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The Kantian Background to Cassirer's Political Commitment and Its Parallelisms with Kant's Republicanism and Support of the French Revolution¹

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Abstract

Cassirer's thought took a radical turn in his mature life, comparable to the one that Kant went through in his last days, and in both cases this was motivated by the political events that they witnessed: the French Revolution in Kant's case, and the National Socialist ideology in Cassirer's case. In this work I canvass Cassirer's way of articulating his own political thought by constantly reclaiming the philosophy of Kant, whose work he never stops referring to, and by constantly reclaiming the values defended by the Enlightenment's project as a whole, in order to defend, among other things, the idea of a republican constitution and thereby the Weimar Republic. Cassirer decided to fight against Nazism in the field of History of Ideas, choosing Leibniz, Rousseau, Kant and Goethe as his allies. The second part of this work emphasizes this parallelism by unfolding the premises of Kant's republicanism.

Key words

Cassirer, Kant, Rousseau, political philosophy, republicanism, Weimar.

Resumen

El pensamiento de Cassirer tuvo un claro giro político en su madurez, comparable al experimentado por el último Kant y en ambos casos ello se debió a los acontecimientos políticos que les tocó vivir: la Revolución francesa el en caso de Kant y la ideología nacionalsocialista en el

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de Cassirer. En este trabajo se rastrea el modo en que Cassirer articuló su pensamiento político reivindicando constantemente la filosofía kantiana, cuya obra no deja de citar en todo momento, al igual que reivindica los valores defendidos por el proyecto ilustrado en su conjunto, para defender entre otras cosas la idea de una constitución republicana y con ello a la República de Weimar. Cassirer decidió luchar contra el nazismo desde la historia de las ideas, eligiendo como compañeros de viaje a Rousseau y a Kant, a Leibniz y a Goethe. La segunda parte del trabajo realza este paralelismo desgranando las premisas del republicanismo kantiano.

Palabras clave

Cassirer, Kant, Rousseau, filosofía política, republicanismo, Weimar.

For Kant the whole of philosophy is indissociably linked to that fundamental question which so deeply and passionately moved the XVIII century: the question regarding the undying, immutable, inalienable rights of the human being.

(Ernst Cassirer, *The Concept of Philosophy as a Philosophical Problem -*1935)

As is well known, Cassirer availed himself of his enormous familiarity with the Kantian thought in order to carve out his own philosophy of culture, transferring the premises of the transcendental system to his *Philosophy of Symbolic Forms*. What may not be as well-known, however, is the way in which Cassirer recurred to the Kantian thought in the process of giving shape to his own increasing political commitment²; a commitment, on the other hand, which Kant himself deployed by taking a stance with regard to the politics of his own time, as e.g. *Toward Perpetual Peace* bears witness³. While Kant openly took a stance in support of republican cosmopolitanism against absolutist power, enthusiastically applauding the French Revolution in spite of its traumatic and inevitable side-effects, Cassirer, in his turn, had to confront the totalitarian ideology of Nazism in the field of the History of Ideas⁴, and he did so constantly evoking Kant and only once he had incorporated the main traits of the Kantian *corpus* into his own personal reflections.

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² There are some works which point in this direction, however, such as Joël Gaubert, *La science politique d'Ersnt Cassirer. Pour une refondation symbolique de la raison pratique contre le mythe politique contemporain*, Kimé, Paris, 1996; Bertrand Bergely, *Cassirer. La politique du juste*, Michalon, Paris, 1998; Deniz Coskun, *Law as Symbolic Form. Ernst Cassirer and the Anthropocentric view of Law*, Springer, Dordrecht, 2007.

³ See Roberto R. Aramayo, "El compromiso político de Kant con la causa republicana conforme a los principios de libertad, igualdad e independencia como derechos de la humanidad", introduction to the Spanish version of Kant's *Towards Perpetual Peace*: I. Kant, *Hacia la paz perpetua. Un diseño filosófico*, CTK E-Books, Madrid, 2018; see also Roberto R. Aramayo, *Kant. Entre la moral y la política*, Alianza Editorial, Madrid, 2018. The English translation of *Toward Perpetual Peace* cited in this paper is that of Mary J. Gregor, which appears in Kant, Immanuel, *Practical Philosophy. The Cambridge Edition of the Works of Immanuel Kant*. Cambridge: University Press, 1996.

⁴ See Roberto R. Aramayo, "Cassirer, un historiador de las ideas en lucha contra la barbarie del totalitarismo", Introductory Study to Ernst Cassirer, *Rousseau, Kant, Goethe. Filosofía y cultura en la Europa del Siglo de las Luces*, Fondo de Cultura Económica, México, 2014, pp. 9-47.

