

Kant's principles of adjudication and execution in the context of the Enlightenment

John Walsh^{1*}

¹Martin Luther University Halle-Wittenberg, International Graduate School *Obligation of Societal Norms*, 1 Franckeplatz, Haus 24, 06110 Halle (Saale), Germany

Abstract. In the 1770s' lectures on ethics, Kant distinguishes between two principles of obligation: the principle of adjudication and the principle of execution. The former is the normative standard of moral evaluation, while the latter denotes the incentive for performing an obligatory action. This distinction is significant in that it anticipates Kant's mature position of combining these two principles, i.e. the moral law later becomes the supreme principle of moral judgment and (via respect) is itself the incentive to moral action. I explicate Kant's distinction in view of the moral thought of Francis Hutcheson, Adam Smith and Christian Wolff. I challenge the dominant views which interpret Kant's distinction in connection with Hutcheson and Smith, and argue that it is best understood in relation to Wolff's conception of obligation. While Hutcheson's distinction between exciting and justifying reasons is broadly similar to Kant's distinction, Hutcheson's account does not centre on the concept of obligation. Furthermore, I argue that Smith's distinction between the character of virtue and the faculty of the mind by which it is recommended to us does not concern the normative and motivational moments of moral agency, but rather the meta-ethical question of the nature of virtue and the faculty that conditions its appraisal. Finally, I show that Wolff's conception of obligation involves normative and motivational aspects conceptually similar to Kant's distinction between the two principles of obligation.

Keywords: Kant, obligation, Enlightenment, ethics, Wolff, Hutcheson, Smith

1 Introduction

In the 1770s' lectures on ethics Kant distinguishes between two principles of obligation: the principle of adjudication (*principium diiudicationis*) and the principle of execution (*principium executionis*). The former is the normative standard of moral evaluation; the latter denotes the incentive for performing an obligatory action. This distinction is significant in that it anticipates Kant's mature position of combining these two principles, i.e. the moral law later becomes the supreme principle of moral judgment and (via respect) is itself the incentive to moral action. Despite its significance, the *diiudicatio/executio* distinction has

* Corresponding author: john.walsh@netzwerk-arw.uni-halle.de

received relatively little attention in the literature. Much of the existing scholarship has focused on the development of Kant's distinction. Whereas some scholars have cited Hutcheson's distinction between "exciting" and "justifying" reasons as a direct influence (e.g. Lee, 1994, p. 134), Werner Stark suggests that Kant's distinction stems from Adam Smith's *Theory of Moral Sentiments* (Stark, 2004, pp. 55-56n35). By contrast, Clemens Schwaiger argues that Kant's preoccupation with the British moral sense theorists took place in the 1760s and that it is therefore implausible that these figures would have directly influenced the development of Kant's distinction in the 1770s (Schwaiger, 1999, p. 94). Furthermore, Schwaiger observes the lack of terminological similarity between Kant's Latinate *diiudicatio* and *executio* on the one hand, and Hutcheson's exciting and justifying reasons on the other (*ibid.*). However, as Heiner Klemme notes, while Schwaiger's observation on the terminological disparity is correct, the conceptual relation between the two accounts is far more interesting and has yet to be properly studied (Klemme, 2000, p. 444). Thus, regardless of the exact influence on the genesis of Kant's distinction, in examining Kant's principles of adjudication and execution, we can highlight important conceptual developments in Kant's ethical thought in relation to his Enlightenment predecessors.

I explicate Kant's distinction in view of the moral thought of Francis Hutcheson, Adam Smith, and Christian Wolff, and argue that the distinction is best understood in relation to Wolff's conception of obligation. First, I present Kant's distinction between the principles of adjudication and execution. Second, I consider Hutcheson's distinction between exciting and justifying reasons and argue that while his distinction is broadly similar to Kant's, it does not center on the concept of obligation. Third, with an eye to Kant's moral thought in the 1770s, I examine Smith's distinction between the character of virtue and the faculty of the mind by which it is recommended to us. I argue that Smith's distinction does not concern the normative and motivational moments of moral agency, as does Kant's, but rather the meta-ethical question of the nature of virtue and the faculty that conditions its appraisal. Fourth, I show that Wolff's conception of obligation involves normative and motivational aspects conceptually similar to Kant's two principles of obligation. However, whereas for Wolff the state of being obligated is parasitic on the presence of a sufficient motive, for Kant this state is grounded in a supreme normative principle and, in turn, is supposed to ground the conative aspect of moral agency.

