HUMAN RIGHTS, IMPERIALISM AND PEACE AMONG NATIONS: HERDER’S DEBATE WITH KANT

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I

Human rights is a central normative idea in contemporary political thinking. Yet it is also increasingly common to argue that this idea is not a ‘fixed thing’. As Lynn Hunt has suggested, it is rather a ‘field of conflict’ or ‘a programme, an outlook, embedded in our political and cultural imagination and sensibility’.3 Perhaps it is therefore not entirely surprising that strongly diverging interpretations have been put forward about the origins of this idea during the recent decade. Lynn Hunt herself has charted its complex and often ruptured evolution, tracing its origins back to the emerging values of bodily integrity and empathetic selfhood in the eighteenth century.4 Samuel Moyn, by contrast, has argued that there is not much in common between the Enlightenment’s ‘eternal’ or natural rights of man and human rights, the latter constituting ‘a different conception altogether’.5 The Enlightenment’s natural rights were to be achieved through the construction of spaces of citizenship in which rights were accorded and protected, while human rights are ‘entitlements that might contradict the sovereign nation-state from above and outside’.6 Even more recently, in an Oxford Amnesty lecture of 2012, James Tully has restated the idea of the Enlightenment origins of human rights, focusing on the ways in which rights are derived and seen to be implemented both within states as well as outside them.7 In his lecture, Tully provides what he characterises as a ‘simple historical overview’ of two distinctive traditions of human rights. The first he calls the ‘High Enlightenment’ tradition, associating it, most prominently, with Immanuel Kant’s moral and political philosophy.8 The second he calls the ‘Democratic tradition’, locating its – much more dispersed – origins in the thought of the Quakers, John Locke, Jean-

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4 Ibid., 30.
6 Ibid., 13.
Jacques Rousseau. The most full-bodied representation of this tradition, Tully suggests, can be found in Mohandas Gandhi’s thinking or Amnesty International’s actions.\(^9\) In Tully’s view, these two traditions also translate into two very different visions of political action and relationships among peoples: while the Kantian tradition potentially allows for the coercive imposition of rights (and their appropriate constitutional settings) upon one’s own compatriots as well as other peoples, the democratic tradition provides a solid defence against coercion and imperialism. Tully’s own preference is clear here.

To a great extent, these scholarly disagreements arise from the different disciplinary perspectives from which the central subject – human rights – is viewed. For example, Moyn has powerfully drawn attention to the fact that human rights, understood as an international and transnational agenda of the legal protection of individuals against the state, has a remarkably short and recent history. However, questions about the philosophical foundations, and indeed, substance, of the different universalistic ‘utopias’ continue to be posed; indeed, Moyn’s own more recent work has contributed to these debates, too.\(^10\) Tully’s suggestion about the two traditions of human rights seeks to provide an answer to such questions. While remaining sceptical about the possibility to neatly carve out just two opposing traditions in the hugely complex web of ideas and debates in (early) modern political thought, I would like to follow Tully’s invitation to explore the ways in which different authors have justified the idea – not necessarily the concept! – of human rights, envisioned their implementation and promotion, and even more importantly, how they have conceived the relationship between human rights, states, and indeed, peoples. Thereby I hope to show that we can detect the existence of a strong and unduly neglected anti-imperialist and anti-statist strand of thinking about human rights in the Enlightenment period, one that is also directly relevant for the emergence of human rights as a ‘programme embedded in our political and cultural imagination and sensibility’ (Hunt).

As already indicated, the ‘High Enlightenment’ tradition of thinking about human rights for Tully is represented in Immanuel Kant’s thinking, whereas his examples of the Democratic tradition are rather less determinate. Tully’s account has been criticised for its caricatured picture of Kant.\(^11\) While agreeing with this critique, I would like to show that some of Kant’s contemporaries developed a remarkably similar critical reading of Kant’s ideas as the one presented by Tully. Most importantly, Kant’s erstwhile student Johann Gottfried Herder identified a number of problematic aspects in Kant’s account and presented a different vision of the vocation of humanity.\(^12\) Herder is not standardly seen

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\(^9\) Tully, ‘Rethinking Human Rights’, 19-34.


as an author relevant for the discussion of human rights, as he is still widely characterised as a romantic nationalist, or at best, cultural pluralist. Also his debate with Kant has mostly been explored through this lens. Indeed, Tully himself, in his Public Philosophy in a New Key, has presented Herder this way, and has not noticed Herder’s similarities with the ‘Democratic tradition’ he came to outline in his subsequent Amnesty lecture. In fact, as I hope to show, Herder is a major representative of the ‘Democratic tradition’ as laid out by Tully, and a highly influential one at that. This influence, just like Kant’s own influence, however, was complex and multifaceted.

