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Elements of Wolff and Crusius in Kant's Concept of Self-Legislation

ABSTRACT: The concept of self-legislation or autonomy is one of the outstanding innovations of Kant's ethics. Nevertheless, it should not be ignored that it also builds on previous positions. Even if Kant in the *Groundwork* classifies all other moral principles as heteronomous, it is important to recognize that Kant incorporates elements of Wolff's theory of self-legislation and Crusius' theory of obligation into his theory of autonomy. In this essay, I present the relevant themes in Wolff and Crusius and discuss how they were taken up by Kant in the mid-1780s.

KEYWORDS: Autonomy; Self-legislation; Christian August Crusius; Immanuel Kant; Christian Wolff

1. INTRODUCTION

One of the outstanding innovations of Kant's ethics is his concept of autonomy, which he explains in the *Groundwork* in these words: "Autonomy of the will is the property of the will by which it is a law to itself (independently of any property of the objects of volition)" (GMS 4: 440). Since Kant understands the will as practical reason, he also formulates his concept of autonomy in the *Critique of Practical Reason* as follows: "Pure reason is practical of itself alone and gives (to the human being) a universal law which we call the moral law" (KpV 5: 31). In the literature, several aspects are distinguished and attributed to the concepts of autonomy and self-legislation in Kant. The self-legislation of reason is said to be responsible for (1) the existence of the moral law, (2) its content, (3) its imperative character, and (4) the motivation to follow the moral law.¹ However, whether and how self-legislation fulfills each of these roles is a matter of debate.²

As Kant's conception is often credited with being a significant novelty, discussions of how Kant's understanding of autonomy also builds on previous positions are

1. According to Sensen 2019: 83, Kant's view of the self-legislation of reason contains the following three theses: "reason *itself* is the source of the content of the moral law", "reason makes the law obligatory", and "reason by itself can motivate one to follow it". Sensen can be understood in such a way that the three theses cover all four points mentioned above. (1) and (2) are explicitly defended by Reath (most recently in Reath 2019) and rejected by Kleingeld & Willaschek 2019. A classic text that disputes (1) and (2) is Ameriks 2003.

2. I will not go into the question of whether the terms "self-legislation" and "autonomy" differ in their meaning in some ways. Although I think this question is worth discussing, it is not my topic in this paper.



still relatively rare.³ Yet, as I will show below, Wolff and Crusius play a significant role here. It is undisputed that Kant's engagement with Wolff and Crusius is immensely significant for the development of his ethics, although individual assessments may vary.⁴ By the time of the *Groundwork*, Kant's more intense engagement with the conflicting moral philosophies of the two authors seems to come to a first end.⁵ At this time, Kant classifies the moral principles advocated by Wolff and Crusius, along with all other traditional moral principles, as heteronomous and contrasts them with the categorical imperative as the principle of an ethics of autonomy. Nevertheless, it is important to recognize that Kant also approves of individual elements of the moral philosophy of Wolff and Crusius in the *Groundwork* and *Mrongovius II*, a transcript of Kant's ethics lecture from the period when he wrote the *Groundwork*.⁶ Upon closer examination, it can even be seen that Kant incorporates elements of Wolff's theory of self-legislation and Crusius' theory of obligation into his own theory of self-legislation. In the following, I will discuss elements of the philosophies of Wolff and Crusius and show how they serve as points of reference for Kant. While I will not recount the development of Kant's engagement with Wolff and Crusius, I will discuss some of Kant's statements from earlier works. My focus will be on presenting the relevant themes in Wolff and Crusius and discussing how they were taken up by Kant in the mid-1780s.

2. WOLFF ON MORAL SELF-LEGISLATION

Scholars have occasionally noted that Wolff already discusses the self-legislation of reason.⁷ But they differ on the question of whether Wolff and Kant agree on the content of this concept of self-legislation.⁸ In the following, I will discuss several aspects of Wolff that are significant for Kant's discussion of moral perfectionism. I will look in particular at Wolff's theses that actions in themselves are good or evil (2.1), that the laws of good and evil, as well as their bindingness, are natural and do not result from the arbitrary decision of someone else (2.2), and that reason gives itself the law (2.3).

3. On the historical context of the concept of autonomy, see Bacin & Sensen 2019. A classic work is, of course, Schneewind 1998: esp. pt. IV.

4. According to Schmucker 1961: 81, "the idea of the pure formal principle of obligation" is prefigured in Crusius. This is disputed by Schwaiger 1999, who sees Kant as standing in stronger continuity with Baumgarten on this and other points (cf. also Schwaiger 2011: 145-147). According to Fricke 2018, Kant adopts the distinction between moral motivation to action and motivation from self-love and the pursuit of happiness from Crusius.

5. There are also later intensive discussions about the ethics of the two, especially in the *Vigilantius* lecture.

6. *Mrongovius II* goes back to Kant's lecture in 1784/85. On *Mrongovius II* in general, see Timmermann 2015.

7. Wolff 1733: §38, 28.

8. While Schmucker 1961 and Schröder 1991 focus on similarities, especially Hüning 2018 points out differences.

2.1 *The Perseity of Good and Evil*

Wolff's moral philosophy provides a positive answer to the question, highly debated in the first half of the 18th century, as to whether there is an "objective morality" inherent in action itself.⁹ In the German natural law tradition, this is largely disputed by Pufendorf, according to whom morality results from the commands of a powerful God. This concept of morality is rooted in Pufendorf's view that laws in general are prescriptions made by a higher authority: "However, in general, a law seems most conveniently defined as a decree by which a superior obligates a subject to conform their actions to its prescription".¹⁰ In Pufendorf's view, laws consist in the command of a higher authority who can force those subject to the higher authority's power to comply with the law. However, the higher authority is distinguished not only by its power to sanction, but also by its benevolence in allowing those subject to the laws to receive benefits they cannot adequately provide for themselves.¹¹ Pufendorf's definition of law also refers to moral laws by which actions are classified as good or evil. In this regard, moral laws are distinguished from legal laws by the fact that they owe their existence not to the whims of a ruler, but to the will of God. On this basis, Pufendorf maintains that natural rights and duties, unlike positive rights and duties, exist independently of human influence, even if they equally arise from the will of a higher authority.¹²

