1773–5?) BIP 14. *In sentences 3 and 4 of §3.*

Real opposition in what is practical is when I act either against the ends or purely against legislative reason, consequently prevent the effect that it would achieve as a determining ground, i.e. work against it.

6960. 1776–8? (1770–1? 1773–5?) BIP 15. *Over and next to §34.*

Freedom is a subjective lawlessness. One does not know according to which rule one should judge his own actions or those of other human beings. Whims, peculiar taste, evil or empty fancies can produce effects for which one was not prepared. Freedom therefore confuses. The whole of nature would be brought into confusion thereby, if freedom did not subject itself to objective rules, which however can be none other than the universal conditions of the harmony with nature in general. Hence, without moral laws the human being would himself be contemptible among the animals and worthier of hatred than them. Whoever does not proceed according to objective laws must be constrained according to physical ones.

[AA 19: 215]

6961. 1776–8? (1770–1? 1773–5?) BIP 15. *Next to sentences 2 through 4 of §34.*

In addition to agreement with nature, free will must harmonize with itself in regard to the internal and external independence from impulses. Without morality, folly and chance are the masters of human fortune.

6962. 1776–8? (1770–1? 1773–5?) BIP 15. *Next to the conclusion of §34 and to §35.*

The practical condition of reason is: that all actions stand under universally valid rules. Freedom according to nature is a lawlessness, thus like a physiological condition, and a mere play of inclination; however, if it is to be objective, i.e. according to reason, then it must have universally valid rules.

6963. 1776–8? (1773–7?) BIP 15. *Over and in §35.*

Whatever is the necessary condition of the harmony of our desires (immanent and transeunt) among themselves pleases in a necessary way and is the formal principle <*principium formale*> of all our actions.

6964. 1776–8? (1770–1? 1773–5?) BIP 16.

Moral joy can be greater than the egoistic, although we select the latter more. The former has more in it; the latter is of the kind that has more under it. Physical joy has more in content, moral in its great richness¹⁴⁹ and scope. I can say truthfully that I am more joyful when a worthy and needy man has won the great prize in the lottery, than if this had happened to me myself. For the former arises from a love and compassion that I esteem as higher, because it has a universal worth.

¹⁴⁹ *Vielgültigkeit*, a difficult, if not impossible, word to translate. Fortunately, Kant would seem to have provided us with a definition in the *Jaesche Logic*: ‘The quantity of cognition can be understood in two senses, either as *extensive* or *intensive* quantity. The former relates to the *extension* of cognition and thus consists in its multitude and manifoldness; the latter relates to *content*, which concerns the *richness* [*Vielgültigkeit*] or logical importance and fruitfulness of a cognition, insofar as it is considered the ground of great consequences (*non multa sed multum*)’ (AA 8: 40; Kant 1992, 549–59).

6965. 1776–8? (1770–1? 1773–5?) BIP 16.

Delight in the happiness of the whole is really a longing according to the conditions of reason for one's own happiness. For I cannot hope to be happy, if I shall have something special and fate shall have a special relation to me.

[AA 19: 216]

6966. 1776–8? (1770–1? 1773–5?) BIP 16.

All duties towards oneself concern inner worth.

6967. 1776–8? (1769–75?) BIP 16. In §37.

Morality must be judged from universal consequences, not private and contingent ones,¹⁵⁰ e.g. to lie, thus essential consequences <*consectariis essentialibus*>. That through which free choice taken universally conflicts with itself is essential depravity <*pravitas essentialis*>, and the consequence: necessary misfortune <*consectarium: infelicitas necessaria*>.

Now there is still missing the necessitation through this universality <*necessitatio per hunc universalitatem*>.

6968. 1776–8? (1769–75?) BIP 16. In §37.

It is not the physical consequences of the actions, which redound back to the subject, that constitute morality, but instead the inner quality; good conduct shines brighter against the black background of misfortune.

6969. 1776–8? (1770–1? 1773–5?) BIP 17.

The first question is: why does a certain conformity to rule of actions make one worthy of happiness?

The second is: why ought we to act so that we become worthy of this happiness, if no being is assumed, which distributes such according to worthiness?

Because our happiness is only possible through the agreement of the whole with our **entire** natural universal will and we cannot govern the whole, we come to view the whole as subordinated to a universally valid will, which comprehends everything under itself, and the agreement of our will with [*breaks off*]

6970. 1776–8? (1770–1? 1773–5?) BIP 17. Next to §38, 'And since ... do so'.

Only presupposition of a will can promise us happiness.

¹⁵⁰ *Moralitas iudicanda est e consectariis universalibus, non privatis et contingentibus.*

6971. 1776–8? (1770–1? 1773–5?) BIP 17.

Happiness that is only possible based on the relation of all in the world to the private will of the person is also only possible (in a whole) according to an idea. However, everyone's private will must be contained in this, and consequently only a universally valid will can provide the ground of the assurance of happiness; thus, we either cannot hope to be happy at all, or we must bring our actions into agreement with the universally valid will. For then alone are we capable of happiness according to the idea, i.e. the representation of the whole, and since this capability is a consequence of our free will, [also] worthy of it. The extent of our happiness rests on the whole, and our will must come to be replaced by the original <originario>.¹⁵¹

[AA 19: 217]

6972. 1776–8? (1773–7?) BIP 17. In §39.

Only what pleases for the universal judgement conditionally or unconditionally is good. Tautological imperatives.

1. The question of judgement: what is good? <quaestio diiudicationis: quid est bonum?> 2. Of execution: why must this good be done by me? <executionis: cur hoc bonum a me faciendum?>

Do not do what gratifies or is beneficial to you, but instead what is good, i.e. pleases in a universal relation.

6973. 1776–8? (1770–1? 1773–5?) BIP 18.

Why is the naturally universal desire (for happiness), according to the idea, under the highest original will of nature as well as freedom, and bound to such a will as its condition? We imagine namely, that what must happen is what we would demand according to our impartial choice, if others were subjected to our will. Their wills would have to harmonize with each other and with our highest will. We would demand that they conduct themselves according to the idea of their own existence, [so that]¹⁵² all wills would have unity.

Happiness can only be found in beings with understanding. Freedom is the first principle <principium> of what is contingent. The way to be happy depends upon free selection. Thus

[AA 19: 218]

6974. 1776–8? (1770–1? 1773–5?) BIP 18.

In respect to ourselves, we have a sensuous pleasure with respect to what we suffer, and an intellectual [pleasure] in respect to what we (but not because of an inclination) do, thus what we do according to an idea either of the original or the universal human preference.

¹⁵¹ As noted in AA, the last part of this sentence seems to be corrupt. Our translation is thus an approximation.

¹⁵² Following the suggestion in AA to insert 'damit'.

6975. 1776–8? (1770–1? 1773–5?) BIP 18.

The human as a being that has understanding, must in his own eyes be very displeasing, if his ends understanding is subjected to the inclinations and does not stand under a rule with respect to his end. This rule must be a rule of reason, i.e. *a priori*, and to the subject him to the universally valid end, since only under this condition can his happiness have a rule.

6976. 1776–8? (1770–1? 1773–5?) BIP 18.

When I have removed all advantage, every aim towards oneself, and the audience sees then, and in still greater strength, the motive power of morality: then he is moved by this. It is an admiration, which contains deep respect towards laws that are so extravagantly noble.

6977. 1776–8? (1770–1? 1773–5?) BIP 19.

The moral ground is the motive of actions based on the original ends of rational beings, i.e. those ends through which alone their existence is possible. Everything that conflicts with that existence contradicts those ends themselves, since it is contrary to their principle of being *<princípio essendi>*. If happiness can be only a work of rational beings towards one another, then it is their duty or unique function to confer such. They exist for the end of caring for the good fortune of others at the same time as their own. The self-active ends make for a still greater motive. For the agreement of wills is a necessary condition of the unity of wills, which is the essential form of the intelligible world.

[AA 19: 219]

6978. 1776–8? (1770–1? 1773–5?) BIP 19.

Everything that exists has an idea at its foundation. I must place a distinctive idea at the foundation of human actions.

6979. 1776–8? (1770–1? 1773–5?) BIP 19. *Next to and between §41 and §42.*

Moral science does not state that I ought to preserve life, but instead that whereby I am alone worthy of living. But I am also not worthy of life, if I throw it away and subordinate the worth of life to the agreeableness of living.

(Not to preserve life, but instead that very thing, with the sacrifice of life, through which one is worthy of living. E.g. to confess under torture to a shameful crime.)

One has only a negative right over life: namely *ones* to let go of the means to one's preservation when such means are forbidden, but not a positive one: to employ the loss of life as a means.

6980. 1776–8? (1770–1? 1773–5?) BIP 19. *Referring to §43.*

Perfect yourself *<Perfice te>* means: make all your faculties and powers, but proportionally, greater. Above all, the power that directs their employment: the free and rational choice.

6981. 1776–8. BIP 19. In sentences 1 and 2 of §43.

There are many perfections as means, but only one perfection as the entire end.

6982. 1776–8? (1773–7?) BIP 20. Between §43 and §44.

Moral punctiliousness is: when one does not make use of permissions. Strict: when one does permit oneself such.

6983. 1776–8? (1773–7?) BIP 20. In §44.

Be affected for the good, not merely by the good, i.e. as actor, not merely as spectator.

6984. 1776–8? (1770–1? 1773–5?) BIP 21. Referring to §45, 'LIVES ACCORDING TO NATURE'.

Indicates the rule of applied moral philosophy <*philosophiae moralis applicatae*> and what belongs to the perfection of a subject; all principles <*principia*> that are borrowed from nature are empirical and therefore do not belong to pure philosophy <*philosophia pura*>. [AA 19: 220]

(The essential perfection of things can only be known from their nature.)

6985. 1776–8. BIP 21. Referring to §45, 'LIVES ACCORDING TO NATURE'.

This rule holds very much for the duties towards oneself and in general, where the universal concepts of reason are not sufficiently instructive. E.g. monogamy.

6986. 1776–78. BIP 21. Referring to §46, 'live according to nature'.

The unity of nature. Be in tune with nature and nature will be in tune with you.

6987. 1776–8? (1769? 1770–1? 1773–5?) BIP 22. To the conclusion of §48, 'Love the best, as much as you can.'

This is a universal rule of applied practical philosophy <*philosophiae practicae applicatae*>. The moral rule is a rule of the pure will; it thus concerns actions, whether one has an inclination to them or not; indeed, it even concerns a demand to produce an inclination; so it says here: seek also to produce an inclination to the good. (*added later*: Only grounds of judgement, not of execution.)

6988. 1776–8? (1769–75?) BIP 22. Next to §49.

One demands from the moral philosopher:

1. Doctrines of moral judgement, for knowing what is good and what is evil, what is worthy of loathing, and thus grounds of approval and disapproval;

2. Grounds of exercise, subjective moving causes <*caussas subjective moventes*>, so that one actually loves what one approves and actually loathes what one finds worthy of loathing;
3. Precepts for how inclination can be made to agree with principles or become subordinated to them.

(*added later*: In moral instruction, mention of private benefit must never occur in connection with the moral rule; for through this the mind is debased, instead of being elevated, inspired and ennobled, as when it infers its duties from the highest grounds of the essential and universal good. The mere mien of loathing towards a lie makes much more of an impression than all imagined harm and disdain of others, from which one can hide, but cannot escape one's own eyes.)

[AA 19: 221]

6989. 1776–8. BIP 22. Between §48 and §49, in §49. Perhaps referring to the conclusion of §48.

Do the good willingly. Seek your happiness ~~through freedom~~ under universally valid conditions of ~~freedom~~ of it, i.e.* those that are valid for everyone's procuring of their own happiness and everyone's freedom ~~are valid~~, and for the essential ends of nature.

*(Attune the action with yourself and your essential ends.)

Seek your happiness under the condition of a universally valid will (both for yourself and for others, and the latter both for their inclination and their choice). This rule does not indicate the path to happiness, but instead limits the effort towards this to the conditions for being worthy of it, by making such agree with the universal system.

6990. 1776–8. BIP 22. Referring to §49, 'UNIVERSAL OBLIGATION'.

Either a rule that obligates all or each person towards all.

Moral Constraint.
§§50–9.

6991. 1776–8? (1772–5?) BIP 22.

In a naturally good will moral motives are grounds of necessity, in a contingently good will grounds of necessitation, in one affected by inclinations grounds of constraint.

[AA 19: 222]

6992. 1776–8? (1773–5?) BIP 22.

We indeed ought to do the good willingly, but often we must be constrained.

6993. 1776–8. BIP 23.

The stimuli <*stimuli*> are the causes of reluctant moral actions <*actionum invitarum moralium*>. Accordingly, God alone is holy; finite beings are virtuous and in need of internal constraint <*coactione interna*>.

6994. 1776–8. BIP 23.

When judgement concerning the motive force of a moral motive lies within my power <*penes me est iudicium de vi motrice motivi moralis*>, then moral constraint is internal <*coactio moralis interna*>.

When it lies within the choice of another <*arbitrio alterius*>, then it is external <*externa*>.

6995. 1776–8. BIP 23.

The subjective moving force <*vis subjective movens*> of moral motives <*motivi*> is only according to the proportion of the kind-heartedness of the soul.

The scoundrel is subjectively lawless <*exlex*>.

6996. 1776–8. BIP 24.

One must also recognize the rights of others, no matter how much they may be guilty otherwise; indeed, even take upon oneself their innocence in the case where they are such.

6997. 1776–8. BIP 24.

The duty to find common cause¹⁵³ with others on account of their oppression is more than merely beneficent duty.

6998. 1776–8. BIP 24, 25.

One must constrain oneself to perform prudent and morally good actions. Hence imperatives <*imperativi*>. The reason is that one's choice¹⁵⁴ is also sensuous and the first motion is from this. The more one can constrain oneself, even by pragmatic constraint, the freer one is. Nevertheless, this constraint occurs through stimuli <*per stimulus*>, but indirectly <*indirecte*>, namely one proceeds according to deliberation. Moral constraint is external through alien choice; and if we are free from this, there still remains internal constraint; free from all indebtedness can still be obligatory;¹⁵⁵ one who does nothing good is not worthy of the voluntary goods of others. One who does evil is not worthy of being tolerated or spared.

[AA 19: 223]

6999. 1776–8. BIP 23. Referring to §50–§52.

Necessitated is one who does not have a sufficient moral principle <*principium*> within himself; constrained: who has an impulse towards the opposite.

¹⁵³ *gemeinschaftliche Sache zu machen*.

¹⁵⁴ *Wilkuhr*.

¹⁵⁵ 'Indebtedness' here translates '*Schuldigkeit*', so as to show the contrast with 'obligatory' ('*verbindlich*'). See p. 31.

7000. 1776–8. BIP 23. Referring to §50–§52.

Necessitation is to an action to which we do not have a spontaneous incentive within ourselves; constraint <coactio>: to which there are incentives towards the opposite.

The constraint of right is a pathological constraint, but one conforming to obligation.

7001. 1776–8. BIP 23. Referring to §50–§52.

The human will is pathological, but not morally entirely free.

7002. 1776–8. BIP 23. Referring to §50–§52.

Morally necessary, but willingly performed actions are morally free.

One who is obligated is not free <obligatus non est liber>.

sed But to the extent that one is not passively <passive> but instead actively <active> obligated, one is externally <externe> free. Internally <Interne> he is free, if he is not absolutely <absolute> necessitated, but instead only according to the degree of goodness <per gradum bonitatis>.

If the obligation perishes <interit>, then the one obligated is freed <obligatus liberatur>. Although pragmatic self-constraint has no moral worth, it does always exercise a discipline of sensibility and is propaedeutic in respect to morality, in that it increases the might of the higher choice over sensible impulses.

7003. 1776–8. BIP 25. In §55.

Self-constraint is either pragmatic or moral. Motives of the intellect always oppose stimuli.¹⁵⁶

[AA 19:224]

7004. 1776–8. BIP 26, 27. In §56 (second half).

Obligation based on duty or on constraint.

Moral necessitation according to the choice of another.

Obligation is either spontaneous or constrained.¹⁵⁷ (added later: One who cannot be morally constrained, must be pathologically. Right is not that whose motive is extortion.)

We are necessitated through the common will.

We are inhibited by the (necessary) lack of the common will: conflict.

What is possible through the form of the common will is right;

What — — through the matter — — happiness is [breaks off]

(The first agrees with the form, the second with the matter of every person's will.)

¹⁵⁶ *coactio sui ipsius est vel pragmatica vel moralis. Semper stimulus occurrunt motiva intellectus.*

¹⁵⁷ *necessitatio moralis per arbitrium alterius. obligatio est vel spontanea vel coacta.*

Obligation¹⁵⁸ is the duty to which we become morally constrained by others; hence also pathological constraint is permitted.

One can not only be constrained to external obligation <*obligatio externa*>, but, if one transgresses it, also punished; the latter follows from the first.

7005. 1776–8. BIP 26. In §57.

The need of others does not limit my right. No one can absolve me from my obligation, except merely the other. The stain of injustice is indelible. Something humiliating; against which not hardness of the heart.

Everyone seeks his fortune however he can, but only such that a choice¹⁵⁹ is in tune with universally valid conditions.

7006. 1776–8. BIP 27. In the beginning of §58.

One who has a right against someone else can disturb him in all enjoyments, call him away from the altar. All the might of heaven stands on the side of right.

[AA 19: 225]

7007. 1776–8. BIP 27.

External practical constraint is determination by the choice of another <*determinatio per arbitrium alterius*>. The moral [constraint] according to universal laws.

7008. 1776–8. BIP 27. In §58 (second half).

One must beg no one for right, not clemency <*Clementia*>, but instead what is owed.¹⁶⁰

Respect for the right of another.

One can advance far in rectitude.

Ethically good actions are merits.

The faculty to constrain is power.¹⁶¹

A kind-hearted man is not for this reason also a good man, e.g. one who is beneficent, but a bad payer.

7009. 1776–89. BIP 27–9. In §59–§61.

Obligation is either active (of merit) or* passive (of what is owed). ~~The latter either through the condition or choice of another.~~ (The former through the condition, the latter according to the choice, of another.) The former either following of external to right or also an externally valid (choice).¹⁶² The former equity, the latter strict

¹⁵⁸ *Schuldigkeit*.

¹⁵⁹ *willkühr*.

¹⁶⁰ *Schuldigkeit*.

¹⁶¹ *gewalt*.

¹⁶² *Obligatio est vel activa (meriti) vel* passiva (debiti). Posterior vel per statum vel arbitrium alterius. (Prior per statum, posterior per arbitrium alterius.) Die letztere entweder secunde iuris externe tantum oder auch externe validum (arbitrium).*

right. Externally valid choice is that the common¹⁶³ agreement of which one can be externally certain; e.g. a business manager <*negotii gestor*¹⁶⁴>, who ~~without having to~~ to his own detriment does something for my sake. A servant who breaks something accidentally, or an artisan who breaks my porcelain <*porcelain*> container. Equity has no determinate law. Strict right has the authority to constrain.

*(Passive obligation **through another's choice depends on regards the right of another; and active obligation (the necessitating will of someone who obligates according to his own choice is called right) according to his own choice is right; passive obligation according to the choice of another is what is owed. Right is either strictly or broadly considered (externally or internally right). The former is an obligation determined according to the choice of another. The latter is a vague obligation according to the choice of another. The former is (externally) constraining, the latter internally necessitating, i.e. before conscience.

Passive obligation, ~~according to~~ but not according to the choice of another, is gratitude; active obligation is benevolence.)

** (is either definite or indefinite. The former refers is what is owed according to the choice of another the one obligating, and necessitation according to the choice of the one obligating another on the part of the one obligating is right, while on the part of the one obligated it is what is owed. Externally valid right is strict or constraining, the internally valid ~~alone~~ is equity.)¹⁶⁵

7010. 1776–8. BIP 28.

In all obligation based upon discretionary duty¹⁶⁶ I can bring into account my own disadvantage, in that of obligation not.

7011. 1776–89. BIP 28.

Obligation according to the choice of another strictly (externally) defined is strict, to which constraining right responds. If it is ~~only broadly~~ it is externally indefinite, it is broad right: equity.¹⁶⁷

¹⁶³ *gemeinschaftlicher*.

¹⁶⁴ From *negotiorum gestio*, a term in Roman law for the management of another's affairs. See Berger (1953, 593–4).

¹⁶⁵ *(*Obligatio passiva* ***per arbitrium alterius nititur respicit ius alterius; et obligatio activa (obligantis per arbitrium suum mot voluntas necessitans vocatur ius) per arbitrium suum est ius, passiva per arbitrium alterius est debitum. Ius est vel strictum vel late dictum (externum vel internum). Prius est obligatio determinata per arbitrium alterius. Posterius est obligatio vaga per arbitrium alterius. Prius est (externe) cogens, posterius interne, h.e. coram conscientia, necessitans.*

Obligatio passiva, per sed non per arbitrium alterius, est gratitudo; obligatio activa est benevolentia.)

** (*est vel definita vel indefinita. Prior per arbitrium alterius refertur obligantis est debitum, et necessitatio per arbitrium obligantis alterius a parte obligantis est ius, a parte obligati est debitum. Jus externe validum est strictum sive cogens, interne tantum validum est aequitas.*)

¹⁶⁶ At AA 27: 127 Kant states that 'discretionary duties' are those to which I am obligated by no one.

¹⁶⁷ *Obligatio per arbitrium alterius stricte (externe) definita est stricta, cui respondet Ius cogens. si late tantum est externe est indefinita, est Ius latum: aequitas.*

7012. 1776–89. BIP 29.

All obligation (towards another) is either indefinite (in regard to the person or to the action) or it is definite: the former is moral and the latter juridical; this last is either strict or broad: the former is externally valid and the latter only internally such.¹⁶⁸

7013. 1776–89. BIP 29.

Indefinite obligation, whether active or passive, is ~~moral~~ ethical (according to one's own choice).¹⁶⁹

7014. 1776–8. BIP 29.

Passive ethical obligation is infinite; however, it is smaller than a definite obligation.¹⁷⁰ All obligation based on the right of another is passive. Ethical obligation *<obligatio Ethica>* is comparatively always active, i.e. meritorious. In itself, however, either active or passive.

[AA 19: 227]

Strict right *<ius strictum>* says only what is right, i.e. what ought to happen in relation to the common choice *<arbitrium commune>* (problematic). Subjective necessitation *<necessitatio subiectiva>* is here pathological. Ethics says it is good, i.e. necessary based on internal motives *<motivis internis>*, to act right. Hence, right belongs under morality.

Law.
§§60–75.

7015. 1776–8? (1773–5?) Over §60.

Of the practical objective laws. Of the obligation to act in conformity with them. Namely, the internal.

7016. 1776–8? 1770–1? (1769?) (1773–5?) BIP 28. Next to §60.

Some [laws? actions?] pertain to the rectitude of free choice that do not pertain to perfection:¹⁷¹ that the actions are right, that they are in conformity with perfection. Hence, the pure idea of right and the ideal of perfection.

Honest, sincere, upright, reliable.

¹⁶⁸ *Omnis obligatio (erga alium) est vel indefinita (in ansehung der Persohn oder der Handlung) vel definita, prior moralis, posterior iuridica; haec vel stricta vel lata, prior externe, posterior interne tantum valida.*

¹⁶⁹ *obligatio tam activa quam passiva indefinita est moralis ethica (per arbitrium proprium).*

¹⁷⁰ *obligatio Ethica passiva est infinita, tamen minor obligationi definitae.*

¹⁷¹ *Quaedam pertinent ad rectitudinem liberi arbitrii, quae non ad perfectionem:*

7017. 1776–8? 1770–1? (1769?) (1773–5?) BIP 28.

One who is still indecisive in selecting between right and benefit, who accounts an action of honesty to merit, is not an upright man. One who is indecisive between right and kind-heartedness is a weak good man. If he already has such principles, then he is not a steadfast man.

7018. 1776–8? 1770–1? (1769?) (1773–5?) BIP 29.

[AA 19: 228]

All laws are either of nature or of freedom; the former physical (physico-mechanical or physico-pneumatic) or pathological (subjective – objective grounds) or *mora* practical. The practical either pragmatic or moral **former**.

The human being is free from pathological constraint.

(Practical rules are either: 1. counsels <*consilia*>, pragmatic; 2. warnings <*Monita*>, ethical; 3. laws <*leges*>, juridical.)

7019. 1776–8? 1770–1? (1769?) (1773–5?) BIP 30. *Over and next to the beginning of §63.*

When I ask: ought I to lie or not?, then I am not talking about a motive, but the rule. But when I ask: ought I to eat or not?, then I am not talking about the rule, but instead the motive.

In sensuous motives I never need the rule in order to act, but rather the impulse. The rule can be borrowed from this. In moral [motives], however, I need the rule.

7020. 1776–8? 1770–5? BIP 29.

If the motive does not affect the rule, then this is an unconditioned rule. The unconditioned rule of choice is a moral rule. The imperatives <*imperativi*> are categorical.

If the motive affects the rule, then this is either a universal rule of self-love (pragmatic) or a rule of its particular inclinations (problematic), which is not valid for all, but instead is restricted. The motivating cause which makes it that we act without rule is stimulus <*stimulus*>.

7021. 1776–8? 1770–5? BIP 30.

In general, all inclinations allow only rules of skilfulness for satisfying them. If the inclinations furnish the ground, then there are no laws at all. Our freedom must stand under laws, and consequently must not be subordinated to an inclination towards any gratification; for without law no harmony or unity are possible at all in our actions through mere inclination.

[AA 19: 229]

7022. 1776–8? 1770–5? BIP 29.

Among all that pleases, that through which all satisfaction comes under a rule must provide the highest delight. The rule of complacency itself pleases the most, because

it most subjects pleasure to the use of freedom. The rule here is not a particular one, but instead the rule of free choice in general according to conditions of the greatest harmony with freedom.

7023. 1776–8. BIP 29. Referring to the beginning of §62.

Conditioned and unconditioned rule. Mediate and immediate.

7024. 1776–8? 1770–1? (1769?) (1773–5?) BIP 30. Next to §64.

Authorization makes *moral adiaphora*¹⁷² of the law <*adiaphora moralia iuris*>, right necessities <*necessaria*>.

1. Since my will is only necessitated by another.
2. Since it necessitates the will of another.

Possibility according to the rule of right. Impossibility and necessity.

7025. 1776–8? 1769? (1764–78?) (1773–5?) BIP 30.

Right is of two kinds: either negative, inasmuch as I do not act wrongly towards someone, (2.) positive, inasmuch as another would act wrongly, if he did not do something. The first is: inasmuch as another may not prevent me from doing something; the second: inasmuch as another is obligated¹⁷³ to do something.

7026. 1776–8? 1769? 1773–5? BIP 31.

Right consists in the ground of the limitation of the freedom of every person through the conditions of the universal validity for every choice.

Right is either permissive <*permissivum*> or obligating <*obligans*>.

[AA 19: 230]

7027. 1776–8? 1769? 1773–5? BIP 31.

The empirical grounds of our selection have no certainty, because they have no universal standard and thus there can be contradictions between them. The rule of their harmony: unity in a whole is the supreme [rule]. The most extreme displeasure is when everything is handed over merely to the senses and one finds no governance of reason.

7028. 1776–8? 1769? 1773–5? BIP 31. Next to §65.

My will either does not conflict with the rules of right <*regulis juris*> or is necessary through them or necessitates others through them.