2 Kant's principles of adjudication and execution

I base my consideration of Kant's principles of adjudication and execution on the *Kaehler* manuscript of his lectures on ethics. This manuscript, thought to be based on Kant's lectures from either the winter-semester of 1773/74 or 1774/75, is generally regarded as the most reliable set of notes from this period (see Stark, 1999). Kant is supposed to have said the following regarding these two principles: "We have first to take up two points here: the *principium der Diiudication* of obligation, and the *principium der Execution* or performance of obligation. Guideline and incentive are to be distinguished. The guideline is the *principium der Diiudication* and the incentive that of carrying-out the obligation; insofar as they have been confused, everything in morality has been erroneous" (*V-Mo/Kaehler* (Stark), Kant, 2004, pp. 55-56).¹ Kant conceives of these two principles as principles of obligation. Thus, in Kant's view, obligation consists in a normative and motivational moment: "the principle of appraisal is the norm and the principle of incitement is the incentive" (*ibid.*, p. 57). He explains that the principle of adjudication is that "according to which I judge the goodness or depravity of the action" (*ibid.*, p. 56), and the principle of execution is that which "moves

¹ All translations of the *Kaehler* notes are my own.

me to live in accordance with these laws” (*ibid.*, p. 56). Whereas the normative appraisal of the action indicates an objective ground, that which incites the agent to do what he ought to do is the subjective ground, the “*motiva subjective moventia*” (*ibid.*, p. 56).

Several points from Baumgarten’s *Ethica philosophica* (hereafter *Ethica*) and *Initia philosophiae practicae* (hereafter *Initia*) bear on Kant’s distinction between the principles of obligation. In the *Ethica*, Baumgarten considers the threat of an *ethica deceptorix*, i.e. an ethics that contains false obligations. He defines false obligations as those that posit either (1) an obligation that is not in fact obligatory, or (2) an obligation that is beyond the powers of human nature (Baumgarten, 1751, p. 3, §7). (2) is particularly relevant to Kant’s distinction. Baumgarten notes in the *Initia* that deeds cannot exist without the effective appetite of the person obligated to them (Baumgarten, 1760, pp. 92-93, §141; cf. *HN*, AA 19: 67). Thus, “there is no obligation without motivation” (Thorndike, 2008, p. 455). A purportedly obligatory action to which the human being cannot be sufficiently motivated is no obligation at all. Kant’s contention that obligation consists not only in a normative moment that articulates what ought to be done, but also in a motivational moment that indicates a sufficient incentive to act accordingly, can be understood as an attempt to conceptualise obligation in a way that avoids (2).

Accordingly, Kant’s distinction between the principles of adjudication and execution manifests his concern with the question of moral motivation, i.e. the relationship between moral judgment and action in accordance with it. He is explicit that moral judgment is not sufficient for action: “If I judge through the understanding that the action is morally good, a great deal more is required to do this action of which I have so judged” (*V-Mo/Kaehler(Stark)*, Kant, 2004, p. 68). What is required is the motivational component indicated by the principle of execution. In the lectures, Kant identifies this incentive with moral feeling (*ibid.*), a designation he later reserves for his mature conception of respect. While in Kant’s mature account of moral motivation, consciousness of the moral law has the power to move the agent to act in accordance with it, the precise relationship between the principles of adjudication and execution in the lectures on ethics from the mid-1770s is less clear. Kant suggests that the incentive to act morally must arise from moral judgment. Thus, he claims that “The moral feeling is a capacity to be affected by a moral judgment” (*ibid.*) and that “If this judgment moves me to perform the action, that is the moral feeling” (*ibid.*). At the same time, Kant also suggests that the relationship between these normative and motivational moments must remain shrouded in mystery: “Nobody can or will have insight into how the understanding should have a motivating power in judgment”² (*ibid.*, p. 69). As we will see, the relationship between the normative and motivational aspects of obligation are clearer in Wolff’s account. But first let us consider Hutcheson and Smith in view of Kant’s principles of obligation.