1. The Presence of the Critique of Judgement in Judaism and the Modern Political Myths (1944)

At least from 1928 and until the end of his days, Cassirer gradually increased the political commitment of his philosophical activity, always hand in hand with Kant, who did likewise when he reached his 60's in texts like *Theory and Practice*, *Toward Perpetual Peace*, and *The Conflict of the Faculties*. Before going on to discuss Kant, I'd like to retrace Cassirer's itinerary and its growing political commitment, starting almost by the end, i.e. by one of the prolegomena to his posthumous work *The Myth of the State*. It is noteworthy that Cassirer identifies himself with the Jewish community in a text dated 1944 entitled *Judaism and the Modern Political Myths*. At the end of this text, Cassirer describes himself as a modern Jew who endorses the meaning and values of Judaism, portrayed by the Nazis as the very incarnation of evil. This is somewhat surprising, given Cassirer's family background. Cassirer's family was certainly of Jewish ancestry, but his parents' generation gave up any liturgical practices and never engaged in those rituals again.

Although originally from Breslau, the Cassirer family moved to Berlin by the end of the XIX century, and it would be worth exploring the parallels with a fin-de-siècle Vienna family called Wittgenstein—whose philosophical offspring was a Jew who coincided in a Linz school with a certain Adolf Hitler, both children having been born in April 1886, sharing classrooms as adolescents. The Cassirers and the Wittgensteins were liberal, educated, bourgeois families with a remarkable influence in the cultural life of their surroundings, often counting intellectuals, editors, art sponsors and dealers, musicians, and at times even philosophers within their ranks. There can be little doubt that amongst the components that constituted Cassirer's cultural formation the Jewish tradition was eclipsed by personalities such as Leibniz, Kant, and Goethe, or by the Greco-Latin culture, quite unlike what happened with e.g. Herman Cohen, who was predestined by his father to become a Rabin, and who nonetheless became a reputed German philosopher thanks to his studies on Kant. Cassirer never disowned his lineage, however. When in 1916, at the heart of the journal Kant-Studien, Bruno Bauch characterized Cassirer's and Cohen's interpretations of Kant as "Jewish formalism", Cassirer replied by reminding Bauch that, according to Goethe, "where we educate ourselves, there is our fatherland".

In the same spirit, in his last public appearance before leaving Germany and becoming an exile, which took place on January 22nd, 1933, in Berlin's Prinzenregenstrasse synagogue, Cassirer expounded his reading of Cohen's book *Religion of Reason: Out of the Sources of Judaism*. That same year his wife proposed to search for asylum in Palestine, where he was likely to be offered a position at the university, a proposal Cassirer rejected on account of his differences with Zionism, and because he thought he was incapable of learning Hebrew at that point in his life, even though he later had no option but to learn Swedish, and to lecture and publish in English.

In 1944 Cassirer wrote an article for the journal Jewish Record entitled Judaism and the Modern Political Myths, where he argues that it is not enough to explain the crusade of the National Socialists against Judaism solely from an emotional perspective, and that it would be useful to carefully analyze its intellectual component, in order to be capable of identifying the enemy at an earlier stage next time. In the draft of Judaism and the Modern Political Myths, Cassirer notes that asking for the "truth" of a political myth is as pointless and ridiculous as asking for the truth of a firearm or a war aircraft, since in any case we are referring to weapons, and weapons prove their truth by means of their effectiveness—a thread of thought which reminds us of our own times, where Fake News, those false statements that may be put forward or taken back according to the whimsical decisions of certain world leaders, seem to have acquired full citizenship.

Myths are always dramatic in nature and conceive of the world as a titanic war between antagonistic forces, i.e. between light and darkness. The deification of the undisputed leader, therefore, remains incomplete unless the demonization of the absolute enemy is also accomplished. Undoubtedly, there was a social climate of antisemitism, but what really concerned the Nazis at the beginning was not the influence the Jews had in the German society, as their propaganda claimed. That influence may indeed explain aversions and all sorts of personal resentments, spurred by well-entrenched anti-Semitic prejudices; but what the Nazis were really worried about was a challenge to their own ideological supremacy. Denying it was tantamount to a mortal sin, a crime against the almighty and infallible totalitarian state. And the Jews were guilty of that high treason crime on account of their tradition, their culture, and their religious life. The relentless anti-Jewish hatred spread by the Nazi ideology during the 1930's was to a large extent a response to the fact that this people had transited from a *mythical* religion to an *ethical* one.

In order to develop this analysis, Cassirer starts by pointing to a biblical passage against idolatry—Exodus, 20, 4, a passage also referred to in Kant's Critique of Judgment (Ak. 5: 175)—, praising the decisive step taken by the Jewish religion against the worship of images and of any other kind of sensible representations, and immediately drawing a connection between that attitude and the purity that must necessarily accompany our representation of the moral law. This allows Cassirer, who knew his third Critique, to characterize the Jewish rejection of idolatry as the step that turns a mythical religion into a religion of a moral nature. According to Cassirer, divesting a myth of any idolatry can only serve to consolidate the myth's decadence.