¹⁷² See note 88 on p. 91.

¹⁷³ *schuldig*.

One can act wrongly, without doing wrong to another. One can do wrong to another, without offending him, i.e. without another being able to constrain.

7029. 1776–8? 1769? 1773–5? BIP 31.

Reason alone can provide no end, also no incentive; but it is what limits all ends without distinction so that they stand under a single common rule. It alone determines the conditions under which free choice stands under a self-standing rule. For the drives, taste, the inclinations have no agreement and require a rule.

Reason here furnishes a delight *a priori*, i.e. one that occurs even if the object has not yet been compared with my inclination or the satisfaction of my drives, while in this case my inclinations in general are nevertheless contained under the universal. That this consideration of delight takes precedence *a priori* or universally, rests on the fact that the principle <*pricipium*> of order and form without which there is no coherence of my private gratifications, likewise of these with those of others, is essentially necessary and comes first.¹⁷⁴ What is regulative comes first, and nothing must conflict with it; otherwise, there is no coherence among the manifold, no security. Everything is tumultuous. An *a priori* delight accompanies that which brings order into everything that may please, through which it is formed into a whole.

[AA 19: 231]

7030. 1776–8? 1769? 1773–5? BIP 32.

Absolute laws (*a priori*) are sanctions: thus, moral science does not provide rules, but instead sanctions. The doctrine of prudence [provides] a few laws, in which one has namely to place happiness; afterwards rules for obtaining it.

7031. 1776–8? 1769? 1773–5? BIP 33. Next to the middle of §68.

Through a preceptive law <*legem praeceptivam*> an action is necessary, through a prohibitive <*prohibitivam*> impossible, through a permissive <*permissivam*> possible, i.e. a moral *adiaphoron*¹⁷⁵ <*adiaphoron morale*>.

7032. 1776–8. BIP 28.

Rules concern possible actions of the understanding. Means.

Law concerns what ought to happen.

Norms are rules that determine in some case.

Prudence has rules. Morality apodictic laws.

7033. 1776–8? 1780–9? In §61.

Moral imperatives alone can be called laws, and among these the strict [*breaks off*]

¹⁷⁴ BGR: 'because the *principium* of order and form is essentially necessary and comes first, without this there is no interconnection among my private gratifications, nor between them and those of others.'

¹⁷⁵ See note 88 on p. 91.

7034. 1776–8? 1780–9? *Between §62 and §63.*

When someone sells something he has stolen, then he cedes to another his relative right.

It is not a question of absolute [right] towards others.

7035. 1776–8. *BIP 30. In the beginning of §64.*

Either rectitude or justice of actions <*actionum est vel rectitudo vel iustitia*>.

7036. 1776–8? *BIP 30. In §64.*

What conforms to a rule is right. The rule is that the action ~~through choice~~ is determinable through common choice,¹⁷⁶ or that when taken ~~comm~~ universally and reciprocally it can serve as the rule for the necessitation of choice by one another.

What harmonizes with the rule of judgement (theoretical) is correct. Hence, the solution to a problem is correct. It is a question of under which conditions (universal) choice can be reciprocally necessitated. In right everything must be determinate and certain. A good action can be better, but a right cannot be righter. [AA 19: 232]

7037. 1776–8? *BIP 31.*

Advantage and selfish self-love in themselves are not a standard, but instead only insofar as they bring gratification; about this there must also be a principle <*principium*> of judgement.

An empirical rule is that whose condition is empirical and hence depends only on the judgement of the senses.¹⁷⁷ E.g. what produces for you the most gratification brings the greatest advantage.

Empirical rules are not laws, because they have no true necessity and universality.

7038. 1776–8? 1780–9? *BIP 31. In §65 and the first half of §66.*

Classification. All duties are either external: towards other human beings, or internal: namely not towards other human beings (which hence cannot be demanded or requested from other human beings). Both are either passive or active. Passive **external** duties are those by the choice of another. Active: without being regarded as determined by the choice of another. Active external duties are free duties, passive are duties of constraint¹⁷⁸ towards human beings. Active internal duty is duty towards oneself. Passive internal duty is duty towards the universal legislator. In respect to God, all our duties are passive. If I separate these off, then what remains are duties of indebtedness,

¹⁷⁶ *gemeinschaftliche Willkür*, i.e. choice that is common in the same sense as the common will.

¹⁷⁷ LRJP: ‘*et qui aussi ne relève que du jugement des sens*’.

¹⁷⁸ *Zwangspflichten*, i.e. a duty that one can be constrained to perform, not a duty to constrain, as the formula might suggest.

of merit and of decorum.¹⁷⁹ Morally decorous is what conforms to the dignity of a rational being. Towards God we have none other than passive duties, not just moral, but rather also physical (we cannot act upon God). Our active obligations towards other human beings are meritorious. Towards ourselves, however, they are obligations owed,¹⁸⁰ albeit not duties of constraint. Hence, these are duties owed towards others.

7039. 1776–8? BIP 32. *Over and in §67.*

That in which right is had (a matter of mere faculty <*res merae facultatis*>) to do something, or: to have a right where my doing and omitting, i.e. the use of an object of my choice, is permitted.

[AA 19: 233]

7040. 1776–8? (1772?) BIP 33. *Next to and in the beginning of §69.*

*The universal will provides the law because without it freedom, taken as a whole, is a lawlessness and hence is without rule, and therefore reason can determine nothing in acting.

We even have need for a universal and supreme will in respect to our freedom, since otherwise the manifold of inclinations would have no rule *a priori*. The will, however, is the [*breaks off*]

*(But this universal rule is the universal hypothesis <*Hypothesis*> under which the will of the human being can only be good.)

7041. 1776–8. BIP 35. *In and referring to §71.*

We must comprehend the absolute goodness of the divine laws, so that we cognize his will *a priori* and do it willingly.

7042. 1776–8. BIP 37. *Over and next to §74.*

In judgement (which is not a sense, but a selection) there must be no talk of moral feeling, but only in actions or moments of compassion.

Intuition, sense and feeling make up the entirety of sensibility.

7043. 1776–8. BIP 38. *Referring to §75.*

The letter of the law <*littera legis*> is the action itself (material <*materia*>), the spirit <*anima*> is the form or the agreement with the motive. The spirit of the moral law <*anima legis moralis*> is the moral motive. One who omits actions merely for fear of punishment satisfies the law pragmatically <*pragmatice*>, not morally <*moraliter*>.

¹⁷⁹ *Anständigkeit*. As the Herder lecture notes show (AA 27: 82–3), Kant uses this German term to translate Baumgarten's '*decorum*', which is discussed in the latter's *Ethica philosophica* (1740), §380. BGR: 'decency'. LRJP: '*convenance*'.

¹⁸⁰ *schuldige*.

7044. 1776–8. BIP 38. Referring to §75.

The pragmatic laws do indeed have a sense, but no spirit; for they do not concern disposition.

[AA 19: 234]

7045. 1776–8. BIP 38. Referring to §75.

The letter of the moral law <*littera legis moralis*> is the action itself, the spirit <*anima*> the moral motive <*motivum morale*>.

It orders the morality of actions. What orders the action is civil law.

7046. 1776–8. BIP 38. Referring to §75, 'Every law ... material principles'.

The law itself is the first of the premises; a subsumed action is the second.¹⁸¹

7047. 1776–8. BIP 38. Referring to §75.

The letter of the moral law <*littera legis moralis*> consists in the effect <*effectu*> of choice. E.g. The good fortune that human beings make for one another (which God has certainly not intended as the final purpose of this means, since in absence of the latter he could have supplied this fortune otherwise). The spirit of the moral law <*anima legis moralis*> consists in the disposition, i.e. the moral motive <*motivo morali*>. This is what is foremost. One's being beneficently disposed is more important than the well-being of others, and the good deed is worth more than good fortune. One who inculcates merely the letter <*litteram*> of religious law, namely the omission of divine prohibitions, e.g. stealing, and makes punishment into the motive <*motivo*>, does not teach religion, but instead the form of a political organization.¹⁸² Religious laws that prescribe the means conform only to its pragmatic motive <*motivo*> and not to the moral, and the means are only the letter of the divine law <*littera legis divinae*>. The spirit <*anima*> is the disposition devoted to God.

Juridical Expertise.

§§76–86.

7048. 1776–8. BIP 39. Referring to the beginning of §77.

*Rule <*Regula*> (prescript). * Law <*Lex*>. Norm, Maxim <*Norma, Maxima*>.

*(The manner of exercise in the concrete <*in concreto*>, insofar as it is not known *a priori* through reason, but instead empirically and has no true universality.)

Laws either of right or moral <*Leges vel Iuris vel Morales*>.

[AA 19: 235]

¹⁸¹ *lex ipsa est praemissarum prima, actio subsumta altera.*

¹⁸² *policy*, which then did not mean police, as it does today, but rather any government authority. Kant's point is that without the spirit, religion only provides a kind of external organizing institution.

7049. 1776–8. BIP 39.

There are two grounds of delight in actions: 1. agreement with the object of desires; 2. agreement of free actions with a rule of delight in general, i.e. with a universally valid ground, consequently also of all free actions among themselves. The latter is the regulative principle <*principium regulativum*>, the former is the constitutive <*constitutivum*> principle of all use of freedom. The principles <*principia*> of the first are empirical, and the use of freedom does not agree with other uses. The greatest delight is taken in the conformity to rule in all our actions.

Worthiness to be happy is the possibility of partaking of it according to universal laws.

7050. 1776–8. BIP 40.

Of the duties of human beings in regard to actions: Right <*Jus*>. In regard to dispositions, i.e. the motives for accomplishing those duties: Ethics <*Ethica*>. The motive in the latter is internal, in the former it is constraint. Duties of ~~spir~~ actions according to the letter or according to the spirit¹⁸³ (dispositions), the latter in Ethics <*haec in Ethica*>. The duty of dispositions is moral. All morality rests on dispositions. If I perform an act of obligation, not from the impulse of constraint, but instead from dispositions, thus a spontaneous ~~will~~ act <*actionem volu spontaneam*>, then it is ethically good.

Dispositions rest on the inner goodness (necessity) of action, duties of constraint¹⁸⁴ on external necessity. The former: that one deserves to be constrained to an action; the latter: that a constraint to an action is to be feared and conforms to right.

7051. 1776–8? BIP 41.

An action that is necessary through universal choice is juridically necessary and subjected to universal choice, and hence to constraint.

7052. 1776–8. BIP 41.

Everything is permitted that, when taken universally, does not conflict with choice, and consequently is not contrary to the universality of choice.

What is necessary according to the idea of common choice,¹⁸⁵ i.e. *a priori* necessary and hence also permitted. Now, constraint to what is necessary through universal choice is contrary to no choice and hence is permitted. The particular authorization to constrain is conferred through the idea of the common choice. For a particular will provides no authorization, since it can conflict with the wills of others.

¹⁸³ *Officia anim actionum secundum literam vel secundum animam.*

¹⁸⁴ See note 178.

¹⁸⁵ *gemeinschaftlichen Willkühr*, i.e. choice that is common in the same sense as the common will.

7053. 1776–8. BIP 42.

All obligation (towards ourselves and towards others) is internal or external; both are perfect or imperfect (insofar as they are in accord with the essential or extra-essential moral laws). Perfect external [obligations] are juridical, all imperfect ones are ethical.

7054. 1776–8. BIP 42.

The practical laws based on the mere idea of freedom are moral.

Those based on the idea of internal freedom concern all actions and are ethical; those based merely on the idea of external freedom are ~~moral~~ juridical and concern merely external actions.

7055. 1776–8. BIP 42.

The principle of moral science can be derived neither from the immediate gratification in an action, insofar as it also belongs to my happiness, nor from gratification in the effects (on the subject), of which the actions are the causes.

7056. 1776–8. BIP 43.

All obligations are either external or internal. The former necessitate by the choice of another <per arbitrium alterius>, the latter independently from the choice of another <independentem ab arbitrio alterius>.

The motive to satisfy obligation (subjectively necessitating <subjective necessitans>), is either external (constraint) or internal (duty). The first is juridical, the second ethical; hence, ethics concerns all obligation, but only based on the motive of duty. Right, however, concerns external obligation of constraint.¹⁸⁶ Moral laws are those that contain obligation based on duty.

[AA 19: 237]

7057. 1776–8. BIP 38. *In and referring to §76.*

How can one conceive of being experienced in right, when all right must rest merely on rational principles, even the statutory, whose laws must also conform to the principles of right? Experience in right concerns the study of the determinacy and closer determination that the laws are wont to lack in application. This requires experience of many cases.

7058. 1776–8. BIP 41.

There is no determinate rule of ends except the universal validity of the ends of nature and of the ends of human beings, i.e. based on the whole of nature and of the ends

¹⁸⁶ *Zwangsverbindlichkeit*, i.e. the obligation that one can be constrained to satisfy, not the obligation to constrain, as the formula might suggest.

of human beings. Through this the relation to happiness based on the human being's own actions, in respect to both nature and to one another, is brought to determinate principles. One is worthy of happiness, whose free actions are directed towards an agreement with their universal grounds ~~in which it alone~~, who thus is capable of it based on his own action. Here the happiness of every part is determined from the idea of the whole.

The universal end of human beings is happiness; what prepares them practically for this is skilfulness; what directs skilfulness is prudence; what finally restricts and directs prudence is morality.

The Principles of Right.

§§87–99.

7059. 1776–8. BIP 48.

By the name of bias¹⁸⁷ (predilection <*praedilection*>) one designates the wish to see oneself or (an) other to be happy, without regard to the judgement of whether one is worthy of this happiness. One who judges without bias (without being interested in the matter), judges impartially. Our wish is always partial with respect to ourselves (selfish). For this reason, we think of a third as judge, who has nothing to do with us and others. But notwithstanding any selfish or relentless wishes, we still cannot suppress the rational judgement that the desire to be happy naturally precede the wish to be such, although in the judgement of reason the latter must precede the former: that the first question must be whether the person is good, and the second only: whether their condition is good or happy. We would despise a world and a government of the world in which it would be arranged otherwise. Worthiness to be happy is certainly not our immediate wish, but the first and unremitting condition under which reason approves it.

[AA 19: 238]

However, it also appears as if in this command reason promises us something as well. Namely that one can hope to be happy if only one behaves so that one is not unworthy of it. For, since a person would be a fool (a fantasist, pipe-dreaming) who obstinately subjected himself to a rule even though he also knew that it would be much better for reaching his goal if he occasionally made exceptions to the rule: it would follow that one can also be a dupe <*dupe*> (fool) of virtue; an unbearable and senseless thought. Hence, it sometimes even enters the minds of well-thinking persons ~~that~~ to become so indignant, especially regarding human beings, that they would become apostates of virtue, and, because it does not keep its word, but instead betrays them, not listen to its admonitions.

7060. 1776–8. BIP 48.

The teacher of the Gospels ~~took~~ rightly placed at the foundation that the two principles <*principia*> of conduct, virtue and happiness, were distinct and original. He proved

¹⁸⁷ *Vorliebe*.

that the connection between these does not lie in nature (this world). He said that one can, nevertheless, confidently believe in it. But he set the conditions high and according to the most holy law. He showed human fragility and malice and ~~through this made~~ stripped away moral conceit (humility) and, by sharpening judgement in this way, he let nothing remain but heaven and hell, which are sentences according to the strictest judgement. He took away all non-moral aids of religious observances and, on the contrary, made the beneficence of God regarding everything that is not in our powers into the object of belief, ~~as well as what~~ when we ~~with~~ have striven as much as is in our power to sincerely comply. He hence purified morals¹⁸⁸ from all indulgent and selfish limitations. The heart from ~~mal~~ moral malice. The hope for happiness from all fantastic expectations. The concept of the divinity from the feeble concepts of indulgent beneficence, likewise of a will in need of being served through observances, from the ~~imprud~~ childish imprudence of vain hope and from servile fear, grovelling false devotion, and gave him the holiness of the will as the norm of the beneficence of his intentions. Consequently, morals would be provided with a fulcrum upon which to securely fix every lever ~~securely~~ that ought to move the heart, but at the same time pure, without the admixture of self-interested intentions or foreign means of compensation.

[AA 19: 239]

7061. 1776–8. BIP 48. In §87.

Choice¹⁸⁹ is either limited through morality or not. In the first case, it is ~~holiness~~ a sensuous and ruleless, in the second an intellectual and perfect choice: holiness and virtue.

7062. 1776–8. BIP 48. In §87.

The principle *<principium>* of morality consists [*breaks off*]

Every action whose conditions can serve as universal laws of choice (internal, external) is morally good. A practical condition (happiness) cannot serve in this way, and so not the agreement (with) of inclinations, but instead the form of freedom.

Morality – legality; the latter natural or civil.

The aptitude *<aptitudo>* for actions based on external laws is legality, either natural or civil *<legalitas, vel naturalis vel civilis>*.

Freedom in general under laws is morality.

Nature under laws is a tautological concept. So one may not add that it must stand under laws. The concept of freedom, inasmuch as it is opposed to nature, is here taken in the way assumed by everyone who raises practical questions when one ought to do something; the difficulties can only be valid in the mouth¹⁹⁰ of one who practically denies this.

[AA 19: 240]

¹⁸⁸ *Moral*, and in the following. ‘Moral science’, our usual translation, does not seem to fit here.

¹⁸⁹ *Willkühr*.

¹⁹⁰ *im Munde*. The distinction is sometimes made between what the mouth says and what lies in the heart.

7063. 1776–8. BIP 49. In §87.

In pragmatic doctrines freedom is indeed under ~~doctrines~~ rules, but not laws. For the rule prescribes the conditions under which a discretionary end can be achieved. The law, however, unconditionally determines freedom.

Laws of freedom in general are those that contain the conditions under which alone it is possible for them to harmonize with themselves: conditions of unity of in the use of freedom in general. Hence, they are laws of reason and not empirical or chosen, but instead contain absolute practical necessity. ~~Laws are~~ Rules of freedom in general are laws of contingent commands. The free will that agrees with itself according to universal laws of freedom is an absolutely good will.

7064. 1776–8? 1772? BIP 49. *Over and in* §88.

The principle *<principium>* of morality is internal, and the ~~conformity to law~~ incentive of actions is ~~ethical~~ just ~~or~~ the same principle *<principium>*, in which case the actions are ethical; or the incentive is not internal to the principle *<principio>*, but is in constraint, and in this case the action is juridically good. Hence, one can act in conformity to law based on principles or on constraint: because one wills to or one must.

7065. 1776–8. BIP 49. In §88.

Conformity to law based on principles.

Conformity to law ~~based on~~ with constraint where principles are lacking.

Conformity to law of the subjection to universal constraint.

1. Internal freedom under internal laws.
2. External freedom under internal laws.
3. External freedom under external laws.

Freedom under natural laws is impossible. For freedom and nature are opposed to one another; hence, the laws are not physical, but rather practical (not: what happens, but instead: what ought to happen). Second: not conditioned freedom, but instead freedom in general without condition, merely as freedom in contrast to problematically or pragmatically conditioned free actions.

7066. 1776–8? 1769? BIP 54.

Honesty really has no degrees. But beneficence does. The reason is that the law of the former commands with precision. Punctuality in this still very much depends upon temperament. One can thus always say: ‘This or that person has a disposition for honesty.’ It requires exercise and awareness of the rule.

7067. 1776–8? 1769? BIP 54. Next to and referring to §93.

One can act wrongly towards someone merely materially <*materialiter*> (damage <*damnum*>) or merely formally (e.g. harmless lies) or both at the same time: harm <*laesio*>.

‘You ought to keep your promise’ is a rule of the material of right. ‘You ought to make no promise with a view to breaking it’ is a rule of the form. The latter is much greater.

Hence, poisoning in war is formally <*formaliter*> wrong, even if it does not conflict with the right of the enemy.

7068. 1776–8? 1769?? BIP 55. Referring to §94.

The distinction between honesty and honourableness.¹⁹¹ Discipline. Love of honour.

Sincerity. Rectitude. Honourableness. Decorum. This good opinion pertains to the person.

7069. 1776–8? 1769? BIP 55. Referring to §94.

Live such that your actions also appear to be good from the standpoint of others.

7070. 1776–8? 1772? 1769? BIP 55. Referring to §93.

That which is practically modifiable according to the choice of a human being pertains to what is his own practically as such. E.g. land, water.

That which is morally modifiable whose modification according to is subject to the choice of somebody, i.e. necessitated¹⁹² [*breaks off*]

[AA 19: 242]

7071. 1776–8. BIP 55. Referring to §94.

Do what makes you worthy of respect, worthy of honour. That is: actions that would expect every approval, if they became recognized generally. Honesty is worthy of negative respect. Merit of positive. The universal judgement is your judge, but not the actual, but the necessary. ‘Do what wins honour’ is a pragmatic proposition. Honour loving is something moral.

7072. 1776–8? 1769?? BIP 56. Referring to §94.

Honest is one who does nothing contrary to the right of another. Sincere, who says nothing untrue. Honourable, who hates (evil) appearance.

¹⁹¹ I.e. the distinction between *Ehrlichkeit* and *Ehrbarkeit*, both of which have the root-word *Ehre* (honour). For more on this distinction and on the meaning of *honestas*, see p. 27.

¹⁹² *practice modificabile per arbitrium hominis pertinet ad suum practice tale. e.g. terra, aqua. moraliter modificabile cujus modificatio [per] arbitrio alicujus est subjecta, h.e. necessitata.*

7073. 1776–8? 1769?? BIP 56. Referring to §94.

The transgression of duties towards oneself brings contempt for oneself, of the ethical [duties brings contempt] towards others: hate of human beings in general, [transgression] of the juridical [duties]: violence.¹⁹³

7074. 1776–8. BIP 56. Referring to §94.

Do not dishonour the worth of humanity in your own person (duty towards oneself); do what is worthy of honour in respect to others (meritorious duty).

The rule of right is: render to each his own <*suum cuique tribue*>,¹⁹⁴ now since what is his own <*suum*> stands under the choice <*arbitrio*> of the other, it reads: do that to which another has a right to constrain you. This is not worthy of honour, but instead only the approval of others.

It lies with others to know whether we do them wrong, but not, whether we sin against ourselves. Hence, we are necessarily subject to the hate of others in the case we transgress the first; in the second, others can be indifferent to it.

7075. 1776–8. In and referring to §92.

Make it that every person is secure in what is his in respect to what is yours.

(This is the duty of civil society, the universal condition of all right and property of human beings.)

[AA 19: 243]

Place every person in security concerning his right from your side (to each his own <*suum cuique*>); for one can only say that something is his, and by deed <*facto*>, not merely by right <*jure*>, when he is assured concerning its possession. This is the single affirmative external natural duty: one must leave the natural state <*exeundum e statu naturali*>.¹⁹⁵

7076. 1776–8. BIP 55. In §93.

Certain rules belong to ethics already materially <*materialiter*>, such as duties of love (duties towards oneself), others only formally <*formaliter*>, such as the duty to satisfy the right of others based on disposition.

7077. 1776–8. BIP 55. Referring to the concluding sentence of §93.

The formula [render] to each his own <*suum cuique etc.*> belongs to the superiors, but to every human being: to conform himself to it.

¹⁹³ *Gewalt*.

¹⁹⁴ See note 182 on p. 80.

¹⁹⁵ Kant had first assayed this duty in *Religion within the Bounds of Mere Reason*: ‘*exeundum esse e statu naturali*’; he associates the natural state with the Hobbesian *bellum omnium contra omnia* (AA 6: 97 n.).

7078. 1776–8. BIP 55. Next to §94 and §93 and in §92 and §93.

There can be no human being without right, hence reciprocally not without duty, and hence also not without constraint.

Subject yourself to the conditions through which each can determine what is one's own. This is constraint. The principle 'live honourably' <*honeste vive*> is the ethical principle <*principium*> and demands internal rectitude of actions <*rectitudinem actionum internam*>, rectitude (of disposition). The principle 'harm no one' <*nimenem laede*> [demands] external rectitude <*rectitudinem externam*> and negative justice <*justitiam negativam*>. The principle 'render to each his own' <*suum cique tribue*> [demands] positive justice <*justitiam positivam*>, i.e. 'furnish each security of his right' (distributive justice <*iustitia distributiva*>): principle of the civil state <*principium status civilis*>: 'assume the condition of a citizen or subject yourself to the conditions of the civil constitution'. What is one's own <*Suum cuique*> can only be furnished inasmuch as there exist positive external laws to which each subjects himself.* Subject yourself to power¹⁹⁶ according to laws.

[AA 19: 244]

*(Naturally <*naturaliter*> I have to render or give something to no one; for what belongs to each must be expected from himself. But I am still obligated to offer him the condition in which each can attain what is his with security. This is the principle of public right <*principium iuris publici*>, just as 'harm no one' [is the principle] of private right <*neminem laede*' *iuris privati*>. Hence, I ought to furnish each with security regarding what is his in respect to what is mine. Whether distributive justice <*iustitia distributiva*> can be partial, i.e. pardon one, punish others?

In ethics it does not depend on the action that I ought to do, but instead on the principle <*principium*>, from which I ought to do it. Maxims.)

[Above the syllables '*- nem laedas* (vel in -' in the concluding sentence of §92 stand the following words, which are perhaps of the same period as the rest of the note:)] disregard. Ethical Rule <*neglige. Ethica Regula*>.

7079. 1776–8? 1780–89? BIP 55.

Conform yourself to what each determines to be his own. Ulpianus's 'live honourably',¹⁹⁷ <*Vlpianus* '*honeste vive*'> etc. etc.

7080. 1776–8. BIP 54.

That humanity in our own person has certain rights, which are inviolable and inalienable, and which limit our freedom to dispose ourselves, likewise others themselves.

¹⁹⁶ *Gewalt*.

¹⁹⁷ See note 182 on p. 80.

7081. 1776–8. BIP 55.

The actions (or their principles) that, if they were universally recognized, would make me despised or not loved or not tolerated, are forbidden. The cause for this is that here one is a judge free from passion and partiality.

Highly respect what is right, even where there is no right of constraint.¹⁹⁸ Ethics.

Subject yourself to the civil laws or avoid human society.

7082. 1776–8. BIP 93. In §93 and §94.

Be upright.* Do not dishonour yourself;** be compassionate towards everyone and render to each his own. Act so that, if you were seen publicly, you would be respected, tolerated and loved.

* (Live so that you can allow your action to be known publicly and need not hide the maxim of your external actions.)

** (Do not be indifferent towards anyone's good fortune and do not diminish what belongs to anyone.)

Thievery offends others and dishonours oneself. A lie dishonours oneself, because it renders one's humanity pointless in regard to speech.)

7083. 1776–8. BIP 55. In §94.

Act publicly <Publice age>: because only what pleases universally is good.

The proposition: live honourably, neglect no one, render to each his own <*honeste vive, neminem neglige, suum cuique tribue*> concerns respect, love and peace with others. Duty towards oneself, towards the good fortune of others (be not indifferent) and towards the free choice of others. [*breaks off*]

(*added later*: Duty of virtue. Duty of constraint. Duty of subjection (through which a constraint is possible). The last is agreed and universal.)

(*added later*: Be worthy of honour. Worthy of respect in your own eyes.)

(*added later*: Merit respect and love (not: obtain).)

7084. 1776–8. BIP 56. In §94.

The whole of the right of nature is without civil order a mere doctrine of virtue and has the name of a right purely as a plan for possible external laws of constraint,¹⁹⁹ hence of civil order.