3 Hutcheson’s distinction between exciting and justifying reasons

While much could be said about the relation between Hutcheson and Kant’s pre-Critical ethical thought (e.g. Henrich, 2009; Schmucker, 1961, pp. 85-93), I focus specifically on Hutcheson’s treatment of exciting and justifying reasons in his *Essay on the Nature and Conduct of the Passions and Affections*. Like Kant’s distinction between the two principles of obligation, Hutcheson’s justifying and exciting reasons pertain to appraisal and motivation, respectively: “When we ask the Reason of an Action, we sometimes mean, ‘*What Truth shews a Quality in the Action, exciting the Agent do to it?*’ [...] Sometimes for a Reason of Actions we shew the *Truth expressing a Quality, engaging our Approbation* [...]. The

² Following Stark (Kant, 2004, p. 69n53), I read “*im Urtheil*” for “*zu urtheilen*”.

former sort of Reasons we will call *exciting*, and the latter *justifying*” (Hutcheson, 1756, pp. 217-218). Thus, exciting reasons pertain to an agent’s motivation for an action and justifying reasons pertain to the approval of an action. Despite the general correspondence with Kant’s distinction in the 1770s’ lectures on ethics, there are significant differences between the two accounts.

First, Hutcheson’s appeal to exciting and justifying reasons is not intended to help solve the problem of moral motivation. Instead, Hutcheson’s discussion is imbedded in his response to Gilbert Burnet, who maintained that there must be a rational standard antecedent to our affections on the basis of which we approve or disapprove of them. Hutcheson’s aim is twofold. On the one hand, he intends to show that “*exciting Reasons* pre-suppose *Instincts* and *Affections*” (*ibid.*, p. 218). In Hutcheson’s view, reasons, by themselves, are motivationally inert. Instead, human action is always motivated by desires, which are either affections or passions. Thus, a reason can incite action only if it presupposes an end that we already desire. On the other hand, Hutcheson aims to prove that “justifying [reasons] pre-suppose a *Moral Sense*” (*ibid.*, p. 218). He contends that, with respect to justifying reasons, conformity to reason indicates either that the action is the object of a true proposition or that a true proposition shows “*an Action to be fit to attain an End*” (*ibid.*, p. 230). The former pertains to all actions and the latter cannot justify an action “for the worst Actions may be conducive to their *Ends*” (*ibid.*). Thus, mere conformity to reason is not sufficient to distinguish moral from immoral action. Instead, justifying reasons must pertain to ends themselves, the approval of which apparently presupposes a moral sense.

Second, exciting and justifying reasons do not indicate principles of obligation. Justifying reasons indeed pertain to moral actions, but they do not ground moral obligation. Instead, obligation is grounded in perception of beneficent affections by the moral sense. Justifying reasons are merely propositions that express the simple ideas of approbation produced by the moral sense. By contrast, Kant identifies the supreme principle of morality with the “objective principle of adjudication” (*V-Mo/Kaehler(Stark)*, Kant, 2004, p. 68), which is therefore the source of the normativity of moral obligation. Exciting reasons are not even restricted to the class of obligatory actions. Thus, the exciting reason for the pursuit of wealth is that “[w]ealth is useful to purchase Pleasures” (Hutcheson, 1756, p. 217). The pursuit of wealth, however, is neither morally obligatory nor to be approved. On the contrary, Hutcheson suggests that the luxury associated with such a pursuit “evidences a selfish base Temper” (*ibid.*, p. 218). Furthermore, as mentioned above, while Kant seems to hold that the moral incentive must arise from moral judgment, Hutcheson maintains the separation between exciting and justifying reasons. Indeed, he rejects the notion that “the same *Reasons* determining *Approbation*, ought also to excite to *Election*” (*ibid.*, p. 248), citing two primary reasons: first, justifying reasons often pertain to circumstances where election is impossible, i.e. when we approve of the past actions of others; and second, exciting reasons often preclude approbation, as in the case of actions that are privately useful and not publicly pernicious.

