

* This is a draft of a chapter that has been accepted for publication by Oxford University Press in the forthcoming book *Baumgarten and Kant on the Foundations of Practical Philosophy*, edited by Courtney Fugate and John Hymers and due for publication in 2023.

Three models of natural right:
Baumgarten, Achenwall, and Kant

Fiorella Tomassini (University of Groningen)

The modern tradition of natural right starts from the assumption that the notion of *ius* refers not only to the existence of coercive public laws but also to a possible object of rational knowledge. The idea of *ius naturae* was well known in antiquity and the Middle Ages, but its use to describe a systematic doctrine, the universal principles of which can be determined through reason alone when using the proper method, did not appear until the seventeenth century.¹ At the very beginning of the *Doctrine of Right*, Kant remarks that his discussion of right is grounded in this tradition. He situates the *Rechtslehre* in the realm of “systematic knowledge of the doctrine of natural right (*Ius naturae*)” and claims that the purpose of this doctrine is “to establish the basis for any possible giving of positive laws” (RL, AA 06: 230). With that said, Kant reformulates the idea of *ius naturae* to the point that the term itself is no longer used in his moral system: laws of nature (referring to moral laws) are now called laws of freedom, and the doctrine of natural right (*Naturrechtslehre*) (i.e. the system of juridical principles based on reason alone) is now called a *metaphysical* doctrine of right.

Since Kant abandons the language of natural right, it remains unclear how, exactly, his *Rechtslehre* relates to the natural right tradition. Some historians of the modern natural right tradition go so far as to state that “Kant wrote little that directly engaged with the authors of the ‘modern’ natural law tradition, although he regularly lectured from Achenwall’s Wolffian textbook on natural law”.² Others link his work to “the philosophical destruction of the doctrine of natural right”.³ I contend, by contrast, that Kant *did* engage with the authors of the natural right tradition and in fact

* I would like to thank Pauline Kleingeld for her insightful feedback on earlier versions of this chapter, as well as Janis Schaab, Lu Zhao, Luke Davies, Mike Gregory, Pablo Zadunaisky and Sabina Vaccarino Bremner for their helpful comments. I am grateful to the Dutch Research Council (NWO) for supporting this research.

¹ Cf. Scattola, 2003.

² Hochstrasser, 2004, p. 197.

³ Hartung, 1998, p. 167.

aimed to refound the discipline rather than destroying it. The fact that he does not employ the language of natural right is neither an expression of an intention to “destroy” the tradition as such nor a mere terminological change. Instead, it reflects the radical transformation of the discipline. Moreover, I argue that by considering Kant’s engagement with previous theorists of natural right, we can gain a clearer understanding of how he transformed the discipline from its foundations. To do this, I will focus my analysis on Kant’s (critical) reception of two models of natural right with which he was very familiar: one from Alexander Baumgarten’s *Elements of First Practical Philosophy* [*Initia philosophiae practicae primae*], the other from Gottfried Achenwall’s *Natural Law* [*Ius naturae*]. The *Initia* served as a basis for Kant’s lectures on moral philosophy for over three decades and may thus be considered as having played an important role in shaping his practical philosophy as a whole.⁴ Achenwall’s *Ius naturae* was the textbook that Kant employed in his lectures on natural right for over two decades. I will argue that Kant distances himself from previous models of natural right in three main regards: the identification of moral laws with laws of nature, the normative connection between the principles of right and a natural end, and the place of God as the author of moral laws. I will then briefly discuss what Kant retains of Baumgarten’s and Achenwall’s models of natural right. Kant’s *Metaphysics of Morals* preserves the view that a rational doctrine of right belongs to a broader systematic doctrine that comprehends the entire system of duties. I will address the question of the division of the *Sittenlehre* into two branches and claim that, whereas Kant did not consider Baumgarten’s answer to the problem of distinguishing juridical from ethical principles to be satisfactory, he found a key piece of his own resolution in Achenwall’s *Ius naturae*, namely the definition of right as a power to coerce.

I. Baumgarten

One of the main features that distinguishes Baumgarten’s *philosophia practica universalis* from Wolff’s initial version is that he makes the concept of *obligatio* the touchstone of the discipline.⁵ While Wolff

⁴ Cf. Allison, 2011, p. 6.

⁵ Although Baumgarten is commonly known as a Wolffian philosopher, his *philosophia practica universalis* is not a mere repetition of the discipline conceived by his master. As Clemens Schwaiger shows, this is because Baumgarten’s reception of Wolff’s practical philosophy was mediated by Heinrich Köhler, a disciple of Wolff who settled in Jena, which at the time was a center of debate on Wolffian philosophy. Köhler held lectures on natural right (among other subjects) and wrote his own doctrine, which departed from Wolffian principles but incorporated elements of an alternative school of *ius naturae*, namely that developed by Christian Thomasius. Baumgarten used Köhler’s *Seven exercises in natural law* [*Iuris naturalis exercitationes septem*] (1729) as a basis for his lectures in Halle and wrote a commentary on the book that was posthumously published in 1763 under the title *Ius naturae*. Cf. Schwaiger 2011; 129ff; Aichele 2005, pp. 4-5.

defines the universal practical philosophy as the “practical affective science of directing free actions through most general rules” (WPPU, §3), Baumgarten renders it as “the science of obligations of a person that are to be known without faith” (BIP, §1). This reformulation of Wolff’s programmatic idea of a *philosophia practica universalis* brings Baumgarten closer to the modern tradition of natural right—initiated by Grotius and further developed by Hobbes, Pufendorf, Locke, and Thomasius, among others—according to which philosophical reflection on human praxis is primarily organized in terms of obligations, duties, and rights. In opposition to this, Leibniz’s and Wolff’s moral philosophies are concerned with the good and perfection, dealing with duties and obligations solely in an indirect manner.⁶

As stated in the preface to the *Initia*, Baumgarten hopes to contribute with this work to “achieving an adequately solid science of natural right” (BIP, IX). By this he is referring not to a doctrine of right and juridical duties but to a broader discipline. This broader sense of the notion of *ius naturae* was not uncommon in the seventeenth and eighteenth centuries. Previous authors, such as Pufendorf and Wolff, used it with different meanings and understood it as primarily referring to the universal system of duties, and thus as equivalent to moral philosophy.⁷ For them, the basic, systematic division in moral philosophy was not that between right and ethics but that between duties to oneself, duties to others, and duties to God.⁸ Baumgarten agrees with this general account of *ius naturae*, but instead of conceiving it as a science of duties, he understands it in terms of obligations.⁹ He believes that, as long as the science of natural right concerns all kinds of obligations that emerge from the human beings as such, it coincides with practical philosophy. Therefore, the

⁶ Cf. Schneewind, 1993, p. 56; Schwaiger, 2009.