Although Wolff does not mention Pufendorf, he clearly opposes him in the second preface of the *German Ethics*, crediting himself with the merit of having demonstrated "that the actions of humans are inherently good or evil, but by no means become good or evil only through the command or prohibition of a superior".¹³ According to Wolff, actions are good if they make the state of the agent more perfect and evil if they make the state of the agent less perfect.¹⁴ In Wolff's words, "those actions by which perfection is achieved not only in the conduct of one person, but of the whole human race together, [...] are none other than those which are good in themselves".¹⁵ Wolff takes the opposite position of Pufendorf, claiming that an action is good or evil because of the perfection it brings about and not because of the command of another.¹⁶

One important source for Wolff's rejection of voluntarism is Leibniz's criticism of Pufendorf. Leibniz rejects Pufendorf's conception of morality because, according to it,

9. See Schwaiger 2021: 59-63 on Wolff's position in the debate on objective morality.

10. According to Pufendorf in *De Iure Naturae et Gentium* (Pufendorf 1998: VI, §4). See also Pufendorf 1997: ch. 2, §2.

11. This is emphasized by Pufendorf in *De officio hominis et civis iuxta legem naturalem* (see Pufendorf 1997: ch. 2, §5).

12. On Pufendorf's distinction between duties in natural law and duties in positive law see Hartung 1999: 34-37.

13. Wolff 1733: Preface to the second edition, without pagination.

14. See *ibid.*: §3, 6: "That which makes our inner as well as our outer state perfect is good; but that which makes both imperfect is evil".

15. *Ibid.*: Preface to the second edition, without pagination.

16. On Wolff's opposition to Pufendorf, see Hartung 1999: 131-134, Hüning 2004: 102-113, Klemme 2019: 16, and Schwaiger 2021.

God arbitrarily chooses the content of morality. Attention has been drawn to the fact that Wolff initially advocated for a voluntaristic conception of law and obligation at the beginning of his engagement with practical philosophy.¹⁷ It was only after a critical letter from Leibniz that Wolff adopted the opinion that actions acquire their moral quality due to their internal properties and not because of the decree of a higher authority.¹⁸

The substantive core of Leibniz's criticism of Pufendorf can be deduced readily from the *Theodicy* and *New Essays*. According to the *Theodicy*, the view that God created good and evil through an arbitrary decision ("par un décret arbitraire") is unreasonable because it denies God's goodness.¹⁹ Since God is not bound in his actions, he can establish or modify justice without further reason, which contradicts the notion that God himself is just. The arbitrariness of the decision not only calls into question the understanding of a moral God, it also contradicts the usual understanding of morality. As Leibniz emphasizes in the *New Essays*, an action can be morally good or evil at the same time, depending on the legislator, if its moral quality can be derived from a will: "But it is also true that according to this notion, the same action would be morally good and morally evil at the same time, under different legislators".²⁰ According to Leibniz, the argument against this view is that it is revisionist in relation to the usual understanding of moral good and evil. To remain faithful to the ordinary understanding of morality, Leibniz instead posits an immutable rule of reason from which the moral quality of an action arises, and which is merely "maintained" by God.²¹ Like Wolff after him, Leibniz is of the opinion that deriving morality from a decision by God has a destructive effect on our understanding of morality.

2.2 Natural Law and Natural Obligation

A more detailed picture of Wolff's commitment to objective morality can be gained from his ethics. In the first part of his *German Ethics*, Wolff assumes that people can improve or worsen their inner or outer state through their free actions.²² The state of a human being gains perfection when individuals harmonize their individual states with one another and bring them into harmony with human nature: "If the present state harmonizes with the preceding and the following, and if all together correspond with the essence and nature of human beings, then the state of the human being perfect, and the more perfect, the greater this harmony is".²³ One example of gaining perfection is when

17. See Schwaiger 2011: 147-149. The voluntaristic view can be found in the *Philosophia Practica Universalis* from 1703 (Wolff 1703), one of his two dissertations.

18. In the letter to Wolff from February 21, 1705 (Leibniz 1860: 16-21). Wolff was familiar with Leibniz's criticism of Pufendorf probably also from the *Monita quaedam ad Samuelis Puffendorffii Principia* (Leibniz 1972). See Schwaiger 2011: 148f.

19. Leibniz, *Essais de Théodicée* (Leibniz 1885: 2nd part, 176).

20. Leibniz, *Nouveaux Essais*, II, XXVIII, A VI, 6, 250.

21. He writes: "I would rather, for myself, take as the measure of moral good and virtue the invariable rule of reason, which God has taken upon himself to maintain" (*ibid.*).

22. Wolff 1733: §2, 3.

23. *Ibid.*: §2, 5.

a person orients their diet towards the goal of maintaining their health.²⁴ If one assumes that the perfection of an action is decisive for its moral quality, the following argument for the objective morality of actions arises: since perfection or imperfection depend on the success of an action and the success of the action is brought about by the action through causal necessity, an action has the intrinsic property of being good or evil.²⁵

Because the moral quality of an action is measured by the perfection realized through it, Wolff explains: "They [actions] are thus good or evil before and in themselves, and are not made so by GOD's will".²⁶ Consequently, an action does not lose its moral quality even in the hypothetical case that there is no God: "If it were therefore equally possible that there were no God, and that the present context of things could exist without him, the free actions of men would nevertheless remain good or evil".²⁷ As a result, the principle of perfection described by Wolff as the law for free actions – namely, "do what makes you and your or another's state more perfect; refrain from what makes it more imperfect" – applies independently of God's will.²⁸ According to Wolff, the perseity of good and evil is expressed in the fact that the goodness or evil of an action is due to a law that precedes the will of God.

Wolff further argues that the law for free actions must be a natural law, as it is not determined by divine or human will. As a natural law, it also has a different kind of bindingness (*Verbindlichkeit*) than divine or human laws. Unlike Pufendorf, Wolff develops a definition of the law that is not based on the command of a higher authority, but on the binding force of a rule: "A rule according to which we are bound to organize our free actions is called a *law*".²⁹ Wolff is of the opinion that a law is binding if there are motives for obeying the law: "To bind someone to do or not to do something is nothing other than to associate with it a motive for willing or not willing it".³⁰ Accordingly, a law is binding if there is also a motivation to act in accordance with it.³¹ This is also the case if the state authority uses the threat of punishment to force its subjects to comply with the law.³² In contrast to a legal law, however, under the principle of perfection we are bound by nature to perform an intrinsically good act and to refrain from an intrinsically evil one: according to Wolff, "nature has linked the motives with the inherently good and evil actions of man".³³ The moving reasons are based on the fact that man strives for perfection and gains perfection through good actions and loses perfec-

24. *Ibid.*: §2, 4.