Since the word 'natural right'²⁰⁰ is at one point used ambiguously, we must employ a subtlety in order to avoid this ambiguity. We distinguish the right of nature from

¹⁹⁸ *Zwangsrecht*, i.e. the right which one can be constrained to respect, not the right to constrain, as the formula might suggest.

¹⁹⁹ *Zwangsgesetzen*. As in other such formulas, this means laws to which one can be constrained, not laws governing how one can be constrained.

²⁰⁰ Despite Kant's calling it a 'word', what follows is the phrase *natürlich recht*.

natural right.²⁰¹ The former is to the civil is opposed to both the universal the latter is either and the chosen;²⁰² the latter is grounded on nature, but is either natural private right or public right.

7085. 1776–8. BIP 60. Next to §98.

Right is either internal: it is valid in the presence of the court of conscience, such that I can resist another who would wish to relieve me of what is mine; or it is also external: such that what is not permitted to another my choice necessitates another. Now, right, whose execution another is permitted to resist, is not externally constraining. Yet nevertheless, since I am not a competent judge concerning what is my own, however just my cause may be, in the natural state anyone is permitted to resist the force that I employ. Therefore, it does not necessitate another. Therefore, the first juridical act in the natural state is the establishment of external justice, i.e. of its form, according to which both right and the manner of rendering to each his own are established validly with respect to everyone.²⁰³

[AA 19: 246]

7086. 1776–8. BIP 60. Next to the conclusion of §98.

The principles of right in the natural state <*principia iuris in statu naturali*> are only the model and the norm according to which the form of external justice ought to be erected.

7087. 1776–8. BIP 60. In §98.

Another can oppose me, not because I am wrong, but instead because I presume to judge regarding him in conformity with constraint. Hence, I can only expect something²⁰⁴ from his equity, and another does something wrong, but only before the court of conscience <*coram foro conscientiae*>.

(*added later:* For strict right it is required that the one who is guilty can be convicted through external proofs of his obligation.)

7088. 1776–8? 1772? BIP 60. Between §98 and §99. Referring to §99.

The principle <*principium*> of morality is always reason. Accordingly, I must also judge those coming from subsidiary principles <*principio subsidiario*>, e.g. revelation. Instinct produces the moral analogues <*analogia moralia*>.

²⁰¹ *das Naturrecht vom natürlichen Recht.*

²⁰² *willkürlichen.*

²⁰³ *Jus est vel interne: est validum coram foro conscientiae, ut alteri resistere possim mihi meum ablato; vel etiam externe: ut alteri illi citum sit meum arbitrium alterum necessitet. Nam ius, cuius exactioni alteri licet resistantiam opponere, non est externe cogens. Atqui in statu naturali, cum, quantumvis iusta sit causa mea, tamen, cum de propria non sim iudex competens, cuilibet licita est resistantia adversus vim a me adhibitam. Ergo alterum non necessitat. Primus igitur actus juridicus in statu naturali est constitutio iustitiae externae, h.e. formae, secundum quam et ius et modus suum cuique tribuendi valide respectu omnium constituitur.*

²⁰⁴ LRJP: 'Je ne peux rien attendre alors de lui que son approbation?'

The Legislator.
§§100–5.

7089. 1776–8? 1769? BIP 61.

God does not make (he gives) the moral laws or obligation, but instead only says that they are the condition of his beneficent will. To this extent the latter is holy and just in its exercise.

[AA 19: 247]

7090. 1776–8? BIP 61.

Only the legislator <legislator> of chosen laws is author <auctor>.

7091. 1776–8? BIP 61.

God is legislator <legislator> through the holiness and beneficence of his will, and through its possession of all faculties whatsoever.²⁰⁵

The latter requires all its physical attributes, namely eternity, omniscience, almightiness.

7092. 1776–8? 1772? BIP 62.

God is not the author of the moral law through his will, but instead the (divine) will is the moral law, namely the archetype of the most perfect will and also the principle <principium> of all conditions for determining our wills to determine according to these laws namely happen in agreement with his own, consequently all conditions of a necessary consent; consequently, [there] is a necessary unity of the subordination of ours under the divine will, but among creatures only a contingent unity of two wills.

He has also executive power <potestatem executivam>.

A legislator whose executive force alone obligates <legislator, cujus tantum vis executoria obligat> is a despot <despotes>.

²⁰⁵ *Allvermögenheit*. This is a rare term not found in Adelung, which existed before Kant, although most dictionaries nevertheless list him as the earliest and perhaps only author to employ it (i.e. Grimm). The usual (but somewhat lazy) translation of this term is 'omnipotence', which, however, is better reserved for *Allmacht*. Omnipotence signifies absolute power, whereas *Allvermögenheit* signifies the possession of all faculty whatsoever, i.e. possession of the faculty to exercise all possible powers whatsoever (i.e. intelligence, might, etc., not just supreme power in the sense of might or force). The emphasis is thus not on the possession of the greatest power, but instead on the exclusive possession of all the possible kinds of powers in their highest degree. This is the sense in which Kant employs the term in the comment to the Third Antinomy of the first *Critique* (A 449/B 477), where he speaks of the 'defender of the *Allvermögenheit* of nature (transcendental *physiocracy*)'. The point is not this person defends the position that nature is supremely powerful (omnipotent), but instead the position that it possesses all possible powers, and hence freedom, as a causality apart from nature, is impossible. One of the earliest sources equates *Allvermögenheit* with the Latin *cunctipollentia*, lit. the 'conjunction of all abilities' (Henrici 1739, vol. 1, 1341).

7093. 1776–8? 1769? BIP 62.

The human being cannot hope to become happy, when he will not become a better human being. The wish for happiness and forgiveness is a self-interested one, that to improve is a moral wish. Only the moral wish may be heard. It is shameless to ask for good fortune or even to avoid punishment, if one is not a better human being. The divine will is in this case not considered as a holy one, but instead as a selfish and despotic one, which all respects no laws of internal decorousness and listens only to ingratiations. But we can expect beneficent assistance in respect to the improvement of our will, if we perform the holy law as much as it is within our power and humbly compare ourselves to this law, from which we are still so distant. One who in this way utters exaltations is not for this reason a better human being. A murderer who, from compassion, caught someone who fainted, was good in that moment.²⁰⁶

[AA 19: 248]

7094. 1776–8? 1769? BIP 63.

The doctrine of the Gospels wants that one should not hope to become blessed except through good conduct and holiness, but that one should hope for this holiness to the extent that one makes an effort in all earnestness to be as good as one can according to one's own given powers.

7095. 1776–8? BIP 63.

There are pragmatic causes of laws for preventing misuse, and moral or juridical, whose ground is merely right. Because each who seeks his right also wants to possess the means through which he is assured [of it], he submits himself to pragmatic laws. Hence, there are transcendental laws, e.g. never to speak untruth, and pragmatic practical and pragmatic [laws].

7096. 1776–8? BIP 63.

That morality also has a legislator means: that in respect to whatever is moral, together with the consequences of this, we are subject to a mighty will.

7097. 1776–8? BIP 63.

The moral laws in themselves have no obligatory power *<vim obligatoriam>*, but instead contain only the norm. They contain the objective conditions of judgement, but not the subjective ones of exercise. The latter consist in the agreement with our longing for happiness. The moral laws require a legislator whose will is a good will (a holy), but is also a will that possesses all faculties whatsoever.²⁰⁷ The first: that he intends the good fortune of human beings, the second: that moral perfection is

²⁰⁶ BGR: 'A murderer who out of pity spares a human being who had fainted was good in that moment.'

²⁰⁷ *allvermögender*. See note 205 on p. 260.

the condition for conferring it, the third: that he has the might to do so. On this rests the legislative power <*potestas legislatoria*>.

[AA 19: 249]

7098. 1776–8? BIP 63.

If God is the author of the moral law, then we really are in debt²⁰⁸ to no human being, but instead to God and can beg forgiveness from him.

7099. 1776–8. BIP 66.

We can regard God as a moral or a pragmatic legislator. In the first case, we obey him as children based on a moral disposition, in the second as servants based upon pragmatic intention.

7100. 1776–8. BIP 66. Next to the third and fourth sentences of §105.

Obedience to the law <*Custodia legis*> is moral obedience.

Rewards.
§§106–14.

7101. 1776–8. BIP 66.

Moral rewards are the greatest.

7102. 1776–8? 1769? BIP 66.

The reward <*praemium*> (is a good) that is linked to a free action either as ground or as consequence.

7103. 1776–8? 1769? BIP 66.

The physical good that one is indebted to confer is called payment <*merces*>. ~~That~~ which A free reward <*praemium gratuitum*> is at the same time a merit <*meritum*>. Reward [is] either free or owed <*praemium vel gratuitum vel debitum*>.

7104. 1776–8? 1772? 1769? BIP 66.

Repayment of what is owed never merits a reward, but it begets the dignity of gratuitous generosity.²⁰⁹

²⁰⁸ *sind schuldig.*

²⁰⁹ *Praestatio debiti nihil meretur praemii, sed dignitatem parit munificentiae gratuita.*

7105. 1776–8? 1769?

All actions that are good to another are meritorious, insofar as I have no obligation²¹⁰ in this regard, and they are necessarily (according to rules of justice) entitled to a reward. Hence, God himself fulfils the supplement <*supplimentum*> that human beings cannot achieve based on merits.

[AA 19: 250]

7106. 1776–8? 1769?

Wages <*Auctoramentum*> are the prize. Posing a prize²¹¹ for something. A proposed reward <*praemium propositum*>.

Remuneration is the reward that comes (as) a consequence <*praemium (in) consequentiam*>.

7107. 1776–8? 1769? BIP 68.

The wage is measured. The reward is chosen.

7108. 1776–8? BIP 66.

Whether the natural laws would have obligatory force <*vim obligatoriam*>, if they did not also naturally carry with them a promise[?]. Threat cannot have the force of obligation <*vim obligandi*>. A promise does not obligate, it merely removes the excuse of self-love, which has a right to demand everything be concordant with one's happiness.

7109. 1776–8? 1772?? BIP 67. In §106.

Merit <*Meritum*> in a negative sense, where one is merely not unworthy of happiness, occurs only in relation to a beneficent and powerful, but not merely just being. Our actions are not meritorious in a positive sense in respect to God; we cannot obligate him.

7110. 1776–8? 1772?? BIP 67. In §106.

Is owed <*est debita*>

|

Compensation <*repsio*> remuneration itself is what obligates <*remuneratio est ipsa obligans*>

|

What is owed <*debitum*>

²¹⁰ *schuldigkeit*.

²¹¹ *Preis*. This can mean both 'prize' and 'price'. It is unclear which Kant means here.

The prize²¹² is that which was the motive. Pragmatic reward <*praemium pragmaticum*>.

[AA 19: 251]

The reward²¹³ is not the motive. Moral reward <*praemium morale*>.

7111. 1776–8? 1772?? BIP 67. *Over and in §107.*

Rewards either encourage or are compensatory.

An obligatory good deed (either strictly or broadly) with respect to another is merit.

The former is the merit of right.

Reward answers to merit.

Reward is either ethical or juridical: payment.

A reward whose that contains within itself the motive of an action is pragmatic.²¹⁴

7112. 1776–8. BIP 68. *To the penultimate sentence of §107, ‘and the reward for merit’.*

The promise is, so to speak, the only motive to of another’s action. The one who promises is here the one obligated.²¹⁵ Since we are obligated to actions pleasing to God even without these promises, purely due to the good that we enjoy, we cannot expect reward as payment. Yet God says that he takes upon himself the burden of all those who do not reward us for our good deeds in the world, and hence takes on an analogue <*analagon*> of the debt of others. To do good only with a view to this payment <*mercedem*> is a mercenary spirit <*animus mercenarius*>; despite this, he still attended to a wage,²¹⁶ but only for justice and not according to the infinity of the good that corresponds to a moral motive.

7113. 1776–8? 1780–9? BIP 68.

Rewards are either wages or remuneration <*Praemia sunt vel auctorantia vel remunerantia*>.

impelling remunerative

Punishments.

§§115–24.

7114. 1776–8? BIP 75. *In §117.*

Good conduct is worthy of reward under the condition of beneficence and vice under the condition of justice. The difference is that the first does not make the reward

[AA 19: 252]

²¹² *Preis*, which can mean both ‘prize’ and ‘price’.

²¹³ *Belohnung*.

²¹⁴ *Praemia vel invitantia vel brabevtica*.

Benefactum respectu alterius (vel stricte vel late) obligatorium est meritum.

prius est meritum iuris.

merito respondet praemium.

Praemium est vel ethicum vel iuridicum: merces.

Praemium, cuius quod motivum actionis in se continet, est pragmaticum.

²¹⁵ *est promissum tanquam solum motivum ad actionis alterius. Promittens hic est obligatus.*

²¹⁶ LRJP: ‘on peut pourtant s’attendre a un salaire’.

necessary ~~the~~, but instead contains only the receptivity to it, but the second indeed [makes necessary] the punishment.

Imputation of Deed.

§§125–48.

7115. 1776–8? 1769? BIP 80.

Doing good and omitting evil (the former without selfish motivating causes, the latter under them) are both morally good, and so in morality are entirely the same; we can thus regard the omissions of the opposite as actions.

7116. 1776–8? 1769? BIP 80.

Only actions that are the opposite of obligation:²¹⁷ either eminent [deeds] <*eminentia*> in respect to the good (disparate <*disparata*>) or those diametrically opposed <*contrarie opposite*>, can be imputed.

Only the criminal is author <*auctor*>.

1. What can be imputed;
2. (universal practical conditions) Conditions of the form of imputation.

7117. 1776–8? 1769? BIP 80.

Actions subsumed ideally under the laws of obligation cannot be imputed, they can only be negative and ~~under~~ also be negatively subsumed or positive and also positively subsumed.

7118. 1776–8? 1769? BIP 80.

An action, to the extent that it through no law of obligation nec [*breaks off*]

7119. 1776–8? 1769? BIP 80.

What cannot be done, cannot be imputed.

7120. 1776–8? 1769? BIP 80.

Morally ideal actions involve no imputation.

What is not done, but is also not owed.²¹⁸

What is done, but also is owed.

Neither are one's own deeds <*facta propria*>, but instead implications of constraining laws <*consectaria legum cogentium*>.

[AA 19: 253]

²¹⁷ *Schuldigkeit*.

²¹⁸ *schuldig*.

The law does this and external constraint.

(*added later*: Whatever good I do, although I was not obligated²¹⁹ to do it (more good than owed).

Whatever I ~~good I do not do even if~~

If I perform my obligation,²²⁰ then the good and evil consequences do not concern me.)

7121. 1776–8? 1769? BIP 80.

Ethical omissions are not actions.

But juridical ones are.

7122. 1776–8? 1769? BIP 80.

The moral cause (author²²¹) of which is the author <Autor>. The judgement by which someone <*judicium qvo aliquis*> [*breaks off*]

Only what (*added later*: good) is done that is more or less than what is owed can be imputed.

7123. 1776–8? 1769? BIP 81.

The adjudication of an action is not the imputation of a deed.²²²

7124. 1776–8? 1769? BIP 82. Next to §125, §126.

1. What good I do, even though I am not obligated²²³ to do it, can be imputed to me.
2. What good I do not do, even though I am obligated to do it, can be imputed to me. (*added later*: Positive modes <*modi*>.)

The negative modes <*modi*> are:

1. What good I do not do and am also not obligated to do, that cannot be imputed to me.
2. What good I do and also am obligated to do, that can (not) be imputed to me.

7125. 1776–8? 1769? BIP 82. Between §125 and §126.

Imputation concerns only merit and guilt.²²⁴ Obligation to not perform an action or to perform the opposite of an action is the same for me.

²¹⁹ *schuldig*.

²²⁰ *Schuldigkeit*.

²²¹ *Urheber*.

²²² *adiudicatio actionis non est imputatio facti*.

²²³ *schuldig*, here and below.

²²⁴ *Schuld*.

7126. 1776–8? 1769? BIP 84. Next to and between §128 and §129.

The identity of free actions with obligation furnishes no imputation.

The contrariety of action and obligation furnishes imputation.

7127. 1776–8? 1769?? BIP 84. Next to the beginning of §129.

There is no imputation except as merit *<in meritum>* and demerit *<demeritum>*.

7128. 1776–8. BIP 84. Next to the second sentence of §129.

The subjective grounds and assessments of imputation are: intention, knowledge, faculty, proficiency, opportunity.

7129. 1776–8. BIP 84. Next to §129 and in the lower margin.

The practical conditions of imputation are those through which an action is possible according to laws of freedom. Capable of advance knowledge. Even motives of advance notice. The faculty of understanding and of the powers.

The moral conditions of imputation presuppose the former, but consist in ~~cong~~ *<cong>* incongruence *<discongruentia>* with the laws of obligation. For ~~such~~ with such actions alone we do not bind ourselves to the laws of obligation and ~~are~~ exercise acts of freedom.

[AA 19: 255]

7130. 1776–8? 1780–9? BIP 85. Upper margin.

The conditions of imputability are freedom subjectively and law objectively morally. The conditions of the first are knowledge and ability (that to which I have no motives and to which I have no faculty). The second [*breaks off*]

7131. 1776–8. BIP 85. Next to the conclusion of §129 and §130.

An action, insofar as it ~~the effect~~ can be regarded as having arisen from free choice, is (together with the effect) ascribed. The grounds of the attribution of an action must be considered in particular. ~~A free action~~ ~~The effect of a~~ Free action, insofar as it can be subsumed under a moral law, is a deed *<factum>*. The subsumption of a deed *<facti>* under the moral laws is accounting, which never concerns the action, but instead its effect.

7132. 1776–8. BIP 85. Next to the conclusion of §130.

The practical consequences of an action are those that could have entered into the free action as influencing moments.²²⁵ The remaining consequences are accidental.

²²⁵ *Momenten*. See BIP §128.

7133. 1776–8. BIP 85. Between §130 and §131.

An action has either a precise or an eminent worth; in the first case it cannot be imputed, but in the second it can.

7134. 1776–8. BIP 85.

The subsumption of an action under the universal laws of freedom is of a free choice is the imputation of the deed <*imputatio facti*>.

The subsumption of an action under the moral laws of a free choice is imputation of the law <*imputatio legis*>.

[AA 19: 256]

7135. 1776–8. BIP 86.

Practical imputation <*imputatio practica*>: ascribe according to rules of freedom.

- — (pragmatic <*pragmatica*>: attribute under conditions of prudence.)
 - — moral <*moralis*>: account according to laws of morality.
- (*added later*: 1. The practical, 2. the moral conditions of imputation.)

7136. 1776–8. BIP 80.

The omission of an action that is neither commanded nor forbidden, e.g. of a kindness, cannot be imputed, since it stands under no law. For all accounting concerns actions that stand under laws.

7137. 1776–8. BIP 80.

All practical imputation concerns merely the effect and its causes, the moral: merit and guilt. The action is only a deed insofar there is a command or prohibition regarding it.

7138. 1776–8. BIP 80.

Moral commissions can be imputed juridically to no one, and juridical commissions must be imputed.

7139. 1776–8? 1780–9? BIP 80.

That in which I am merely passive (e.g. when I am necessitated to do something), cannot be attributed to me, and in which I am morally passive, cannot be accounted to me; hence, that in which I am merely passive is not a deed.

7140. 1776–8? 1780–9? BIP 81.

Everything in respect to which the mind is free can be imputed, but the opposite not.*

Everything in respect to which the mind is not morally free, its opposite can be imputed, but not the action.**

*(For the omission of that in respect to which I am free is not a deed <factum>. But that in respect to which I am constrained certainly is. The commission of an action to which I am constrained is not a deed, although that to which I am not constrained certainly is.)

[AA 19: 257]

** (The human being has done nothing in whatever conforms to necessity, e.g. obligation. He has done and is the author of whatever is contrary to this. He has done what conforms to the contingent rule. He has not done what does not conform to the contingent rule.)

7141. 1776–8? 1780–9? BIP 81. In §125.

Imputation only occurs in respect to that which can be regarded as merit or demerit <meritum vel demeritum>. The other is the attribu ... [breaks off]

7142. 1776–8? 1780–9? BIP 81. In the second sentence of §125.

If an action is considered to be a possible case of some law <casus possibilis alicuius legis>, then it is investigated as a deed <factum>.

7143. 1776–8? 1780–9? BIP 81. In sentences 2 through 4 of §125.

In a juridical sense there are only deeds <facta> that are contrary to the laws, and in a moral or ethical only those such as conform to the laws. Merit <Meritum> and demerit <demeritum>. Distinguished from these is what is right and what is indifferent towards others.

7144. 1776–8? 1780–9? BIP 81. Referring to §125, ‘imputability’.

Accounting rests on legality.

7145. 1776–8? 1780–9? BIP 81. In the fifth and sixth sentences of §125.

Imputation either of an action or a deed <imputatio vel actionis vel facti>.

(added later: Either practical or legal <vel practica vel legalis>.)

7146. 1776–8? 1780–9? BIP 81.

Practical imputation <imputatio> is to be distinguished from moral imputation, the former of the deed <facti> the latter of the law <legis>, in the last the author <autor>.

[AA 19: 258]

7147. 1776–8? 1780–9? BIP 82. In §125.

What I do in conformity with a law (precept, rule, norm), and in respect to which I am free, is merit and can be imputed. What I do not – do, cannot be imputed.

What I do contrary to a law, and in respect to which I am not free, is guilt, what conforming – is right.

7148. 1776–8? 1780–9? BIP 82. In sentences 2 and 3 of §126.

Right pronounces guilty or innocent.

Morals in general: guilty or innocent or meritorious.

7149. 1776–8? 1780–9? BIP 83. In the first sentence of §128.

Only the happiness that can be accounted to us has a moral worth.

7150. 1776–8. BIP 86. Between §131 and §132, in §132.

Someone is free in respect to an action if the action and its opposite are possible according to certain laws. Either practically free or juridically or morally. For moral freedom the most is required.²²⁶ When I am practically free, I am still morally obligated.

7151. 1776–8. BIP 87.

Only what I do more or less (good), than I owe,²²⁷ (merit, demerit <meritum, demeritum>) can be imputed to me, the one ethically, the other juridically. What I do not do more and also not less ~~do~~ good than I owe, cannot be imputed to me.

An action, insofar as it is considered under a law: either preceptive <praeceptive> or prohibitive <prohibitive> or permissive <permissive>, is a practical deed as such <factum practice tale>.

7152. 1776–8. BIP 87. Next to sentences 2 through 5 of §133.

To impute a deed <factum> to someone does not mean: to account it to him,²²⁸ but instead: to ascribe, to attribute; when a deed <factum> has occurred, then to attribute a legal consequence of it is called accounting, i.e. regarding it as an action of freedom in relation to the laws.

7153. 1776–8? BIP 87.

An action is ascribed to someone, the effect accounted to them.

7154. 1776–8? BIP 87.

Juridically <iuridice>, something can only be imputed as demerit <in demeritum> (guilt). Ethically <ethice> only as merit <in meritum>.

²²⁶ LRJP: 'On exige le plus de la liberté morale.'

²²⁷ schuldig bin.

²²⁸ Zurechnen. See our discussion of Kant's use of this term, p. 28.

7155. 1776–8? BIP 87.

When according to the law someone is pronounced free, then nothing is really accounted to him.

It is thus negative imputation <*imputatio negativa*>.

7156. 1776–8? BIP 87. Under §133.

Juridical laws do not obligate through the inner quality of the action, but rather according to this and through constraint. Now, if there is a greater constraint to the opposite ~~and indeed more equitable~~, then I cannot be more necessitated by the law. Juridically <*Iuridice*> one can be constrained, and even to evil that is contrary to the law, so that one is free from the law. But even this constraint is ethically insufficient.

7157. 1776–8? BIP 87. In §133.

When I do more than I am obligated, then it is assumed that the action is not contrary to the obligation.

7158. 1776–8? BIP 87. In §133.

1. Whether a certain free action occurs: practical imputation <*practica imputatio*>.
2. The deed <*factum*> and its consequences: whether they are considered as a case of a given law <*casus datae legis*> (of a penal law): juridical imputation <*iuridica imputatio*>.
3. Moral imputation generally <*imputatio moralis generatim*>.

7159. 1776–8. BIP 90. Next to the conclusion of §136 and §137.

One who dares to do something despite the danger of worse consequences (e.g. drink, debauchery, wantonness), must answer or account for them all.

He must know the law immediately or indirectly <*indirecte*> (that there are such laws); when he does not know it, although it was physically possible for him to know it, when he has indeed not been moved by obligation, but instead has sought it out of curiosity, it can be imputed to him.

Ignorance of the law <*ignorantia legis*> excuses only as that of the implications <*consectaria*>. Of the deed <*facti*>.

We are free in respect to all ethical obligation; namely there are motives <*motiva*>, which do not impel necessarily. Hence, we do the action based on free discretion; we confer on others from what is ours and can (without disadvantage loss of humility) rejoice as much as we like in its good consequences.

In respect to duties towards oneself there are also obligations, where one cannot impute the good consequences any more than the merits, e.g. improvement of the understanding.

7160. 1776–8. BIP 91. *Over and next to §138.*

In respect to ethical actions one can have only a merit, but no guilt.

In respect to juridical actions only a guilt, but no merit. Hence, ~~only~~ in the former case only the good is imputed, in the latter only the evil along with its consequences is imputed. Practical imputation <*imputatio practica*> is the subsumption under laws of freedom in general. For this reason, actions that are necessary through the law are not imputed any more than those that are permitted, along with their opposite (since they have no juridical consequences at all), but instead only those that are forbidden, because in these one exercises an act <*actum*> of one's own choice.

The identification of a deed <*facti*> (historical imputation of a deed <*imputatio facti historica*>) is no imputation, for the latter must have positive juridical consequences.

The historical imputation of a deed <*imputatio facti historica*> has no juridical consequences.

7161. 1776–8. BIP 91. *In §138; over, next to and under §139.*

~~The ethi~~ An ethically evil action has no legal consequences, namely punishments. A juridically good also none, namely no reward. Whatever has no determinate consequences from the laws, cannot be imputed, thus neither ethically evil nor juridically good actions. Their worth is = 0. When I give something (from what is mine) to no one and take something (from what is theirs) from no one, then everything remains as when each looks after themselves, and my respective worth = 0. By contrast, ethical good is = + and juridical evil = –, and the former have reward as consequences in conformity with law, the latter punishment.

The historical imputation of a deed <*imputatio facti historica*> is distinct from the practical <*practica*> (ignorance, aberrance, incapacity) and the latter also from the moral.

7162. 1776–8. BIP 91. *Under §139.*

A law of obligation promises no rewards and a law of the duty of love threatens no punishments.

In respect to oneself. Of buried pounds.²²⁹

7163. 1776–8? BIP 91. *In §139.*

An action that increases or diminishes what belongs to another <*suum alterius*> (merit <*meritum*> and demerit <*demeritum*>) has consequences in conformity with law; one

²²⁹ This is a reference to what is sometimes called the Parable of the Pounds (or Minas) found in Luke 19: 12–27, an alternative version of which is the Parable of the Talents found in Matthew 25: 14–30. According to the former, a master entrusts money to his servants while he is away. Those who invest the money and can show returns are then rewarded upon his return, but the one who has buried or hidden away the money entrusted to him has the money taken and receives no reward.

that does not has no such consequences. Hence, what happens in conformity with ethical laws and contrary to juridical ones can be imputed as merit *<in meritum>* and demerit *<demeritum>*.