⁷ “It is evident that there are three sources of man’s knowledge of his duty, of what he is to do in this life because it is right [*bonestum*] and of what he is to omit because it is wrong [*turpe*]: the light of reason, the civil laws and the particular revelation of the Divinity. From the first flow the most common duties of a man, particularly those which render him capable of society [*sociabilis*] with other men; [...] Hence there are three distinct disciplines. The first is the discipline of natural law, which is common to all nations; [...] Each of these disciplines has its own method of proving its dogmas, corresponding to its principle. In natural law a thing is affirmed as to be done because it is inferred by right reason to be essential to sociality [*socialitas*] among men” (Pufendorf, 1991, 8). In the *Leviathan*, Hobbes also presents the set of laws of nature as the true content of moral philosophy: “all men agree on this, that peace is good, and therefore also the way, or means of peace, which (as I have shewed before) are *justice, gratitude, modesty, equity, mercy*, & the rest of the laws of nature, are good; that is to say, *moral virtues*, and their contrary *vices, evil*. Now the science of virtue and vice, is moral philosophy; and therefore the true doctrine of the laws of nature, is the true moral philosophy” (Hobbes, 1985, 216).

⁸ Cf. Schröder, 1995, p. 337; Scattola, 2008, 241.

⁹ In §65, Baumgarten provides the different definitions of *ius naturae*. Among other meanings, it is defined in a *broad* sense as “the collection of natural laws that obligate human beings”; only in a *strict* sense does it refer to the sum of natural laws that admit of external coercion (BIP, §65; cf. BIN, §§1-2).

concepts, categories, and principles of practical philosophy are, at the same time, the first elements of *ius naturae*.¹⁰ Not only was Baumgarten concerned with the division and classification of duties and obligations, but, like any modern theorist of natural right, he addressed the question of its fundamental principle. Following an accurate method, he aimed to establish the first and universal principles of practical philosophy (or *ius naturae*) in order to deductively obtain the complete content of the doctrine.¹¹ I will now briefly examine these principles as presented in the *Initia*.

I.i. Natural right and laws of nature

As mentioned above, Baumgarten's *Initia* revolves around the concept of obligation. He defines obligation by appealing to the internal motivation to act, namely as the "connection of overriding impelling causes with a free determination" (BIP, §15). Later on, he argues that these stronger motives (to act) are "connected with committing the good" and "omitting evil" (BIP, §39). Good free actions are in turn "related to perfection as means" (BIP, §36). From this, Baumgarten deduces the first imperative of practical philosophy: "commit or *do the good*, and indeed omit evil" (BIP, §39). This practical law establishes a universal natural obligation: *natural* as it "can be known through reason and without faith" (BIP, §39) and *universal* since it covers "free actions of every single human being" (BIP, §49).

After establishing this general command, Baumgarten presents four additional principles: i) "seek perfection", ii) "do what is the best for you to do", iii) "live according to nature, as much as you can", and iv) "love the best, as much as you can". Rather than adding new content to the system of natural right, these principles would seem to express different formulations of the first moral law, "commit the good". If one "commits goods because they are good", then one "commits them because perfection is posited" (BIP, §43).¹² Therefore, the imperative "commit the good" can be reformulated as "seek perfection, as far as you can" (BIP, §43).¹³ Baumgarten goes on to say that if we should seek perfection as far as it is possible, then we are obliged not only to do good acts but to do "the best of the many goods possible for us" (BIP, §44). From this he deduces the second imperative: "do what is the best for you to do". He then argues that when someone pursues

¹⁰ Cf. Scattola, 2008, 242.

¹¹ Cf. BIN, §1; BIN, §88.

¹² Cf. BM, §100.

¹³ This can be done in two ways: either by positing perfection in ourselves, becoming more perfect as ends, or by positing perfection in others, becoming more perfect as means. This implies the obligation to "omit, as much as you can, those things that render you more imperfect either as an end, or as means, or in either respect" (BIP, §43).

perfection, he seeks the agreement of his free action with the natural order, that is, “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” (BIP, §45).¹⁴ Seeking perfection therefore equates to acting in accordance with the natural order, and conversely, living according to nature amounts to pursuing the ends prescribed by nature itself. This leads Baumgarten to conclude that “the obligation to seek his own perfection is an obligation to live according to nature” (BIP, § 46) and that the injunction to “live according to nature, as much as you can” (BIP, § 46) is a moral imperative. Here, Baumgarten introduces a Stoic principle that is found throughout the natural right tradition and may be regarded as one of its main tenets: the measure of what is right and wrong, the beneficial and the harmful, is *conformity with nature as such*.¹⁵ Finally, he adds that pursuing perfection involves being more pleased by the perfection of what is best and, consequently, loving the best. Thus the universal moral obligation “*quaere perfectionem, quantum potes*” can be reformulated as the command to “love the best, as much as you can” (BIP, §48).

Having presented the universal laws of practical philosophy, Baumgarten draws a distinction within the notion of obligation that will later allow him to delimit the sphere of right (in a strict sense), namely the distinction between internal and external obligations. In BIP §56, we read: “an obligation to some free determination through the exacting [*extorsio*] permitted to another human being is external (complete, perfect), and the rest are internal obligations (incomplete, imperfect)” (cf. BIN, §146).¹⁶ Baumgarten also claims that an external obligation cannot take place without an internal one. In the case of an external obligation, the free determination is represented as being exacted by another person, and thus as morally necessary. This *extorsio* can be considered a reason to act, but other motives must occur along with it. These additional motives are occasionally “more noble, known more truly, more clearly, more certainly” than mere external coercion (BIP, §57). By contrast, internal obligations can apply in the absence of any external obligation, and the more apt one is to fulfill them, the less one requires the presence of an external obligation (BIP, §58). Furthermore, Baumgarten distinguishes between external and internal moral laws, on the one hand, and external and internal duties, on the other. *External* moral laws are those “norms of free determinations that are to be exacted” (BIP, §61). Accordingly, an *external* duty refers to an action’s

¹⁴ Cf. BM, §94.

¹⁵ Cf. Hespe, (2007), p. 278.

¹⁶ Translation amended.

conforming to an external law (BIP, §91). This delimitation of external obligations, laws, and duties leads us to the domain of natural right in a strict sense.