4 Smith on the constitution and recommendation of virtue

In a letter to Kant from 1771, Marcus Herz mentions he has heard that “the Englishman Smith” is Kant’s “favorite” (*Br*, AA 10: 126; Kant, 1999, p. 130). Smith’s *Theory of Moral Sentiments* (hereafter *TMS*) was translated into German in 1770, and several scholars have convincingly argued that Kant read it (Fleischacker, 1991; Shell, 1980). Accordingly, Stark suggests that Kant’s distinction between the principles of adjudication and execution conceptually aligns with a distinction Smith makes in the following passage of *TMS*: “In treating the principles of morals there are two questions to be considered. First, wherein does virtue consist? Or what is the tone of temper, the tenor of conduct, which constitutes the excellent and praise-worthy character, the character which is the natural object of esteem,

honour and approbation? and secondly, by what power or faculty in the mind is it, that this character, whatever it be, is recommended to us? Or in other words, how and by what means does it come to pass, that the mind prefers one tenor of conduct to another [...]?” (Smith, 1767, p. 326)³

While this passage bears a superficial similarity to Kant’s distinction, Stark’s suggestion ought to be rejected. Upon closer examination, it becomes clear that Smith is not distinguishing between the normative and motivational moments of moral agency. The first of Smith’s questions, “wherein does virtue consist?” is a meta-ethical question about the nature of virtue and the second question, i.e. by what power of the mind is praise-worthy action recommended to us, concerns moral appraisal. This is confirmed by Smith’s elucidation of the two questions. He writes: “We examine the first question when we consider whether virtue consists in benevolence, as Dr. Hutchison imagines; or in acting suitably to the different relations we stand in, as Dr. Clark supposes; or in the wise and prudent pursuit of our own real and solid happiness [...] We examine the second question, when we consider, whether the virtuous character, whatever it consists in, be recommended to us by self-love [...] or by reason [...] or by a peculiar power of perception, called a moral sense [...]” (Smith, 1767, pp. 326-327).

Smith notes that he will investigate these two questions sequentially. The titles of these subsequent sections indicate that Smith is distinguishing the meta-ethical question of the nature of virtue from the faculty that makes possible the appraisal of praise-worthy action: the next section is called “Of the Different Accounts Which Have Been Given of the Nature of Virtue”, and there Smith considers accounts according to which virtue consists in propriety, prudence, and benevolence, as well as what he calls licentious systems; the subsequent section is titled “Of the Different Systems Which Have Been Formed Concerning the Principle of Approbation”. Thus, Smith’s distinction does not track Kant’s normative/motivational distinction since only the second of these questions broadly corresponds to Kant’s distinction, namely to the principle of adjudication. That is, Smith inquires into the normative principle by which we judge the moral goodness of actions but neglects the motivational element of obligation. As we will see, Wolff’s account of obligation contains both the normative and motivational components of Kant’s distinction.

5 Wolff’s conception of obligation

Following Leibniz and Pufendorf, Christian Wolff interprets the concept of obligation as moral necessity, which marks a break from the strictly juridical interpretation of obligation as *vinculum iuris* (Schwaiger, 2009, pp. 66-67). However, Wolff reconceives this moral necessity in terms of its ground in motivation, thereby developing a novel conception of obligation, constituted by normative and motivational moments. Given the connection of Wolff’s account of motivation to his conception of obligation, a brief note on the former will be useful in elucidating the latter.