7164. 1776–8. BIP 91. In §138.

Evil action, in what is ethical, and good [action], in what is juridical, are nothing positive and thus are not deeds, but rather in the first case an omission of a good deed, in the second of injustice; hence, the agent *<agens>* cannot be regarded as the author *<auctor>* of the consequences.

7165. 1776–8? BIP 91. In §138.

Ethically evil action = 0.

Juridically evil action = - 2.

Ethically good = + 2.

Juridically good = 0, since I merely do not take from another what his, so do nothing positively evil. Thus, juridical rectitude is indeed without positive worth, but of the greatest significance as the condition of any worth.

[AA 19: 262]

7166. 1776–8. BIP 92.

We have no merit towards God, instead purely obligation. This is the cause of humility, but not a denial of hope, since to this belongs only the worthiness (not unworthy) to obtain through grace the happiness that one does not merit.

7167. 1776–8? 1780–9? BIP 92.

We have the attribute in us that, when an action occurs contrary to our intention of prudence, we at least cannot impute it to ourselves and can comfort ourselves that we at least do not bear guilt. The self-reproaches of prudence are very bitter, just like those of conscience.

7168. 1776–8. BIP 93. *Over and next to §141.*

Ignorance decreases imputation more than lack of reflection.

Whether it can be attributed to a natural propensity and excused?

Whether something of which there are no consequences can be accounted to a person according to his improvement or decline?

~~Whether the ob~~ How far can the vice be imputed that one would have done, should the seduction have been there?

The Degree of Imputability.
§§159–70.

7169. 1776–8? 1769? BIP 112. Referring to the beginning of §168.

In respect to transgressions against sincerity, one must never appeal to the weakness of human nature; for in this one can be perfect.

7170. 1776–8. BIP 112. Referring to §168.

[AA 19: 263] Moral incapacity.²³⁰ We are incapable of becoming good through ourselves;* because for this purpose we must already be good. But we do have the faculty to do every individual good; since for this it is not necessary that one be good, but instead that one constrain oneself. It is possible for me to perform each step in the straight line from the point where I am to the goal (for I always have new vantage points). It is not, however, possible for me to perform all steps like this. It is possible that in every throw [of the dice], I throw six, and just as possible as every other case; but it is not possible for me to always throw six, because for this a ground of necessity is required. Thus, in order to be good a ground of necessity and not merely of possibility would be required. The mere possibility together with the possibility of the opposite makes it impossible for it to always occur (that would not be contingency).

*(The goodness of the will has its measure in nature just as much as does the perfection of talent.)

7171. 1776–8. BIP 112. Referring to §168.

In a game [of dice] I can regard each throw (if the three sides should have 1 pip), as if it were the first throw. But it would be impossible for me to always throw the same, if the ground were not in the dice. This shows that I indeed have under my control the actions through freedom, but not freedom itself. If this is not entirely good or evil, then its actions are certainly possible as ~~phenomena~~ *phenomena* combined as functions but faculties for [throwing] exactly the same side, but not as powers.

7172. 1776–8? BIP 113. Referring to §168, §169.

Before the human court *<Coram foro humano>* morality does not have as great of an effect as does benefit. Now, because in the case of necessity *<in casu necessitatis>* the licence to care for oneself appears more advantageous to each person, we see each other in the rule. In God morality is of much greater significance than all benefit.

²³⁰ *Unvermögen.*

7173. 1776–8? BIP 113. Referring to §168, §169.

Not culpable before a human court. The favour of a case of necessity. Not before the divine court.²³¹

[AA 19: 264]

It is peculiar that even though one recognizes that one lacks the faculty for pure good, one still reproaches the lack of it. That means: one derives this lack of faculty not from immediate consciousness; for there one finds the opposite, that all of this depends purely on our discretion; instead, one concludes it from our experience of ourselves; from this one also sees only that our will is so evil that it cannot become good directly. But just for this reason it is all the more culpable. We must not permit the excuse by reason of drives, we are free. God has not revealed to us how he adjudges human nature, and we may not be so insolent as to anticipate his judgement.

7174. 1776–8? BIP 113.

A beneficent judge is a contradiction in terms <*contradictio in adiecto*>.

The holy law. The beneficent provision. The just court.

7175. 1776–8? BIP 112. Referring to §168, §169.

A good mind, a good heart, a good character (cast of mind).

Mind and heart depend purely on the drives that are moral. Mind consists purely in how one receives good impressions: base,²³² ungrateful, unhelpful. Heart [depends] upon the active movements of the mind: hospitable, charitable. Character consists in principles: mean, without, character. The mind is villainous, the heart evil, the character bad or mean.

7176. 1776–8. BIP 112. In §168.

We must not think laws according to human weakness <*infirmirate humana*>. And not judge the criminal according to fragility <*fragilitate*>. But, of course, expect things from human beings according to the first, and adjudge according to the latter. The law must be holy and the judgement just before conscience.

[AA 19: 265]

7177. 1776–8. BIP 112. In §168.

Cases of necessity are indulgences brought to bear on human weakness. Divine laws are not indulgent. Excusing Connivance due to the slipperiness of human virtue [is] a case of the impunity of a minor sin.²³³

²³¹ *Coram foro humano inculpabile. Casus necessitatis favor. Non coram foro divino.*

²³² *niederträchtig.*

²³³ *casus necessitatis sunt indulgentiae praestitae infirmitati humanae. Leges divinae non sunt indulgentes. Excusatio conniventia propter lubricitatem virtutis humanae casus impunitatis peccatilli.*

7178. 1776–8. BIP 113.

Everything for which there actually exists grounds to the possibility of the opposite, cannot always happen. It is contingent. For the very reason that our freedom does not stand under a law that is unique to it, its influence is uncertain. Freedom in us is merely a faculty, not an efficient power according to constant laws. Hence, the maxims of our freedom are not to be counted on with certainty. The faculty to the opposite is always there, but the act <actus> is lacking.

7179. 1776–8. BIP 113. In §169.

There is no immediately evil and innate disposition, but indeed inclination that is, however, not yet morally evil.

7180. 1776–8. BIP 113. In §169.

The calculated disingenuousness of human nature: hence probabilism <probabilismus>, philosophical sin <peccatum philosophicum> and mental reservation <reservatio mentalis>.²³⁴

The Court.
§§180–5.

7181. 1776–8. BIP 122.

The human being properly is not a competent judge with respect to his own actions, since the judge must have constraining power,²³⁵ and this must be another.

So the human being can indeed judge himself, but not condemn, validly²³⁶ judge or adjudge; for he can also his actions summon himself before this tribunal or not, appear or not, defend or accuse, as well as take the favourable side as he wishes.

²³⁴ Kant here refers to three concepts from the tradition of casuistry. Probabilism holds that in cases where one cannot be certain what is good or evil, one may still in good conscience perform the action that is less likely to be good. Furthermore, should one thereby act contrary to the will of God, then it is not a sin (Zedler, 29: 618–19). This effectively permits whatever is not known to be evil. Philosophical sin is action contrary to the laws of right reason, but without the intention of breaking the laws of God; it is thereby distinguished from theological sin (Zedler, 41: 63–6). Finally, mental reservation is the act of stating something in a way that it signifies something true to oneself (perhaps because one adds qualifications in thought), but with the awareness that it will most likely cause the hearer to think something that is false (Zedler, 31: 709–12).

²³⁵ *Gewalt*.

²³⁶ *rechtskräftig*. This delightful term is often associated with another, *res iudicata*, which is a matter that has been decided by a court (see Berger 1953, 678; also BH, 73). The point of *res iudicata* is to express the binding power of a court's decision, which ought to prevent an issue's being relitigated, unless of course an equally valid appeal can be made. This sense of binding power is well expressed by *rechtskräftig*, lit. 'right-powerful'. However, it must also be remembered that the term 'valid' has its source in the Latin *validus*, which means strong or powerful as well, a sense that it has unfortunately lost in modern English. A valid judgement is in essence a judgement that has the binding force of the

Through the understanding he has the faculty to judge (law), through the heart he has the receptivity to sense the purely moral consequences of the law: contentment (acquittal) or remorse, reproach (condemnation). Before the action this is called feeling, after the action conscience. [AA 19: 266]

However, conscience must be an instinct and thus its action <actus> not negatively subject to choice, since otherwise it could exercise no constraint upon us. It is the reproach of fault, which we cannot avoid. Conscientious is one who dreads this inner responsibility and inner court. [One who is] unconscientious, or without conscience, can take leave of this court <forum> entirely.

This court <forum> does not receive its power^{*237} [breaks off]

*(Motives <motiva> have objective power, but their subjective power²³⁸ depends upon sensibility.)

7182. 1776–8. BIP 123. Referring to the final sentence of §183.

There is really no court <forum> except the external <externum>, since there is no constraint where one judges about oneself; but the [breaks off]

7183. 1776–8? 1780–9? BIP 121. Referring to §182.

Whether in respect to actions of obligation conscience merely justifies, but rewards in respect to meritorious actions. Whether merely in respect to the transgression of obligation it punishes, in respect to that of the duty of love declares itself useless. It appears that conscience rewards every good and punishes every evil, but in a different degree.

7184. 1776–8? 1780–9? BIP 122. Referring to §183.

It appears that conscience cannot sufficiently punish, since it depends upon our will whether we want to subject ourselves to its bite or not. So it is only a substitute court <forum vicarium>. It consists therefore more in fear of deserved punishment, than in the punishment itself.

7185. 1776–8. BIP 124. Next to §185.

Whether virtue can be learned? Can be taken in a twofold sense. 1. Whether without any moral feeling, i.e. determinability of the will by practical rules of reason, someone would understand what virtue is? Answer: – no. Second: whether the proficiency, which it constitutes, can be acquired through prescripts and imitation? Yes, through frequent exercise, but not merely according to prescripts, rather one's own impulse. [AA 19: 267]

truth to back it, and as such cannot be challenged. Kant equates imputation that is *rechtskräftig* with 'judiciary or valid imputation' (*imputation iudiciaria s. valida*) in the *Metaphysics of Morals* (AA 6: 227).

²³⁷ Gewalt.

²³⁸ Kraft.

The External Court.
§§186–99.

7186. 1776–8. BIP 126.

There is, as it were, a magistrate in us who imputes to us the ~~mistakes~~ transgressions or merits of prudence; its rebukes are often taken for sentences of conscience.

7187. 1776–8. BIP 126.

1. The internal judge; 2. the external ethical* judge (the public <publicum>, which disdains, loathes or respects highly and loves); 3. the civil and appointed judge.

The ethical judge is also a natural one; for we try to discover in the idea of his judgement whether our actions are good or evil is. Judgements after death. Who follows the death of the body. He is known from the company he keeps <Noscitur ex socio>.²³⁹

*(One appointed by God, but without power. He also cannot condemn, but instead merely refuse the positive good, which he confers by choice,²⁴⁰ such as company, friendship, etc. etc.)

7188. 1776–8? BIP 126.

Why are we more outraged when deception ~~the scandal~~, violence, disloyalty occur shamelessly? This is because they defend themselves with²⁴¹ the law; because, since it is a scandal, and indeed because through this the law itself is brought into disrespect, beyond which there is no other means for holding back vice.

7189. 1776–8? BIP 129. Next to the third sentence of §191.

[AA 19: 268] Project of the establishment of a moral court <fori>, juridical.

7190. 1776–9? BIP 135. Referring to §198? §200?

All moral necessitation <necessitatio moralis> is strict <stricta> or broad <lata>. The first according to the choice of another <per arbitrium alterius> (and passive <passiva>), the second through the state of another (I constrain my very self) <per statum alterius (memet ipsum cogito)>. No pragmatic motives <motivum pragmaticum> can stand in the way of the first, but they can of the second. For I am not morally constrained by the choice of another <per arbitrium alterius> to maintain one who is poor; hence, I am externally free, but internally I am obligated. But happiness is also an internal obligation.²⁴²

²³⁹ This is part of a longer proverb: 'He who is not known from himself is known from the company he keeps <noscitur ex socio, qui non cognoscitur ex se>.' Kant also quotes this in various other works; see Kant 2006, 194 n.14; AA 7: 294).

²⁴⁰ willkürlich.

²⁴¹ LRJP: 'de'.

²⁴² Verbindlichkeit.

7191. 1776–9? BIP 135. Referring to §198?

The more someone can be objectively necessitated and constrained, the more is he subjectively free.

Pragmatic motives are not taken into account at all in opposition to moral ones. If I can no longer live as an honest man, then I can no longer live. The case of necessity <*Casus necessitatis*> (it is properly valid only for the self-help²⁴³ of right in the natural state <*in statu naturali*>). Life is not good in itself, but instead insofar as one is worthy of it.

7192. 1776–9? BIP 135. Referring to §198?

The jurists are in the right when they maintain that one can kill another in order to preserve one's own life. Namely, one cannot be constrained to refrain from this, since the punishment one ought to shrink from cannot be greater than that which one sought to escape through the performance of the action, and the latter is near at hand. Also, preservation of life is the only condition of a case of necessity <*Casu necessitatis*>, since the great power of the penal law consists in capital punishment. Yet a human being who would preserve a life of which he is not worthy should, as such, be treated with every contempt.

7193. 1776–8? BIP 134.

However, we do have a right to constrain others to preserve in the merest way also our own lives while they preserve their own, since property is only a portion of the common endowment of nature.

[AA 19: 269]

7194. 1776–9? BIP 135. Referring to §198?

Right, because it is reciprocal, permits recompense and preemption. According to the latter, one who seeks to murder another for the sake of self-preservation would rightfully be killed first by that other. And this, as a maxim accepted in advance, makes unanimity impossible.

7195. 1776–9? BIP 135. Referring to §198?

Self-defence is the single case of necessity <*Casus necessitatis*> towards one who seeks to do injury. Superiors who prohibit self-defence with greater damage of another must know that they take a human being's holiest right to administer it and as depositary <*depositaires*> of it [*breaks off*]

²⁴³ Self-help (*Selbsthilfe*) is a concept from the natural law tradition, which denotes the securing of right by an individual without appeal to a higher legal authority. It is thus broader than self-defence. See Zelder, 36: 1614. LRJP: '*le droit de légitime défense*'.

1780–9.

General Remarks.

[AA 19: 270]

7196. 1780–9? 1773–8? *Loose sheet.*

Virtue would produce happiness if it were practised universally; however, this happiness is not worth as much as virtue, and the latter has its inner worth without the former.

Freedom is a creative faculty. Therefore, the good based on freedom is original.

The conformity to law of freedom, however, is the highest condition of the good, and its lawlessness is the true and absolute evil, ~~what~~ the creation of ill. The last thus must also absolutely and without limitation already displease reason, and this displeasure must be greater than that towards ills or blunders.

Legality consists in the agreement with universally valid choice, insofar as we are determining or determinable.

7197. 1780–9? 1773–9? (1790–1804??) *Loose sheet.*

Morality is the ~~agreement~~ inner conformity to law of freedom, namely, insofar as it itself is a law. When we abstract from all inclination, then conditions still remain under which alone freedom can agree with itself. 1. That its use harmonize²⁴⁴ with the determination of its own nature, 2. with purposes of others, insofar as they harmonize²⁴⁵ as a whole, 3. and with the ~~choice~~ freedom of others in general, [all] under a universally valid condition. This perfection of freedom is the condition under which ~~every other~~ ~~good~~²⁴⁶ the perfection and the happiness belonging to a rational being must universally be pleasing (worthiness) and alone remains left over when ~~every other~~ ~~no~~ the objects of our present inclination have all become indifferent to us.

[AA 19: 271]

The conditions of the world of sense (as appearance) are not at the same time the conditions of the ~~intell~~ world of the understanding, although the world of sense is without boundaries, and so the totality of the same is not determinable, and thus it is nevertheless not the world of the understanding etc. Although all change of appearances²⁴⁷ into others is determined, still, the understanding's actions are not determined by appearances and do not belong in the chain.

Duty towards humans: (1) as member of nature, (2) as proprietor *<proprietaerius>*, ~~of nature~~, a lord possessing authority, *<dominus potentialis>* (3) as citizen. The good fortune of others is important and estimable for us; however, their property is holy. The ownership *<proprietat>* with respect to all that which belongs to substance is dominion *<dominium>*. Thus has the human been designated lord by nature *<dominus a natura designatus>*.

²⁴⁴ *zusammenstimme.*

²⁴⁵ *harmoniren.*

²⁴⁶ Adickes indicates that Kant struck out 'good *<Gute>*', but we have struck out 'every other *<alles andre>*' as well, since it must be modifying 'good'.

²⁴⁷ Cf. A182/B224 for Kant's discussion of the change of appearances and the concept of substance.

Passion brings about affect; however, unlike the latter it is not a condition but a mental disposition. Passion is more harmful than affect.

A sense impression destroying command over the mind (with respect to the understanding) is an affect <*Impressio sensus mentis imperium (qvoad intellectum) tollens est affectus*>.

A stimulus destroying command over the mind (of the will) is passion <*Stimulus mentis (voluntatis) imp: toll. est passio*>.

The first thing that is required for command over the mind (superior faculty) <*imperio mentis (fac: sup:)*> is the equilibrium of the soul <*aequilibrium animi*>.

What makes equilibrium <*aequil:*>, i.e. the faculty of proportionally comparing a part of sensibility with the whole, impossible, destroys the command over the mind <*imperium mentis*>.

7198. 1780–9? 1776–8? Loose sheet.

One precept for being independent is that one becomes accustomed to dispensing with what one can only expect from the compliance of human beings, e.g. to be invited as a guest (one must be happy at home), and in any case only of the require the services ~~what~~ that one hopes for merely from the self-interest of others (their own needs). However, this requires some faculty, be it might or honour or wealth, in sum <*in summa*> to have an influence.

[AA 19: 272]

The second degree is thus that one can also dispense in general with the cooperation of others. (For it is not certain that they would need us; they can free themselves from this just as we can.)

The third, that one also can dispense with everything that depends on luck and can place one's own contentment and worth in the fact that one can never see oneself diminished.

7199. 1780–9? 1776–8?? Loose sheet.

Towards Practical Philosophy

The first and most important observation that the human being makes regarding himself is that he is determined by nature to be the author of his own happiness, and even of his own inclinations and the abilities that make this happiness possible. From this he concludes that he has to order his actions not according to instincts but rather according to concepts that he himself makes of his own happiness, and that the greatest concern would be that which he has for himself.²⁴⁸ of either falsifying his concept or of allowing himself to be led away from the concept by animal sensuousness, especially in the face of the propensity to act habitually <*habitualiter*> against (this) his own

²⁴⁸ *er vor sich selbst hat*. Literally, this is 'he has before himself'. In that case, Kant's meaning would be 'that the greatest concern he himself faces is that of either ...'. However, in the notes generally, and in this phrase in particular, Kant nearly always mistakenly employs *vor* (before, in front of) when *für* (for) is required.

concept. Thus, as a freely acting being, and indeed, according to this independence <independentz> and self-mastery, his chief object will be that his desires among themselves are harmonious with his concept of happiness and not with instincts, and in this form consists behaviour befitting the freedom of a rational being. First, his action must be arranged in accordance with the universal end of humanity in his own person <Persohn>, and thus according to concepts and not instincts, so that these accord with one another, because they harmonize with the universal \bar{n} , namely, nature. It is thus not empirical self-love which is ought to be the motive of a rational being, for this proceeds from individual cases to all, but rather rational self-love, which derives the rule for the individual from and through the universal. In this manner he becomes aware that ~~the~~ his happiness depends (on) the freedom of other rational beings, and if each has merely himself as an object, this will not accord with self-love, and that he must see that his own happiness is based on concepts²⁴⁹ and even restricted through conditions insofar as he is the author of universal happiness or, at least, does not oppose others as authors of their own.

True Morality consists in the laws of the production of (true) happiness from freedom in general. Thus, in the beginning, when the will is directed only merely to the satisfaction of the instincts and well-being, all evil originates precisely from freedom, since the human being, who otherwise has a wise author, ought not to be governed by instinct. Freedom can only be determined according to the rules of a universally valid will, because it otherwise would be without any rule.

(Causality. The constitution of (pure) freedom through which it is the cause of happiness; it is, however, the cause of happiness through the agreement of universal choice. The inner good nature of the will. A will is good in itself that harmonizes with the universal will.)

Christ taught neither the long Psalms of David, nor to pray for revenge against enemies like the Pharisees.

A certain political welfare could certainly subsequently ensue ~~therefore~~, if they rose through the faithful compliance in a certain enduring discipline to observances imposed on them, and were they united more firmly among themselves than their neighbours under a priestly regime, which is capable of so much concerning minds. (The priests blamed all public ill and plagues on the violation of duties of divine service, i.e. the want of the obedience owed them. Has this religion ever produced good human beings?) However, undoubtedly back then, as ever, domestic welfare was not exactly the reward of devotion to acts of divine service and the celebration of holy customs but rather largely corresponded with diligence, adroitness, and the mere luck of the draw, as it does today. From this naturally follows that the Jews, who had already been directed to practise their divine service merely for cold cash <bar geld> in this life, sought this with foreign idols when they saw their hopes unfulfilled.

7200. 1780–9? Loose sheet.

Worthiness to be happy.

²⁴⁹ 'based on concepts <aus Begriffen>': Adickes wonders if this might be 'as concepts <als Begriffen>', or even 'as concept <als Begriff>'.

Principles of morality based on the agreement of freedom with the necessary conditions of happiness in general, i.e. from the universal self-actuating principle <princípio> of happiness.

If freedom, notwithstanding the conditions wherein the free being finds itself, consequently independent of empirical conditions (of impulses), ought to be a necessary cause of happiness, then it must 1. determine choice based on principles. 2. Based on principles of unity, both with one's own person and at the same time with respect to community with others, because freedom that does not externally harmonize according to universal laws hinders itself in happiness, but, when harmonious, entirely promotes it.

Principles of the unity of all ends in general (prior to all empirical conditions of ends). Consequently, principles of pure reason.

The imperatives <imperativi> of morality contain the limiting conditions of all imperatives of prudence. One ~~must~~ may seek happiness only under the conditions under which one alone can be worthy of it, i.e. would necessarily ~~all~~ partake of it, because happiness is something universal in the satisfaction of ends. Otherwise it is mere gratification. Therefore, pathologically or practically necessary.

7201. 1780–9. Loose sheet.

It is indeed an investigation worthy of effort in itself: whether that which one purports to know, especially to know *a priori*, could only be an object of a science in general or not; for²⁵⁰ it would be senseless in such cases to wish to speak of things that are probable and even more of probabilities so exceedingly great as to be as good as certain, where one abandons the law of experience and ventures with ideas into an infinite field of mere possibilities that have nothing in common with objects of experience, and regarding which judgements cannot more or less approximate to the laws of experience.²⁵¹

[AA 19: 275]

The faculty of desire, insofar as it is determinable under the representation of a rule, is called the will. If the rule is considered as the immediate determining ground of the will, then the determination of the will through the rule is objectively (i.e. considered through reason) obligation; is if it contains only the the (universal of the) connection of another determining ground with the will, then the determination of the will according to this rule (objectively) through reason is called pragmatic necessitation. Both are imperatives. If ~~none of the determinations~~ the determining ground that is distinguished from the rule is merely to be regarded as a possible object of the faculty of desire, then it is not at all a determining ground of the will but rather merely of the action as a means through reason, and desire determines the will. This is, then, formal practical necessitation.

The critique of practical reason is based on the distinction between empirically conditioned practical reason and pure but nevertheless still practical reason, and it

²⁵⁰ Reading *denn* for *den*.

²⁵¹ As we see, Adickes dates this deleted comment around the time that Kant published the first *Critique* in 1781.

asks whether there is such a thing as the last. The critique can have no insight into its possibility *a priori*, because it concerns the relation of a real ground to a consequence; thus, there must be something given that can solely originate from it, and possibility can be inferred from actuality.²⁵² The moral laws are of this kind, and this must thus be proven just as we proved the representations of space and time as *a priori* representations, only with the distinction that the latter concern intuitions, the former, however, mere concepts of reason. The only distinction here is that in theoretical cognition concepts have no meaning and the principles no use except with respect to objects of ^f²⁵³ experience, while to the contrary, in practical cognition their use is much wider: namely, they concern every rational being in general and are independent of all empirical determining grounds; indeed, even if no object of experience corresponds to them, the mere mentality and disposition according to principles is already enough.

[AA 19: 276]

7202. 1780–9. Loose sheet.

We delight in things that stimulate our senses, *der* because they affect our subject harmoniously and allow us to feel our uninhibited life or enlivening. However, we see that the cause of this delight is not in the object, but rather lies in the individual or even specific constitution of our subject, and consequently is not necessary and universally valid: the laws that bring freedom of selection into agreement with itself with respect to everything pleasing contain, by contrast, the ground of a necessary delight for every rational being that has a faculty of desire; for this reason, the good according to these laws also cannot be indifferent to us, like for instance beauty; we must also delight in its existence, since it accords universally with happiness and consequently with my interest.

The matter of happiness is sensuous, but its form is intellectual: now, the latter is possible in no other way than as freedom under the *a priori* laws of its agreement with itself, and this indeed not for the sake of making happiness actual, but rather for the possibility and the idea of happiness. For happiness consists precisely in well-being insofar as it is not externally contingent, ~~but rather~~ and also not empirically dependent, but instead rests on our own selection. Selection must determine and not depend on natural determination. But this is nothing else than well-ordered freedom.

He alone is capable of being happy whose use of his choice is not contrary to those gifts *<datis>* that nature provides to him for happiness. This attribute of free choice is the *conditio sine qua non* of happiness. Happiness is not actually the (greatest) sum of gratification, but instead the pleasure that is based on the consciousness of one's own power²⁵⁴ to be content;²⁵⁵ this, at least, is the essential, formal condition of happiness, although still other materials (as with experience) are required.

[AA 19: 277]

²⁵² BGR: 'reality'.

²⁵³ We replace the 'of *<der>*' that Adickes indicates Kant erased.

²⁵⁴ *Selbstmacht*.

²⁵⁵ BGR: 'the pleasure of being satisfied by the consciousness of one's own power'. LRJP: '*le plaisir découlant de la satisfaction de la conscience à l'égard de sa propre force*'. Both readings are possible, but we believe ours is more in line with Kant's point of view. If so, then his point is that happiness really consists in the awareness that we are the masters of our own contentment, i.e. we can become content even with very little.

The function of the *a priori* unity of all the elements of happiness is the necessary condition of its possibility of the same that and is its essence. The *a priori* unity, however, is freedom under the universal laws of choice, i.e. morality. This makes happiness as such possible and does not depend on it as an end and is itself the original form of happiness, in which one can indeed dispense with comforts and, by contrast, take on much of life's ills without diminishing contentment, indeed even to its elevation.

Finding one's condition agreeable rests on luck, but to rejoice in the comforts of this condition as happiness is not adequate to its worth; instead, happiness must come from an *a priori* ground that reason approves. To be miserable is not the necessary consequence of life's ills.

No complete satisfaction can be discovered for the senses, nor can what would conform to their needs ever be determined with certainty and universally; the senses always increase their demands and are discontented without determining being able to say what would be enough for them. Even less is the possession of these gratifications secured due to the vicissitudes of good fortune and the contingency of favourable circumstances and the shortness of life. But the disposition²⁵⁶ that has been instructed by reason to employ well and in concert all the materials for well-being is *a priori* certain, can be fully cognized and even belongs to oneself, so that even death as a passive condition does not diminish its worth.