I.ii. Natural right in a strict sense and ethics

As was common in the natural right tradition, Baumgarten identifies the principles of right with the Ulpian formulae: *honeste vive, neminem laede, suum cuique tribue*.¹⁷ In a first move, he introduces the second classical command, “*neminem laede*”. Since every transgression of duty is called “wrong” [*laesio*], and since natural right (strictly considered) deals with external duties, its first domestic principle is: “you shall wrong nobody (externally)” (BIP, §92).¹⁸ Baumgarten then turns to the third Ulpian formula. He maintains that “one’s own (what is mine, what is yours) is the collection of one’s good” (BIP, §93) and that these goods can be possessed through either internal or external laws. If one does not attribute to someone else what is their own good, one harms them and thus acts against a universal law of right. From this Baumgarten infers that the precept “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” (BIP, §93). Finally, he discusses the first Ulpian precept. If one acts according to the second and third principles of right, i.e. does not harm anybody (externally) and attributes to each what is his own (with regard to right), one *lives honourably*. Baumgarten concludes that “the proposition *live externally honourably* [...] can be established as the first principle of the right of nature strictly considered” (BIP, §94). These three commands are presented as first, objective, domestic (i.e. belonging to the discipline alone) principles of natural right, with no seeming preeminence given to any of them.¹⁹ Furthermore, Baumgarten argues that each of these moral precepts is not exclusive to *ius naturae* in a strict sense but extends beyond it. *Honeste vive, neminem*

¹⁷ Natural right theorists commonly employed Ulpian’s formulae to explain the principles of practical philosophy, but they disputed whether the first corresponds to a principle of right or of ethics. In the *Doctrine of Right*, Kant holds that Ulpian’s commands correspond entirely to the principles of juridical duties. If we look at the fragments, lecture notes, and drafts of published works, however, we see that Kant seems to have changed his mind when interpreting the first formula. In a reflection from the pre-critical period (Refl 7078, AA 19:243), in the lecture notes *Naturrecht Feyerabend* (V-NR/Feyerabend, AA 27: 1336), *Mronovius II* (V-Mo/Mron II, AA 29: 631) and *Vigilantius* (V-MS/Vigil, AA 27: 527; 587), and in the drafts of the *Doctrine of Virtue* (VATL AA, 23: 386), he presents the first command, “*honeste vive*”, as an ethical duty and the second, “*neminem laede*”, as the first juridical duty.

¹⁸ Translation amended.

¹⁹ The principles of natural right trace back to the universal principle of practical philosophy “furnish the good or seek perfection as much as you are able” (BIP, §91), and all of them, in turn, to the absolutely first objective principle that belongs to metaphysics (BIP, §87). Cf. Scattola, 2008, p. 261.

laede, and *suum cuique tribue* also hold in the case of *internal* moral laws, duties, and obligations. They can therefore be regarded as principles of practical philosophy or natural right, broadly speaking.

According to Baumgarten, the principles of right are not qualitatively different from the principles of ethics. Rather, they are the same principles restricted to a specific scope of application (the sphere of free actions that can be constrained by others). His practical philosophy is devoid of a systematic principle capable of drawing a clear distinction between right and ethics—or at least this was Kant’s view, as recorded in the *Vigilantius* lecture notes: “the *principia juris* must be sharply distinguished from the *principia ethicis*, which Baumgarten has neglected to do, just as the determination of the supreme principle of distinction, which in itself is very difficult, has never till now been worked out” (V-MS/Vigil, AA 27: 359). We will consider this criticism in Section III; before turning to Kant’s position, however, we must first examine Achenwall’s notion of natural right.

II. Achenwall

Achenwall bases his doctrine of natural right on Wolffian grounds, but he introduces important conceptual changes that take him a step away from the old *ius naturae* of the German Enlightenment.²⁰ Among other innovations, he presents a clear distinction between the juridical and the ethical domain—a distinction that is absent in Baumgarten—by analytically connecting right and coercion.²¹ Like Wolff and many Wolffians, Achenwall characterizes moral obligation as the connection of a motive with the necessity of an action (AIN §7, APIN, §12). In addition, his doctrine of natural right has the imperative *perfice te* as its main principle, although it is combined with the precept of striving for self-preservation and happiness (AIN, §29; APIN §84). Moreover, in an appendix to *Ius naturae*, Achenwall offers remarks on the history of natural right, praising Wolff and Köhler for “shining an excellent light on the discipline” (AIN, Appendix, VII). His doctrine of natural right does not merely repeat Wolffian arguments, however. In particular, Achenwall equates perfect or strict right (in a subjective sense) not with a moral capacity to act, as Wolff and

²⁰ See also Schwaiger, (2012), p. 87.

²¹ Klippel holds that the delimitation of *ius* to perfect rights that are enforceable through coercion is a feature of the “new” conception of German *Naturrecht*, which according to him appeared in the textbooks on the discipline of the 1780s (Klippel, 2000, p. 77). As we will see, however, we can find this definition of strict right in Achenwall, whose texts are from at least two decades before. It is possible that this conceptual change, which according to Klippel took place in the 1780s, was facilitated by the reception of Achenwall’s textbook, which was very popular at the time.

Baumgarten do, but with a moral power to coerce. This, as I will argue next, had a significant influence on Kant's account of right.

II.i. Natural right and coercion

Achenwall's *Ius naturae* is devoted to natural right in a strict sense, namely, to knowledge of external or perfect natural laws, rights, and obligations. He distinguishes this doctrine from the collection of imperfect natural laws and duties, which is called "ethics" or "moral philosophy, strictly considered" (AIN, §35).²² In this way, he draws a distinction between right and ethics that corresponds to the division between perfect and imperfect laws, as many modern natural right theorists did before him. But then Achenwall goes on to argue that a perfect obligation (expressed by a perfect law) is characterized by being "connected to another man's moral ability to coerce the violator" (AIN, §34; APIN, §102). By contrast, imperfect obligations cannot be enforced. This moral ability to coerce, corresponding to perfect obligations, is called "natural right". This means that right and obligation are two sides of the same coin: "to every perfect obligation on my part corresponds a strict natural right on someone else's, and vice versa, to every perfect right on my part corresponds a perfect obligation on someone else's" (AIN, §36). Regarding the normative content of this juridical relation, Achenwall holds that one's primary obligation is to seek perfection, and this includes the obligation to preserve one's own life and body. Since the latter is connected to a natural right to coerce others to refrain from committing acts that hinder one's preservation, it is a perfect obligation. This in turn means that others have an obligation not to infringe upon one's own life and body. Achenwall concludes the argument by formulating the universal principle of right: "the natural law *Do not do things that go against another person's preservation* can be called the internal, first, and adequate principle of the perfect laws" (AIN, §36).

Achenwall's position regarding the systematic division between perfect and imperfect moral laws (or right and ethics) therefore rests on a new understanding of the concept of right as a power to coerce—one that was absent, as far as I know, in the Wolffian school of natural right.²³ Indeed,

²² Achenwall mentions that if we consider natural right in a broad sense, it coincides with moral philosophy (also considered broadly) (AIN, § 26). Nevertheless, the text is centered on the discussion of natural right in a strict sense.