25. See *ibid.*: §5, 6f.

26. *Ibid.*: §5, 7.

27. *Ibid.*

28. *Ibid.*: §12, 12.

29. *Ibid.*: §16, 15. See Wolff's definition of the law in the *Philosophia Practica Universalis*: "A law is called a rule by which we are obliged to regulate our actions" (Wolff 1738: §131). On the law of perfection, see Schwaiger 2018: 255-258, Klemme 2007, and Hüning 2004.

30. Wolff 1733: §8, 8.

31. See Schwaiger 2011: 150f., and Hüning 2004: 102.

32. Wolff 1733: §8, 8f.

33. *Ibid.*: §9, 10.

tion through evil ones. It is clear that Wolff is not focusing on the normative character of bindingness here. Instead, he is concerned with the fact that the person acting has a motivating reason to follow the law that outweighs other motivating reasons.

As Wolff makes clear, the idea that ethical laws result from the will of God also brings with it an absurd consequence. Consider the atheist. They have no reason to believe that there are moral laws if moral laws result from the divine will.³⁴ Under this assumption, the atheist can even absolve themselves of the idea that there are moral constraints governing their actions. Since actions are inherently good or evil regardless of whether a person believes in God or not, or what conception they have of God, according to Wolff, they must be good or evil due to a natural law. Wolff wants to dispel the misunderstanding that “something becomes good and praiseworthy because GOD has commanded it”, whereas “on the contrary, GOD has commanded this and forbidden that, because the one is good and the other evil”.³⁵ This argument has a double implication: on one hand, regardless of their religious beliefs, every person has a reason to accept moral constraints, as the bindingness of natural law does not come from God, but lies within nature. On the other hand, the natural law is characterized by the fact that it cannot be changed by the divine will but is eternally valid.³⁶ The natural law thus also represents a limitation on divine freedom, such that God is limited in the choice of the world he brings into existence by the natural law.³⁷

2.3 Reason as the Teacher of the Law

According to Wolff, there is a parallel between God and human beings in that both are subject to the moral law – albeit in different ways – and grasp the moral law through their reason. Irrespective of their religious convictions and the customs prevailing in their social environment, all human beings are fundamentally capable of recognizing the natural law through their reason and deriving their duties from it. Since reason achieves “an insight into the connection of things,” it reveals the perfection or imperfection of actions, leading Wolff to describe reason as “the teacher of the law of nature”.³⁸ Moral knowledge results from reason, and no moral error can occur if reason is exercised correctly. Furthermore, reason is enough to motivate moral action: “Therefore, whoever arranges their actions and behavior according to reason, that is, acts rationally, lives according to the law of nature, and to the extent that one is rational, to that extent they cannot act contrary to the law of nature”.³⁹ This is based on an intellectualist conception of the motive for action, according to which reason, in contrast to the senses, attains clear knowledge of the good and clear knowledge of the good

34. *Ibid.*: §21f., 17f.

35. *Ibid.*: Preface to the Third Edition, §4.

36. See *ibid.*: §26, 19.

37. See Aichele 2018: 279 who agrees.

38. Wolff 1733: §23, 18.

39. *Ibid.*: §24, 18.

constitutes a sufficient motive for action.⁴⁰ With a view to the role of reason for moral knowledge and the motivation for moral action, Wolff ultimately arrives at the formulation that a reasonable person is “a law unto himself [...] by means of his reason”.⁴¹ This means that human beings are able to recognize the natural law and act in accordance with it solely on the basis of their reason.

However, reason is not only the source of moral knowledge and motivation for action according to Wolff; on closer inspection, reason also provides a ground for the obligation to obey the natural law. This emerges from Wolff's comparison of the binding force of the natural law with that of the divine law. According to Wolff, the natural law exists independently of God's will, but it is affirmed by God's will, so the natural law also forms the content of a divine law.⁴² Even if “God cannot give man any other law than the law of nature”, he can, however, artificially link actions with motives, through which the human being is under a greater obligation to comply with the natural law.⁴³ God does this by often allowing “fortunes” to follow good actions and “misfortunes” to follow evil actions.⁴⁴ According to Wolff, individuals who are not guided by their reason can still be prompted to take actions in accordance with the natural law by the prospect of their own happiness and the fear of their own unhappiness.⁴⁵ Accordingly, divine obligation plays a special role because it motivates even those who do not have clear knowledge of the good to follow the law. The rational person in contrast is characterized by the fact that reason gives them the law in such a way that they do not require any further motives through rewards and punishments. The rational person is guided solely by the moral quality of the action and “does good because it is good and refrains from evil because it is evil”.⁴⁶ According to Wolff, in this respect, they even become similar to God, because like God, they are only prompted to follow the natural law through insight into the law and not by the command of a higher authority.

In his concept of the self-legislation of reason, Wolff initially points to the role of reason as a reliable source of moral knowledge and moral motivation. His talk of self-legislation does not however have the broader meaning that reason chooses the law. As a law of nature, the moral principle is eternal and is neither produced by the divine or human will, nor can it be changed by these. Self-legislation consists in the fact that human beings recognize the moral quality of an action on the basis of their reason and perform or refrain from performing the action solely on the basis of its moral quality.

40. *Ibid.*: §8, 8.

41. *Ibid.*: §24, 18f. See Klemme 2019: 19f., who also addresses this formulation.

42. See Wolff 1733: §29, 20f.: “The natural law is also a divine law”.

43. *Ibid.*: §29, 21.

44. *Ibid.*: §30, 21

45. See *ibid.*: §39, 29: “On the other hand, since an irrational person needs another obligation in addition to the natural one if they are to obey the law, rewards and punishments are also reasons for them to perform good actions and refrain from evil ones”. From the incapability of natural obligation to motivate irrational people, Wolff derives coercive legislation not only in divine law but also in positive law (see Hüning 2002: 538-542).

46. Wolff 1733: §38, 28.

Reason is a ground of obligation because the good or evil of an action gives the rational person a reason to perform or refrain from performing an action without further consideration.