Wolff follows the scholastic tradition in identifying the will with rational desire. In accordance with the principle of sufficient reason, he is committed to the claims that every volition has a sufficient ground, which consists in the representation of the good (Wolff, 1752, p. 302, §496), and, as a corollary of this, that we will nothing but what we regard as good (*ibid.*, p. 308, §506). Thus, representations are not merely inert intentional mental states, but rather have moving force to incite action. However, they admit of degrees. Rational representations are clear and distinct, and sensible representations are obscure. Wolff is explicit that motives consist in not only our rational representations, but also our indistinct

³ For Stark’s discussion of this passage in connection with Kant’s principles of obligation, see Kant (2004, pp. 55-56n35).

representations of the good. In short, in volition, representations (sensible or rational) serve as impelling causes to endeavour to realize an object through action.

For Wolff (1733, p. 8, §8), obligation consists in having a motive sufficient for the performance or omission of an action: “to obligate someone to commit or omit something is nothing other than to connect it with a motive of volition or nolition.” Although he omits the distinction in the *Deutsche Ethik*, Wolff distinguishes between active and passive obligation in his Latin works and in his *Grundsätze des Natur- und Völkerrechts*.⁴ Passive obligation denotes moral necessity and active obligation concerns the ground of motivation for obligatory action (Wolff, 1738, p. 103, §8). This distinction is significant in distinguishing the normative from the motivational moment of obligation. For Wolff, the passive state of being obligated presupposes an activity through which this state is brought about. The obligatory character of the state of being obliged, i.e. moral necessity, is constituted by “the binding connection between the relevant act and its motivating ground” (Schwaiger, 2009, p. 67). Thus, Wolff’s conception of obligation necessarily comprises normative and motivational moments. These moments are captured by Kant’s principles of adjudication and execution, and are the hallmark of his conception of obligation in the 1770s’ lectures on ethics. Accordingly, while previous scholarship on Kant’s principles of obligation has focused on his relationship to Hutcheson and Smith, it is Wolff’s conception of obligation that entails the necessary connection between normative and motivational elements, and therefore bears the greatest conceptual relationship to Kant’s thought in the 1770s.

Nevertheless, Kant’s conception of the precise relationship between the normative and motivational moments of obligation is fundamentally different from Wolff’s. As discussed above, for Wolff the passive state of being obligated is parasitic on the presence of a sufficient motive for the obligatory act. Thus, for Wolff, “[o]bligation consists in motivation” (Schwaiger, 2009, p. 67). However, for Kant, the normative element of obligation is not dependent on motivation. As discussed above, he suggests that the incentive to act morally must instead follow from moral judgment. For Kant, motivation does not ground our moral obligations; instead, the possibility of being sufficiently motivated by moral judgment is a merely necessary condition for the concept of obligation.

6 Conclusion

Kant’s principles of adjudication and execution mark a decisive milestone in the development of his practical philosophy. These principles indicate the normative and motivational components of moral obligation and anticipate his mature account of moral motivation. Until now, scholarship has focused on the historical influence of Kant’s distinction between these two principles. The present investigation has highlighted the conceptual relationship between Kant’s distinction and relevant aspects of Enlightenment thinkers preceding him. I have argued that Kant’s distinction differs substantially from those of Smith and Hutcheson that have been considered in connection with Kant’s 1770s’ account of obligation, and that Kant’s distinction bears the greatest conceptual similarity to Wolff’s account of obligation. In this way, I hope to have shed light on the connection between Kant’s account of moral motivation and the Enlightenment tradition to which he is indebted.

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⁴ Pace Schwaiger (2009, p. 67n23), who claims that Wolff limits the distinction to the Latin writings, Wolff (1769) discusses active and passive obligation in §35, §36, and §37 of *Grundsätze des Natur- und Völkerrechts*.