²³ A similar definition of *ius* in subjective sense can be found in Gottlieb Heineccius' *Elementa iuris naturae et gentium*: "and therefore the former species of *obligation* is called *internal*; the latter is called *external* [...] right is the correlate (as it is called in the schools) to both. For if one person be under an *obligation*, some other person has a right or capacity to exact something from him" (HEIN, I.i.vii, translation amended). Heineccius, a

Baumgarten and Wolff conceive of *ius*, in the subjective sense (i.e. considered as a *potestas* or *facultas* that human beings have), as a mere capacity to act. In the *Initia*, Baumgarten defines right, in the subjective sense, as a “moral faculty granted by laws strictly considered” (BIP, §64, cf. BIN, §34). According to this, there is an obligation in the first place (established by a strict natural law), from which, in the second place, follows a right: insofar as we have an obligation to pursue an end, we have a right to the means that are necessary to fulfill that obligation. Subjective right is therefore conceived of as a moral capacity or power to act with a view to achieving the end prescribed by the law of nature. Wolff explains this conceptual relationship between right and obligation as follows: “the capacity, or moral faculty to do, or to omit, something, is called *right*. From this it becomes clear that right arises from the passive obligation, and that there would be no right if an obligation did not exist; and also that, through the natural law, a right to any action without which we could not comply with the natural obligation is given to us [...]. For it is impossible that one can obtain an end without serving oneself of the means” (WGNV, §46). In the *Prolegomena*, Achenwall provides a general definition of right (in a subjective sense) as “a man’s physical ability in as far as it does not go against any moral law [...] his moral ability” (APIN, § 44). This definition holds for the whole domain of moral philosophy and retains Wolff’s and Baumgarten’s conception of *ius* as a moral ability to act according to the laws of nature. But then he distinguishes between a perfect or strict right (taken subjectively) and an imperfect right (§AIN 36, APIN §100). A perfect or strict right corresponds to a perfect obligation and amounts to a moral ability to coerce. Therefore, this concept belongs exclusively to the doctrine of natural right in a strict sense. Accordingly, an imperfect right is a “moral ability that is given without another man’s correlated perfect obligation” (APIN, §100). This concept belongs to ethics or moral philosophy in a strict sense (which, in turn, is defined as “the knowledge of the imperfect natural laws”) (AIN, §35).

This definition of strict right as a moral capacity to coerce plays a significant role in Kant’s doctrine of right. Following Achenwall, he argues that right, subjectively considered, is a moral capacity to put others under obligations (RL, AA 06: 237) and delimits the set of juridical duties to those that “correspond to *rights* of another to coerce someone (*facultas iuridica*)” (RL, AA 06: 383). Nevertheless, and despite his agreement with this formal or logical aspect of the relationship between right and coercion, Kant rejects the foundations of Achenwall’s doctrine of *ius naturae*. In the *Feyerabend* lecture notes, we read: “the author says that I am bound by my nature to preserve my life;

former pupil of Thomasius, was a well-known jurist and professor of natural law. Achenwall attended Heineccius’ lectures while he was a student in Halle (cf. Schwaiger, 2020, p. 342).

this would be the principle of right [...]. That is certainly not a juridical proposition. How does his self-preservation concern me? I am required only not to resist his freedom” (V-NR/Feyerabend, 27: 1334). From a natural end, whether perfection or preservation, we cannot deduce (nor justify) any obligation or the power to coerce.²⁴ Right, as a rational doctrine that deals with duties and obligations, must be founded on freedom and its laws. Let us now examine Kant’s account of natural right more closely.

III. Kant

In the *Metaphysics of Morals* of 1797, Kant presents his definitive system of moral philosophy, positioning right as one of the two branches of pure morals. The old doctrine of *ius naturae* is now conceived as a *metaphysical* doctrine of right, namely as a system of a priori principles through pure concepts, the object of which is freedom of choice *in its external use*.²⁵ This means that the principles of right are part of the *Sittenlehre* but are restricted to the sphere of reciprocal interactions between persons and to the form of coexistence of their actions, leaving aside the end of their maxims (RL, AA 06: 230). It is on the basis of this notion of external freedom, i.e. freedom concerning how human beings interact, and not on the basis of some conception of human nature and its ends that our natural (i.e. innate) right and natural (i.e. supra-positive) obligations are to be determined. In what follows, I will first present Kant’s critique of previous models of natural right (III.i). I will then explore what Kant’s *Doctrine of Right* retains from them, focusing on the problem of the distinction between right and ethics (III.ii).

III.i. Critique of previous models of natural right

We can identify three main tenets separating Kant’s conception of right, at least regarding its foundations, from the earlier tradition of natural right: i) the identification of the *Sittenlehre* with a doctrine of laws of freedom, ii) the disassociation of the moral law from natural ends, and iii) the conception of reason as a source and ultimate ground of the moral law. These conceptual changes brought forth by the critical philosophy in turn imply a clear rejection of the account of moral laws, shared in general by natural right theorists, as laws known through reason that i) are to be understood

²⁴ Cf. RezHufeland, AA 08: 129.

²⁵ “What is metaphysics? The science of a priori principles through concepts, not constructed through intuition... Duty and Right alone are concepts which concern freedom and its laws and do not belong to nature like cause and effect... Thus *every doctrine of Right must contain metaphysics*” (VATP, AA 23: 135–136, my emphasis).

in terms of laws of nature, ii) are normatively connected to an end ascribed to human nature, and iii) have God as their author.²⁶ Despite their several differences, Baumgarten's and Achenwall's models of *ius naturae* fit this schema, and, through the testimony of the lecture notes and Kant's own annotations to his copies of the textbooks, we can see how he engages with them.

III.i.i Laws of nature as laws of freedom

When one begins to trace the notion of *Naturrecht* (and the different terms related to it) in Kant's moral philosophy, it is immediately apparent that he does not refer to moral laws as laws of nature, although he does understand them as laws of reason. Rather than constituting a mere terminological shift, Kant's reformulation of moral laws in terms of laws of freedom reflects a new paradigm for thinking of moral obligation and its source.²⁷ In the *Feyerabend* lectures notes, we find the following passage:

Laws are either laws of nature or laws of freedom. If freedom is to be under laws it must give the laws to itself. If freedom took laws from nature then it would not be freedom. [...] It must thus itself be a law. Comprehending this appears to be difficult and on this point all the teachers of natural right have erred. (V-NR/Feyerabend, AA 27: 1322)²⁸

Natural right teachers such as Baumgarten and Achenwall conceived of the laws that impose an obligation on us as laws of nature. In their view, laws of nature can impose an obligation on us because we are gifted with reason and free will. Otherwise, if we were not rational and free beings, we could not recognize the obligation expressed by the law and act in accordance with it.²⁹ According to Kant, the connection between a free will and the law established by this reasoning is mistaken. If we consider a free will (e.g., a human will) to be solely governed by the laws of nature, we come to a contradiction, for a will that is subject only to mechanical causality is not free. Critical philosophy shows us that we can think of causality in two ways, as proceeding from nature or from freedom (A532/B560), and that both kinds of causality, while compatible, are regulated by different laws. Moral laws are laws of freedom since they express the very ability of a free being to determine

²⁶ Cf. Tomassini (2018).