3. KANT ON WOLFF: BETWEEN THE IDEA OF THE INTRINSICALLY GOOD WILL AND THE PRUDENT CHOICE

From a general perspective, Kant rejects the moral theory of perfection for the same reason as all other moral theories he encountered. In the *Groundwork*, he reproaches the competing moral theories as a whole for not separating their investigations into morality “as pure practical worldly wisdom or [...] as metaphysics of morals” (GMS 4: 410) from experience and consequently not arriving at a pure moral principle. This criticism concerns both the empirical principles of morality based on the concepts of happiness and moral feeling and the rational principles based on the ontological or theological concept of perfection (see GMS 4: 441–444).⁴⁷ Kant’s critique of the ontological concept of perfection is at least primarily aimed at Wolff and not Baumgarten. Kant does indeed deal in detail with passages from Baumgarten’s *Initia philosophiae practicae primae* (1760) and *Ethica philosophica* (1740), which he used as the basis for his ethics lecture. However, in his taxonomy of moral principles in the *Groundwork* and the *Critique of Practical Reason* (cf. KpV 5: 39), which he only slightly modifies from his ethics lectures, he primarily refers to Wolff as a representative of moral perfectionism whereas he seems to categorize Baumgarten as a “theological moralist” due to his deviations from Wolff.⁴⁸

3.1 Perfection as a Rational Principle

In addition to moral perfectionism, according to Kant divine command theory also falls under the rational concept of morality, because God is recognized by reason as the legislator or author of morality on the basis of his perfection. However, Kant concedes that the ontological concept of perfection enjoys advantages over the other moral principles he lists. Comparing the two rational principles of morality, Kant considers the ontological concept of perfection in the tradition of Wolff to be “better” than the theological one, which attempts to derive the criteria of morally correct action “from a divine, all-perfect will” (GMS 4: 443). Kant’s first reason is that the ontological concept of perfection, unlike the theological concept of perfection, at least does not “get involved in a circle” in which morality is derived “from a divine, all-perfect will” to which all-goodness was previously ascribed (*ibid.*). If divine command theory avoids this circle and instead derives its will from “the attributes of desire for glory and dominion” combined with “dreadful representations of power and vengeance,” it arrives at “a system of morals that would be directly opposed to morality” (*ibid.*). Such a view,

47. For the classification of moral concepts, see Wood 2015: 123–126.

48. See Bacin 2019: 51, who is in agreement. Baumgarten’s proximity to the theological conception of morality can be seen in Baumgarten 1760: §100. Kant also cites Crusius and Baumgarten together as representatives of theological ethics (V MS/Vigilantius 27: 510).

reminiscent of Pufendorf, is opposed to morality because, according to it, moral commandments and prohibitions originate from an arbitrary decision by God and their observance can only result from fear of punishment or hope of reward.

Kant thus favors moral perfectionism, which understands “morality from the nature of the action itself,” over theological ethics, which derives morality “from a being different from us” (V Moral/Mrong II 29: 622). By taking the side of moral perfectionism, Kant is opposing a trend of his time, as he emphasizes: “The metaphysical principles are now very much abandoned. A large part has fallen on the theological principle, because the metaphysical has no power” (*ibid.*). However, moral perfectionism is also based on an error, even if this at least does not prove to be harmful to morality. The error is that the principle of perfection is too vague, which Kant expresses by calling it “empty,” “indeterminate” and therefore practically “useless” (GMS 4: 443). Although moral perfectionism assumes that there is a rational principle of moral evaluation, the principle it establishes turns out, according to Kant, to be empty because it cannot be successfully applied.⁴⁹

Kant draws a further comparison between moral perfectionism and moral sense theory, as according to him both the concept of ontological perfection and the concept of moral sense “at least do not infringe upon morality” (*ibid.*), although they do not promote it either. If he had to choose between the concepts of moral sense and ontological perfection, Kant declares, he would “decide for the latter; for, since it at least withdraws the decision of the question from sensibility and brings it to the court of pure reason, even though it decides nothing there it still preserves the indeterminate idea (of a will good in itself) unfalsified, for closer determination” (*ibid.*). A reference to Wolff's theory of self-legislation can be seen in Kant's statement that moral perfectionism brings the question of moral judgment “to the court of pure reason” (*ibid.*). For Kant prefers moral perfectionism over divine command theory because it recognizes reason as the authoritative source for moral judgment. Kant aligns himself with moral perfectionism because, according to it, humans can determine through reason the moral quality of an action.

3.2 *Perfection as an End*

One might wonder, however, why Kant also incorporates the idea of an intrinsically good will into moral perfectionism. Light can be shed on this with Kant's remarks from *Mrongovius II* where he also treats moral perfectionism as a double-edged enterprise, whereby his assessment is based on whether the perfection of an action is understood as an end or as a means. If perfection is understood as an end, it coincides with the idea of an action that is good without restriction: “It can also be taken that what is good without restrictions is perfection considered as an end: therefore, seek perfection that is good in itself or is an end in itself: or seek absolute moral perfection” (V Moral/Mrong. II 29: 626). This characterization is consistent with Wolff's statement that the rational being follows no other considerations and chooses the good action because it

49. See Klemme 2007: 177f., and Bacin 2019: 53f.

is good and avoids the evil action because it is evil. Kant finds the guiding idea of an intrinsically good will, which is crucial for him, in Wolff's description of the rational being that gives itself the law by selecting its actions solely based on their moral quality. However, the problem of the emptiness of the principle of perfection comes to light in the fact that, within this framework, only a tautological answer can be given to the question of how perfection can be recognized: "But this is just tautology. For if one wants to know what the ground for this perfection is, and one gets the answer: seek perfection; then it is always the same" (*ibid.*).

One shortcoming of moral perfectionism is that, according to Kant, it outlines the idea of an intrinsically good will, but does not derive an informative moral principle from it. It is nevertheless striking that, contrary to his general scheme, Kant does not criticize the heteronomy but the unfruitfulness of the moral principle in this understanding of moral perfectionism.