Quite on the contrary, National Socialism glorified bonds of blood in order to divinize the race, whereas Judaism had transited towards a kind of universalism from which the ideal of perpetual peace could emerge. "More than two thousand years had to go by—wrote Cassirer—for this idea to be defended and interpreted by a great philosophical thinker. By the end of the Enlightenment's century Kant wrote his essay Toward Perpetual Peace" (24, 205-206). This may look like an impossible ideal, a mere utopia, but one which the Jewish prophets weren't afraid to proclaim, for living in an idea—Cassirer quotes Goethe once again—means trying to realize the impossible as if it were possible. Against this ardent yearning for perpetual peace, modern political myths tend to perpetuate

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and intensify war, promising to the German people the conquest of the whole world and the annihilation of its greatest ideological enemy, the Jewish people.

In their new political mythology—writes Cassirer—Germany's leaders choose the Jewish people as the scapegoat to which all evils and sins should be charged. What the inventors of the myth of the superior race feared was not physical resistance, but the moral resistance of the Jews. And they wanted to make sure that that resistance was shattered. (ECW 24, 207).

Cassirer takes up and further develops the significance conferred to Judaism by Kant in the *Critique of Judgment*, taking one more step in his refutation of the perverse National Socialist ideology. Kant's and Goethe's admirer, identifying himself as a member of the Jewish community, finishes up his text making the following statement:

It was left for us to represent those ideals which have been advocated by Judaism and which have found their way into universal human culture, into the life of civilized nations. Those ideals can't be destroyed. If Judaism has played a part in tearing apart the power of modern political myths, it has accomplished its duty and its historical mission. (ECW 24, 208).

2. Kantian Overtones in *The Myth of the State* (1946): The New Thaumaturges

When in *The Myth of the State* Cassirer talks about the technique of modern political myths, he places those citizens who are victims of totalitarianism in a puppet show, very much like the one of which Kant speaks in the *Critique of Practical Reason*, when he describes those who renounce the principle of autonomy and embrace a theological morality. In this case, "human conduct would thus be changed into mere mechanism in which, as in a puppet show, everything would *gesticulate* well but there would be *no life* in the figures." In a similar way, those who, abducted by Nazism's political theology, succumb to the rituals of modern political myths, find themselves deprived of their capacity for judgment and critical discernment, thereby losing their personality and giving up any personal responsibility. Here is Cassirer's description of those persons, now turned into puppets:

But here are men, men of education and intelligence, honest and upright men who suddenly give up the highest human privilege. They have ceased to be free and personal agents performing the same prescribed rites they begin to feel, to think, and to speak in the same way. Their gestures are lively and violent; yet this is but an artificial, sham life. In fact they are moved by an external force. They act like marionettes in a puppet show—and they do not even know that the strings of this show and of man's whole individual and social life, are henceforward pulled by the political leaders.⁶

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⁵ Immanuel Kant, *Critique of Practical Reason*, Translated by Mary J. Gregor. Cambridge: University Press, 1996. AA 5: 147.

⁶ Ernst Cassirer, *The Myth of the State*, New Haven: Yale University Press, 1946, p. 286.

The politician, according to Cassirer, becomes now some sort of fortuneteller. One may not believe in natural magic, but one might nonetheless believe in some sort of social magic if the longing for leadership becomes overwhelmingly strong, and if any hope of reaching collective goals in ordinary ways vanishes. This longing gets personified and takes a concrete, political, and individual shape. Any previous social bonds—the law, justice, the constitution—get invalidated and all that remains is the mystic power of the leader, whose authority becomes the supreme law.⁸

The thaumaturges who administer this new creed are the masters of political propaganda and are skillful in the art of coining new terms and giving new meanings to old ones, in order to use them as magic words which stimulate particular emotions. This clever use of magic words is accompanied by the strict imposition of regular, inexorable rituals, in such a way that it becomes unthinkable to come across a neighbor or even a friend walking down the street without performing a political rite whose non-compliance is severely punished.

Cassirer thinks that the best vaccine against the virus of totalitarianism is what Kant proposes in 'What is Enlightenment?', namely, to learn to think for ourselves without ever leaving this responsibility to those who are ready to become our tutors and think in our stead, for freedom is not a gift but the most difficult task which we can set to ourselves. 9 In describing the thaumaturges of the modern political myths, Cassirer revitalizes Kant's denunciation in The Conflict of the Faculties, a text which I'll quote with a slight modification, adapting it to the present context; Cassirer, indeed, thoroughly agrees with it, and thinks, as Kant did, that philosophy's task is to unmask those who present themselves as savior-thaumaturges:

People seem to be looking for thaumaturges and magicians, with knowledge of supernatural things. [...] If someone has the effrontery to give himself out as such a miracle worker, the people will flock to him and contemptuously desert the philosophy, whose task is to publicly counteract these thaumaturges, in order to deny the magic power that the public superstitiously attributes to these teachings and the rites connected with them; as if, by passively surrendering themselves to such skillful guides, the people would be excused from any activity of their own and led, in ease and comfort, to achieve the ends they desire.10

3. A Refutation of National Socialism that Takes Its Cue from Kant and from the **Enlightenment**

⁸ Ibid. Cf. p. 280.

⁷ Ibid., p. 289.

⁹ Cf. Ibid., p. 281. And see Kant's 'An answer to the question: What is Enlightenment?'