It is true, virtue has the advantage that it would bring forth the greatest happiness welfare from what nature has to offer. However, its high worth does not consist in that it serves, so to speak, as a means. That it is we ourselves who as authors produce it, empirical conditions notwithstanding (which could only provide particular life-rules), that it carries self-contentment in itself: this is its inner worth.

[AA 19: 278]

A certain capital²⁵⁷ (fund, estate) of contentment is necessary, which nobody may lack, and without which no happiness is possible; all the rest are accidents (the proceeds of chance <*reditus fortuiti*>). This capital is self-contentment (a pleasant primitive apperception <*apperceptio iucunda primitiva*>, so to speak). Here it must depend neither on a gift of nature nor on good fortune and chance, because these do not have to harmonize of themselves with our essential and highest ends. Since contentment for this reason must necessarily (hence, *a priori* and not merely according to empirical laws that are never apodictically certain) and universally cohere, the former must 1. rest on free choice, so that we can produce it ourselves according to the idea of the highest good. 2. This freedom must indeed be independence from sensuous necessitation, but yet not without all law. Thus, ~~must~~ since there would be no still higher motives and no²⁵⁸ higher good, it must consist in freedom according to laws of a thoroughgoing harmony with oneself, which then will constitute the worth and dignity of the person.

In consciousness the human being has cause to be content with himself. He has receptivity for all happiness, and the faculty to be content even without the comforts of life and to produce happiness. This is the intellectual aspect of happiness.

²⁵⁶ *Gesinnung*. Kant declines this in the singular, but the verbs belonging to it are all in the plural. We conjugate them in the singular.

²⁵⁷ *Hauptstuhl*. An obsolete word, also used in the first *Critique* (Bxxiv).

²⁵⁸ The text reads *ein*, but we follow Adickes who questions this and supplies *kein* among possible alternatives.

In this capital there is nothing real, no gratification as the matter of happiness,²⁵⁹ but nevertheless the formal condition of unity, which is essential to the former, and without which self-contempt robs us of what is essential to the worth of life, namely the worth of the person. The person is, as it were, a spontaneity of well-being.

The good of life or happiness: either as it appears or as it is. The latter is represented through moral categories which, however, do not relate to special objects but rather to those of life and the world, but so as to establish the unity of the same in a single possible empirical happiness. In themselves they do not represent something good but rather merely the form of freedom to utilize empirically given things <data> for a true and independent good.

(Happiness is not something felt, but rather something thought. It is also not a thought that can be taken from experience, but is instead a thought that first of all makes experience possible. Not indeed as if one must be acquainted with happiness according to all its elements, but instead under the *a priori* condition under which alone one can be capable of happiness.

[AA 19: 279]

All our actions that relate to empirical happiness must conform to these rules, otherwise the unity is not to be encountered therein, which [*breaks off*])

A human being of such moral dispositions is worthy of being happy; i.e. of coming into possession of all the means by which he can effect his happiness and that of others.

However, so that morality would above all and indeed absolutely please, it is necessary that it please not from the viewpoint of the individual and its own benefit, but rather from the an *a priori* universal viewpoint, i.e. before pure reason, and indeed because it²⁶⁰ is universally necessary for happiness and also worthy of the same. Nevertheless, pure reason still does not gratify, since it does not promise the empirical aspect of happiness; it thus also contains no incentives in itself; for such, empirical conditions are always required, namely the satisfaction of needs.

Morality is the idea of freedom as the idea of a principle of happiness (the regulative *a priori* principle of freedom happiness). Hence, the laws of freedom must likewise contain *a priori* its formal condition independently of the intention to bring about one's own happiness.

I hear a prohibition: *through* you ought not to lie!²⁶¹ And why not? For this reason: because it is harmful to you yourself, i.e. it conflicts with your own happiness (Epicurus). However, I am prudent enough to stick with the truth in every case where it entails my advantage, but also to make exceptions to the rule in every case where a lie can be useful to me. However, your lie is contrary to universal happiness! What does that matter to me, I reply, let everyone worry about his own. – But this happiness is dear to your heart, or, even, this lie engenders a loathing within you (the Stoics). To this, I answer: only I can judge that. There may be others of such tender taste that to utter a lie upsets their innermost parts, but it is different with me: I laugh when I

[AA 19: 280]

²⁵⁹ BGR: 'no gratification other than the matter of happiness'. Both readings are possible. In nearly all cases, the construction '*kein ... als*' indicates 'no ... other than'. But in the present context, it does not seem to make sense for Kant to say that the only thing that is real in original contentment is gratification, since just above he has stated that it must contain no gratification.

²⁶⁰ BGR takes the referent, as is normal, to be the closest feminine noun, which is 'reason'. However, 'morality' is also a possible referent, and seems to us to make better sense.

²⁶¹ Here follows a Kantian dialogue.

have been able to outwit someone, and indeed with such forethought that it is not discovered. Your feelings may decide for you, but you cannot make it into a law for me. However, says a third, you may indeed prefer to lie or not to lie²⁶² as in itself neither harmful nor loathsome to you, but you are not free to do what you want. See above you the highest good that in its ideas, which your reason can intuit, expels the lie along with the person devoted to it, excluding him from happiness. The Platonist. From where do you know the idea of this highest being? I do not recollect ever having been acquainted with such. Are these ideas not perhaps contingent products of the education belonging to established practice? And ~~whither~~ from where do you know that such a highest being, which you are only acquainted with through reason, loathes the lie just because it is in itself worthy of being loathed; this, however, is precisely what I doubt and that about which you have not been able to free me from doubt.

(The doctrinal concept of morality based on the principle of pure choice.

This is the principle of *a priori* self-contentment as the formal condition of all happiness (parallel with apperception).

The first thing that a human being must do is bring freedom under laws of unity; for without this all one's doing and omitting is mere confusion.

Put all the means for happiness into the hands of someone of much understanding, and the inclinations will still play their game with him and draw reason into its web²⁶³ –)

After I have rejected all foreign persuasions in this manner, I then return to myself and, notwithstanding that I was free to conceal it from others, and nobody could give me convincing proof of it, I find in myself a principle of disapproval and an indelible inner loathing, which indeed sometimes may be outweighed by conflicting enticements, but can never be extinguished. On what does this disapproval rest? Is it the immediate feeling of shamefulness, is it a hidden reflection on harmfulness, is it fear of an unseen judge? For it cannot be habit, because otherwise it would not be universal and invincible.

[AA 19: 281]

Since the question is whether my freedom in this regard is limited by nothing, I then ~~find~~ suppose a ground for its solution, one that does not concern merely this case, but freedom in general. Freedom in itself is a faculty to do or to omit independently of empirical grounds. Thus, there can be no grounds that would have had the weight to determine us empirically in all such cases. The question is thus: how may I in general employ my freedom? I am free, but only from the constraint of sensibility ~~and not~~, yet I cannot at the same time be free from the limiting laws of reason; for, precisely because I am free from the former, I must be subject to the latter, because otherwise I cannot speak of my own will. Now this licence, by means of which I can want what is contrary to my very will,²⁶⁴ and due to which I have no certain ground for counting on myself, must be displeasing to me in the highest degree, and there will have to be

²⁶² *fliehen oder bleiben*. Unfortunately, the literary quality of Kant's phrasing cannot be retained in English.

²⁶³ *Gemeinschaft*. This translation is a bit free, but suits the context.

²⁶⁴ *wollen kan, was meinem Willen selbst zuwider ist*. Lit., 'can will, what is contrary to my very will. Kant's point is clearly that I can will something in particular that is contrary to my will in general, or is contrary to its universal laws.

recognized an *a priori* necessary law, according to which freedom is restricted to the conditions under which it (the will) harmonizes with itself. I cannot renounce this law without conflicting with my reason, which can only establish practical unity of the will according to principles. These laws determine a will that one can call the pure will, which precedes anything empirical, and they determine a pure practical good, which is the highest although only formal good, because it is created by our own selves, and is consequently in our control and also makes possible everything empirical, insofar as it is in our control, according to the unity with respect to the complete good, namely one of pure happiness. No action must conflict with this rule; for then it conflicts with the principle of self-contentment, which is the condition of all happiness, no matter whether it be furnished *a posteriori*, or even rests *a priori* in our manner of thought, or whether it relates to others or to our own selves. This constitution of free choice determines the personal and absolute worth of a human being. The rest, what is inside him, only his conditioned worth, insofar namely as he employs his talents well. Also, he is only so far worthy of the means of happiness (for happiness is a product of a human being's own reason), because only according to these laws can he stand in harmony with the rational concept of happiness. [In the margin, Kant writes:] In what, however, does this moral law consist? 1. In the agreement of natural desires with one's own nature.

2. In the agreement of discretionary and contingent desires with nature and among themselves; consequently, in the idea of a universal will and in the conditions under which such a universal will is possible that limits and contains each particular will within itself.

Without this unity, we must see freedom as the greatest ill, and consequently we would have cause to be irrational animals acting from instinct. With this unity is it the greatest and, properly, absolute good in every regard.

The idea of the universal will hypostatized is the highest independent good, which is, at the same time, the sufficient source of all happiness: the ideal of God.

Practical laws based on either concepts or experiences. The former are either pure concepts or empirical. The pure practical laws are either analytic or synthetic. How are the latter possible?

7203. 1780–89. *BIP VII, VIII.*

Philosophy: 1. theoretical: doctrine of cognition and doctrine of taste; 2. practical: *a posteriori* doctrine of happiness; *a priori* doctrine of morals.

Philosophy 1. as science, 2. as wisdom concerning the whole of all ends.

Logic, aesthetics and practical philosophy (to the extent that they [have] *a priori* principles <*principia*>). (Of objects): metaphysics and moral science.

Cognition, feeling, desire. Understanding, taste and will have *a priori* cognitions.

Logic, aesthetics, moral science.

Nature and freedom. Moral science teaches the objective conditions of conduct, anthropology the subjective.

Doctrine of morals [teaches the objective conditions] of the highest good.

[AA 19: 282]

[AA 19: 283]

7204. 1780–9? 1776–8? BIP 127, 126.

The foremost problem of moral science is this: reason indicates that the **universal** thoroughgoing unity of all ends of a rational being, as much in relation to oneself as to others, and consequently the formal unity in the use of our freedom, i.e. morality, if it were practised by everyone, would produce happiness through freedom and would derive the particular from the universal, and that, conversely, if universal choice ought to determine each particular choice, it may proceed according to no other principles than the moral. However, it is at the same time clear that, if one person alone were to subjugate himself to these rules without being certain that others would also do so, then his happiness is not to be obtained in this way. Now the question is what still remains left over for determining the will of every (right-thinking) person to subject himself to this rule as inviolable*: whether happiness according to the order of eternal providence or the mere worthiness to be happy (according to the judgement of all, since he contributes as much as he can to all happiness), or the mere idea of the unity in the use of reason in the use of freedom. This latter ground must not be underestimated. For, only self-determination based on principles yields a ground of unity to the foreknowledge <praecognition>²⁶⁵ of all actions, and, since reason, as a determining cause that is independent of all time and the condition of sensibility, relates to the entire existence of the rational being, this is a principle <principium> of free actions with respect to eternal duration. However, should human beings live eternally, then good conduct would also produce happiness. The self-contentment of reason repays even the losses of the senses.

Just as the identity of apperception is a (principle <principium> of) *a priori* synthesis for all possible experience, so is the identity of my will according to form a principle <principium> of happiness from myself, through which all self-contentment is *a priori* determined.

[AA 19: 284]

Only when I act according to *a priori* principles, can I always be the same in the manner of my ends, internally and externally. Empirical conditions produce differences. (Transcendental unity in the use of freedom.)

*(What interest can I have in this (*a priori*) principle <principium> of the universal agreement of freedom? Freedom according to principles of empirical ends has no thoroughgoing agreement with itself; based on this, I can represent nothing that is reliable in respect to myself. There is no unity of my will.²⁶⁶ Hence, the restricting conditions of its use are absolutely necessary. Morality based on the principle <principio> of unity. Based on the principle of truth. That one follows a principle <principium> that may be publicly acknowledged, and which thus is valid for everyone. Perfection according to form: the **universal** harmony of freedom with the essential conditions of all ends, i.e. *a priori* purposiveness.)

²⁶⁵ Note the odd form of this word, which corresponds orthographically to no language. The idea here is clearly that of Epictetus and his prolepsis <πρόληψις>.

²⁶⁶ BGR: 'It is no unity of my will.' 'Es is keine ...' can be read in both ways.

7205. 1780–9? 1776–8? BIP 133.

Moral science²⁶⁷ is the science that contains the *a priori* principles of the unity of all possible ends of rational beings. 1. Conditions of this unity. 2. Practical necessity of this unity. Pragmatically (empirically) determined is the unity based on the concepts of happiness. Rationally [determined is the unity] based on this happiness, to that extent that it is purely an effect of freedom.

7206. 1780–9? 1776–9? BIP II'.

Happiness is good only under the restriction that one is worthy of it, and the condition of worthiness is the good will. (*added later*: This is absolutely good, in all respects without restriction.)

Talents and gifts of fortune are only good to the extent that one has a will to use these well. Thus, the good will as the condition without which nothing would be good without restriction, i.e. absolutely good.

[AA 19: 285]

7207. 1780–9? 1776–8? BIP II'.

The problematic imperative <*imperativus*> has no impelling causes <*causas impulsivas*>, because the end is problematic. Hence, the imperatives <*imperativi*> of this sort are also only hypothetical. The pragmatic are categorical, but with restriction, insofar as this action is good in itself. The moral imperative <*imperativus*> commands²⁶⁸ absolutely.

7208. 1780–9? 1776–8? BIP I'.

Conscientiousness is the maxim to adjudge²⁶⁹ ~~one's actions~~ oneself according to the moral constitution of dispositions (which lie at the ground of actions). Good actions can indeed also occur based on self-interest, or even if one accepts no God; however, nobody can be conscientious without religion.

7209. 1780–9? 1776–8? BIP IV'.

Principles of Obligation

Apart from the subjective laws through which actions occur, there are objective laws of freedom and reason, which contain conditions of possible good actions and thus say what ought to occur. These are imperatives. Imperatives necessitate freedom

²⁶⁷ *Moral*. This note provides strong support for the suggestion of Timmermann that *Moral* is perhaps best translated as 'moral science' (GT, pp. 161–2).

²⁶⁸ *imperirt*. A typical Kantian coinage, where a Latin verb has been modified with a German ending.

²⁶⁹ *richten nach*. LRJP: *à se régler*'. *Richten* can mean to direct something, but as Kant is writing here in the context of the inner court of conscience (AA 6: 438), it plainly means judgement. This has been translated as 'adjudge', to distinguish it from forms of *urteilen*. See p. 25 above.

through grounds of rational preference, thus through themselves. However, an action is necessary in two ways: either because I want something else as a means of my own will or ~~according to univers~~ based on the nature of choice itself. The first either as a means to a merely possible (and contingent) end, the second as a means to a subjectively necessary end. The first imperatives are problematic, the second pragmatic (the former: skill based on reference to tasks, the second: prudence, which refers to each one's own happiness). But there are still objective laws that by themselves, and hence immediately, determine or restrict freedom. These necessitations are called obligations. They can rest on nothing else than freedom, insofar as it harmonizes with itself with respect to all ends in general. 1. Freedom as a principle <*principio*> with respect to one's own person, which is restricted through the conditions of personality, so that it does not conflict with the humanity in one's own person. (Duties towards oneself.) 2. Freedom as a principle <*principio*> of universal happiness, i.e. of harmony with all private inclinations according to a rule. (Kindness towards others.)

[AA 19: 286]

7210. 1780-9? 1776-8? 1790-1804? BIP IV'.

The greatest perfection is free choice, and from this also the greatest good can arise, and from lack of rule, the greatest evil. Hence, the essential condition is the subjection of free choice to the rules of its reciprocal use, namely how it refers back again to freedom. (Second, the restriction of freedom through nature, third its achievement for the ends of both.)

I leave the end of the others undetermined. Only I hinder no one from making himself as happy as he can according to his own will, as long as he does not conflict with my choice. Negative (restricting) law of freedom is the essential *conditio sine qua non* with respect to others. Negative conditions are essential.

7211. 1780-9? 1776-8? 1790-1804? BIP IV'.

Morality is the practical universal condition of happiness, and it is a system of the same based on freedom to make oneself worthy of happiness; three-fold unity of choice based on the three-fold universality:

1. Unconditioned universality towards everyone and always.
2. Conditioned according to the measure of faculty²⁷⁰ and of one's own good fortune towards one or another.
3. Collective universality towards universality <*universalitatem*> (this is something singular).

[AA 19: 287]

²⁷⁰ *Vermögens*.

7212. 1780–9? 1776–8? BIP VI’.

There must be rules of the use of freedom in general, which precede sensuous impulses. These relate to freedom that conforms to rule, which thus conforms to the only conditions under which freedom can be a good. Violation of such cannot be compensated through any good; mastery of reason ceases, and its use according to sensuous enticement is unreliable. Moreover, there is no true freedom where the principle <*principium*> does not, independent from the senses, give a law to all of them.

7213. 1780–9? 1776–8? BIP VI’.

Morality is the legality of pure choice <*legalitas arbitrii puri*>, consequently the conformity to law of freedom independently from all sensuous impulses. It thus has absolutely no empirical principles. But all empirical principles are only legal to the extent that they do not conflict with the laws of pure choice <*arbitrii puri*>.

The *nomothetic*²⁷¹ of pure choice has a motive power <*vim motricem*> in the worth that it can place on itself. That which in itself no cause of evil [*breaks off*]

7214. 1780–9? 1776–8? BIP VII’.

There are rules from which one must indeed make exceptions in order to reach one’s end in certain cases; however, since these exceptions are empirical, and thus determined by inclination, there is no certainty of a completely good outcome. Hence, such rules must be inviolable, because they provide security with respect to what is essential.

7215. 1780–9? 1776–8? BIP VIII’.

Honour is the single inclination that can be built upon principles, because the impartial approval of others rests only on principles, and hence love of honour is akin to virtue.

7216. 1780–9? 1776–8? BIP VIII’.

At the beginning of moral science one must first of all treat: of what is good or evil in itself. Nothing is (absolutely) good in itself except a good will. One also judges according to this whether a human being is good. Even the supreme being is only good by virtue of this. Misfortune is an ill, but in many cases an object of approval; the good in what is physical is always relative.

[AA 19: 288]

7217. 1780–9? 1776–8? BIP VII’, VIII’.

The empiricism of morality demonstrates only that nobody approves of a lie; however, the rationalism thereof demonstrates that one cannot approve of it,* and indeed for

²⁷¹ See §105 above.

itself alone; hence, only in the latter case are the moral imperatives apodictic. The reason is: because a freedom without a rule, when taken as a universal authorization, conflicts with itself. The system is thus a rational system of the freedom that universally agrees with itself.

Because the good will contains the worthiness of being happy, it cannot be good for the reason that it relates to one's own happiness, also not simply to that of others, because their good fortune is not always good.²⁷²

Freedom is the greatest good and the greatest ill. The rules of freedom must therefore be the most important. This is confirmed by: the fact that only a good will is good in itself. The good will is even the condition in the supreme being for whose sake we wish for the rest of the properties.

*(This disapproval is not disquiet, but instead blame, and occurs by means of the judgement based on universal choice. It occurs without reference to a private final end, thus through reason alone. So here reason is the principle <principlium> of constitutive or objective principles. And what does not harmonize with the rational principles of freedom is objectively (practically) impossible. Otherwise rational principles have only subjective validity. The reason is: because freedom is an *a priori* faculty to act.)

7218. 1780–9? 1776–8? BIP VII'.

Do not ~~dishon~~ degrade the humanity in your own person.

[AA 19: 289]

7219. 1780–9? 1776–8? BIP VIII'.

Ill is what we always indeed sensibly, i.e. according to sensation, loathe, but what often finds approval according to reason. Evil, however, is what is necessarily disapproved. Thus, the ills of life do not constitute something evil, but instead a touchstone of the good.

Obligation in General

§§10–49.

7220. 1780–9? (1776–9?) BIP 11. Referring to heading of Chapter 1.

One represents freedom, i.e. a choice that is independent from instincts, or, in general, from the guidance of nature. Thus it is in itself something without rule and the origin of all evil and all disorder where it itself is not a rule. Accordingly, freedom must stand under the condition of universal conformity to rule and be a rational²⁷³ freedom, otherwise it is blind or wild.

Whatever is the principle <principlium> of rules in the use of freedom in general, is moral.

Taste is the principle <principlium> of the rules of sensation, be it of the senses or of apperception, or, much rather, delight based on the conformity to rule of sensation

²⁷² I.e. good things that happen to them are not always morally good or deserved.

²⁷³ *Verständige freyheit*, lit. an understanding freedom, or a freedom with understanding.

of objects or of apperception. The rule can concern the agreement of representations among one another or the agreement of these merely with the subject; in the latter case it is feeling.

7221. 1780–9. BIP 6. In §15.

Moral motives <*motiva moralia*> do not distinguish themselves from all the rest according to degree, but rather according to kind.

7222. 1780–9. BIP 7. In §19.

One must neither in rule nor in praxis confuse stimuli <*stimulos*> and motives <*motiva*>.

7223. 1780–9. BIP 8. Under §22.

Someone obligated towards what does not obligate <*obligatus erga non obligantem*>, e.g. with respect to duty towards oneself; thus, obligation is neither active nor passive, since it is not a relation <*obligatio nec activa nec passiva, quoniam non est relatio*>.

[AA 19: 290]

7224. 1780–9. BIP 9. In §23.

The immoral addition to moral motives does not improve and augment the worth of the first, but rather actually ruins it. There arises from this an equivocal estimation based on intrinsic worth and the inquiry into whether God or an evil spirit would pay better. The latter indeed promptly in this world, the former late, but throughout eternity. The more self-interested the motive, the less the morality. Purity here constitutes worth.

7225. 1780–9. BIP 11.

The grounds of obligation <*rationes obligandi*> are distinguished according to the species <*species*> from all impelling causes <*Caussis impulsivis*> that are taken from an object of choice. They consist merely in the form of the will, which must in itself be legal.

7226. 1780–9. BIP 11. Referring to the beginning of §28.

Moral laws must not be empirically, but rather apodictically, valid.

7227. 1780–9? (1776–9?) BIP 12. Referring to §31.

Physical commissions are often only moral omissions, e.g. to dispossess a poor man who owes me. An action that conflicts with right is positively evil; if it conforms to right, then it is negatively good. An action that conflicts with beneficence is negatively evil; if it arose from beneficence, then it is positively good.

7228. 1780–9? (1776–9) BIP 13.

All subjective obligation is still ultimately grounded in the objective. For whence am I obligated to obey the will of another?

7229. 1780–9. BIP 12.

All obligation rests on the form of the maxim; its matter cannot be made into a universal rule, for it is chosen. Even the concept of perfection, if this should denote a reality ~~presupp~~ or merely the agreement *<consensus>* of the manifold to one, presupposes a contingent feeling of delight. However, the will as free must be determined, consequently only insofar as it can serve as a rule for all willing.

[AA 19: 291]

7230. 1780–9. BIP 13. In the top margin above §29.

Rules (practical without absolute necessity, but only counsels prompted by the object) *<Regulae (practicae absque necessitate absoluta, sed tantum ab obiecto deprompta consilia)>*.

Laws – precepts (statutes) *<Leges – Praecepta (Statuta)>*.

7231. 1780–9? (1776–9) BIP 13. In §29.

If we therefore must observe moral laws because God has commanded them, then it is a positive obligation *<obligatio positiva>*. If it is the converse, then it is natural *<naturalis>*.

7232. 1780–9? (1776–9) BIP 13. Referring to §31.

The omission of a necessary rule is a sin *<peccatum>*.

The omission of a chosen and contingent rule: lack of being *<defectus ad esse>* or of being better *<ad melius esse>*. In external duties I am morally necessitated either merely by my choice or also that of others; with respect to other human beings my omission in the first case is reaction, in the second, mere omission.

7233. 1780–9? (1776–9?) BIP 13. Referring to §31.

Where there is a motive power of reason (a moral motive *<motivum morale>*) and yet the effect does not occur, there must be a reaction. Thus, all physical omission is then moral commission.²⁷⁴

²⁷⁴ The colon is Kant's.

7234. 1780–9? (1776–9?) BIP 15. In §36.

With respect to morality A is the good, –A evil and 0 the indifferent action. However, with respect to the consequences A is merit, –A debt²⁷⁵ and 0 that which is right.

7235. 1780–9. BIP 16. In §36.

Morality must be distinguished from the legality of action <*Moralitas a legalitate actionis distingvenda*>.

7236. 1780–9? (1776–9?) BIP 20.

[AA 19: 292]

There must be no other access to the heart than through the understanding. The heart does not judge; it has merely a moving power. In it lies feeling; however, the power of judgement must distinguish what belongs to it in conformity with right. Those who so consistently appeal to the good heart, those novelists who set it aflutter, generate in it fantastic or mere empty outbursts and make it soft and weak. The sincere mind is worthier of renown than the best heart.

7237. 1780–9? (1776–9?) BIP 20.

Whether there is only one vice and one virtue.

That pain is nothing evil (ill),
that gratification is nothing good (agreeableness).

That to live honourably <*honeste vivere*> and to live happily <*beate vivere*> are one and the same.

That in which consists the moral [aspect] of self-contentment and its might as incentive, which can become very great.

7238. 1780–9. BIP 21. Over §45.

The concept of perfection, which precedes the concept of purposiveness, is theoretical and denotes completeness in the combination of the manifold into one. But the concept of perfection, which ought to be practical, must presuppose the concept of a purpose, consequently the concept of a good, because the imperative that something ought to be done says that an action possible through me would be good.

7239. 1780–9. BIP 21. In §46.

Follow nature, i.e. ~~end~~ strive for the ends of the whole of nature <*seqvere naturam, h.e. fine ad fines naturae totius contendere*>.

²⁷⁵ *Schuld*.

7240. 1780–9. BIP 21. In §47, above ‘sense ... nature’.

Of the sensuously conditioned or of pure will


 Autonomy or heteronomy.

7241. 1780–9. BIP 21.

Nevertheless, morality is not by itself the whole highest good, but instead the highest condition.

[AA 19: 293]

7242. 1780–9. BIP 21. Above, in and below §48.

All principles of morality are either those of a will obeying natural influence and ruled over²⁷⁶ by law, or those of the self-legislating will. The former is the principle of happiness. The latter is the principle of the worthiness to be happy. The former is the principle of self-love (benevolence towards oneself). The latter is the principle of self-esteem (i.e. of delight in oneself). The former is the principle of the worth of one's condition in the eyes of the person. The latter is the principle of the worth of the person himself and even of his own existence in the judgement of practical reason in general. The former according to the judgement of reason contending for happiness, the latter in the judgement of reason distributing happiness universally. The former places the supreme condition of the highest good in that which greatly depends on chance. The latter places it in that which is in our control at all times. The former requires much experience and prudence in application. The latter requires nothing more than to make one's will universal and to see whether it agrees with itself.

Moral Constraint.
§§50–9.

7243. 1780–9. BIP 22.