²⁷ Cf. Baum, (2012), p. 114.

²⁸ Cf. V-MS/Vigil, AA 27: 523-524: "since all obligation also rests on freedom itself, and has its ground therein insofar as freedom is regarded under the condition whereby it can be a universal law, Professor Kant calls all moral laws (i.e., those that lay down the condition under which a thing should happen, as opposed to *leges naturae, physicae*, which merely state the condition under which a thing does happen) *leges libertatis*, laws of freedom, and includes thereunder the aforementioned *leges justi et honesti (ethicae)*".

²⁹ Watkins, (2014), p. 472.

itself through pure reason, independent of inclination and sensibility. In addition to this, Kant criticizes Wolff and Baumgarten for assuming that we are not subject to natural necessity merely because we act from motives. The mere fact of giving rise to an action through “acts of reason” does not free us from the mechanism of nature (V-MS/Vigil, AA 27: 503). As Kant explains in the *Mrongovius* lecture notes, morality emerges when we consider *pure* motivating grounds of reason, not motivation in general. And since Baumgarten and Wolff did not correctly identify *pure* rational motives, they could not respond, nor even consider, the central question of moral philosophy: *How should we act* (V-Mo/Mron II, AA 29: 598)?

III.i.ii Moral law and natural ends

Kant dismantles the normative connection, present in the natural right tradition, between natural ends and the moral law. He agrees with the idea, rooted in Stoicism, that human beings have an end in virtue of their nature. This end is happiness and “can be presupposed as actual in the case of all rational beings”, as a “purpose that they not merely *could* have but [...] actually *do have* by a natural necessity” (GMS, AA 04: 415). Rules that indicate how to pursue happiness express the necessity of an action only in a conditional way, however, and thus lack universal validity. This type of rule, which natural right theorists considered a moral command of reason (i.e. a *lex naturalis*) is, from the perspective of the critical philosophy, an imperative of prudence.

According to his students’ notes from his lectures on moral philosophy, Kant describes the universal principles proposed by Baumgarten in terms of *pragmatic* principles and consequently rejects them as principles of obligation. An example of this can be found in the *Collins* lecture notes, where Kant discusses four of the five imperatives presented in paragraphs §§ 39-48 of the *Initia*.³⁰ There, he claims that the first moral law presented by Baumgarten, “*fac bonum et omite malum*”, is a “vague” and “tautological” principle (V-Mo/Collins, AA 27: 264). It is vague because something good can be good for different purposes. “Do the good” is mainly a principle of skill, and only if we understand the good with regard to moral actions can it be indirectly considered a moral principle. It is tautological because it gives an “empty answer” to the question *How ought I to act?* Do the good, says the principle, since “it is good that you do the good” (V-Mo/Collins, AA 27: 265). Kant goes on to argue that the second formula, “*quaere perfectionem quantum potes*”, is not completely tautological but is

³⁰ See also the *Vigilantius* lecture notes: “in his practical philosophy §§ 39-46, Baumgarten has put forward various formulae which, as imperative, are supposed to serve for the general principle of all obligation, though Professor Kant rejects every one of them” (V-MS/Vigil, AA 27, 517ff.)

still inadequate. Perfection is defined as “the completeness of the man in regard to his powers, capacity and readiness to carry out all the ends he may have” (V-Mo/Collins, AA 27: 265-266). Since this precept also tells us to perfect our talents in order to be more capable of achieving our empirical ends, it is too broad to be considered a moral imperative. Only if we narrow its scope to the adoption of moral ends and the perfection of the will can it be regarded as a moral principle.

Kant also discusses Baumgarten’s formula “*vive convenienter naturae*”. This imperative is discarded as tautological, for it commands one to “direct one’s action according to the physical order of natural things” (V-Mo/Collins, AA 27: 266). That is to say, it tells us to pursue ends that we pursue anyway due to our natural constitution. This criticism sums up Kant’s diagnosis of the principles proposed by the natural right tradition in general: they cannot be regarded as principles of obligation because they express how we *actually* act, not how we *ought to* act. As pragmatic rules, they correspond to our sensible nature, its ends, and in general to the consideration of ourselves as beings belonging to a phenomenal order. From the point of view of the critical philosophy, natural right theorists could not go beyond nature. In Kant’s view, truly moral principles are based on the capacity to determine ourselves according to laws of pure reason and to act independently of our natural desires and volitions. Moral laws reveal to us both our freedom and the possibility of considering ourselves as noumenal beings, i.e. as beings that in some sense are not inevitably subject to a phenomenal world ruled by causal laws.³¹ Finally, Kant examines Baumgarten’s formula “*ama optimum quantum potes*” and holds that it presents the same problem as the previous ones since we can love perfection from inclination.

Kant’s rejection of the teleological grounding of moral laws is later completed with an explanation of the systematic relationship between moral laws and ends. In the *Metaphysics of Morals* he claims, focusing on the idea of objective ends (i.e. ends established by pure reason), that “ends and duties distinguish the two divisions of the doctrine of morals in general” (TL, AA 06: 381).³² Whereas the principle of right abstracts from all ends and only concerns the form of the relation of choices, the principle of ethics connects the concept of duty with the idea of an end, bringing about duties of virtue, that is, ends that are also a duty (TL, AA 06: 385). These ends, one’s own perfection and the happiness of others, are given a priori by pure reason and hence are objectively necessary. In

³¹ If the principle were to mean “live according to your *rational* nature”, it would still be tautological; it would tell us “do your duty” without answering the question of how we ought to act (V-MS/Vigil, AA 27: 518).

³² “The doctrine of this end [i.e. an end that is in itself a duty FT] would not belong to the doctrine of right but rather to ethics, since *self-constraint* in accordance with (moral) laws belongs to the concept of ethics alone. Ethics can also be defined as the system of the *ends* of pure practical reason. Ends and duties distinguish the two divisions of the doctrine of morals in general” (TL, AA 06: 381).

this way, Kant takes up the idea of normative ends found throughout the natural right tradition but understands them as being i) adopted against natural ends (i.e. ends established on the basis of our inclinations) and ii) irrelevant within the sphere of right.

III.i.iii The source of the law

Kant believes that by locating the origin of the law in a will other than one's own, previous authors renounced the unconditional character that a moral command must have (cf. GMS, AA 04: 433-434). He calls this capacity of reason to find the law in itself, independently of external objects (including the will of God), autonomy (GMS, AA 04: 440). This seminal thesis separates Kant's moral philosophy from the natural right tradition: moral laws do not have an external or divine will as their ultimate source.