References

- Baumgarten, A., 1751. *Ethica philosophica*. 3rd Edition. Halle: Hemmerde.
- Baumgarten, A., 1760. *Initia philosophiae practicae primae*. Halle: Hemmerde.
- Fleischacker, S., 1991. Philosophy and Moral Practice: Kant and Smith. *Kant-Studien*, 82(3), pp. 249-269.
- Henrich, D., 2009. Hutcheson and Kant. In: K. Ameriks and O. Höffe, eds. 2009. *Kant's Moral and Legal Philosophy*. Cambridge: Cambridge University Press, pp. 29-57.
- Hutcheson, F., 1756. *An Essay on the Nature and Conduct of the Passions and Affections. With Illustrations on the Moral Sense*. 4th Edition. London: Printed for W. Innys, J. Richardson et al.
- Kant, I., 1999. *Correspondence*. Translated by A. Zweig. Cambridge: Cambridge University Press.
- Kant, I., 2004. *Vorlesung zur Moralphilosophie*. Edited by W. Stark. Berlin: De Gruyter.
- Klemme, H., 2000. Kategorische und andere Imperative: Zur Entwicklung von Kants praktischer Philosophie bis 1785 (Review). *Journal of the History of Philosophy*, 38(3), pp. 443-445.
- Lee, M.-H., 1994. *Das Problem des moralischen Gefühls in der Entwicklung der Kantischen Ethik*. Taiwan: Institute of Chinese Literature and Philosophy.
- Schmucker, J., 1961. *Die Ursprünge der Ethik Kants in seinen vorkritischen Schriften und Reflexionen*. Meisenheim am Glan: Anton Heim.
- Schwaiger, C., 1999. *Kategorische und andere Imperative: zur Entwicklung von Kants praktischer Philosophie bis 1785*. Stuttgart-Bad Cannstatt: Frommann-Holzboog.
- Schwaiger, C., 2009. The Theory of Obligation in Wolff, Baumgarten, and the Early Kant. In: K. Ameriks and O. Höffe, eds. 2009. *Kant's Moral and Legal Philosophy*. Cambridge: Cambridge University Press, pp. 58-73.
- Shell, S.M., 1980. *The Rights of Reason: A Study of Kant's Philosophy and Politics*. Toronto: University of Toronto Press.
- Smith, A., 1767. *The Theory of Moral Sentiments*. 3rd Edition. London: Printed for A. Millar, A. Kincaid and J. Bell in Edinburgh.
- Stark, W., 1999. Zu Kants Moralkolleg der 1770er Jahre. Die Relevanz der wiederentdeckten Nachschrift Kaehler. In: H.F. Klemme, B. Ludwig, M. Pauen and W. Stark, eds., 1999. *Aufklärung und Interpretation: Studien zu Kants Philosophie und ihrem Umkreis*. Würzburg: Königshausen & Neumann, pp. 73-103.
- Thorndike, O., 2008. *Ethica Deceptrix: The Significance of Baumgarten's Notion of a Chimerical Ethics for the Development of Kant's Moral Philosophy*. In: V. Rohden, R.R. Terra, G.A. de Almeida and M. Ruffing, eds., 2008. *Recht und Frieden in der Philosophie Kants: Akten des X. Internationalen Kant-Kongresses*. Berlin: De Gruyter, pp. 451-462.
- Wolff, C., 1733. *Vernünfftige Gedancken von der Menschen Thun und Lassen, zu Beförderung ihrer Glückseligkeit [= Deutsche Ethik]*. 4th Edition. Frankfurt am Main & Leipzig: s.n.
- Wolff, C., 1738. *Philosophia practica universalis, method scientifica pertractata, Volume 1*. Frankfurt am Main & Leipzig: s.n.
- Wolff, C., 1752. *Vernünfftige Gedancken von Gott, der Welt, und der Seele des Menschen [= Deutsche Metaphysik]*. 12th Edition. Halle: Gebauer.
- Wolff, C., 1769. *Grundsätze des Natur- und Völkerrechts, worin alle Verbindlichkeiten und alle Rechte aus der Natur des Menschen in einem beständigen Zusammenhange hergeleitet werden*. 2nd Edition. Halle: Renger.