Necessitation of non-chosen action would be physical constraint <*Necessitatio actionis non arbitrariae esset coactio physica*>.

7244. 1780–9. BIP 22.

Obligation is not always necessitation to reluctant action, but nevertheless to involuntary action <*Obligatio est necessitatio non semper ad actionem invitam, sed*

²⁷⁶ *verwaltenden*. This term means administered, ruled over or governed, but is different from Kant's usual term for governing (*regieren*). According to Adelung, it specifically indicates something handled with power or authority (*mit Gewalt*). Presumably, Kant employs it here to indicate law that is externally imposed, i.e. heteronomous.

tamen non voluntariam>. Proficiency in satisfying obligation is virtue if stimuli hinder it <*Habitus obligationi satisfacere est virtus, si obstant stimuli*>.

Human choice is not brute, but free <*Arbitrium humanum non est brutum, sed liberum*>.

7245. 1780–9. BIP 22.

Even if a being were determined by means of its will to something, but the will were itself determined, then that being would gladly act and yet be physically necessitated; practical necessitation, which is not physical, is only possible through freedom.

7246. 1780–9? (1776–9?) BIP 24.

[AA 19: 294]

What I can morally constrain, I can also pathologically constrain, but no further. The saints of heaven stand under no pathological constraint.

7247. 1780–9? (1776–9?) BIP 25. In §56.

We are obligated either by others or towards them. In the prior case, either <*obligamur vel ab aliis vel erga illos. in priori casu vel*>

strictly

or

broadly <*stricte vel late*>.

necessitation through choice – through immanent will <*necessitatio per arbitrium – per voluntatem immanentem*>.

7248. 1780–9. BIP 25. In the conclusion of §55.

Freedom has dignity because of its independence; it has also a high price, because through it we can become the author of the good according to our concepts, which we can extend and multiply far beyond the natural instincts of animals.

7249. 1780–9. BIP 25. In §56.

Obligation is the limitation of freedom, either negative: to hinder conflict, and then positive: to promote love of human beings by limiting self-love.

7250. 1780–9. BIP 26. In §58.

All obligation is the limitation of freedom to the *universality* conditions of universal harmony with itself. Hence, everything that hinders the universality of freedom is under constraint conforming to right: for permitted is that which conforms to the universality of freedom.

7251. 1780–9. BIP 27.

The regulative principle of freedom: only that it does not conflict with itself; the constitutive: that it advances reciprocally, namely the end: happiness.

7252. 1780–9. BIP 27.

Only external acts can be unjust, and indeed only insofar as they conflict with the freedom of others that is possible according to universal laws.

[AA 19: 295]

Law.
§§60–75.

7253. 1780–9. BIP 33. *Above and in* §68.

We ought to declare only an objective ground of our judgement that something ought to occur, and this is the harmony with a principle of reason. The subjective ground of moral feeling, were it thought to be of unsurpassed strength, would explain how one thing occurs above all else. Only reason can prescribe ‘the ought’. The limitation of particular will through the conditions of universal validity is a principle of reason belonging to the practical. Because otherwise there would be no unconditioned unity among actions.

Reason has rules for a conditioned use of our powers and principles for the unconditioned use of freedom in general. The latter are necessary and provide *a priori* determination to what is contingent.

7254. 1780–9. BIP 33. *In* §69.

The proposition ‘perfect yourself <*perfice te*>’ is tautological. One wants to know what the perfection that is the object of the categorical imperative consists in. Moral perfection is the condition under which alone all others can be called perfection. Now, I want to know what this consists in. It is a perfection of the will; but what [does it consist] in? He who does not have a good will is not worthy of understanding.

7255. 1780–9. BIP 34. *In* §69.

We have a pure and unconditioned gratification, which we derive from the universal. For this is necessarily valid in every respect; thus, the moral sense is properly the sensible pleasure made universal, which is free from limitation.

7256. 1780–9. BIP 33. *In and referring to the conclusion of* §68.

There can only be chosen law and permissive law <*lex arbitraria lex permissiva*>. For, of the adaphorous <*adiaphoro*> there is no law. It also cannot be said that someone’s

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action is imputed to him when it is viewed as merely permitted.²⁷⁷ However, the exception from a law *<exceptio a lege>* through another law is properly a law that cancels the previous one.

7257. 1780–9. BIP 35. *In and referring to §71.*

That the moral laws are divine commands (precepts *<praecepta>*), but not *statuta*:²⁷⁸ statutes. Not material but formal principles *<Principia non materialia, sed formalia>*, not heteronomous.

Whether moral science is only possible as religion?

Maxims, which at the same time are universal principles as laws, precepts, sanctions *<leges, praecepta, sanctiones>*.

The mere form of the maxim must be the determining ground.

7258. 1780–9. BIP 37. *In and referring to §74.*

The ground of obligation is still in the divine will, because only that which harmonizes with our happiness can be obligatory; but only God can do this. Thus, as a rule, morality comes from nature; as a law, it comes from the divine will. Idea, which is realized in theology.

Juridical Expertise.

§§76–86.

7259. 1780–9. BIP 38. *Next to and referring to §76.*

A law must not leave anything to choice, but rather determine precisely.

The rule that determines broadly is not a law *<Regula late determinans non est lex>*. Such as that of kindness with respect to ethics.

The Latitudinarian *<Latitudinarius>*.²⁷⁹ Therefore, legality also means agreement with the rules of right, but morality with the rules of the duty of love.

7260. 1780–9? 1776–8? BIP 39.

The principle *<Principium>* of the unity of freedom under laws establishes an analogue *<analogon>* with what we call nature, and also an internal source of happiness that nature cannot provide and of which we ourselves are authors. Thereupon we find ourselves in a world of the understanding bound according to special laws that are moral. And therein we are pleased.

[AA 19: 297]

²⁷⁷ *blos erlaubt*. On the distinction between the permitted and the merely permitted, see AA 6: 223. An important discussion of this distinction is also found in BH, ch. 4, esp. p. 99.

²⁷⁸ Here we have left the original Latin to show that Kant is noting the synonymy of the Latin *statuta* and the German *Setzungen*.

²⁷⁹ The Latitudinarians were seventeenth-century English theologians at the University of Cambridge who, in distinction from the Puritans, insisted on a broad and not strict application of doctrines, specifically those of the Church of England.

The unity of the intelligible world according to practical principles, just like the world of sense according to physical laws.

7261. 1780–9. BIP 47.

The external conformity to right of actions concerns only the deed and is called legality; the internal conformity to right concerns the disposition from which the actions arose, and concerns the principle, and is called morality. The right of nature <*ius naturae*> considers actions only according to their legality, consequently as they would be even if they all had to be extorted through constraint. Ethics: as they would have to be if they ought to have arisen based merely on moral dispositions without any constraint.

The Principles of Right.
§§87–99.

7262. 1780–9. BIP 48. Referring to the beginning of §87.

The subjective principle of morality is reason as the legislation of freedom; it must not depend on empirical conditions.

7263. 1780–9? BIP 50.

There can be no duty to enjoyment, consequently no duty based on the principle of happiness. All duty is to do something, not to enjoyment.

7264. 1780–9? 1776–8? BIP 51.

Perfect duty is that which is not limited by the condition of not transgressing another duty. It thus amounts to an unconditioned duty towards oneself and towards others. It is the right of humanity or of human beings. The imperfect relates to the ends of humanity in our person and the ends of human beings.

The first presupposes respect for human beings, the second, love. Benevolence without satisfaction, and conversely right requires satisfaction in the law without benevolence.

The right of humanity in our own person cannot have the right of human beings as a limiting condition. But also not conversely. For another can have no right over me, insofar as I am a person; thus, the possibility of the first is grounded on personality and does not have it, together with the right of humanity flowing from it, as a limiting condition.

[AA 19: 298]

The end of humanity in my own person is the advancement of the natural predisposition, i.e. perfection. This I cannot have in another as an end; for each judges his cultivation to be reasonable²⁸⁰ according to his particular situation, fittingness.

²⁸⁰ *billig*.

7265. 1780–9? 1776–9? BIP 52.

The reason why one places the principle <*principium*> of moral judgement in feeling is because pleasure or displeasure are not cognitions and, if something is represented as agreeable, this indicates not a quality in the object, but instead a relation to our internal sensation. However, our judgement concerning the morally pleasing good is also not that it is agreeable (for it is the mere disposition), but rather that it is good; and here there is clearly a relation to the feeling of pleasure, however not immediate, but instead the relation to pleasure in general according to rules whose judgement belongs not to the senses but rather to the understanding.

7266. 1780–9? BIP 52.

We must distinguish ethical duties from the ethical ground of all duties or of ethical conformity to duty.

7267. 1780–9. BIP 53.

The pathological, the aesthetic, the ontological and the theological principle <*principium*> of happiness are, all in all, only mediately practical. The moral is immediately practical.

7268. 1780–9. BIP 53. Referring to §91.

The proposition ‘perfect yourself <*perfice te*>’, if it should say as much as ‘be good, make yourself worthy of happiness, be a good human being, not merely a happy one’, can be viewed as the principle <*principium*> of ethics.

7269. 1780–9? 1776–8? BIP 53.

[AA 19: 299]

* Objective principle <*Principium objectivum*>: the agreement of freedom with the universal conformity to law of nature. 1. This agreement must be voluntary; 2. not with laws of nature, but merely with the universal conformity to law of nature, such that the maxim of our actions with our will can be a universal law of nature.

For what reason commands, it does not command in a partisan manner. So if my will is determined by reason, then it must at the same time be deemed by me to be a universal law for everybody.

*(Morality based on the principle of freedom, insofar as it is at the same time (in all its volition) legislative. ~~Nomothetic~~ The nomothetic principle of freedom <*Principium libertatis nomotheticae*>: I must act according to a will that at the same time can be legislative. Thus, I am under a law to be a law myself in actions.)

7270. 1780–9. BIP 56. Below §94.

All obligation <*obligatio*> is strict <*stricta*>, i.e. that for which no exception <*exceptio*> is valid; however, not all laws of obligation <*leges obligandi*> are strict <*strictae*>, but

rather some are also broad *<latae>*, because they do not determine the action, but rather contain the motive, though under limitations. Duties, not obligations.

7271. 1780–9? 1776–8?? BIP 57.

For an external command, the motive is not the duty. The ‘ought’ is here the constraint. We are not invited to do from internal motives that which we are ordered to do in conformity with constraint. The juridical imperative *<imperativus iuridicus>* only obligates externally *<externe tantum obligans>* and not at all morally. It is the imperative *<imperativus>* of force²⁸¹ that ~~with the right~~ *ver* is in conformity to right, and its necessitating power²⁸² is only in proportion to this force. Still, the judgement of this legislator is grounded on the obligatory power *<vim obligatoriam>* of his will.

The juridical principle *<principium>* is: do freely what force in conformity to law demands (or can demand).

The ethical is: act according to motives of an internal universally valid will, i.e. so that you are to tolerate, love and respect.

[AA 19: 300]

The Legislator.

§§100–5.

7272. 1780–9. BIP 60. In §98.

The legislator is the one who is authorized to join constraint with a law.

7273. 1780–9. BIP 61.

The rule of actions must be moral everywhere, i.e. so that my will at the same time can serve universally as a law; however, the motive is not always this conformity to law, but instead may be whatever he²⁸³ wishes, and can even be the incentive of constraint.

7274. 1780–9. BIP 62.

Either Laws or Sanctions – the latter are either pragmatic (according to the letter) or moral (according to the spirit). Divine law is either chosen or natural. *<vel Leges vel Sanctiones – hae vel pragmaticae (secundum literam) vel morales (animam). lex divina vel arbitraria vel naturalis.>*

²⁸¹ *Gewalt*.

²⁸² *Kraft*.

²⁸³ ‘he *<er>*’, which we take as referring to the legislator. Read strictly according to the grammar, however, it would refer to ‘motive *<Bewegungsgrund>*’, in which case it should read ‘may be whatever it wishes’.

7275. 1780–9. BIP 63.

There is an obligation towards a human legislator, because otherwise we would make the rights of others insecure, and so power²⁸⁴ gives him a right over the unjust, and he can only be wrong in relation to another legislator.

7276. 1780–9. BIP 65. Next to §104, point 2 (b and c).

Laws of the absolutely necessary divine will, or laws of the holy will, are moral laws.

Laws of the only conditionally necessary divine will, or laws of the wise will, are governing laws.

7277. 1780–9? (1776–8?) BIP 66.

On moral satisfaction in comparison with pathological. I can sincerely say that I am more pleased that another has made a certain profit than if I had made it, although, if the latter were the case, I still would not have given it to him. For, in the first case I judge this morally from the standpoint of an impartial spectator, while in the second case from my physical standpoint, and I can even morally justify my latter way of thinking because it is not necessary ~~that~~ to make good another's loss.

[AA 19: 301]

Rewards.

§§106–14.

7278. 1780–9. BIP 67.

Relative merit as such <meritum relative tale> is that whereby we obligate another to reward, whether by honour or payment <merces>.

7279. 1780–9? (1776–8?) BIP 66.

Moral laws indeed contain the principle of obligation <principium obligandi> in themselves, but do not obligate without religion, because by their nature they cannot carry with them the promise²⁸⁵ of happiness.

7280. 1780–9? 1776–8? BIP 71. Referring to the penultimate sentence of §111.

Principle of self-interest. An analogue of merit <analogon meriti> is a good dutiful action amidst obstacles of nature striving contrary to it. How can the hope of divine kindness be combined with disinterestedness? If it is not considered as a reward <praemium>, but instead only as an approval that confirms our selection.

²⁸⁴ Gewalt.

²⁸⁵ Cf. note 7108 above concerning the possibility of natural laws having an obligatory power if they lack a natural promise.

7281. 1780–9? 1776–8? BIP 72. Next to §112.

The expectation of rewards only then diminishes moral worth, when it contains the motive, but not, however, when it only serves to remove the obstacle to morality found in the fear of the loss of all happiness.

Rewards <*praemia*> viewed as gratuitous <*gratuita*> obligate more strongly.

But viewed as payment <*merces*> they diminish morality.

7282. 1788–91. BIP 73.

The degree of the practical worth of actions:

1. Based on objective morality.
2. Based on subjective morality with respect to the kindness and holy divine will, from which we at the same time have every good. Gratitude.
3. Based on the pragmatic motivating cause of rewarding promise. Love towards God, although self-interested.
4. Based on impulse of the fear of punishment. Timidity before God, slavish combined with hate. Only to be used as an aid <*subsidium*>.

[AA 19: 302]

Punishments.

§§115–24.

7283. 1788–91. BIP 74.

Pragmatic punishments aim merely at an external effect, namely that each maintain what is his own, although they must be as morally justified beforehand, namely as vindictive punishments <*poenae vindicativae*>, since conscience passes judgement on each.

But moral punishments aim at either one's own improvement or what precedes that, i.e. atonement; the latter also for the reason that one has sinned <*quia peccatum est*>, so that one is first pure of guilt before one promises improvement or, indeed, before one may hope for help thereto. Hence, moral punishments are not merely vindictive <*vindicativae*>, except before the human court <*foro*>, where they serve to recognize that justice has been done, for justice does not require improvement. Atonements are necessary before the divine court <*coram foro divino*> because improvement, since it cannot result from one's own powers, requires beforehand a purification from guilt so as to be worthy of this improvement.

7284. 1780–9? 1776–8? BIP 78. Next to §121, third sentence.

There are deeds <*facta*> that have no moral (internal) worth, morally indifferent [deeds] <*moraliter indifferentia*>, or moral deeds <*facta moralia*>.

7285. 1780–9? 1776–8? BIP 78.

With respect to the right of another (juridical duties) I can only have demerits <demerita>; never, however, a merit <meritum>; with respect to the duty of love, only merit <meritum>, never demerit <demeritum>.

[AA 19: 303]

7286. 1780–9? 1776–8? BIP 78.

In pragmatic punishments <poenis pragmaticis> there is no justice <iustitia>, but rather punitive prudence <prudencia punitiva>.

7287. 1780–9? 1778–9? BIP 78. Bottom margin.

If I am in debt to somebody, then that is = – in a practical sense; if I pay him then it is = +, i.e. together with the former = 0. If I am at fault <verschuldet habe> with respect to somebody, then it is not enough to restore to him the loss what was damaged; the wrong must still be compensated, and then the juridical – with the ethical + is = 0, i.e. debt free.

7288. 1780–9? 1778–9? BIP 79. Bottom margin.

All deeds <facta> have a + or – as their signs and are never mere omissions. Thereby there arises either a good or an evil. The omission is = zero, whereby nothing occurs. Only ethical deeds <facta> can have a +, juridical a –. Everything else is = 0.

7289. 1780–9. BIP 78.

The principle <principium> of vindictive punishments (with respect to crimes against another) rests on the fact that everybody is aware at all times that what he does to another he would inflict upon himself according to the rule of justice. But it is a duty of love,²⁸⁶ [it] can also be a duty of debt towards everybody in a civil state <statu civili>, that public justice makes π all punishments corrective or exemplary (added later: pragmatic). However, if they were not already conceived as²⁸⁷ vindictive punishments, then they could not be used as warnings to others. One cannot do evil to somebody who is not at fault for the purpose of creating advantage for others.

²⁸⁶ This sentence presents several difficulties. Available electronic versions have a period after 'love', but AA shows a curly comma missing most of its tail, which is supported by the lower case *kan* following it. However, AA does not employ curly commas except in headings; in the body of the text it instead employs straight commas. Unfortunately, when read as a comma (which is what we have done here), the sentence is grammatically suspect. If read as a period, then the relevant part would instead run: 'But it is a duty of love. [It] can also be a duty of debt towards everybody in a civil state <statu civili> that public justice makes all punishments corrective or exemplary.'

²⁸⁷ *gemacht als*. LRJP: 'conçues comme'. *Machen* has a wide range of meanings, and in this context could mean to construe (though one would expect *aus* to accompany it in this case) or even to execute. However, Kant usually uses other terms for the latter.

7290. 1780–9. BIP 78.

He who infringes upon the humanity in his own person and thus separates himself from it, or breaks from it, abandons humanity once again. I.e. he cannot have the dignity of a human being in his own eyes. Contempt is also his external, but not civil, punishment.

[AA 19: 304]

7291. 1780–9? 1776–8? BIP 78. In §121.

Punishments can only be just insofar as they are exercised by a kind being, but ~~not~~ they must not derive from kindness.

7292. 1780–9? 1776–8? BIP 78. In §121.

Neither merits <merita> nor demerits <demerita> are *adiaphora* <adiaphora>, neither worthy of reward nor of punishment, neither under what is commanded nor what is prohibited as under permissive laws <legibus permissivis>; they are not deeds <facta> at all, because they do not stand under moral laws.

7293. 1780–9? 1776–8? BIP 79. Over and in §123.

If one says that God punishes from kindness, then, since we deserve punishments due to crime, one would have to say that we thereby deserved God's kindness. Even the father who punishes must first of all presuppose that the child deserves it; afterwards, he can also adjudge the punishments based on kindness.

7294. 1780–9. BIP 80. Referring to §124, third sentence.

Whether natural consequences of vices can be called punishments?

Imputation of Deed.

§§125–48.

7295. 1780–9. BIP 79.

An action can only be accounted with respect to that for which the subject is physically, practically and morally free. Hence, only the omission of one's obligation can be accounted, but not its performance. And indeed for that reason. The omission must be a deed, whereby what belongs to another <suum alterius> is harmed, and of that sort is the omission of what one owes <omissio debiti>. To the contrary, where the omission is not a deed <factum>, as in actions of kindness, it cannot be accounted. With respect to the performance of what one owes <debiti>, it is not a deed <factum>; for he only omits harming the other.

[AA 19: 305]

All juridical duties are morally negative: one merely omits detracting from what belongs to another <Suum alterius>, one gives to the other nothing that does not

already belong to the other according to right, instead one only does not take anything from the other. But the ethical duties are positive: we give from what is our own.

7296. 1780–9. BIP 82. In §126.

Attributing a deed <*Factum tribuens*> is not imputing <*imputans*>.

Ascribing – and accounting.

By regarding something as homicide, I ascribe it to someone.

By regarding something as murder (under law <*sub lege*>), I at the same time impute the law.

7297. 1780–9. BIP 83. In §127.

Imputation <*Imputatio*> is the determination of the causality of freedom with respect to an action under universal practical laws. If laws determine action, then the causality conforming to the law does not rest in freedom, no matter whether the consequences be good or evil. If the will is free with respect to the law, then the consequences determine the causality. I can refrain²⁸⁸ from a murder, also according to the law. Thus, its commission is imputable. However, I am not allowed to refrain from defending myself; thus, the death of the assailant cannot be imputed to me.

7298. 1780–9. BIP 83. In §128.

The question of deed <*quaestio facti*> can never concern anything else but the degree of freedom in an action; for everything else is not a deed <*factum*>, but either physical causality or it belongs to the question of right <*quaestione iuris*>. If it is a question of homicide, then I must not treat it as murder.

Accounting always concerns the effect that has a legal consequence. One can ascribe the death of another to someone without accounting it to him. If it were an ox and not a human being, then no accounting would take place. But because the physical consequence here has at the same time a legal consequence, this is accounted to him.

Thus, a deed <*factum*> is first of all ascribed, and afterwards accounted.

7299. 1780–9. BIP 83. Next to §128, third to fifth sentences.

Concerning that with respect to which I am free according to the law, the deed can be imputed to me, but not the omission.

When I am obligated, the omission can be imputed to me but not the deed.

7300. 1780–9? 1778–9? BIP 86.

That action with respect to which I am in general not practically free cannot be imputed to me. That with respect to which I am in fact morally free [*breaks off*]

²⁸⁸ *unterlassen*.

7301. 1780–9. BIP 89. Next to §135 and §136.

In summary* <Summa>: only the action in accordance with the law can be imputed to anyone as deed, not as omission. Now, ethical benefactions are but deed, uncharitableness omission. Juridical deeds are but transgressions, harms to another <laesiones alterius>; juridically correct actions are but omissions of taking from the other what is his own.

*(In every syllogism the minor must affirm <minor affirmans>, thus in the imputational <imputatorio> there must be contained a deed <factum>, but not a non-deed <non factum>.)

7302. 1780–9. BIP 89. Above and in §136.

This is external accounting, but internally I also account to myself as deed <factum> the motive of just action <actionis justae>, if need be, as demerit <in demeritum>,²⁸⁹ and also the omission of benefactions. Each is a deed <factum> according to disposition. But, moreover, I impute to myself internal deeds <facta interna> as obligations,²⁹⁰ or also as merits, e.g. sins of lust, or omitting to cultivate talents.

[AA 19: 307]

7303. 1780–9. BIP 94 and 95. Referring to §143, fifth sentence.

The judge cannot suspend his judgement; he must either say that one is culpable or innocent; legislation itself takes on the responsibility. He is consequently morally certain if he says something in either direction. Among all the practical certainties, moral certainty is the greatest. 1. What we must presuppose in all morality as incentives (God and a future life): everyone is morally certain about these, but not for this reason apodictically and dogmatically. I cannot swear that there is a God, but I must act at all times as if there were one; for he serves but to strengthen <roburiren>²⁹¹ morality <moralitatem>. 2. What in general is sufficient for my authorization.

[BIP 95]

7304. 1780–9. BIP 95. Next to §144, second to fifth sentences.

The propositions (there is a God and another life) are subjectively morally certain to those who make the principles of morality into their maxims.

Legally something can be certain (according to a statutory law) <legaliter (secundum legem statutariam) potest esse aliquid> if it has been sworn etc. etc.

²⁸⁹ See especially BIP §131 above.

²⁹⁰ *Schuldigkeiten*. One would like to translate this as debts, demerits or something similar due to context, and that might be what Kant intends. However, according to Adelung, Grimm and others, this abstract form of *Schuldig* only ever has the sense of obligation, never of guilt or culpability.

²⁹¹ Kant's German coinage, from the Latin *robur* (strength or robustness).

The Degree of Imputability.
§§159–70.

7305. 1780–9. BIP 110. Above §165.

The dignity of the humanity in one's own person is personality itself, i.e. freedom; for one is only an end in oneself insofar as one is a being who can set purposes for oneself. Non-rational beings, which cannot do this, have only the worth of means.

7306. 1780–9. BIP 113.

On the letter <*litera*> and the spirit of moral law <*anima legis moralis*>. Juridical law <*lex iuridica*> only orders lawful action according to the letter <*secundum litteram*>.

7307. 1780–9. BIP 112. In §168, referring to §168, 169.

The impurity of all human virtue and the weakness fragility of the same; for each a degree of temptation can be found that overthrows them.

[AA 19: 308]

The Imputation of Law.
§§171–9.

7308. 1780–9. BIP 119. Referring to §177 'sacred'?

There is nothing holy in the world save the rights of humanity in our person and the right of human beings. Holiness consists in that we never use them merely as a means, and the prohibition of such a use lies in freedom and personality.

When those two duties conflict, the first one retains the upper hand.

These duties are duties of necessity <*officia necessitatis*>.

The duties of humanity <*officia humanitatis*> are those where both objects are valid for us (not merely not as a means) but also as ends, and where the end is one's own perfection and the happiness of others.²⁹²

These last two: the interest of humanity in our person and the interest of human beings.

7309. 1780–9. BIP 119, 118. Referring to §178.

The doctrine of right (as right of human beings) is the collection of laws without which freedom cannot co-exist externally with the freedom of everybody. The doctrine of virtue is the collection of all duties or laws insofar as the idea of the same only contains the sufficient determination for action. The former is the duty of actions, the latter of dispositions. Both can also be comprised under the division of perfect and imperfect

²⁹² Cf. the *Metaphysics of Morals*, AA VI: 385f.

duties. The former rest merely on the form of the actions, namely of the freedom that, considered in its external and internal universality, can subsist with itself. The latter consist in the relation of freedom to ends: 1. ends in themselves, 2. ends of human beings.

7310. *1780–9? 1775–6? BIP 119.*

The end of human beings is happiness, and the duty to advance it in others includes their objective end, namely happiness morality in itself, so that they become worthy of it and thereby partake of it; not for itself alone, but rather for the sake of their happiness, since that is an imperfect duty to which no perfect duty can be subordinated.²⁹³

[AA 19: 309]

The Court.
§§180–5.

7311. *1780–9? 1775–8? BIP 124. Next to §185.*

Happiness is the consciousness of an everlasting contentment with one's condition. Now, one can be happy through virtue in itself, if one takes the physical aspect of one's condition to be indifferent and places the whole worth of one's existence in the consciousness of one's ~~condition~~ moral condition, insofar as it is a perpetual progress towards improvement.

7312. *1780–9. BIP 125. Referring to §185.*

The Christian ideal is the ideal of holiness, i.e. of the purity of the morality that can stand before the eyes of God, an ideal that is the only touchstone by which reason can test the purity of one's disposition, and, according to which, our conscience, as a proxy for a highest (internal) judge, judges actions as the scrutinizer of hearts;²⁹⁴ for, from our point of view as human beings, even when we wish to think the law, we take human weakness into account and so as to attenuate the demand of the law, although it is precisely this weakness and impurity that should be gradually erased and purified through the holiness of the law. In this way, the Christian law can indeed only demand unceasing progress from good to better and promise the guarantee of this progress, albeit through the good spirit, which will dwell within us if we will sincerely.