With regard to the source of obligation, Baumgarten and Achenwall not only hold that the ground of moral laws lies in God's reason, in line with classical rationalism, but also conceive of God as the legislator of the law.³³ In the *Initia*, Baumgarten rejects Grotius's famous claim that the natural principles of justice would still be valid even if there were no God (BIP, §71). Baumgarten also affirms that natural right can be derived from the will of God and argues that he is both the *author* of obligation and "the *legislator* of natural law and the whole of the right of nature broadly considered" (BIP, §100, my emphasis). Furthermore, he argues that since natural laws are also divine positive laws grounded in the will of God, the principle "act according to the divine will" can be considered a universal principle of practical philosophy (BIP, §102). Like Baumgarten, Achenwall believes that to act according to natural laws is to act in accordance with the will of God (AIN, §20; APIN §43, §60). Moreover, he endorses the Pufendorfian definition of law as the command of a superior. Natural laws, says Achenwall, "are made by the superior and obligating the subjects with the threat of punishment [...] God thus is the legislator of all natural law, i.e. the superior who is the creator of the juridical laws" (AIN, § 44).

As expected, in his lectures Kant rejects Baumgarten's and Achenwall's views regarding the will of God as the ultimate ground of obligation. Interestingly, in the *Vigilantius* lecture notes, he relates Baumgarten's ideas to the voluntarist position held by Crusius: "although the obligation is established by reason, it is nevertheless assumed that in the performance of our duty we have to regard ourselves as passive beings, and that another person must be present, who necessitates us to duty. Crusius found this necessitating person in God, and Baumgarten likewise in the divine will,

³³ Cf. Bacin, 2015, 26; Schwaiger, 2020, 348f.

albeit known through reason” (MS/Vigil, AA 27: 510).³⁴ And, according to Feyerabend’s notes, when explaining the concept of right Kant rejects the identification of juridical with divine laws, as had been proposed in Achenwall’s textbook: “here neither happiness nor a command of duty but freedom is the cause of right. The author has grounded it in his *Prolegomena* by saying that it is a divine law and that we would be made happy through it, but that is not needed here at all” (V-NR/Feyerabend, AA 27: 1329).³⁵

In the lectures, Kant criticizes not only the idea that God is the *legislator* of the laws of nature but also the thesis, shared by Baumgarten and Achenwall, that he is their *author*. In fact, Kant rejects the notion that moral laws have an author altogether. Only in the case of positive or statutory laws can we think of an *auctor legis*, for these kinds of laws need to proceed from the will of the legislator in order to obtain obligatory force; that is, they “become binding rules merely *ex voluntate superioris*” (MS/Vigil, AA 27: 546; cf. Refl 6771 AA, 19: 156). Since moral laws do not emanate from a superior will in the first place, they need not have an author.

III.ii. *Right and ethics*

Thus far, I have stressed that Kant’s enterprise of establishing a metaphysics of morals entails a reformulation of the concept of *ius naturae* that decisively breaks with the Wolffian tradition of natural right. However, Kant’s mature and definitive system of pure moral philosophy, as developed in the text of 1797, has some continuities with this tradition. One of them is that the metaphysics of morals conserves the view, found in Baumgarten and Achenwall, and likely indebted to Wolff’s *philosophia practica universalis*, that a rational doctrine of right is part of a broader systematic doctrine that comprehends the whole system of duties.³⁶ This system of duties (and obligations) is based on a sole universal principle or practical law. According to Kant, the supreme principle of the *Sittenlehre* is “act on a maxim which can also hold as a universal law” (RL, AA 06: 226) and as such holds both for right and for ethics. This understanding of moral philosophy as an entire system that rests on only one principle poses the question of its subsequent division into two branches. This problem indeed became central to the discussion of natural right towards 1780 and was particularly relevant to Kant.

³⁴ Cf. “Kant goes on to maintain, *contra* Baumgarten, that the moral law does not make it a condition to acknowledge a God and assume that the laws are His commands” (MS/Vigil 27: 546). Kant also denies the idea that moral laws have an author (MS/Vigil 27: 544).

³⁵ Cf. “the author bases himself on the claim that obligation rests on divine command. But we have already refuted that by claiming that it would be useless to refer here to God” V-NR/Feyerabend, AA 27: 1334.

³⁶ On the relationship between Kant’s idea of a metaphysics of morals and the *philosophia practica universalis*, see Anderson (1923); Schwaiger (2001).

As I argue next, he clearly did not consider Baumgarten's answer to be satisfactory and found a key piece of his own resolution in Achenwall's *Ius naturae*.

In the *Metaphysics of Morals* of 1797, Kant presents the old idea of a *Naturrechtslehre* (in the strict sense) in the new form of a *metaphysische Rechtslehre*, i.e. a system of a priori principles, the object of which is freedom of choice in its external use. Natural (or innate) obligation(s) and right(s) are therefore to be grounded in the notion of freedom vis-à-vis reciprocal and external practical relations between persons. The fundamental juridical obligation is formulated by the universal principle of right: "any action is *right* if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law" (RL, AA 06: 230). Kant claims that this principle "is indeed a law that lays an obligation on me", one that commands me to "so act externally that the free use of [my] choice can coexist with the freedom of others" (RL, AA 06: 231). The counterpart of the universal principle of right is the principle of innate freedom. This principle states that "freedom (independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law", is our innate right (RL, AA 06: 237). The universal principle of right and the principle of innate freedom are thus two sides of the same coin: on the one hand we have the (natural) obligation not to infringe on the freedom of others; on the other we have an innate right to freedom, i.e. a moral capacity to put others under an obligation not to infringe on our freedom.

This symmetrical relationship between these two fundamental principles reflects Kant's conception of right as analytically connected to the authorization to use coercion. From the subjective perspective of *Recht*, i.e. considering *ius* as a *facultas* or *potestas*, he defines it as a moral capacity to put others under obligations (RL, AA 06: 237). And from the objective perspective, i.e. considering *ius* as *lex*, he explains it as "the possibility of a full reciprocal use of coercion" (RL, AA 06: 232). As I indicated above, in establishing an analytic connection between right and coercion Kant is following Achenwall's doctrine of natural right. To my mind, in this definition of right Kant found not only a way to justify the power to coerce but a clear criterion for delimiting the set of juridical duties within the entire system of duties. In effect, he claims that "to every duty there corresponds a right in the sense of an *authorization* or capacity to do something (*facultas moralis generatim*); but it is not the case that to every duty there correspond *rights* of another to coerce someone (*facultas iuridica*). Instead, such duties are called, specifically, *duties of right*" (TL, AA 06: 383).

Duties of right are thus the subset of duties to which a “juridical capacity”, i.e. a power or title to coerce, corresponds.