¹⁰ Cf. The Conflict of the Faculties, AA 7: 30-31. Translated by Mary J. Gregor and Robert Anchor. In Religion and Rational Theology. The Cambridge Edition of the Works of Immanuel Kant. Cambridge: University Press, 1996.

In the biography of Cassirer written by his wife, Toni Cassirer, we are told how he decided, at a certain point, to stop writing altogether—a measure of how profoundly traumatized he was by the arrival to power of the Nazis. Nonetheless, it was not long before he changed his mind, and rushed to combat Nazism using philosophy's weaponry.¹¹

Cassirer was profoundly moved by the fact that intelligent, cultivated, honest people massively disdained the greatest privilege of human beings, i.e., to be their own masters, and that they stopped being critical with the world that surrounded them, and accepted the political collapse as something natural and unavoidable, something against which there was absolutely nothing to do. In an unedited draft of *The Myth of the State*, he records the bewilderment caused in him by that manner of accepting those facts:

Within the first days in which Hitler came to power, I repeatedly heard from the lips of cultivated people, from academics and philosophers, that History had spoken. People who had never been inclined towards the National Socialist party suddenly changed their mind. Political success was contemplated by them as an irrefutable proof of truth and justice, as an irrevocable sentence of History, as destiny's fateful decree. To subjugate oneself before the consummated facts was not just a matter of political prudence, but was rather some kind of categorical imperative, something like the product of profound metaphysical wisdom.¹²

When Hitler gets hold on absolute power, Cassirer decides to write a philosophical refutation of the National Socialist ideas, even though he delays its publication at his wife's request in order to prevent any reprisal against their families living in Germany, the publication occurring only posthumously under the title *The Myth of the State*. This refutation had an effect on at least one member of Hitler's closet circle, Albert Speer, that mediocre architect who was assigned the task of designing a megalopolis called *Germania*, which was supposed to become the millenary German empire's capital, but who, in his role as Reich Minister of Armaments and War Production, indirectly contributed instead to Berlin's devastation, immortalized by Rossellini in his astonishing *Germany*, *Year Zero*.

Albert Speer recounts in his memoire how impressed he was by reading Cassirer during his captivity, while carrying out the twenty years' sentence imposed upon him at the Nuremberg trial. According to him, far from taking it to be mere propaganda, the German people appropriated the slogan that the leader had to think for all of them and guide their destiny as if they were underaged, with no responsibility whatsoever.

"Perhaps the background had prepared us like soldiers—writes Speer—for the kind of thinking we encountered once again in Hitler's system. Tight public order was in our blood. The liberalism of the Weimar Republic seemed to us by comparison lax, dubious,

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¹¹ Toni Cassirer, *Mein Leben mit Ernst Cassirer*, Felix Meiner, Hamburg, 2003, p. 202. In this regard, one must also mention Massimo Ferrari's splendid intellectual biography, *Ernst Cassirer*. *Stationen einer philosophischen Biographie*. *Von der Marburger Schule zur Kulturphilosophie*, Felix Meiner, Hamburg, 2003.

¹² Ernst Cassirer, *Zu Philosophie und Politik* (hrsg. von Michael Krois und Christian Möckel), Felix Meiner, 2008, ECN 9, p. 219 n.

and in no way desirable."¹³ An he adds after a few pages: "Years later, in Spandau I read Ernst Cassirer's comment on the men who of their own accord threw away man's highest privilege: to be an autonomous person. Now I was one of them."¹⁴

Michel Foucault has described how, when the Nazis' boots trespassed the doors of the Chancellor's Office, Cassirer's *The Philosophy of Enlightenment* became something of a last stronghold, for, as Jean Starobinski has written,

Presenting a picture of the Enlightenment at a moment when Nazi ideas held sway everywhere, finding in Rousseau the thought that inspired Kant, Goethe, and republican ideals, meant turning on their heads, although with no hope of success, all those myths that back then mobilized masses and found in universities historians and philosophers well-disposed to propagate them.¹⁵

4. Rousseau (Paris, 1932 – New York, 1945)

In 1932 the political situation in Germany forces Cassirer to move to Paris, where he studies Rousseau and, at the Sorbonne, discusses his reading of the Genevan thinker. As also pointed out by Starobinksi, his way of fighting for certain causes consisted in going back to its intellectual sources and in reading the texts of the great thinkers, so that he could reinforce by means of a historical analysis those values which deserved to be saved. Cassirer himself recognized that Rousseau's legacy wasn't for him the mere object of erudite curiosity or of philologico-historical examination, for the questions raised by him continue to speak to his readers. Those claims that Cassirer identifies and analyses in Rousseau's work deserve close attention, especially when considered as a socio-political pedagogy designed to serve as a preventing device against any totalitarianism in the bud.