In this it is distinct from the Stoic ideal of wisdom, which demands no such purity of disposition but only confidence in one's own strength with respect to all temptations, and arouses self-conceit, which is very harmful and hinders progress.

²⁹³ *nachsetzen*. LRJP: '*substituier*'. Adelung contains no such meaning for this word. Kant's argument seems to be that the duty to further the morality of others can only be understood as entailed by the imperfect duty to further their happiness. And, since no perfect duty can be subordinated to an imperfect duty, it too must be an imperfect duty.

²⁹⁴ On the scrutinizer of hearts, cf. BM §869.

[AA 19: 310]

1790–1804.

General Remarks.

7313. 1790–4. *Loose sheet. Scheffner's Nachlaß. Altpreußische Monatsschrift.*²⁹⁵

On the highest good in the world of sense.

The absolute good can ~~in which~~ and must be thought as the principle for that which ~~oc~~ occurs through freedom, but because it itself is unconditioned, it is not yet the whole, which is required for the highest good. Secondly: ~~his~~ the presentation of the highest good in the world of sense is ~~only the~~ in itself not possible, for there it that absolute good consists in the lawfulness of our conduct, insofar as we are in conflict with the subjective principle of absolute evil: For this is virtue (not holiness). Sins must here be represented as if they do not rest on mere limitations but rather even have an effective principle as ground, which still may only be externally tempting.

7314. 1792–4. *Loose sheet. Opus postumum, IV. Convolut, Nr. 44.*

Objection: a human being cannot be happy unless he can approve of himself on account of his own character. Only he is incapable of doing this in the case that he sees an absolute worth in morality. If he does not consider this, if satisfaction based on physical sensation is sufficient for him, then he can be happy without bothering himself in the least about the agreement of his own behaviour with morality; thereby, he only avails himself of the external appearance or observation according to the letter ~~but without the~~ as one of the rules of prudence, but with no disposition ~~for~~ to concede to morality any intrinsic worth of its own.

[AA 19: 311]

7315. 1792–4. *Loose sheet.*

Catechism.²⁹⁶

1. What is indeed the greatest wish, the one that contains all other wishes in itself? — — that I partake in everything I desire,²⁹⁷ and that I succeed in everything that I want; in a word, that all my inclinations are satisfied.

2. Thus, when you want to lie to people about something, you indeed wish that they at all times are so blind to you that they believe it and, at the same time, that this untruth never comes to light, or that, if you envy someone who is doing well, you can subdue him²⁹⁸ as you please, or obtain his property ~~to yourself with~~ through violence

²⁹⁵ According to Adickes, this reflection is found on the reverse of folio leaves of the Scheffner *Nachlaß* in the Royal State Archive in Königsberg, first published by Arthur Warda in the *Altpreußische Monatsschrift*. The reverse contains Kant's draft of a letter to Beloselsky. Johann Georg Scheffner was a friend and frequent dinner guest of Kant, and his autobiography gives us many anecdotes concerning the latter (Naragon 2006).

²⁹⁶ Here Kant employs the stylistic device of a question-and-answer catechism, such as Luther's 'Small Catechism' (1529). Luther designed this for the training of children. See also the related dialogue found in note 7202 above.

²⁹⁷ *Verlangen*. This can also mean to demand or want.

²⁹⁸ *unter Füße bringen*. Lit. 'to bring under foot', meaning to subdue or bring down.

if you want, even though he owed you nothing? — — Certainly not. (It is hateful to think in this way.)

3. ~~This is to think hideously~~ No matter how hideous this is, it is still prudently thought, and are you not satisfied if (this) your wish is successful? — — Not entirely.

4. I want to convince you of this. You are indeed satisfied with what you obtained because you wished it, but not with what you have done to obtain it, i.e. not with yourself. For if you ~~thus~~ demanded that you be accountable to yourself, you would have had to admit to yourself that as a liar you are base and worthy of contempt, as a deceiver you are worthless, or as a thief you are worthy of the gallows, although, because nobody is aware of this, you are not despised, not shunned by people, and not hanged, as much as you deserve such.

[AA 19: 312]

5. What does one call the condition wherein all of a human being's wishes (even, at any rate, without his cooperation) are satisfied? — — I don't know — — happiness;²⁹⁹ because everything like that is due to good fortune.³⁰⁰

6. Thus, can you be happy in the highest degree but yet unsatisfied with yourself in the highest degree, and why? Because you are conscious of yourself and even say that you are not worthy of this happiness.

7. Indeed, can someone else, namely someone who makes you happy, also make you worthy of happiness, or must you yourself be the one who behaves such so that you become worthy of it? — — I must be the one myself.

8. So what would the first of all your wishes have to be: to be happy, or to be worthy of happiness? ~~The latter~~ To be worthy, i.e. to act such that I am at least not unworthy of it. — — Since you must do it yourself, you are free.

9. Hence, there exists in you and your reason a law that binds all your wishes to the demand to act in such a way that etc., and that which you must do for this is called duty, a word which means that you must do what this law says without **before** inquiring into the advantage that you would like to have from such, and even if you thereby ought to sacrifice your greatest advantage, even if in general the action were burdensome and unpleasant in the extreme; — — then according to such a law, this means: you ought not to lie! — — You can now indeed ask: how would it harm me if one were to lie, or doesn't a mouthful of lies occasionally bring a considerable profit? For if, when you can only reach your aim by lying, **then** you do not immediately and without hesitation prefer to give this up, but rather only upon consulting with yourself about whether you ought to resolve not to lie, then you are a worthless person.

My child, from now on no longer **see** listen to the siren song of happiness, when the voice of duty can be heard. The latter is a sanctuary.

[AA 19: 313]

10. Now, if you had all happiness in your hands to distribute, would you give it to everyone in full measure, as much as each can only ever wish for? — — Yes.

11. This indicates that you have a good heart. But let us see whether you would thereby also demonstrate a good understanding! Thus you would give to the lazy

²⁹⁹ *Glückselichkeit*.

³⁰⁰ *Glück*. Here Kant is clearly exploiting the morphological relationship between this and the German term for happiness (*Glückseligkeit*), especially given the parenthetical remark added to the previous sentence. In volume 6 of his *Synonymik*, Eberhard identifies *Glückseligkeit* with Aristotle's *eudaimonia* (1798, 301–5, esp. 305).

person all that he desires without him having to make an effort for it, to the liar much eloquence for deceiving others, to the ~~envious~~ and avaricious, who takes everything for himself, to leave everyone else possibly in great need, and to the profligate, who always has a new influx on his own, inexhaustible riches, to the cruel the ability to do harm, etc.? — — No, absolutely not.

12. Why not then, since you still seek to satisfy the wishes of all men (and the health of everybody)? I (only) wish to tell you what you demand this person possess, the one to whom you wish to demonstrate all these benefits, so that he is worthy to receive them. ~~It is the worthiness~~ Namely, the good will to use all of them well.

13. But this good will is indeed also contained under what the former wished would at the same time be ~~contained~~ conferred on him. Now since you have all happiness in your hands, ~~then would~~ why shouldn't you also confer the good will so that he would be satisfied not only with his condition but also with himself? — — Did you not say: he must first of all be a good human being in order for him to be worthy ~~again~~ of being made happy by you? Yes.

14. Thus, he must produce the good will from out of himself; it cannot be given to him by anyone else, because you ~~otherwise~~ must always presuppose a good will in order for him to be worthy of obtaining the fulfilment of his wishes. The good will is thus the first good, one which cannot be given (to you) by another, because you also cannot even once seriously wish to have it if you do not already have it, at least already for the most part.

[AA 19: 314]

7316. 1796–8. *Loose sheet.*

[*In the right-hand margin:*] The faculty of cognition (theoretical) and the faculty of desire (practical) both *a priori*.

We have *a priori* cognitions of objects. ~~The~~ These are concepts (or intuitions): the categories are the *a priori* concepts that are not subject to intuitions, which by themselves have absolutely no sense and no object but are only forms of thinking. E.g. the many together constitute one; it cannot be understood³⁰¹ how that is possible without an example from intuition.

But we can cognize³⁰² nothing intuitively *a priori* except only insofar as we perceive the object merely in the appearance. For, we can still become aware how the objects will appear to us before experience if we become conscious of the subjective form of our sensibility, and these forms are space and time. This is cognizing (of ourselves and of the things external to us (*a priori*)).

But we also have another *a priori* 'ought' (the absolute) in us in virtue of the idea of freedom, which would not be possible without a categorical imperative present in our will. – Without the fundamental ideality of space and time, consequently of the objects as appearances, we would not be able to conceive practically of the reality of freedom at all, because otherwise the 'ought' would always be empirically conditioned.

³⁰¹ *einsehen*.

³⁰² Given that Kant is writing here about intuitive 'cognition', it might be more appropriate to translate *erkennen* as 'know'. See our discussion of this point on p. 25f.

Synthetic *a priori* propositions belonging to theoretical cognition are possible only through intuition in space and time as an object of nature, consequently of things as appearances. Synthetic *a priori* propositions belonging to practical cognition are possible only through the idea as belonging to of freedom.

We can have no imperative of duty (category, dynamic, of causality) except under the presupposition of freedom, i.e. of a faculty that is independent from natural conditions in its doing and omitting, thus only insofar as we suppose an essence or a property (of causality) of the same is independent.

[AA 19: 315]

B.³⁰³ We can obtain *a priori* cognition of the highest end in practical reason, i.e. without seeking this out in experience (of happiness), through the categorical imperative, which uncovers freedom for us, but also, by steadfastly establishing the concept of duty for the final end that is at the same time a duty, justifies³⁰⁴ the ideas of God and immortality in a (sufficiently) practical respect.

—We can obtain cognition of things in themselves (of the supersensible), God and immortality, only through the reality of the concept of freedom and thus in a practical respect, and the categorical imperative is a synthetic *a priori* proposition without which we would cognize nothing *a priori* for our ends in general. For we must also resolve to pursue³⁰⁵ such purposes as we cognize *a priori* (not empirically), since they concern the supersensible, and these concepts must precede *a priori* every revelation of the supersensible and provide it with ground.

7317. 1796–8.

That we have duties imposed on us (obligations) is shown by the categorical imperative in every case of the use of our freedom.

7318. 1798–1804.

There is something worthy of loathing in itself to imagine military enthusiasm, which is the drive and dignity³⁰⁶ to make humanity worthy of loathing by means of humans. So, one must locate the abstraction of the courage to sacrifice oneself for the good of the nation in general only under the condition of the corruption of human nature, but not as a matter containing honour and approval in itself. Nevertheless, there is still something that makes war for itself a thing that is honoured, even if it is a war of mercenaries, and it is always honoured.

7319. 1798–1804. Loose sheet.

The categorical imperative is expressed by anyone who has control:³⁰⁷ not the control over oneself, for in that case the subject can remit or forgive, but rather the control of a one who commands within myself.

[AA 19: 316]

³⁰³ Presumably the paragraph directly above would correspond to A.

³⁰⁴ *begründet*.

³⁰⁵ *vorsetzen*. LRJP: 'proposer'. BGR: 'set before'. See our discussion of this word in note 35 on p. 155.

³⁰⁶ 'dignity <Würde>', which Adickes marks as uncertain.

³⁰⁷ *Gewalt*.

7320. 1798–1804. *Loose sheet.*

If, in the determination of choice, pleasure precedes the law, then the pleasure is pathological –. But if in this determination the law precedes freedom pleasure and [is] a determining ground of the latter, then the pleasure is moral. Thus, [they] are the objectively determining incentives.

7321. 1798–1804. *Loose sheet.*

The concept of freedom and the reality of the same can only be proven through the categorical imperative. The concept of God [can be proven] also not theoretically and unconditionally, but only in a conditioned way in a practical respect, namely, the moral-practical. To acquire God's favour and happiness from him in a technical-practical [respect] is contradictory, because the will of God to confer these does not harmonize with this end.

Mercenary³⁰⁸ faith: the Bible.

7322. 1798–1804 (*probably 1801*). *Loose sheet.*

[AA 19: 317] One cannot suppose a special duty of conscience; for,³⁰⁹ conscience is the purity and firmness of self-imposed promises and declarations.³¹⁰ Here it is not a question of the object of the promise that I give to myself, whether it is good or evil, but rather only of the reliability of the declaration³¹¹ itself to keep one's word, precisely as if a higher might were called upon as a guarantee –; absolute conscience <*conscientia absoluta*> is here contrary to the hypothetical conscience <*hypothetica contra*>= distinguished. The condition is logical; it does not belong to moral science or aesthetics. Firmness of resolution is keeping one's word.

³⁰⁸ *lohnsüchtige.*

³⁰⁹ Reading *denn* for *den*.

³¹⁰ *Erklärungen.*

³¹¹ *Declaration.*

Glossary

With some exceptions, Latin adjectives are put in masculine singular, and verbs in the infinitive alone. Latin nouns are given in the nominative singular (e.g. *porisma*), unless part of an idiomatic expression (e.g. *fortuna delictum*). English verbs are in the infinitive, with 'to' appended. The Latin glossary is drawn from the headwords in Thiele's index. We have maintained Kant's no-longer orthographic spelling.

Latin–English

<i>abnegatio</i>	abnegation
<i>acta</i>	acts (of a court)
<i>actio</i>	action
<i>actus</i>	act
<i>adequatus</i>	adequate
<i>aequus</i>	fair
<i>anima legis</i>	spirit of the law
<i>animadversio</i>	reproach
<i>arbitrarius</i>	chosen
<i>arbitrium</i>	choice, chosen
<i>beneplacitus</i>	discretionary
<i>blande</i>	through seduction
<i>bonum</i>	good
<i>brabeuticum</i>	compensatory
<i>caecae</i>	blind
<i>campus legis</i>	field of law
<i>coactio</i>	constraint
<i>conatus</i>	endeavour
<i>conscientia</i>	conscience
<i>consectarium</i>	implication
<i>consentiens</i>	agreeing
<i>consilium</i>	counsel
<i>consuetudinarium</i>	habitual, the

<i>corpus delicti</i>	crime, body of
<i>crescere</i>	increase (to)
<i>crudelis</i>	cruel
<i>curare</i>	take care (to)
<i>custodia legum</i>	obedience to law
<i>damnus</i>	loss
<i>declaratio</i>	declaration
<i>decrescere</i>	decrease (to)
<i>delibior</i>	weaker
<i>delictum fortunae</i>	crime of fortune
<i>demeritum</i>	demerit
<i>derivativus</i>	derived
<i>domesticus</i>	domestic
<i>dominus</i>	lord
<i>dubium</i>	doubt
<i>error</i>	error
<i>essentialis</i>	essential
<i>exculpatio</i>	exculpation
<i>excusatio</i>	excuse
<i>extensio</i>	extent
<i>externus</i>	external
<i>extorquendus</i>	extortion
<i>extraessentialis</i>	extra-essential
<i>factum</i>	deed
<i>felicitas</i>	happiness
<i>fortunae delictum</i>	crime of fortune
<i>fortunae meritum</i>	merit of fortune
<i>forum</i>	court
<i>forum poli</i>	celestial court
<i>fragilitas</i>	fragility
<i>gratuitum</i>	gratuitous
<i>habitus</i>	proficiencies
<i>hermeneutica</i>	hermeneutics
<i>honestas</i>	honourable, honourableness
<i>ignorantia</i>	ignorance
<i>illicitum</i>	not permitted
<i>imperans</i>	commander

<i>imperium</i>	command
<i>improbabile</i>	improbable, the
<i>improportionalis</i>	disproportionate
<i>impulsivae</i>	impelling
<i>impunitas</i>	impunity
<i>imputabilitas</i>	imputability
<i>imputatio</i>	imputation
<i>imputatorius syllogismus</i>	imputational syllogism
<i>incertum</i>	uncertain
<i>incompetens</i>	incompetent
<i>infirmitas</i>	weakness
<i>interit</i>	perish (to)
<i>internus</i>	internal
<i>interpretes</i>	interpreter
<i>invincibilis</i>	invincible
<i>iura</i>	rights, philosophical
<i>iureconsultus</i>	lawyer
<i>iuris scientia</i>	juridical science
<i>iurisperitia</i>	juridical expertise
<i>iurisprudens</i>	jurist
<i>iurisprudentia</i>	jurisprudence
<i>ius</i>	right
<i>ius naturae</i>	right of nature
<i>ius naturale</i>	natural right
<i>laesio</i>	harm
<i>late dictum</i>	broadly considered
<i>latitudo</i>	breadth
<i>legem ferre</i>	legislate (to)
<i>legislator</i>	legislator
<i>leguleius</i>	pettifogger
<i>leptologica</i>	leptological
<i>lex, leges</i>	law, laws
<i>libera</i>	free
<i>licitum</i>	permitted
<i>lubricitas</i>	slipperiness
<i>maior</i>	greater
<i>malum</i>	evils

<i>mancipium</i>	slave
<i>mandatum</i>	command
<i>medicinalis</i>	medicinal
<i>mercenarius</i>	mercenary
<i>merces</i>	payment
<i>meritum</i>	merit
<i>micrologicus</i>	micrological
<i>minimus</i>	smallest
<i>momentum</i>	moment
<i>moralitas</i>	morality
<i>negativus</i>	negative
<i>nomotheticum</i>	nomothetic
<i>norma</i>	norm
<i>objectivus</i>	objective
<i>obligatio</i>	obligation
<i>obligatorius</i>	obligatory
<i>oculatus</i>	possess vision
<i>officium</i>	duty
<i>omissio</i>	omission
<i>optimus</i>	best
<i>ortum</i>	originating
<i>particularis</i>	particular
<i>passivus</i>	passive
<i>peccatillum</i>	peccadillo
<i>per indirectum</i>	indirect
<i>peregrinus</i>	foreign
<i>perfectivus</i>	perfective
<i>permissio</i>	permission
<i>permissiva</i>	permissive
<i>persona</i>	person
<i>persuasio</i>	persuasion
<i>philosophia</i>	philosophy
<i>poenalis</i>	penal
<i>porisma</i>	porism
<i>positivus</i>	positive
<i>practicus</i>	practical
<i>praeceptivus</i>	preceptive

<i>praestare</i>	furnish (to)
<i>pragmaticus</i>	pragmatic
<i>primitivus</i>	primitive
<i>primus</i>	first
<i>principium</i>	principle
<i>probabile</i>	probable
<i>processus</i>	trial
<i>prohibitio</i>	prohibition
<i>prohibitivus</i>	prohibitive
<i>promulgatio</i>	promulgation
<i>propaedeuticus</i>	propaedeutic
<i>proportionalis</i>	proportionate
<i>propositio</i>	proposition
<i>prudentia</i>	prudence
<i>punitivum</i>	punitive
<i>quaerere</i>	seek (to)
<i>quaestio</i>	question
<i>rabula</i>	quibbler
<i>ratio</i>	ground, reason
<i>rationalis</i>	rational
<i>regula</i>	rule
<i>revelatus</i>	revealed
<i>rudior</i>	immature
<i>sanctio</i>	sanction
<i>sensus</i>	sense
<i>sententia</i>	sentence
<i>servus</i>	servile
<i>servuus</i>	servant
<i>sine fide</i>	without faith
<i>species</i>	species
<i>stricte dictum</i>	strictly considered
<i>strictius dictum</i>	more strictly considered
<i>subditus</i>	subordinate
<i>subiectio</i>	subjection
<i>subreptio</i>	subreption
<i>subsidium</i>	aid
<i>superficiarius</i>	superficial

<i>suum</i>	one's own
<i>suum cuique tribue</i>	attribute to each his own
<i>tacite</i>	tacitly
<i>territorium</i>	territory
<i>totalis</i>	total
<i>transgressio</i>	transgression
<i>tribuere</i>	attribute (to)
<i>tribunal</i>	tribunal
<i>tuum</i>	your own
<i>universalis</i>	universal
<i>valor</i>	value
<i>veritas</i>	truth
<i>verus</i>	sense, true
<i>vincere</i>	conquer (to)
<i>vincibiliis</i>	vincible
<i>violatio</i>	violation
<i>vitium</i>	vice

English–Latin

act	<i>actus</i>
action	<i>actio</i>
acts (of a court)	<i>acta</i>
adequate	<i>adequatus</i>
abnegation	<i>abnegatio</i>
agreeing	<i>consentiens</i>
aid	<i>subsidium</i>
attribute to each his own	<i>suum cuique tribue</i>
attribute (to)	<i>tribuere</i>
best	<i>optimus</i>
blind	<i>caecae</i>
breadth	<i>latitudo</i>
broadly considered	<i>late dictum</i>
celestial court	<i>forum poli</i>
choice	<i>arbitrium</i>
chosen	<i>arbitrarius</i>

command	<i>mandatum, imperium</i>
commander	<i>imperans</i>
compensatory	<i>brabeuticum</i>
conquer (to)	<i>vincere</i>
conscience	<i>conscientia</i>
constraint	<i>coactio</i>
counsel	<i>consilium</i>
court	<i>forum</i>
crime of fortune	<i>fortunae delictum</i>
crime, body of	<i>corpus delicti</i>
cruel	<i>crudelis</i>
declaration	<i>declaratio</i>
decrease (to)	<i>decrescere</i>
deed	<i>factum</i>
demerit	<i>demeritum</i>
derived	<i>derivativus</i>
discretionary	<i>beneplicitus</i>
disproportionate	<i>improportionalis</i>
domestic	<i>domesticus</i>
doubt	<i>dubium</i>
duty	<i>officium</i>
endeavour	<i>conatus</i>
error	<i>error</i>
essential	<i>essentialis</i>
evils	<i>malum</i>
exculpation	<i>exculpatio</i>
excuse	<i>excusatio</i>
extent	<i>extensio</i>
external	<i>externus</i>
extortion	<i>extorquendus</i>
extra-essential	<i>extraessentialis</i>
fair	<i>aequus</i>
field of law	<i>campus legis</i>
first	<i>primus</i>
foreign	<i>peregrinus</i>
fragility	<i>fragilitas</i>

free	<i>libera</i>
furnish (to)	<i>praestare</i>
good	<i>bonum</i>
gratuitous	<i>gratuitum</i>
greater	<i>maior</i>
ground	<i>ratio</i>
habitual, the	<i>consuetudinarium</i>
happiness	<i>felicitas</i>
harm	<i>laesio</i>
hermeneutics	<i>hermeneutica</i>
honourable, honourableness	<i>honestas</i>
ignorance	<i>ignorantia</i>
immature	<i>rudior</i>
impelling	<i>impulsivae</i>
implication	<i>consectarium</i>
improbable, the	<i>improbabile</i>
impunity	<i>impunitas</i>
imputability	<i>imputabilitas</i>
imputation	<i>imputatio</i>
imputational syllogism	<i>imputatorius syllogismus</i>
incompetent	<i>incompetens</i>
increase (to)	<i>creocere</i>
indirect	<i>per indirectum</i>
internal	<i>internus</i>
interpreter	<i>interpres</i>
invincible	<i>invincibilis</i>
juridical expertise	<i>iurisperitia</i>
juridical science	<i>iuris scientia</i>
jurisprudence	<i>iurisprudentia</i>
jurist	<i>iurisprudens</i>
law	<i>lex</i>
lawyer	<i>iureconsultus</i>
legislate (to)	<i>legem ferre</i>
legislator	<i>legislator</i>
leptological	<i>leptologica</i>
lord	<i>dominus</i>
loss	<i>damnus</i>

medicinal	<i>medicinalis</i>
mercenary	<i>mercenarius</i>
merit	<i>meritum</i>
merit of fortune	<i>fortunae meritum</i>
micrological	<i>micrologicus</i>
moment	<i>momentum</i>
morality	<i>moralitas</i>
more strictly considered	<i>strictius dictum</i>
natural right	<i>ius naturale</i>
negative	<i>negativus</i>
nomothetic	<i>nomotheticum</i>
norm	<i>norma</i>
not permitted	<i>illicitum</i>
obedience to law	<i>custodia legum</i>
objective	<i>objectivus</i>
obligation	<i>obligatio</i>
obligatory	<i>obligatorius</i>
omission	<i>omissio</i>
one's own	<i>suum</i>
originating	<i>ortum</i>
particular	<i>particularis</i>
passive	<i>passivus</i>
payment	<i>merces</i>
peccadillo	<i>peccatillum</i>
penal	<i>poenalis</i>
perfective	<i>perfectivus</i>
perish (to)	<i>interit</i>
permission	<i>permissio</i>
permissive	<i>permissiva</i>
permitted	<i>licitum</i>
person	<i>persona</i>
persuasion	<i>persuasio</i>
pettifogger	<i>leguleius</i>
philosophy	<i>philosophia</i>
porism	<i>porisma</i>
positive	<i>positivus</i>
possess vision	<i>oculatus</i>

practical	<i>practicus</i>
pragmatic	<i>pragmaticus</i>
preceptive	<i>praeceptivus</i>
primitive	<i>primitivus</i>
principle	<i>principium</i>
probable	<i>probabile</i>
proficiencies	<i>habitus</i>
prohibition	<i>prohibitio</i>
prohibitive	<i>prohibitivus</i>
promulgation	<i>promulgatio</i>
propaedeutic	<i>propaedeuticus</i>
proportionate	<i>proportionalis</i>
proposition	<i>propositio</i>
prudence	<i>prudentia</i>
punitive	<i>punitivum</i>
question	<i>quaestio</i>
quibbler	<i>rabula</i>
rational	<i>rationalis</i>
reason	<i>ratio</i>
reproach	<i>animadversio</i>
revealed	<i>revelatus</i>
right	<i>ius</i>
right of nature	<i>ius naturae</i>
rights, philosophical	<i>iura</i>
rule	<i>regula</i>
sanction	<i>sanctio</i>
seek (to)	<i>quaerere</i>
sense	<i>sensus</i>
sense, true	<i>verus</i>
sentence	<i>sententia</i>
servant	<i>servuus</i>
servile	<i>servus</i>
slave	<i>mancipium</i>
slipperiness	<i>lubricitas</i>
smallest	<i>minimus</i>
species	<i>species</i>
spirit of the law	<i>anima legis</i>

strictly considered	<i>stricte dictum</i>
subjection	<i>subiectio</i>
subordinate	<i>subditus</i>
subreption	<i>subreptio</i>
superficial	<i>superficiarius</i>
tacitly	<i>tacite</i>
take care (to)	<i>curare</i>
territory	<i>territorium</i>
through seduction	<i>blande</i>
total	<i>totalis</i>
transgression	<i>transgressio</i>
trial	<i>processus</i>
tribunal	<i>tribunal</i>
truth	<i>veritas</i>
uncertain	<i>incertum</i>
universal	<i>universalis</i>
value	<i>valor</i>
vice	<i>vitium</i>
violation	<i>violatio</i>
vincible	<i>vincibiliis</i>
weaker	<i>delibior</i>
weakness	<i>infirmatas</i>
without faith	<i>sine fide</i>
your own	<i>tuum</i>

German–English

<i>Abbruch thun</i>	infringe upon (to)
<i>abfordern</i>	demand (to)
<i>Abscheu</i>	loathing
<i>Absicht</i>	intention, purpose
<i>Achtung</i>	respect
<i>Affect</i>	affect
<i>allgemeingültig</i>	universally valid
<i>allgemeingültigkeit</i>	universal validity
<i>Allgemeinheit</i>	universality, generality
<i>Androhung</i>	threat