Kant’s division between juridical and ethical duties is more complex than that proposed by Achenwall because it is also based on a refined view of the relation between duties, motives, and ends. In particular, the notion of an end plays a key role in distinguishing right and ethics (cf. TL, AA 06: 381). Recall here that Achenwall’s notion of duties of right (and its corresponding authorization to use coercion) presupposes a general obligation to pursue the end of self-preservation. As mentioned above, Kant not only rejects this thesis but develops his own understanding of the connection between moral laws and objective ends. This becomes clear in the *Doctrine of Virtue*, where, by claiming that there are ends established by pure reason that give content to the duties of virtue, he affirms that “ends and duties distinguish the two divisions of the doctrine of morals in general” (TL, AA 06: 381). Roughly speaking, ethical duties involve a form of self-coercion [*Selbstzwang*] (as opposed to external coercion) that occurs “in accordance with a principle of inner freedom, and so through the mere representation of one’s duty in accordance with its formal law” (TL, AA 06: 394). While juridical duties abstract from motives and ends, duties of virtue must be complied with from the idea of duty itself and require the adoption of moral ends, that is, ends established by pure reason.

With this general picture of the division of duties in the *Metaphysics of Morals* in hand, I wish to return to Baumgarten’s model of natural right and to identify two main reasons why Kant maintains that the latter, “in explaining *ius*, [...] takes the ethical along with the juridical” (Mo/Collins, AA 27: 280). First, although Baumgarten describes juridical duties as those duties that admit of external coercion, this form of coercion is not properly justified. As Achenwall shows, for the external obligation to be authorized it must be connected to a right or a (legitimate) power to coerce. Second, Baumgarten does not circumscribe the concept of juridical obligation within the sphere of external relations between persons, as opposed to the sphere of *Gesinnung*. He even claims that an external obligation to do X can only exist (i.e. someone can rightfully coerce Y to do X) if Y also has an *internal* obligation to do X.³⁷ According to Kant, juridical duties are independent of ethical

³⁷ In the *Collins* lecture notes, Kant gives the following example to explain Baumgarten’s position: “but a person can be morally compelled from without by others, if another exacts from us, according to moral motives, an action that we do with reluctance. If, for example, I am in debt to someone, and he says: If you wish to be an honest man, you must pay me; I will not sue you, but I cannot let you off, because I need it—then this is a moral compulsion from without, by the choice of another. The more a man can compel himself, the freer he is. The less he can be compelled by others, the more inwardly free he is” (V-Mo/Collins, AA 27: 269).

obligations and do not include any claims about our reasons to act. Still, one can always comply with a juridical duty from the idea of duty itself, turning this duty into an ethical one. This is why Kant holds that “all duties, just because they are duties, belong to ethics” (RL, AA 06: 219). This does not mean that the distinction between right and ethics is collapsed after all. Rather, it indicates that the specificity of juridical duties rests not on their content (i.e. the action prescribed or forbidden) but on “the difference in their lawgiving” or “the kind of obligation” (RL, AA 06: 220). A duty is “that action to which someone is bound”, “the matter of obligation, and there can be one and the same duty (as to the action) although we can be bound to it in different ways” (RL, AA 06: 222). Juridical duties thus express a particular way in which we are bound to an action: we ought to perform (or omit) the relevant action, but we are not required to do so from a specific motive. In sum, Kant flatly dismisses Baumgarten’s distinction between ethical and juridical principles, finding in Achenwall’s *Ius naturae* a key concept for defining juridical duties and thus for distinguishing them from duties of virtue. However, Kant’s division between right and ethics is also based on the claim that juridical duties abstract from motives and ends. This claim is completely absent in the Wolffian school of natural right and relates to Kant’s own reformulation of the traditional idea of *ius naturae*.

IV. Conclusion

My aim in this chapter has been to shed light on the relationship between Kant’s *Doctrine of Right* and the natural right tradition. I have argued that Kant did not aim to “destroy” or reject the idea of *ius naturae* as such but rather to provide the discipline with a completely new foundation. The whole enterprise of establishing a *rational* doctrine of right cannot be abandoned, for only principles based on reason *alone*, as Kant states in the Introduction to the *Doctrine of Right*, can provide a moral justification of the power to coerce and a normative standard by which to judge existing positive laws. By analyzing Kant’s model of right in comparison with Baumgarten’s and Achenwall’s models, we got a clearer picture of what he discards and what he retains from the tradition of natural right. Kant agrees with them that there are laws of reason that tell us how we ought to act, but he dismisses the identification of these laws with laws of nature that are ultimately grounded in a divine will. I have also argued that Kant’s moral philosophy preserves the view, found in Baumgarten and Achenwall, that a rational doctrine of right belongs to a broader systematic doctrine (i.e. a *Sittenlehre*) that, through its laws, regulates the internal and external sphere of human praxis. To provide an answer to the problem of the separation of right and ethics, Kant establishes a complex relationship

between duties, ends, and motives. My purpose was not to present an exhaustive explanation of this, but rather to point out that Kant finds in Achenwall's doctrine of *ius naturae* a clear criterion for delimiting the set of juridical duties within the system of duties as a whole.

References:

List of abbreviations:

AIN = Achenwall, *Ius naturae*

APIN = Achenwall, *Prolegomena iuris naturalis*

BIN = Baumgarten, *Ius naturae*

BIP = Baumgarten, *Initia philosophiae practicae prima*

BM = Baumgarten, *Metaphysica*

HEIN= Heineccius, *Elementa iuris naturae et gentium, commoda auditoribus methodo adornata*

WPPU= Wolff, *Philosophia practica universalis methodo scientifica pertracta*

WGNV = Wolff, *Grundsätze des Natur- und Völkerrechts.*

- Achenwall, Gottfried. *Prolegomena to Natural Law*. Trans. Corinna Vermeulen; ed. Pauline Kleingeld. Groningen: University of Groningen Press, 2020.
- Achenwall, Gottfried. *Natural law. A Translation of the Textbook for Kant's Lectures on Legal and Political Philosophy*. Trans. Corinna Vermeulen; ed. Pauline Kleingeld. New York/London: Bloomsbury, 2020.
- Aichele, Alexander. "Die Ungewißheit des Gewissens: Alexander Gottlieb Baumgartens forensische Aufklärung der Aufklärungsethik", *Jahrbuch für Recht und Ethik / Annual Review of Law and Ethics* 13, *Philosophia Practica Universalis: Festschrift für Joachim Hruschka zum 70. Geburtstag*, 2005, 3-30.
- Allison, Henry. *Kant's 'Groundwork for the Metaphysics of Morals': A commentary*. Oxford: Oxford University Press, 2011.
- Anderson, Georg. „Kants Metaphysik der Sitten -ihre Idee und ihr Verhältnis zur Ethik der Wolffschen Schule“, *Kant Studien*, 1923. 41-61.