II
The debate between Herder and Kant started with the publication of Kant’s Idea for a Universal History with a Cosmopolitan Purpose (1784) to which Herder responded in 1785 in the second volume of his Ideas for the Philosophy of History of Mankind. The debate between them was largely implicit and hidden (they rarely mentioned each other by name), but it continued for over more than a decade. In a series of works in the 1780s, Kant answered Herder, while Herder came back to Kant’s ideas in the subsequent volumes of the Ideas, picking up Kant’s (and his followers’) more recent ideas in his Letters for the Advancement of Humanity (1792/1793-1797). They both modified their views over the course of the years, but it was Kant’s ideas in particular which underwent radical change after the French revolution. In this paper, my focus is on Herder’s answers to Kant.

Let me make it clear at the outset: the concept ‘human rights’ in plural hardly figured in this debate. Rather, it was the idea of the ‘vocation of humanity’ [Bestimmung der Menschheit] that stood at its centre, while Herder himself advocated the term ‘Humanität’ to designate the character of humanity that was as yet to be developed from the pre-existing seeds. However, as I hope to show, this idea involves an ‘outlook and programme’ as to how human beings (and their communities) should treat each other. In exploring the possibilities of achieving the vocation of humanity, Kant and Herder shared a number of common values and concerns: 1) both believed in the dignity of humanity and human self-determination; 2) and in the intrinsic value of international peace. Both were critics of the inter-state military and economic rivalry and of the narrow statist nationalism supporting and sustaining this rivalry, while 3) both regarded commerce as a crucial instrument uniting dispersed mankind and promoting the achievement of international peace. 4) They both also sought to provide moral guidance to ordinary citizens as to how they should relate to these modern developments. 5) Finally, they both turned to history as the primary medium and mode of writing through which this education and enlightenment could be achieved.

And yet, when Herder read Kant’s Idea for a Universal History, he was outraged. Partly, he felt that Kant had stolen his own key idea, as already laid out in the first volume

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14 See my ‘State-Machines, Commerce and the Progress of Humanität’.
15 In his Letters for the Advancement of Humanity, Herder explained why he the term should better be avoided: ‘The name human rights cannot be uttered without human duties; both relate to each other and we are looking for One word [Ein Wort] for both.’ Johann Gottfried Herder, Briefe zu Beförderung der Humanität = Werke in zehn Bänden, edited by Jürgen Brummack and Martin Bollacher, 10 vols (Frankfurt am Main, 1985–2000), VII, ed. by Hans Dietrich Irmischer (Frankfurt/Main, 1991), 147. (Unless otherwise indicated, all translations are mine.)
16 Ibid., 148.
of his Ideas published in the same year. Yet even more importantly, he resisted what Kant had turned this idea into. In letters to his friends Johann Georg Hamann and Friedrich Heinrich Jacobi in early 1785, Herder argued that Kant’s central thesis was not just ridiculous, but also detestable. Explaining the development of human forces [Kräfte] and ultimately, morality, through ‘political antagonism and the most perfect monarchy, indeed, the co-existence of many most perfect monarchies that are ruled by pure reason in corpore’, Herder argued, Kant’s essay breathed ‘wretched ice-cold, slavish enthusiasm’.17

What was Kant’s argument in Idea for a Universal History? I can only briefly state his key ideas here. Kant sought to provide an idea for writing universal history. Such a history, he hoped, might serve to encourage humans to continue their efforts to improve things, even despite the apparent meaninglessness of history (which caused moral despair). While Kant came to lay out the purely rational source of the supreme principle of morality in the Groundwork of the Metaphysics of Morals (1785), he already gave a hint in Idea that even though freedom of the will as the basis of morality was not palpable in the phenomenal world, it had to be possible there. This justified trying to develop an argument of natural teleology about history. Humans, Kant suggested, were destined by nature to develop reason and exercise freedom of the will, which constituted morality. But the development of reason and morality required the establishment of a perfectly just ‘civil union’ guaranteeing equal freedom to all, the realisation of which in turn depended on achieving lawful order and peace at the international level. ‘The human being’, Kant famously argued, ‘is an animal which, when it lives among others of its species, has need of a master […] who ...necessitates him to obey a universally valid will with which everyone can be free. But where will he get this master? Nowhere else but from the human species. But then this master is exactly as much an animal who has need of a master.’18 The only secure way to achieve lawful order and international peace, Kant argued, was to establish an international federation of states [Völkerbund] with coercive powers.19

Kant also ventured another hypothesis about the actual mechanism of human antagonism that ‘nature’ used for achieving this destiny. This mechanism for Kant was sustained by what he famously called human ‘unsocial sociability’, humans’ fundamentally antagonistic disposition, which, however, could yield positive results in terms of cultural agency when law and order were guaranteed by the sovereign.20 Thanks to their developing skill and discipline – the two key aspects of Kant’s notion of culture – humans would develop their reason, which in turn would help them to arrive at an increasingly correct understanding of the nature of the ‘just civil constitution’ guaranteeing equal freedom (i.e. rights) to all and the methods of implementing it in practice, a development which he also described as the ‘enlightenment’.21