3.3 *Perfection as a Means*

However, according to Kant, a problem arises when Wolff tries to explain why moral requirements are binding for every human. As Kant puts it in *Mrongovius II*, the negative side of moral perfectionism lies in the fact that "perfections [...] are regarded as means" (V Moral/Mrong. II 29: 626), whereby "to seek these [...] would be pragmatic and not moral" (V Moral/Mrong. II 29: 626f.). Kant calls the imperative pragmatic, which recommends choosing the appropriate means to achieve happiness (see GMS 4: 417). Kant also addresses the topic of prudent choice in the *Groundwork* in his discussion of the ethics of perfection. He shows there that even moral perfectionism is only capable of justifying "counsels of prudence" and not "commands (laws) of morality" (GMS 4: 416). Kant considers the concept of perfection to be problematic because, like the other moral doctrines he examines, it constructs moral obligation as a hypothetical imperative. According to him, all moral conceptions that he rejects follow the idea "*I ought to do something on this account, that I will something else*", whereby "yet another law must be put as a basis in me, the subject, in accordance with which I necessarily will this something else" (GMS 4: 444).

Kant appears to suggest that according to moral perfectionism, an action aimed at perfecting one's own state is considered obligatory because it is inherent to the nature of the will to strive for perfection, and with increasing perfection comes happiness. As with the other moral philosophies he criticizes, according to Kant, "nature ultimately gives the law" (*ibid.*), even if the "impulse" to bring about the object lies in understanding and reason, "which by the special constitution of their nature employ themselves with delight upon an object" (*ibid.*). Kant criticizes this approach because the assumption of a human striving for perfection belongs to empirical psychology and a fact of empirical psychology is not suitable to justify an unconditional imperative. The ethics of perfection makes the mistake of deriving the binding force of moral laws from an assumption central to empirical psychology. According to Kant, the asserted psychological law is "contingent and hence unfit for an apodictic practical rule, such

as moral rules must be" (*ibid.*) since it is derived from experience and experience is not sufficient to prove a law.⁵⁰

In summary, Kant refers positively to Wolff because Wolff attributes the decisive role in moral judgment to reason and outlines the idea of an inherently good will based on the concept of a being guided solely by the moral quality of the action in its deliberation and execution. Leaving aside the vagueness of perfection as a moral principle, however, Wolff's theory of obligation is particularly problematic because it understands the binding force of moral rules as a hypothetical imperative based on an assumption of empirical psychology.⁵¹ Kant derives his problematization, according to which Wolff's theory of self-legislation is incompatible with Wolff's own theory of obligation, from the comparison of the two strands he sees in Wolff's ethics – perfection as an end or as a means. Kant himself resolves this incompatibility by tracing the bindingness back to self-legislation. Perhaps surprisingly, his new approach can be traced back to his work on Crusius.

4. CRUSIUS ON OBLIGATION ARISING FROM THE WILL OF ANOTHER BEING

At first glance, Kant seems to entirely reject Crusius' ethics, as the theological ethics conceived by Crusius is unequivocally treated negatively in the *Groundwork*. But it is worth noting that Crusius' criticism of Wolff is largely in agreement with that of Kant. It also becomes clear with regard to *Mrongovius II* that Kant does not completely reject Crusius' theory of bindingness, but even says that it is correct with some restrictions. Kant in fact discovers an important building block for his theory of self-legislation in Crusius' theory of obligation.

4.1 *Crusius' Criticism of Wolff*

The fact that Kant sides with Wolff's moral perfectionism over theological ethics conceals the fact that Kant is in agreement with Crusius on various points in practical philosophy. Setting aside the connection to his own indifferentist concept of freedom, Crusius' criticism of Wolff's conception of obligation shares similarities with Kant's. Crusius presents his criticism in a long note in his *Guide to Rational Living*, which is added in the third edition from 1767. There he discusses errors that result from "an undetermined philosophical language of reasons and sufficient reasons".⁵² Similar to Kant, Crusius is of the opinion that moral perfectionism does not do justice to the normative character of obligation and falsely attempts to illuminate obligation with assumptions from empirical psychology. The fact that the concept of the good motivates

50. Similarly, in the preface to the *Groundwork*, Kant objects against Wolff and his followers that their concept of obligation is "anything but moral" (GMS 4: 391), since they base it on empirical motives.

51. Klemme 2007: 172f., also emphasizes that Wolff reduces the moral obligation to a question of prudence. With regard to GMS 4: 444, however, Klemme's assertion that Kant did not make this criticism explicit is surprising.

52. Crusius 1767: §164, 236.

us to act, according to Crusius, does not inform us about what constitutes obligation. As Crusius points out, Wolff's fundamental "psychological proposition that we want what we want because it is or seems to be good" only concerns the physical origin of actions, but not their binding force.⁵³ Wolff in this sense overlooks the fact that the concept of obligation does not refer to how an action comes about, but rather why it ought to be done: "In the case of obligation, however, one does not want to know how an action occurs, as both evil and good actions have their sufficient effective causes; instead, one demands to know whether and why something *ought to* or is *permitted to* happen".⁵⁴

Crusius generally asserts that in philosophy, the bindingness of an action is often confused with its originating conditions. His argument is that obligation cannot result from the originating conditions of an action in motives, as both good and evil actions have originating conditions in motives. Crusius directly applies this argument to Wolff's explanation of obligation arising from the linking of an action with motives:

The same confusion lies in the notion that obligation is the linking of motives with actions. If one now says: motives from which the action arises, *genesis physica?* or by virtue of which it should happen? For even evil actions occur based on motives; and if such motives were not connected with the intention and did not determine it, they would not occur.⁵⁵

Crusius accuses Wolff of confusing normative and motivational aspects in his discussion of obligation. An action with obligation cannot be distinguished from one without obligation based on its motivating reasons, as every action has a backstory of motivating reasons. According to this objection, Wolff offers a reason of the wrong kind for the binding force of good actions. Wolff only refers to explanatory reasons for the emergence of an action, but not to justifying reasons for the obligation to perform or refrain from performing an action.

4.2 *Priority of Duties of Virtue*

Crusius believes he finds another error in the practical philosophy of his contemporaries, which also applies to Wolff's ethics. According to Crusius, the choice of an action "based on true grounds of obligation" is confused with the choice "for the sake of prudence".⁵⁶ In contrast, a central thesis of Crusius' ethics is that the duties of virtue and prudence have a different status. In general, Crusius considers his *Guide to Rational Living* to be "the science that contains the rules for how the human will should be and act according to the dictates of reason".⁵⁷ Among these rules, two types of duties can be distinguished because, according to Crusius, the will of humans can be determined

53. Crusius 1767: §164, 236 (note).

54. *Ibid.*

55. *Ibid.*

56. Crusius 1767: §164, 237 (note).

57. *Ibid.*: §155, 223.

either “with regard to divine natural laws, which are considered as the ultimate end of the Creator”, or “with regard to the promotion of their perfection and happiness”.⁵⁸ Duties of virtue are obtained here by holding the human will “against general laws of God that can be recognized by reason, that is, by consideration by the creatures”.⁵⁹ Duties of prudence, on the other hand, comprise the rules of “how the will must arrange its actions and omissions so that both the perfection and happiness of each individual human in particular, as well as that of all together, are promoted as well as possible”.⁶⁰ Crusius understands both types of rules as duties that express a moral necessity to perform or refrain from actions.⁶¹ While the moral necessity of the duties of prudence derives from the ultimate ends of human nature, the moral necessity of the duties of virtue derives from the laws that form the ultimate end of divine action.