- Bacin, Stefano. "Kant's lectures on ethics and Baumgarten's moral philosophy". In Lara Denis, Oliver Sensen, editors. *Kant's Lectures on Ethics. A Critical Guide*, Oxford: Oxford University Press, 2015. 15-33.
- Baum, Manfred. "Prior Concepts of the Metaphysics of Morals". In Andreas Trampota, Oliver Sensen, Jens Timmermann, editors. *Kant's Tugendlehre: A comprehensive Commentary*, Berlin- New York: Walter de Gruyter, 2012. 113- 138.
- Baumgarten, Alexander Gottlieb. *Elements of First Practical Philosophy. A Critical Translation with Kant's Reflections on Moral Philosophy*. Trans. and ed. Courtney D. Fugate and John Hymers. New York/London: Bloomsbury, 2020.
- Baumgarten, Alexander Gottlieb. *Ius naturae*. Halle: Hemmerde, 1763.
- Baumgarten, Alexander Gottlieb. *Metaphysics: A Critical Translation with Kant's Elucidations, Selected Notes, and Related Materials*. Trans. and ed. Courtney D. Fugate and John Hymers. New York/London: Bloomsbury, 2014.
- Hartung, Gerald. *Die Naturrechtsdebatte. Geschichte der Obligatio vom 17. bis 20. Jahrhundert*. München: Karl Alber Freiburg, 1998.
- Hespe, Franz. „Der Grund der Verpflichtung in Christian Wolffs Naturrecht“. In Jürgen Stolzenberg, Oliver-Pierre Rudolph, editors. *Wolffiana II.3: Christian Wolff und die europäische Aufklärung*. Hildesheim- Zürich- New York: Georg Olms, 2007.
- Heineccius, Johann Gottlieb. *A Methodical System of Universal Law: Or, the Laws of Nature and Nations with Supplements and a Discourse by Geoge Turnbull*. Trans. George Turnbull, ed. Thomas Ahnert and Peter Schröder. Indianapolis: Liberty Fund, 2008.
- Hobbes, Thomas. *Leviathan*. Ed. C. A. Macpherson. London: Penguin Classics, 1968.
- Hochstrasser, Timothy. *Natural Law Theories in the Early Enlightenment*. Cambridge: Cambridge University Press, 2004.
- Kleingeld, Pauline. "Introduction". In *Prolegomena to Natural Law*. Trans. Corinna Vermeulen; ed. Pauline Kleingeld. Groningen: University of Groningen Press, 2020.
- Klippel, Diethelm. *Politische Freiheit und Freiheitsrechte im deutschen Naturrecht des 18. Jahrhunderts*. InHollerbach, A., Maier, H., Mikat, P., editors. *Rechts- und Staatswissenschaftliche Veröffentlichungen der Görres-Gesellschaft*. Paderborn: Neue Folge, vol. 23, 1976.
- Klippel, Diethelm. „Ideen zur Revision des Naturrechts. Die Diskussion zur Neubegründung des deutschen Naturrechts um 1780“. *Jahrbuch für Recht und Ethik/ Annual Review of Law and Ethics* 8. Berlin: Duncker & Humboldt, 2000, 73-90.

- Pufendorf, Samuel. *On the Duty of Man and Citizen According to Natural Law*. Trad. Michael Silverthorne. Cambridge: Cambridge University Press, 1991.
- Scattola, Merio, „Die Naturrechtslehre Alexander Gottlieb Baumgartens und das Problem des Prinzips“, *Aufklärung* 20. 2008, 239-265.
- Scattola, Merio. “Before and after Natural Law. Models of Natural Law in Ancient and Modern Times”. In Tim Hochstrasser, Peter Schröder, editors. *Early Modern Natural Law Theories. Contexts and Strategies in the Early Enlightenment*. Dordrecht-London: Springer Science- Business Media Dordrecht, 2003, 1-30.
- Schneewind, Jerome. “Kant and Natural Law Ethics”. *Ethics* 104, 1993, 53-74.
- Schröder, Jan. „Einleitung“. In Achenwall, Gottfried & Pütter, Johann Stephan, *Elementa iuris naturae/ Anfangsgründe des Naturrechts*, Trans. and ed.: Jan Schröder. Frankfurt a.M.-Leipzig: Insel Verlag, 1995.
- Schwaiger, Clemens. „Ein „missing link“ auf dem Weg der Ethik von Wolff zu Kant. Zur Quellen- und Wirkungsgeschichte der praktischen Philosophie von Alexander Gottlieb Baumgarten“. *Jahrbuch für Recht und Ethik / Annual Review of Law and Ethics* 8, 2000, 247-261.
- Schwaiger, Clemens. “Die Anfänge des Projekts einer Metaphysik der Sitten. Zu den wolffianischen Wurzeln einer kantischen Schlüsselidee”. In Völker Gerhardt, Rolf- Peter Horstmann, Ralph Schumacher, editors, *Akten des IX. Internationalen Kant-Kongresses*. Berlin- New York: Walter de Gruyter, 2001, 52-58.
- Schwaiger, Clemens. “The Theory of Obligation in Wolff, Baumgarten and the early Kant”. In Karl Ameriks, Otfried Höffe, editors. *Kant’s Moral and Legal Philosophy*, Cambridge: Cambridge University Press, 2009, 58-73.
- Schwaiger, Clemens. *Alexander Gottlieb Baumgarten - ein intellektuelles Porträt: Studien zur Metaphysik und Ethik von Kants Leitautor*. Stuttgart: Frommann- Holzboog Verlag, 2011.
- Schwaiger, Clemens. “Gottfried Achenwall”. In Heiner Klemme, Manfred Kuhlen, editors. *Dictionary of Eighteen-Century German Philosophers*, Online Version, Oxford Reference, Continuum, 2012.
- Schwaiger, Clemens. “Achenwalls Theorie der Verbindlichkeit. Quellen- und entwicklungsgeschichtliche Erkundungen“, *RphZ Rechtsphilosophie* 6 (4). 2020, 337-351.
- Tomassini, Fiorella. “Kant’s Reformulation of the Concept of Ius Naturae”, *Idealistic Studies* 48. 2018, 257-274.
- Watkins, Eric. “What is, for Kant, a Law of Nature?”, *Kant Studien* 105. 2014, 471- 490.

- Wolff, Christian. *Vernünfftige Gedancken von der Menschen Thun und Lassen*. Frankfurt and Leipzig: Renger, 1736.
- Wolff, Christian. *Philosophia practica universalis methodo scientifica pertracta*. 2 vols. Frankfurt and Leipzig: Renger, 1738.
- Wolff, Christian. *Grundsätze des Natur- und Völckerrechts*. Halle: Regner, 1754.