<i>angenehm</i>	agreeable
<i>Angreifer</i>	assailant
<i>Anlockung</i>	enticement
<i>Annehmlichkeit</i>	agreeableness
<i>Annehmlichkeiten</i>	comforts
<i>Anreiz</i>	enticement
<i>Anstifter</i>	instigator
<i>Anwendung</i>	application
<i>aufhören</i>	cease (to)
<i>Ausbreitung</i>	compass
<i>Ausnahm</i>	exception
<i>aussetzen</i>	suspend (to)
<i>austheilen</i>	portion out, distribute (to)
<i>Bedenken</i>	hesitation
<i>bedingt</i>	conditioned
<i>Bedingung</i>	condition
<i>Befehl</i>	command
<i>befehlen</i>	command (to)
<i>befördern</i>	advance (to)
<i>Befriedigung</i>	satisfaction
<i>Befugnis</i>	authorization
<i>begehen</i>	commit (to)
<i>Begehung</i>	commission, celebration
<i>belehren</i>	instruct (to)
<i>beliebig</i>	discretionary, preferred
<i>Bemühung</i>	effort
<i>beneiden</i>	envy (to)
<i>berechtigten</i>	justify (to)
<i>berufen</i>	appeal (to)
<i>Beschaffenheit</i>	character, constitution, quality
<i>beschwerlich</i>	burdensome
<i>besondere</i>	particular, special
<i>bestimmbar</i>	determinable
<i>bestimmend</i>	determining
<i>Bestimmung</i>	determination
<i>Bestimmungsgrund</i>	determining ground

<i>betreiben</i>	practise (to)
<i>Betrüger</i>	deceiver
<i>beurteilen</i>	judge (to)
<i>Bewegungsgrund</i>	motive
<i>Bewegursache</i>	motivational cause
<i>bey sich führen</i>	carry with itself
<i>Bezahlung</i>	remuneration, payment
<i>billig</i>	rightly, equitable, reasonable
<i>billigen</i>	approve (to)
<i>Billigkeit</i>	equity
<i>Böse</i>	evil
<i>Dankbarkeit</i>	gratitude
<i>Ehrbarkeit</i>	honourableness
<i>Ehre</i>	honour
<i>Ehrlichkeit</i>	honesty
<i>Ehrliebe</i>	love of honour
<i>Eigenliebe</i>	selfish self-love
<i>eigenliebig</i>	selfish
<i>Eigennutz</i>	self-interest
<i>eigennützig</i>	self-interested
<i>Eigentümer</i>	owner
<i>Einfalt</i>	simplicity
<i>einfältig</i>	simple-minded
<i>einstimmig</i>	concerted, concordant
<i>Einstimmung</i>	agreement
<i>Empfänglichkeit</i>	receptivity
<i>Empfehlung</i>	recommendation
<i>Empfindung</i>	sensation, sentiment
<i>Endzwek</i>	final end
<i>entspringen</i>	arise, originate (to)
<i>Erfahrung</i>	experience
<i>erkennen</i>	cognize, know, recognize, acknowledge (to)
<i>erklären</i>	define, explain, elucidate (to)
<i>erlangen</i>	obtain (to)
<i>erlauben</i>	permit (to)
<i>Ermahnung</i>	admonishment

<i>ersetzen</i>	replace (to)
<i>ertheilen</i>	confer (to)
<i>Erziehung</i>	education
<i>fähig</i>	capable
<i>fehlen</i>	order (to)
<i>Feindschaft</i>	enmity
<i>Folge</i>	consequence
<i>Forderung</i>	demand
<i>Freiheit</i>	freedom
<i>Frömmigkeit</i>	piety
<i>geartet</i>	natured
<i>gebieten</i>	command (to)
<i>Geboth</i>	command
<i>gebrauchen</i>	use, employ (to)
<i>gehorschen</i>	obey (to)
<i>Geitzigen</i>	avaricious
<i>gemeynet</i>	deemed
<i>genau</i>	precisely
<i>Gerechtigkeit</i>	justice
<i>Geschicklichkeit</i>	skilfulness
<i>Geschmackslehre</i>	doctrine of taste
<i>Gesetzgebung</i>	legislation
<i>Gesetzmäßigkeit</i>	conformity to law
<i>Gesinnung</i>	disposition
<i>gesitten</i>	civilized
<i>Gewalt</i>	power, control, violence
<i>Gewissen</i>	conscience
<i>Gewonheit</i>	habit
<i>gezwungen</i>	constrain (to)
<i>Glück</i>	good fortune, luck
<i>Glückseligkeit</i>	happiness
<i>glücklich</i>	happy
<i>Glückseligkeitslehre</i>	doctrine of happiness
<i>Gnugsamkeit</i>	moderation
<i>Gottesdienst</i>	divine service
<i>Grundsatz</i>	principle
<i>Grundsätze</i>	principles

<i>Grundstück</i>	estate
<i>gültig</i>	valid
<i>Gutartigkeit</i>	kind-heartedness
<i>gutdenkend</i>	right-thinking
<i>gütig</i>	kind
<i>Gütigkeit</i>	kindness
<i>Handlung</i>	action
<i>Hang</i>	propensity
<i>hängenswerth</i>	worthy of the gallows
<i>Haß</i>	hate
<i>häßlich</i>	hideous
<i>Hauptstuhl</i>	capital
<i>häuslich</i>	domestic
<i>heteronomisch</i>	heteronomous
<i>klug</i>	prudent
<i>Klugheit</i>	prudence
<i>knechtisch</i>	slavish
<i>Kraft</i>	power
<i>Lage</i>	situation
<i>Laster</i>	vice
<i>Lebensregeln</i>	life-rules
<i>Lehrbegrif</i>	doctrinal concept
<i>Leidenschaft</i>	passion
<i>Liebespflicht</i>	duty of love
<i>Liebles</i>	cruel
<i>lohnsüchtig</i>	mercenary
<i>Macht</i>	might
<i>Misbilligung</i>	disapproval
<i>misfallen</i>	displease (to)
<i>mittelbar</i>	mediately
<i>Moral</i>	moral science, morals
<i>Moralität</i>	morality
<i>Muster</i>	model
<i>Muth</i>	courage
<i>Naturbestimmung</i>	natural determination
<i>Neigung</i>	inclination
<i>nichtswürdig</i>	worthless

<i>niederträchtig</i>	base
<i>Nöthigung</i>	necessitation
<i>Nutz</i>	benefit
<i>nutzen</i>	use, utilize (to)
<i>partheyisch</i>	partisan, partial
<i>Pflichten gegen sich selbst</i>	duties to oneself
<i>Pflichtmäßig</i>	conforming to duty
<i>Preis</i>	price, prize
<i>principien</i>	principles
<i>Privatwillkühr</i>	private choice
<i>Prüfstein</i>	touchstone
<i>rächen</i>	avenge (to)
<i>rächend</i>	vindictive
<i>rechtfertigen</i>	justify (to)
<i>rechtmäßig</i>	conforming to right
<i>rechtschaffen</i>	upright
<i>rechtschaffenheit</i>	rectitude
<i>Regel</i>	rule
<i>Regelmäßig</i>	conforming to rule
<i>regieren</i>	govern (to)
<i>Reichthum</i>	wealth
<i>Reinigkeit</i>	purity
<i>Reinlichkeit</i>	cleanliness
<i>richten</i>	adjudge (to)
<i>Richter</i>	judge
<i>rohe</i>	uncultivated
<i>rücksicht nimmt</i>	consider
<i>rühren</i>	stimulate, move (to)
<i>Satzung</i>	statute
<i>schädlich</i>	harmful
<i>Schandlichkeit</i>	disgracefulness
<i>schätzen</i>	esteem (to)
<i>Scheu</i>	timidity
<i>schuldig</i>	guilty
<i>schwach</i>	weak
<i>selbstgesetzgebend</i>	self-legislating
<i>Selbstliebe</i>	self-love

<i>Selbstschätzung</i>	self-esteem
<i>selbstthätig</i>	self-active
<i>sicher</i>	secure, certain
<i>Sicherheit</i>	security, certainty
<i>sinnlich</i>	sensuous
<i>Sinnlichkeit</i>	sensibility
<i>Sitten</i>	morals
<i>Sittenlehre</i>	doctrine of morals
<i>Sittlichkeit</i>	morality
<i>Sollen</i>	ought
<i>Staatsrecht</i>	constitutional law
<i>Stande</i>	state
<i>Stärke</i>	strength
<i>stillschweigend</i>	tacit
<i>Sünde</i>	sin
<i>That</i>	deed
<i>theilhaftig machen</i>	partake of
<i>theilnehmend</i>	compassionate
<i>Theilnehmung</i>	compassion
<i>thun</i>	do, perform (to)
<i>Todschlag</i>	homicide
<i>Übel</i>	ill
<i>Übereinstimmung</i>	agreement
<i>überlassen</i>	leave anything to (to)
<i>Überredung</i>	persuasion
<i>übersinnlich</i>	supersensible
<i>übertreten</i>	transgress (to)
<i>überwogen</i>	outweighed
<i>überzeugen</i>	convince
<i>Umstand</i>	circumstance
<i>unangesehen</i>	notwithstanding
<i>unaufhörlich</i>	incessant
<i>unauslöschlich</i>	indelible
<i>unbedingt</i>	unconditioned
<i>unbezwänglich</i>	unconstrainable
<i>unerschöpflich</i>	inexhaustible
<i>unerschütterlich</i>	imperturbable

<i>ungeachtet</i>	notwithstanding
<i>ungerecht</i>	unjust
<i>Ungerechtigkeit</i>	injustice
<i>ungereimt</i>	senseless
<i>Unordnung</i>	disorder
<i>Unrecht</i>	wrong
<i>Unterlassung</i>	omission
<i>Unterweisung</i>	instruction
<i>unterwerfen</i>	subject (to)
<i>Unterwerfung</i>	subjection
<i>unverletzlich</i>	inviolable
<i>unzuverlässig</i>	unreliable
<i>Urbild</i>	archetype
<i>Urtheil</i>	judgement
<i>urtheilen</i>	judge (to)
<i>Urtheilskraft</i>	power of judgement
<i>Verabsäumung</i>	neglect
<i>verabscheuen</i>	loathe (to)
<i>verabscheuungswürdig</i>	worthy of loathing
<i>verbinden</i>	obligate, bind (to)
<i>verbindlich</i>	obligated, bound
<i>Verbindlichkeit</i>	obligation
<i>verboten</i>	prohibited
<i>Verbrechen</i>	crime
<i>Verderbnis</i>	corruption
<i>Verdienst</i>	merit
<i>Verdienstlich</i>	meritorious
<i>Vergnügen</i>	gratification
<i>Verhalten</i>	conduct
<i>Verhältnis</i>	relation, circumstance
<i>verlangen</i>	demand, long for
<i>Verletzung</i>	injury
<i>Verlust</i>	loss
<i>vermindern</i>	diminish (to)
<i>Verminderung</i>	diminution
<i>vermittelt</i>	by means of
<i>Vernunft</i>	reason

<i>vernünftig</i>	rational
<i>verringern</i>	diminish (to)
<i>verschaffen</i>	furnish, provide
<i>verschuldet</i>	indebted
<i>versehen</i>	blunder, overlook
<i>versprechen</i>	promise (to)
<i>Verstand</i>	understanding
<i>verstecken</i>	hide (to)
<i>Vestigkeit</i>	persistency
<i>Völkerrecht</i>	international law
<i>Vollkommenheit</i>	perfection
<i>voraussetzen</i>	assume (to)
<i>Vorsatz</i>	resolution
<i>vorschreiben</i>	prescribe (to)
<i>Vorschrift</i>	precept
<i>vorsetzen</i>	resolve to pursue, intend (to)
<i>Vortheil</i>	advantage
<i>Wahl</i>	selection
<i>weich</i>	soft
<i>Werth</i>	worth
<i>wiedersprechen</i>	contradict (to)
<i>widerstreiten</i>	conflict with
<i>Willkühr</i>	choice
<i>willkührlich</i>	chosen, arbitrary
<i>Wissenschaft</i>	science
<i>Wohlfarth</i>	welfare
<i>wohlgefallen</i>	delight (to)
<i>wohlgeordnet</i>	well-ordered
<i>Wohllust</i>	sensuality
<i>Wohlthat</i>	benefaction, good deed
<i>Wohlverhalten</i>	good conduct
<i>Wohlwollen</i>	benevolence
<i>Wollen</i>	volition
<i>Worthalten</i>	keeping one's word
<i>Würde</i>	dignity
<i>Zalm</i>	tame
<i>zeigen</i>	indicate (to)

<i>Zierlichkeit</i>	elegance
<i>Zorn</i>	wrath
<i>Zudem</i>	moreover
<i>Zufall</i>	chance, accident
<i>Zufällig</i>	contingent
<i>Zufriedenheit</i>	contentment
<i>zugestehen</i>	concede (to)
<i>zurechnen</i>	account (to)
<i>zusammenhangen</i>	cohere
<i>zusammenstimmen</i>	to harmonize
<i>Zusammenstimung</i>	harmony
<i>Zuschauer</i>	spectator
<i>zuschreiben</i>	ascribe
<i>Zustand</i>	condition
<i>Zutrauen</i>	confidence
<i>zuverlässig</i>	reliable
<i>Zuverlässigkeit</i>	reliability
<i>Zwang</i>	constraint
<i>Zweck</i>	end
<i>Zweifelhaft</i>	dubious, doubtful

English–German

account (to)	<i>zurechnen</i>
acknowledge	<i>erkennen</i>
action	<i>Handlung</i>
adjudge (to)	<i>richten</i>
admonishment	<i>Ermahnung</i>
advance	<i>befördern</i>
advantage	<i>Vortheil</i>
affect	<i>Affect</i>
agreeable	<i>angenehm</i>
agreeableness	<i>Annehmlichkeit</i>
agreement	<i>Einstimmung, Übereinstimmung</i>
appeal (to)	<i>berufen</i>
application	<i>Anwendung</i>

approve (to)	<i>billigen</i>
archetype	<i>Urbild</i>
arise	<i>entspringen</i>
arise, originate	<i>entspringen</i>
ascribe (to)	<i>zuschreiben</i>
assailant	<i>Angreifer</i>
assume	<i>voraussetzen</i>
authorization	<i>Befugnis</i>
avaricious	<i>Geitzigen</i>
avenge	<i>rächen</i>
base	<i>niederträchtig</i>
benefaction, good deed	<i>Wohlthat</i>
benefit	<i>Nutz</i>
benevolence	<i>Wohlwollen</i>
bind (to)	<i>verbinden</i>
blunder (to)	<i>versehen</i>
bound	<i>Verbindlich</i>
burdensome	<i>beschwerlich</i>
by means of	<i>vermitteltst</i>
capable	<i>fähig</i>
capital	<i>Hauptstuhl</i>
carry with itself	<i>bey sich führen</i>
cease	<i>aufhören</i>
certain	<i>sicher</i>
certainty	<i>Sicherheit</i>
chance, accident	<i>Zufall</i>
character	<i>Beschaffenheit</i>
choice	<i>Willkühr</i>
chosen, arbitrary	<i>willkührlich</i>
circumstance	<i>Umstand, Verhältnis</i>
civilized	<i>gesitten</i>
cleanliness	<i>Reinlichkeit</i>
cognize, know, recognize, acknowledge	<i>erkennen</i>
cohere (to)	<i>zusammenhangen</i>
comforts	<i>Annehmlichkeiten</i>
command	<i>Befehl, Geboth</i>

Command (to)	<i>befehlen, gebieten</i>
commission, celebration	<i>Begehung</i>
commit	<i>begehen</i>
compass	<i>Ausbreitung</i>
compassion	<i>Theilnehmung</i>
compassionate	<i>theilnehmend</i>
concede (to)	<i>zugestehen</i>
concerted, concordant	<i>einstimmig</i>
condition	<i>Bedingung, Zustand</i>
conditioned	<i>bedingt</i>
conduct	<i>Verhalten</i>
confer (to)	<i>ertheilen</i>
confidence	<i>Zutrauen</i>
conflict with (to)	<i>widerstreiten</i>
conforming to duty	<i>Pflichtmäßig</i>
conforming to right	<i>rechtmäßig</i>
conforming to rule	<i>regelmäßig</i>
conformity to law	<i>Gesetzmäßigkeit</i>
conscience	<i>Gewissen</i>
consequence	<i>Folge</i>
consider	<i>rücksicht nimmt</i>
constitution	<i>Beschaffenheit</i>
constitutional law	<i>Staatsrecht</i>
constrain (to)	<i>gezwungen</i>
constraint	<i>Zwang</i>
contentment	<i>Zufriedenheit</i>
contingent	<i>zufällig</i>
contradict (to)	<i>widersprechen</i>
control	<i>Gewalt</i>
convince	<i>überzeugen</i>
corruption	<i>Verderbnis</i>
courage	<i>Muth</i>
crime	<i>Verbrechen</i>
cruel	<i>lieblos</i>
deceiver	<i>Betrüger</i>
deed	<i>That</i>

deemed	<i>gemeynet</i>
define (to)	<i>erklären</i>
delight (to)	<i>wohlgefallen</i>
demand	<i>Forderung</i>
demand (to)	<i>abfordern</i>
demand, long for (to)	<i>verlangen</i>
determinable	<i>bestimmbar</i>
determination	<i>Bestimmung</i>
determining	<i>bestimmend</i>
determining ground	<i>Bestimmungsgrund</i>
dignity	<i>Würde</i>
diminish (to)	<i>verringern, vermindern</i>
diminution	<i>Verminderung</i>
disapproval	<i>Misbilligung</i>
discretionary	<i>beliebig</i>
disracefulness	<i>Schandlichkeit</i>
disorder	<i>Unordnung</i>
displeas (to)	<i>misfallen</i>
disposition	<i>Gesinnung</i>
distribute	<i>Austheilen</i>
divine service	<i>Gottesdienst</i>
do, perform (to)	<i>thun</i>
doctrinal concept	<i>Lehrbegrif</i>
doctrine of happiness	<i>Glückseligkeitslehre</i>
doctrine of morals	<i>Sittenlehre</i>
doctrine of taste	<i>Geschmackslehre</i>
domestic	<i>häuslich</i>
dubious, doubtful	<i>Zweifelhaft</i>
duties to oneself	<i>Pflichten gegen sich selbst</i>
duty of love	<i>Liebespflicht</i>
education	<i>Erziehung</i>
effort	<i>Bemühung</i>
elegance	<i>Zierlichkeit</i>
elucidate (to)	<i>erklären</i>
end	<i>Zweck</i>
enmity	<i>Feindschaft</i>

enticement	<i>Anlockung, Anreiz</i>
envy (to)	<i>beneiden</i>
equitable	<i>Billig</i>
equity	<i>Billigkeit</i>
estate	<i>Grundstück</i>
esteem (to)	<i>schätzen</i>
evil	<i>Böse</i>
exception	<i>Ausnahm</i>
experience	<i>Erfahrung</i>
explain (to)	<i>erklären</i>
final end	<i>Endzwek</i>
freedom	<i>Freiheit</i>
furnish, provide (to)	<i>verschaffen</i>
generality	<i>Allgemeinheit</i>
good conduct	<i>Wohlverhalten</i>
good fortune	<i>Glück</i>
govern	<i>regieren</i>
gratification	<i>Vergnügen</i>
gratitude	<i>Dankbarkeit</i>
guilty	<i>schuldig</i>
habit	<i>Gewonheit</i>
happiness	<i>Glückseeligkeit</i>
happy	<i>glücklich</i>
harmful	<i>schädlich</i>
harmonize (to)	<i>zusammenstimmen</i>
harmony	<i>Zusammenstimmung</i>
hate	<i>Haß</i>
hesitation	<i>Bedenken</i>
heteronomous	<i>heteronomisch</i>
hide (to)	<i>verstecken</i>
hideous	<i>häßlich</i>
homicide	<i>Todschlag</i>
honesty	<i>Ehrlichkeit</i>
honour, honourableness	<i>Ehere, Ehrbarkeit</i>
ill	<i>Übel</i>
imperturbable	<i>unerschütterlich</i>

incessant	<i>unaufhörlich</i>
inclination	<i>Neigung</i>
indebted	<i>verschuldet</i>
indelible	<i>unauslöschlich</i>
indicate (to)	<i>zeigen</i>
inexhaustible	<i>unerschöpflich</i>
infringe upon (to)	<i>Abbruch thun</i>
injury	<i>Verletzung</i>
injustice	<i>Ungerechtigkeit</i>
instigator	<i>Anstifter</i>
instruct	<i>belehren</i>
instruction	<i>Unterweisung</i>
intend (to)	<i>Vorsetzen</i>
intention	<i>Absicht</i>
international law	<i>Völkerrecht</i>
inviolable	<i>unverletzlich</i>
judge	<i>Richter</i>
judge (to)	<i>Beurtheilen, urtheilen</i>
judgement	<i>Urtheil</i>
justice	<i>Gerechtigkeit</i>
justify (to)	<i>Berechtigen, rechtfertigen</i>
keeping one's word	<i>Worthalten</i>
kind	<i>gütig</i>
kind-heartedness	<i>Gutartigkeit</i>
kindness	<i>Gütigkeit</i>
know	<i>erkennen</i>
leave anything to	<i>überlassen</i>
legislation	<i>Gesetzgebung</i>
life-rules	<i>Lebensregeln</i>
loathe (to)	<i>verabscheuen</i>
loathing	<i>Abscheu</i>
loss	<i>Verlust</i>
love of honour	<i>Ehrliebe</i>
luck	<i>Glück</i>
mediately	<i>mittelbar</i>
mercenary	<i>lohnsüchtig</i>

merit	<i>Verdienst</i>
meritorious	<i>Verdienstlich</i>
might	<i>Macht</i>
model	<i>Muster</i>
moderation	<i>Gnugsamkeit</i>
moral science, morals	<i>Moral</i>
morality	<i>Moralität, Sittlichkeit</i>
morals	<i>Sitten</i>
moreover	<i>Zudem</i>
motivational cause	<i>Bewegursache</i>
motive	<i>Bewegungsgründ</i>
move (to)	<i>Rühren</i>
natural determination	<i>Naturbestimmung</i>
natured	<i>geartet</i>
necessitation	<i>Nöthigung</i>
neglect	<i>Verabsäumung</i>
notwithstanding	<i>unangesehen, ungeachtet</i>
obey (to)	<i>gehorschen</i>
obligate (to)	<i>verbinden</i>
obligated	<i>verbindlich</i>
obligation	<i>Verbindlichkeit</i>
obtain (to)	<i>erlangen</i>
omission	<i>Unterlassung</i>
order (to)	<i>fehlen</i>
ought	<i>Sollen</i>
outweighed	<i>überwogen</i>
overlook (to)	<i>versehen</i>
owner	<i>Eigenthümer</i>
partake of (to)	<i>theilhaftig machen</i>
partial	<i>Partheyisch</i>
particular	<i>besondere</i>
partisan	<i>partheyisch</i>
passion	<i>Leidenschaft</i>
perfection	<i>Vollkommenhiet</i>
permit (to)	<i>erlauben</i>
persistence	<i>Vestigkeit</i>

persuasion	<i>Überredung</i>
piety	<i>Frömmigkeit</i>
portion out	<i>austheilen</i>
power	<i>Kraft, Gewalt</i>
power of judgement	<i>Urtheilskraft</i>
practice (to)	<i>betreiben</i>
precept	<i>Vorschrift</i>
precisely	<i>genau</i>
preferred	<i>beliebig</i>
prescribe (to)	<i>vorschreiben</i>
price, prize	<i>Preis</i>
principle	<i>Grundsatz</i>
principles	<i>principien</i>
private choice	<i>Privatwillkühr</i>
prohibited	<i>verboten</i>
promise (to)	<i>versprechen</i>
propensity	<i>Hang</i>
prudence	<i>Klugheit</i>
prudent	<i>klug</i>
purity	<i>Reinigkeit</i>
purpose	<i>Absicht</i>
quality	<i>Beschaffenheit</i>
rational	<i>vernünftig</i>
reason	<i>Vernunft</i>
reasonable	<i>Billig</i>
receptivity	<i>Empfänglichkeit</i>
recognize	<i>erkennen</i>
recommendation	<i>Empfehlung</i>
rectitude	<i>rechtschaffenheit</i>
relation	<i>Verhältnis</i>
reliability	<i>Zuverlässigkeit</i>
reliable	<i>zuverlässig</i>
remuneration, payment	<i>Bezahlung</i>
replace	<i>ersetzen</i>
resolution	<i>Vorsatz</i>
resolve to pursue (to)	<i>vorsetzen</i>

respect	<i>Achtung</i>
rightly	<i>billig</i>
right-thinking	<i>gutdenkend</i>
rule	<i>Regel</i>
satisfaction	<i>Befriedigung</i>
science	<i>Wissenschaft</i>
secure	<i>sicher</i>
security	<i>Sicherheit</i>
selection	<i>Wahl</i>
self-active	<i>selbsttätig</i>
self-esteem	<i>Selbstschätzung</i>
self-interest	<i>Eigennutz</i>
self-interested	<i>eigennützig</i>
selfish	<i>eigenliebig</i>
self-legislating	<i>selbstgesetzgebend</i>
self-love	<i>Selbstliebe</i>
sensation, sentiment	<i>Empfindung</i>
senseless	<i>ungereimt</i>
sensibility	<i>Sinnlichkeit</i>
sensuality	<i>Wohllust</i>
sensuous	<i>sinnlich</i>
simple-minded	<i>einfältig</i>
simplicity	<i>Einfalt</i>
sin	<i>Sünde</i>
situation	<i>Lage</i>
skilfulness	<i>Geschicklichkeit</i>
slavish	<i>knechtisch</i>
soft	<i>weich</i>
special	<i>besondere</i>
spectator	<i>Zuschauer</i>
state	<i>Stände</i>
statute	<i>Satzung</i>
stimulate (to)	<i>rühren</i>
strength	<i>Stärke</i>
subject (to)	<i>unterwerfen</i>
subjection	<i>Unterwerfung</i>

supersensible	<i>übersinnlich</i>
suspend (to)	<i>aussetzen</i>
tacit	<i>stillschweigend</i>
tame	<i>Zalm</i>
threat	<i>Androhung</i>
timidity	<i>Scheu</i>
touchstone	<i>Prüfstein</i>
transgress (to)	<i>übertreten</i>
unconditioned	<i>unbedingt</i>
unconstrainable	<i>unbezwänglich</i>
uncultivated	<i>rohe</i>
understanding	<i>Verstand</i>
universal validity	<i>allgemeingültigkeit</i>
universality	<i>Allgemeinheit</i>
universally valid	<i>allgemeingültig</i>
unjust	<i>ungerecht</i>
unreliable	<i>unzuverlässig</i>
upright	<i>rechtschaffen</i>
use, employ (to)	<i>gebrauchen</i>
use, utilize (to)	<i>nutzen</i>
valid	<i>gültig</i>
vice	<i>Laster</i>
vindictive	<i>rächend</i>
violence	<i>Gewalt</i>
volition	<i>Wollen</i>
weak	<i>schwach</i>
wealth	<i>Reichthum</i>
welfare	<i>Wohlfarth</i>
well-ordered	<i>wohlgeordnet</i>
worth	<i>Werth</i>
worthless	<i>nichtswürdig</i>
worthy of loathing	<i>verabscheuungswürdig</i>
worthy of the gallows	<i>hängenswerth</i>
wrath	<i>Zorn</i>
wrong	<i>Unrecht</i>

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