Cassirer insists further that Kant, who he takes to be the XVIII century's moralist *par excellence* and the champion of practical reason, was almost the only one who thoroughly understood Rousseau's radicality and who made it his own, when he affirmed that, in the absence of any contribution to the triumph of justice, and if the law disappears, the human being's existence on Earth has no meaning at all. It was, after all, after reading Rousseau that Kant decided to dedicate himself to defend the rights of humanity. As we read in *The Concept of Philosophy as a Philosophical Problem*, "for Kant the whole of philosophy is indissociably linked to that fundamental question which so deeply and passionately moved the XVIII century: the question regarding the undying, immutable, inalienable rights of the

¹³ Albert Speer, *Inside the Third Reich: Memoirs by Albert Speer*. Translated by Richard and Clara Winston. New York: The MacMillan Company, 1970, p. 33.

¹⁴ *Ibid.*, p. 49.

¹⁵ Jean Starobinski, preface to Ernst Cassirer, Le Problème Jean-Jacques Rousseau, Paris, 1987. p. x.

¹⁶ *Ibid.*, p. xi.

¹⁷ Ernst Cassirer, *The Question of Jean-Jacques Rousseau*, in *Rousseau*, *Kant, Goethe*, ed. cit. p. 51; New Yersey. Princenton University Press, 1945.

¹⁸ *Ibid.*, p. 89. Cf. *Ibid.*, p. 230, and AA 6: 332.

human being." ¹⁹ This was the same meaning that philosophy in general and Kantian philosophy in particular had for Cassirer. One of the writings that Cassirer left on his desk when he died in New York—only a few days before Hitler killed himself in Berlin—was a work on Kant and Rousseau which, together with another one on Goethe, were to become the Introduction to the English edition of *The Philosophy of Enlightenment*, which proves that Kant accompanied Cassirer from the beginning to the very last moment of this stage in his philosophical itinerary.

5. The Metaphysico-Functional Plot of Our Symbolic Universe (University of Gothenburg, 1939, Columbia University, 1945).

Incapable of shaping up to that socio-political atmosphere, Cassirer resigned to the rectorate of the University of Hamburg and took an early retirement at 59, starting an exile which first reached port in Sweden, where he would stay for a few years. There he decided to pay homage to his academic hosts and to engage in dialogue with the Swedish thinker Axel Hägerström. As Cassirer writes in the preface to the resulting publication, this helped him to apply his *Philosophy of Symbolic Forms* to new realms, and to give an *ethical turn* to his thinking, approaching with much more detail moral and juridico-philosophical problems.²⁰

In this text, Cassirer asks whether it would be correct for us to spare ourselves all historical journey through philosophical ethics, on account of the fact that one can pinpoint metaphysical views entwined in it, or it would rather be preferable to keep the strength of what has been achieved, stripping it of any metaphysical covering. He wonders whether the Kantian concepts of pure duty and of ethical autonomy may be given a functional meaning and be kept away form any link to a substantialist one. The eradication of old superstitions is one of the most important tasks of the philosophy of culture, but in his view this clearing-up must first and foremost make a new edification possible. 21 Cassirer illustrates this by pointing to the evolution of right, from customs and traditions to the forward-looking verdict, an illustration he couldn't help but accompany with a reference to the Kantian notion of an original contract as an idea with an undeniable practical reality, and another reference to the notion of a law that one can only give to oneself. The very concept of a will, cleared of any metaphysical connection, refers simply to a fundamental orientation of consciousness towards what is not given, whatever is yet to come and be realized, and this prospective function, which is complementary to the retrospective function of memory and to the perception of the present, gives us the capacities for prevision and anticipation which make our symbolic universe possible.²²

¹⁹ "Der Begriff der Philosophie als Problem der Philosophie", in *Zu Philosophie und Politik*, ed. cit., ECN 9, p. 152.

²⁰ Cf. Ernst Cassirer, Axel Hägerström. Eine Studie zur Schwedischen Philosophie der Gegenwart. p. 39.

²¹ *Ibid*. p. 125.

²² *Ibid.*, p. 148-5.

In this order of things, Cassirer defines the human being in his Philosophical Anthropology as a symbolic animal, for, owing to our immersion in culture, we inhabit a symbolic net constituted by the threads of linguistic forms, artistic images, mystic tales, and religious rituals, all of which make us live in the midst of emotions, hopes, fears, illusions, and imaginary delusions, inspired by fantasies and dreams, very far away from the raw facts and from our needs and immediate desires. 23 Kant looked at the French Revolution from a similar perspective, as he was interested mainly in symbolically grasping that historical event, evaluating it not in terms of its outcome, but in terms of its ethical motivation, of the moral and juridical orientation that it manifested.

6. In Defense of the Weimar Republic (Hamburg 1928)

In 1928 Cassirer made his commitment to the Weimar Republic explicit by giving a lecture on The Idea of a Constitutional Republic, on the occasion of the Weimar Republic's tenth anniversary.²⁴ In this text, Cassirer confers on the republican constitution of Weimar a symbolic meaning similar to the one that the French Revolution had for Kant, expressing his intimate conviction that present-day problems could not be satisfactorily resolved unless one engaged at the same time with fundamental philosophical problems. In this manner, Cassirer evokes in a certain way the Secret article of Toward Perpetual Peace, according to which statesmen should to be more attentive to the contributions of those who engage in philosophy, in view of the unavoidable interaction between theory and practice, between the structure of our ideas and the configuration of our socio-political reality.