The types of duties are, however, not only differentiated by their ends, there is also a hierarchy between them. Anticipating the results of his investigation, he first formulates a hypothesis:

For if there were divine laws, God would have intended the moral obedience of his rational creatures, and he would have demanded that they should make seeking God and doing his will their highest end, and he would have decreed that they should attain happiness under this condition.⁶²

Setting aside the hypothetical formulation, Crusius advances the view that the laws imposed by God set a limit to the human pursuit of happiness and perfection. Even if the pursuit of happiness and perfection gives rise to duties of prudence, these are overridden by duties of virtue in cases of conflict. In other words, duties of prudence only hold authority when they overlap with duties of virtue, due to the priority of duties of virtue. Crusius asserts that duties of virtue take precedence over duties from considerations of prudence, which is why he refers only to the former as “obligation”.⁶³

4.3 *Crusius on Bindingness*

If we take a closer look at Crusius' concept of bindingness, it appears at first glance that Crusius argues in a similar way to Pufendorf by interpreting the concept of law voluntaristically. However, on a closer look, it gets clear that Crusius gets beyond Pufendorf's position. In a first step, Crusius clarifies that laws are based on general commands and not on commands relating to individual situations:

A *law* is the general will of a higher authority, which itself does not have another higher authority above it, thereby imposing on those subject to it a duty to do or refrain from something, arising from the will of that authority. The same higher

58. *Ibid.*: §156, 224.

59. *Ibid.*: §156, 223.

60. *Ibid.*: §156, 224.

61. See *ibid.*: §162, 230.

62. *Ibid.*: §159, 225.

63. *Ibid.*: §164, 237 (note).

authority that gives the law is called a *sovereign*. I therefore always require a kind of generality in the law, so that it may be distinguished from individual commands.⁶⁴

Like Pufendorf, Crusius traces laws back to the will of a higher authority. However, he asserts that the will of the higher authority and the laws issued by it have a kind of generality. In a second step, Crusius provides a detailed explanation of how a sovereign acquires its normative status. He uses the concept of dependency to explain what characterizes a sovereign:

Two things depend on each other to the extent that the one must receive something from the other. Accordingly, the *dependence* of the spirits on each other is that relation by virtue of which one receives certain goods from the will of the other, in such a way that if this will were to disappear, the goods would also disappear.⁶⁵

According to Crusius, a dependency of A on B exists only if A receives a good from B that is indispensable for A and which A can only obtain through B. The “true moral dependence” is therefore different from “the mere predominant power of one over the other,” in which B merely has greater power over A and coerces A to comply with B’s command.⁶⁶ A sovereign, “whose will has a binding force”, exists only if the recipient of the command is simultaneously provided by the giver of the command with goods that the recipient cannot obtain without it.⁶⁷

Crusius derives from dependence not only God’s authorization to give commands to all human beings. The dependence also affects the motives from which human beings, as dependent creatures, have to fulfill the duties of virtue. According to Crusius, a person only fulfills a duty of virtue if they do so in awareness of their dependence and thus out of obedience to God.⁶⁸ The fact that obedience to God is the necessary motive for the fulfillment of duty is also reflected in Crusius’ distinction between the formal and material aspects of virtue. The material aspect of virtue finds its expression in actions corresponding to human and divine perfection, while the formal aspect of virtue lies in actions being performed out of obedience to God and not from other motives.⁶⁹

According to Crusius, this does not contradict the fact that God inflicts evil on those who transgress the law. This punishment is meted out by God so that his law is not in vain, which would contradict his perfection.⁷⁰ Crusius, however, warns against the “misconception that divine punishments and rewards are necessary in order to make the law binding”.⁷¹ According to him, “all true legal obligation [...] would be annulled” if the obligation of an act were to be reduced to fear of punishment for non-

64. *Ibid.*: §165, 238.

65. *Ibid.*: §166, 239f.

66. *Ibid.*

67. Crusius 1767: §166, 240.

68. See *ibid.*: §174, 249; §176, 250-252.

69. See *ibid.*: §177, 252-254.

70. See *ibid.*: §189, 267.

71. *Ibid.*: §194, 272.

compliance and hope of reward for fulfilling duty.⁷² Even if punishment and reward “are simultaneously linked to obedience as motivating causes”, they must not constitute the ultimate end of obedience, as otherwise the formal aspect of virtue is lost.⁷³

In summary, according to Crusius, the obligatory character of moral norms is based on the instructions of a higher authority, who has normative authority due to the dependence of those subordinate to the higher authority. One might be tempted to understand the relationship between the divine will and the law in Crusius as meaning that God also determines the law. In the quoted passages, however, it seems clear that Crusius recognizes the divine will as the source of binding force, not the content of the law. Crusius does not seem to share the conviction that moral norms are chosen by God according to their content and that God could also choose other moral norms.⁷⁴ On the contrary, Crusius ascribes to God an indispensable function not as the author of the content of moral norms, but as the author of their binding force.