The Weimar Republic was often accused by the efficacious Nazi propaganda of being something foreign and imposed upon the Germans by the degrading Treaty of Versailles, something that did not fit well with German traditions. In order to counter this prejudice, Cassirer embarks on a fascinating intellectual journey that starts with Leibniz and ends with Kant, pointing at how certain Leibnizian ideas may have been exported, through Wolff and Blackstone, from Germany to England, thenceforth to North America, and finally brought back to their point of departure owing to the intervention of political actors such as Lafayette or Jefferson. Cassirer's conclusion is that the demand for inalienable rights first emerged in the realm of ideas with Leibniz, where it stayed until its openness towards the realm of effective history came forward, only in order later come back from the historic to the ideal realm, when Kant projects it from the kingdom of being to that of ought. In making this journey to the past in order to follow the trail of the origins of the idea of a republican constitution, Cassirer has his view on the future, his intention being to convince his readers that this carta magna derived from their very best cultural traditions, and that by appropriating it they could contribute to their own future. "Cassirer saw in the

²³ Ernst Cassirer, An Essay on Man. An Introduction to the Philosophy of Culture, Yale University Press,

²⁴ A first English translation of this work, by Seth Berk, appeared in *The Philosophical Forum* in 2018, Spring Issue, pp. 3-17.

constitution of Weimar a symbolic document that could guide the minds of the German people in a direction which found inspiration in the ideals of the Enlightenment and of German idealism."²⁵

7. Kant's Applause to the French Revolution

In defending the Weimar Republic against incipient totalitarianism and then dedicating himself to fight the National Socialist ideology with the conceptual tools available to him by including Kantian premises into his own philosophy of culture, Cassirer emulates Kant himself, who in his mature writings never failed to endorse republicanism as the only legitimate form of government. Right after the signing of the Peace of Basel in April 1795, whereby Prussia abandoned the coalition led by Austria against the brand-new French Republic, Kant published his essay on perpetual peace, in whose fifth preliminary article Kant points at the partition of Poland as an example of the undesirable consequences of meddling by force on a foreign constitution or government. In his correspondence with a former student, Kant calls this opuscule the *Dreams of a project of perpetual peace*, using the same French word —*Rêveries*— that Rousseau used in the title for the chronicle of his solitary wanderings.

Not quite as explicit as in *The Conflict of the Faculties* or in Reflection 8077, Kant nonetheless takes up the cudgels on behalf of the new legal order emerged from the French Republic, claiming the following: "If, owing to the impetuosity of a *revolution* generated by a bad constitution, another constitution more in accordance with legality had been achieved, then it wouldn't be legitimate to lead the new people back to the former constitution, even though—Kant qualifies—one would have also to punish with fixed penalties those who took part in that revolution through violent means and ruses." (*ZeF* B78 / AA 08: 372-373). Better to set ourselves the duty of undertaking the reforms necessary to adjust public right to the new constitution, since, in Kant's mind, "nature does not produce revolutions in order to cover up an even greater oppression, but in order to utilize them as a calling from nature to institute through radical reform a constitution based on the principles of liberty, which is the only one that lasts." (*ZeF* B79n. / AA 08: 373n.). In other words, revolutions aren't desirable, but they may turn out to be unavoidable.

8. Freedom, Equality, and Independence as Requirements for a Kantian Republicanism

Kant decides to appropriate the Revolutionary triad of *freedom*, *equality*, *and fraternity*, but replacing the latter term by the independence needed in order to act autonomously.

These three criteria had already been described in *Theory and Practice* as the indispensable requisites for political right, and they are regained in the essay on peace in

²⁵ Deniz Cozkun, Op. cit., p. 176.

order to delineate the republicanism that must permeate any legitimate legislation of a people that emanates from the idea of an original social contract. Juridical freedom means that we may not be subject to any law that is incapable of getting our own consent, whereas juridical equality means that nobody may legally oblige anybody without being subjected to that same obligation, and juridical independence derives from a self-evident blatancy. In Kant's own words, we are dealing here with inalienable, innate rights, inherent to humanity.

The obligatory character of our right can only be admitted if it is symmetrical to all involved parties, and if a duty is such that the one who imposes it cannot comply with it, no obligation to comply with that duty may be derived. Kant makes it very clear that we can only follow the rules of the game when these are equally valid for everyone involved, after having accepted them autonomously. There is no exception to this rule, and even the highest guardian of the laws must obey them as closely as any other. Only we can confer authority upon laws that wouldn't be proper laws without our consent, as Kant makes crystal clear:

As regards my freedom, I am under no obligation even before divine laws, which I can recognize through my own reason, unless I can accord them my consent, since I can only have a concept of the divine will thanks to the law of freedom given by my own reason (ZeF B21-22 / AA 08: 350).

According to The Conflict of the Faculties, Abraham should have taken as an illusion the divine command to sacrifice his own son instead of waiting for the counter-command, for it would only have taken him to consult his own conscience in order to see that such barbarity did not accord with the moral law; as Kant stresses in his Critique of Practical Reason, in effect, not even what we represent as God could fail to comply with the moral law and attempt to utilize a human being as a mere instrumental means to a given end. Needless to say, this is equally valid for those who take themselves to be small-time gods and abuse political power, when in fact they should look after the compliance with the law, preaching by example and counting themselves amongst ordinary citizens, for there is no room for confounding the function, however high it may be, with the person that performs that function at a given time.

9. A Nobility of Public Servants to which One Has Access through Merits and Not through Lineage

Kant takes from Rousseau his concern with social inequality and that is why he expresses his disagreement with any inheritance which is not intellectual in character. Each citizen ought to enjoy identical opportunities as regards the possibility of accessing a higher social class, and this access should therefore depend merely on skill, effort, and luck, as may be exemplified through Kant's own case, who became a university rector in spite of being the son of a humble harness maker.

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Voltaire and Diderot, as declared in *Essay on Customs* and *The History of Two Indies*, were impressed by the fact that public servants in China got to the highest positions by their own merits and not on account of their family trees. Kant disqualifies any inherited prerogative, inquiring into such evident things as whether merit ought to precede rank, for nothing guarantees that belonging to or entering a nobility will ennoble anyone, which clearly reveals what Kant thought of the Ancien Régime's nobility. In this vein, Kant coins the curious expression *servant's nobility*, meaning the rank that one conquers through effort and not through ancestry. Merit is what should clear the path to the highest magistracies, ranks that do not adhere as a property to the persons who hold them, since by abandoning the function one immediately renounces its associated rank, and one becomes once again an ordinary citizen, a system thus thoroughly compatible with the presupposition of a radical equality amongst each one of the members of a political community.

10. Right and Politics as the Doorways to Morality

A republican constitution that complies with the criteria of freedom, equality, and independence must thoroughly agree with the criterion of the rights of humanity but, precisely on that account, it is the hardest one to institute and to preserve. In order to rebut the view that such a sublime format is incompatible with our selfish inclinations and only appropriate to a state composed by angelical beings, Kant creates the image of a *people of devils*, arguing that it is always possible to solve the problem of their coexistence in political terms, as one would only need to succeed in making all their antagonistic private intentions restrain one another; for even if one cannot force them to be morally good, one can always force them to be *good citizens*.

Kant thereby appropriates a thesis advanced by Rousseau in the *Geneva Manuscript*, according to which "we can't properly begin to become human beings unless we have become citizens". Since this is not about moral improvement, it is enough that we are able to handle the keys to our unsocial sociability. Kant is completely aware that ethics does not ensure a better political community from a moral point of view, but he nonetheless believes, conversely, that a good juridical framework, together with education, may very well promote the ideal environment for the establishment of profound moral convictions. Humans are what politics has made out of them, Rousseau had claimed. Kant followed suit by arguing that "it is not morality that leads to a good constitution for the state, but, quite the opposite, we may hope that such a constitution fosters the moral formation of a people." (*ZeF* B63 / AA 08: 367).

Reading Rousseau made Kant realize that the question regarding politics was crucial, way too important to be left in the hands of heartless and opportunistic politicians, who constitute for us the greatest threat, inasmuch as they even try to convince us that we have no remedy and that we have to conform to what there is, since it is impossible to change things. In fact, it is always possible to force ourselves to be good citizens—no matter how

devilish we take our nature to be—and to behave as if we were independent of our selfish expectations, inclinations that should neutralize one another owing to the mechanism of our unsocial sociability, together with the legal coercion of a juridical framework thoroughly adjusted to the law, which therefore responds to the moral demands of justice.

11. The Kantian Distinction between a Moral Politician and a Political Moralist

In order to carry out this delicate task, Kant asks for moral politicians that would replace what he calls *political moralists*. In order to clarify this famous distinction, thereby delineating the two figures that may be adopted by those who dedicate their lives to politics, Kant tells the story of a symbolic fight between two Roman gods, arguing that Terminus, who guards the frontiers of morality, should never give up any part of his territory, not even one millimeter, and not even to Jupiter himself, who guards the frontiers of power. Those who align themselves with power and idolize Jupiter will never become anything other than what Kant calls political moralists, whereas those who worship Terminus are unable to trespass the boundaries of morals through political action.

In Kant's view, this is an absolutely crucial matter. In the absence of the mediation of freedom, politics would be reduced to the art of utilizing the natural mechanism in order to govern, and the concept of right would be an empty thought. If, on the other hand, right is taken to be a restrictive condition to politics, as no one dares to explicitly deny, then it must be possible to bring ethico-juridical demands and political action together. Kant imagines "a moral politician for whom the principles of political prudence are compatible with morality, not a political moralist who shapes morality in order to adapt it to the stateman's advantage" (ZeF B77 / AA 08: 374) and utilizes ethics as a disguise to cover up their atrocities.