4.4 Kant on Crusius: Duty from the Will of a Legislator

Unlike in the *Groundwork*, in *Mrongovius II* Kant engages more closely with theological ethics. His discussion comprises two parts: while in the first part he refers to the position that God merely gives the moral law binding force as a legislator, in the second part he deals with the position that the content of the moral law is due to God's arbitrary decision. Kant fundamentally rejects the second position:

It is believed that morality does not precede the divine will, so I cannot say that God commands us to perform actions because they are duties, but rather actions are duties because God commands them; but then moral laws would be arbitrary, and we would not perceive any necessity in them. (V Moral/Mrong II 29: 626)

The subject of criticism is the view that God arbitrarily determines the content of duties. If God commands actions because they are obligatory, he is merely giving instructions to follow the obligations that exist independently of his will. But if actions are obligatory because God commands them, then God also chooses the actions that people should take. Kant considers it implausible to believe that moral duties are merely “statua” that result from an arbitrary decision by God (*ibid.*). In this context, Kant shares the argument against voluntarism that Leibniz had already put forward against Pufendorf, according to which voluntarism is incapable of justifying moral necessity: “The transgression itself would have no inherent repugnance and could also be permitted again because the cause of it lies not in the action itself, but solely in the will of

72. *Ibid.*

73. Crusius 1767: §194, 273.

74. This is also Schierbaum's thesis in her interpretation of Crusius' ethics: “On the one hand, the *content* of moral obligation is constrained by the required compatibility with perfection: the content of moral obligation is determined by God's necessary *nature*, not by his will. On the other hand, it is only because God *wills* human agents to act in accordance with perfection that they are obligated to do so” (Schierbaum 2024: 282).

God” (V Moral/Mrong II 29: 627). Like Leibniz and Wolff, Kant considers an explanation of morality unacceptable if it does not do justice to its objective character by attributing its content to an arbitrary divine decision.⁷⁵ Moreover, according to another of Kant’s arguments, only through coercion can God induce people to observe morality if the content of morality is due to his decision. Even if God had revealed himself to all human beings, the divine will could not establish morality, since the reason for observing one’s duty consists merely in the “power of the sovereign” (V Moral/Mrong II 29: 626) and the fear of punishment and hope of reward.

According to Kant, however, a different understanding of theological ethics arises if God’s actions are regarded as necessarily determined by the law. Accepted here is the premise, also shared by moral perfectionism, that God’s will necessarily follows the moral law. Unlike moral perfectionism, however, this branch of theological ethics assumes that God makes the law binding. Kant thus turns to the position that God commands actions because they are obligatory. The idea of a God who does not choose arbitrarily but acts on the basis of the necessity of the law as a legislator is attractive because it counteracts a deficiency in moral perfectionism. While the weakness of rational principles, as presented by moral perfectionism, is, according to Kant, that they “have necessity but not practicality” (V Moral/Mrong II 29: 627), the strength of theological ethics, which sees God merely as a legislator, lies in the fact that it takes account of practical necessity and is able to explain the action-guiding nature of the moral law.

The assumption that moral obligation has a prescriptive character based on the command of a will is appropriated by Kant with a crucial modification:

It seems as if duty is based on the will of a legislator, not what one does according to one’s own will, but according to the will of another. But the will of another is not the will of another being; it is only our own will, insofar as we make it general and regard it as a general rule. (V Moral/Mrong II 29: 627)

Kant recognizes a constitutive condition of moral obligation in the instruction of one will to another will. Although he also assumes that a commanding will must be distinguished from a will that receives commands, he is of the opinion that these are not the wills of different beings. Kant’s view, which can especially be seen in the *Groundwork*, results from the fact that the will-based model of obligation can be stripped of its theological framework. The distinction between the wills of different beings is replaced by the distinction between the different wills of the same person.

It is not a stretch to see Crusius as the source for the position Kant discusses here. After all, Crusius criticizes psychological conceptions of obligation and regards God merely as a legislator, but not as the author of the moral law. Nevertheless, there is no direct indication that Kant attributes this view to Crusius. Instead of Crusius, Kant might be thinking of Baumgarten, who, despite drawing on Wolff, has a proximity to divine

75. On the arguments against theological ethics, see Bacin 2019: 55-57.

voluntarism.⁷⁶ But this is contradicted by the fact that Kant corrects Baumgarten's opinion that God can be seen not only as the legislator, but also as the author of the law.⁷⁷

This notion that Kant is referring to Crusius can be supported by comparing Kant's discussion of Crusius in the 1770s. In *Moral Mrongovius*, Kant ascribes to Crusius the conviction "that all obligation relates to the will of another" (V Moral/Mrongovius 27: 1412). However, since according to Kant the obligation does not result from an *arbitrium externum*, he concludes that there is no *obligatio positiva*, but only an *obligatio naturalis*. He also argues against Crusius that the *obligatio positiva* only refers indirectly to the action, whereas the *obligatio naturalis* addresses the action directly. What is meant by this is that *obligatio positiva*, in contrast to *obligatio naturalis*, does not take account of the objective morality of the act because it derives the goodness or wickedness of an act from the will of another being. Without relying on Crusius, Kant nevertheless concedes here that "derivation of morality from the divine will" (V Moral/Mrongovius 27: 1425) is possible, insofar as it helps to explain the driving force (*Triebfeder*) of the law. According to Kant, we do not need "a third being" for moral judgment, but "without a supreme judge all moral laws would be without effect" (*ibid.*): "All moral laws can be correct without a third entity, but in practice, they would be empty if no third entity compelled us to adhere to them" (*ibid.*). Kant thus includes a command component in the theory of moral law, according to which the prospect of divine reward and fear of punishment provide the driving force for moral actions.⁷⁸

In the mid-1780s, Kant developed a new conception of the driving force, which consists of respect for the moral law and excludes any consideration of rewards and punishments (see GMS 4: 400f.). Unlike in the 1770s, in the mid-1780s Kant does not ascribe relevance to a divine legislator for the driving force, but for the moral obligation. In his discussion of theological ethics, as represented by Crusius, Kant makes a distinction that was not yet apparent in the 1770s. In line with his distinction between the two variants of theological ethics in *Mrongovius II*, he now maintains that the assumption of an obligation arising from God's instruction is compatible with objective morality and arrives at the insight that God's role as legislator does not presuppose his role as author. Subsequently, Kant shares with Crusius the view that an obligation presupposes the instruction of one will to another will. Unlike Crusius, however, he is not of the opinion that these are the wills of different beings. On this basis, he concludes that the self-legislation of reason not only plays an epistemic role in grasping the moral

76. In the *Initia*, Baumgarten claims that God is both the author and legislator of natural laws (see Baumgarten 1760: §100, 61f.). Nevertheless, it is difficult to determine the extent to which Baumgarten actually departs from Wolff. After all, he also claims that all laws given by God have a reason in the nature of the action and the agent (see Baumgarten 1760: §69, 33f.).

77. See V Moral/Mrong II, 29: 635: "Our author says that moral laws can be considered as positive divine laws, but this is incorrect, because positive laws are merely pragmatic, mere *statuta* (statutes)". Kant himself uses the distinction between author and legislator in his discussion of Baumgarten.

78. See also V Moral/Mrong II, 634: "The moral law provides obligation but not driving force. This is provided by the religion of morality". See Kuehn 2015: 57-63 on similar statements in the Collins Nachschrift.

law, but also a normative role in the obligation to act according to the moral law. While Kant emancipates himself from the notion that obligation results from the will of God, he retains the notion that a voluntarist conception of obligation is compatible with the assumption of an objective morality. According to him, the concept of the moral law is “a command (of reason)” that is “necessitating for a will” (GMS 4: 413). He accepts the idea that moral duty is based on a command, even if he denies that the will to act morally “was constrained by *something else*” (GMS 4: 433) than one’s own will.⁷⁹

5. CONCLUSION: LAW AND OBLIGATION

Summing up Kant’s interaction with Wolff and Crusius, four distinct steps emerge:

- 1) Kant agrees with Wolff’s assertion, in opposition to Pufendorf, that moral laws exist necessarily and that their content does not depend on an arbitrary act of God’s will.
- 2) Like Crusius, Kant holds the view, in contrast to Wolff, that obligation cannot be elucidated by the psychological disposition to adhere to the moral law.
- 3) And like Crusius, Kant holds that moral obligation can solely be explained by the command of a superior will toward a subordinate will.
- 4) Unlike Crusius, however, Kant holds that the command on which the moral obligation is based does not originate from the will of another being.

And Kant’s conception of self-legislation suggests references to both Wolff and Crusius:

- 1) Kant concurs with Wolff in holding that the self-legislation of reason plays an epistemic role in apprehending the moral law.
- 2) Influenced by theological ethics, exemplified by Crusius, Kant arrives at the conclusion that the normative nature of the moral law can likewise be explained through self-legislation.

Looking at the context of the discussion, it becomes evident that all aspects of self-legislation mentioned at the outset are discussed, save for one. In this context, Kant ascribes an epistemic and normative, but not a metaphysical significance to self-legislation, according to which it produces the moral law. The fact that, ontologically speaking, the moral law does not arise from the will of the rational being is also not subject to criticism. Transposing Kant’s perspective on the role of the divine will concerning the law to the rational will of the human individual, it becomes evident that the moral law imposes constraints on the rational will rather than being actively chosen by it. Just as in the divine will, the human rational will does not serve as the source of the moral law, but only of its binding force. The notion that the law exists independently of the will constitutes for him the criterion for a compatible form of theological ethics. His exploration of theological ethics reveals that the will can only be considered legislative if it does not simultaneously dictate the content of the moral law.⁸⁰

79. For the development of Kant’s discussion of Crusius’ theory of obligation, see also Rivero 2018 and 2023.

80. The view that Kant combines realist and voluntarist components is not a widespread view in the literature. However, it is shared by Stern 2011 and Bacin 2017 and 2019. Stern argues

However, even if the moral law is not chosen by a rational will, it could originate from self-legislation in another sense. Some scholars point out that the moral law is the a priori rule for practical reason, and trace its necessity to its being constitutive for the exercise of practical reason.⁸¹ But even these interpretations – as respectable as they may seem at first glance – have a problem, as Kant's discussion of Wolff and Crusius shows. As we have seen, he criticizes theological ethics – unlike the ethics of perfection – for generally containing a circle, because morality can only be derived from the divine will if we think of the divine will as all-good in the first place.⁸² And if we hold the divine will to be good, then the question arises as to what makes the divine will good. Moreover, since only the moral law could make the divine will all-good, it follows that the moral law logically and presumably metaphysically precedes the divine will. There seems no reason not to apply this argument to the human rational will as well. It may be because of this problem that Kant understands the moral law not only as the a priori law of practical reason, but also as the law of the intelligible world in the *Groundwork*. In sum, it is clear that the idea of self-legislation plays an epistemic and normative role for Kant and that he takes up thoughts from Wolff and Crusius to develop this position. Perhaps surprisingly, however, it is not clear that, according to Kant, self-legislation is also the metaphysical source of moral law in any sense.

ABBREVIATIONS

All citations from Kant's works refer to volume and page numbers from the Akademie-Ausgabe (AA): Kants gesammelte Schriften, 29 vol., ed. Berlin-Brandenburgische (originally Königlich Preussische, and then Deutsche) Akademie der Wissenschaften, Berlin, Reimer, 1900-19, Berlin, De Gruyter, 1920-.

GMS = *Groundwork for the Metaphysics of Morals* (AA IV)

KpV = *Critique of Practical Reason* (AA V)

V Moral/Mrongovius = *Moral Mrongovius* (AA XXVII)

V Moral/Mrong II = *Moral Mrongovius II* (AA XXIX)

V MS/Vigilantius = *Die Metaphysik der Sitten Vigilantius* (AA XXVII)

that Kant merges a realist understanding of the inherent worth of rational nature with a voluntarist interpretation of obligation (cf. Stern 2011: esp. 33, 90). But this view is challenged by Kant's prioritization of the law over values (for an overview of the debate, see Gava & Vesper 2024: 74f.). Stern also does not primarily trace Kant's voluntaristic conception of duty to his engagement with Crusius, despite its centrality in shaping it. Contrary to this, Bacin contends that Kant's notion of autonomy intertwines the two perspectives labeled by Kant as rationalistic – moral perfectionism and theological ethics (see Bacin 2019: particularly 60). See *ibid.*: 62: "While he adopts the arguments of previous critics of theological voluntarism like Leibniz, he never concludes from the rejection of the theological view that morality does not need prescriptions". Whereas Schwaiger is correct in asserting that "Kant consistently rejected theological moral positivism, which seeks to justify morality through the will of God" (Schwaiger 2011: 146), Kant does indeed draw from theological voluntarism in justifying obligation, albeit distinct from the justification of the content of morality.

81. See constitutivist interpretations such as Sensen 2017, Reath 2019.

82. See above Section 3.1.

All translations are by the author apart from citations from Kant's *Groundwork* and the *Critique of Practical Reason*. These are taken from the translations from Mary Gregor: I. Kant, *Groundwork of the Metaphysics of Morals*, Cambridge, Cambridge University Press, 1998; I. Kant, *Critique of Practical Reason. Revised Edition*, Cambridge, Cambridge University Press, 2015.

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