In keeping with this distinction, Kant speaks of two kinds of jurists, whose labor would correspond to the respective necessities of a political moralist and of a moral politician. First, there would be the professional jurist who, as the proxy of political power, after adopting as a symbol the balance of right and the sword of justice, makes use of the sword not only to remove all influxes foreign to right, but also to tip the scales by placing the sword on one side, if the jurist does not want that side to be outbalanced. The jurist who is not at the same time a philosopher has the enormous temptation to behave in this manner, because their profession consists in applying the existing body of laws, but not to enquire whether these need to be improved, hereby acting to the political moralist's advantage. The task of proposing such improvements would be left to the philosopher of right, and their application would be in the hands of the moral politician.

If we do not succeed in gradually introducing the necessary reforms that would implement the rule of republicanism, the latter will end up imposing itself in other ways. Kant found himself overwhelmed by a lively enthusiasm at the French Revolution, in spite of being totally aware of the tribulations and disappointments that accompany a phenomenon like this. According to Kant, that enthusiastic sympathy, similar to that of Adam Smith's impartial Spectator, can only explained by reference to a moral disposition

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inherent to humanity, which allows us to see the transition towards republicanism as an unmistakable sign of humanity's historical progress. We encounter this line of thought in *The Conflict of the Faculties*, where a note recounts the accusations of "reformist zeal, Jacobinism, and factious revolt" received by his political proposal in favor of republicanism and of the tendency to republicanize all existing political constitutions, for, as Rousseau says in *The Social Contract*, "every legitimate government is republican", in the sense explained by Kant in his own political thought, when he adds to the concepts of freedom and equality that of independence or autonomy.

12. Publicity as a Formal Criterion to Discriminate Unjust Maxims

Undoubtedly, Kant would have loved to write, in the manner of Spinoza, an Ethics demonstrated in geometrical order, which is why he looked in his *Groundwork* for a simple formula which could serve as a rule of thumb for the application of moral criteria, and why we also find theorems, definitions, and problems in the *Critique of Practical Reason*. It does not come up as a surprise, therefore, that he appreciated a similar enterprise in the juridical realm, when in 1785 the Count of Windisch-Graetz called for a competition, offering a prize of a thousand ducats to the essay that contributed contractual formulas incapable of receiving anything but an unequivocal interpretation and that could serve to solve property-related legal conflicts. No one participated in the competition, in spite of the fact that it was publicized by the Paris, Edinburgh, and Berlin Academies, but Kant nonetheless praised the initiative because, in his view, "the possibility of a formula similar to the mathematical ones is the only genuine touchstone for a consistent legislation, for in its absence what we call *juridical certainty* will be little more than a pious wish" (*ZeF* B18 / AA 08: 349), it being impossible for us to secure universal validity without exceptions, instead of merely general validity.

Kant wields in the juridical realm the same reasoning that he put forward in the moral realm. If we abstract from public right all subject matter, what we are left with is obviously the form of publicity, which means that any legal proposal must be thought of as *publishable* in order to be considered just, or, what amounts to the same thing, "every action relative to the rights of others that is incompatible with publicity is unjust" (*ZeF* B99 / AA 08: 381). If a maxim must necessarily be kept secret in order to be successful, since making it public would immediately provoke everyone's opposition to my intentions, then its iniquity would be unmistakably revealed by this touchstone. This is why Kant also declares the right to rebellion to be nonsense from a juridical standpoint. No one would include anything of this sort in a civil contract, for it would be tantamount to recognizing double sovereignty, and claiming a legitimate power to exert violence upon the supreme authority would obstruct the establishment of the contract. Now, even though the criterion of publicity enables us to identify and leave out unjust maxims, it would be a mistake to infer, inversely, that just by being able to pass the publicity test a maxim is necessarily just, for not all those who hold absolute power need to keep their maxims secret. In spite of this,

"those maxims which require publicity in order not to frustrate their intentions unanimously coincide with right and politics." (ZeF B10 / AA 08: 345).

Just as in the realm of ethics, conformity to morality gives the the juridico-political realm of justice its specificity and, not putting the cart before the horses, i.e., not placing the end before the conditions for its attainment, the end will come by itself, as some sort of collateral effect, that byproduct made familiar to us through Game Theory:

The less a conduct depends on its desired end—writes Kant—, whether it be a physical or an ethical benefit, the greater its coincidence with the general end, and this is so because the a priori given general will is the only one which determines what right is amongst human beings. But only if the execution proceeds accordingly can this union of everyone's will become the outcome that we were looking for, and make the concept of right effective, also in conformity with the mechanism of nature (ZeF B91 / AA: 08 378).

As we saw, in *Toward Perpetual Peace* Kant publicly expressed his moral-political commitment to the republicanism emerged from the French Revolution, and to those rights of humanity which he had avowed to defend after reading Rousseau, by making the ideas of freedom, equality, and independence the cornerstones of right and justice. And he does this by applying the principles of his own philosophical system, which he thereby turns into a useful tool in the fight against despotism and absolutism. This was quite well understood by Cassirer, when he used Kantian practical thought in order to fight against Nazism in the realm of the history of ideas, as we have seen in the first part of this paper, which has been prepared for our third international meeting III CTK (Santiago de Chile, August 2018).

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