19 Ibid., 114.
20 Ibid., 111-112.
21 Ibid., 112-113; 117.
A philosophical history, Kant suggested, could trace the gradual improvement of the 'civil constitution and its laws and [...] the relations of states' over different periods.\(^{22}\) He argued that there were already several indications that states might also enter into new kinds of relationships among themselves. First, thanks to the ever greater importance of commerce as a source of revenue for the states, rulers were increasingly compelled to leave their subjects as much freedom as possible, while the inevitable progress of Enlightenment in such conditions led the public to press for reforms. At the same time, however, rulers were forced to extract ever more revenue from society in order to sustain the increasingly expensive warfare, which would at some point lead towards a general situation of exhaustion. The mounting public debt, further, would make rulers regard wars as ever more dubious enterprises.\(^{23}\) Thus, Kant argued, it was not entirely groundless to cherish a 'chiliastic' expectation that 'the purpose of nature is at least fairly well safe-guarded (if not actually furthered) even by the ambitious schemes of various states'.\(^{24}\) It was also to be expected, Kant did not forget to add, that 'our part of the world' – in which this improvement was most visible - would also 'someday give laws to all the others'.\(^{25}\)

For Herder this read as a legitimation of the military rivalry and ruthless colonial imperialism of European monarchies. In his *This Too A Philosophy of History* published in 1774s, Herder had already sharply mocked the remarkable hypocrisy of modern Europeans,\(^{26}\) now it was his own teacher who was putting forward exactly this kind of argument. In subsequent years, Herder sought to work out his critique of Kant in the various draft versions of his *Ideas*. Only some of this critique, however, came to be included in the final, published version. In a recent article, I have tried to reassemble this critique piece by piece.\(^{27}\) One of Herder's key points, I suggest there, was that Kant's argument was inconsistent: at the domestic level, what concerned the nature of authority within the state, it was fundamentally Hobbesian, while he sought to combine the Hobbesian argument with abbé de Saint-Pierre's optimistic international solution (which presupposed different, less Hobbesian, foundations). Kant described the subjects of modern monarchies as self-seeking antagonistic 'animals' fundamentally unable to govern and rule themselves; they needed a 'master' to break their will. At the same time, he also hoped the rulers to develop the necessary 'good will' to establish and maintain the 'perfectly just constitution' in their states, suggesting that modern commercial interests would force the rulers to do so. Yet, what about commercial interests pressing for ever more colonial conquests, Herder asked; and even if a 'master of masters' would by any chance be created, what would guarantee its good will?

Herder's vision of politics was in many ways exactly the opposite, drawing on much more optimistic moral psychological foundations. This is best captured in Herder's famous retort to Kant: 'The maxim that “man is an animal who needs a master when he lives with others of his species, so that he may attain happiness and fulfil his destiny on earth”, is both facile and noxious as a fundamental principle of a philosophy of history. The proposition, I feel, ought to be reversed. Man is an animal as long as he needs a master

\(^{22}\) Ibid., 118-120.  
\(^{23}\) Ibid., 118.  
\(^{24}\) Ibid., 116-118.  
\(^{25}\) Ibid., 119.  
\(^{27}\) Piirimäe, 'State-Machines, Commerce and the Progress of Humanität'.
to lord over him; as soon as he attains the status of a human being he no longer needs a master in any real sense. Nature has designated no master for the human species, brutal vices and passions render one necessary.’ 28 Although constitutional mechanisms for defending the people against the abuse of power by the rulers were necessary, the people had a natural disposition to engage in mutually beneficial activities and joint ventures, ultimately making the state redundant. Modern monarchies, the origins of which Herder located in the Germanic tribes’ conquest of Roman imperial territories, were in his view ‘state-machines’ grounded in, and still geared towards, conquest. They were elaborate edifices of artificial roles and honours, which at the same time excluded the people from active participation in the public life. To expect such machines to come to achieve a stable balance of power among them, or indeed, join into a universal league of states with coercive powers, was naive. Yet, as Europe’s history and particularly the example of the Hanseatic League in the medieval times showed, humans could organise themselves differently, as they can also form free cities, and then, also, leagues of cities, international bodies based on and fostering reciprocally beneficial commercial and cultural exchange. This, he mused, was also a model for future Europe.29

III
In subsequent years, Kant worked out his practical philosophy as well as his mature philosophy of the vocation of humanity.30 I can just very superficially and selectively

29 Piirimäe, 'State-Machines, Commerce and the Progress of Humanität'.
30 Kant’s idea of the ‘vocation of humanity’ is best captured in the following quotation: ‘The character of the species, as it is known [kundbar] from the experience of all ages and by all peoples, is this: that, taken collectively /the human race as a whole), it is a multitude of persons, existing successively and side by side, who cannot do without being together peacefully and yet cannot avoid constantly being objectionable to one another [das friedliche Beisammensein nicht entbehren und dabei dennoch einander beständig wierwärzig zu sein nicht vermeiden können]. Consequently, they feel destined by nature to [develop], through mutual compulsion under laws that come from themselves, into a cosmopolitan society (cosmopolitismus) that is constantly threatened by disunion but generally progresses toward a coalition. In itself it is an unattainable idea but not a constitutive principle /the principle of lasting peace amid the most vigorous actions and reactions of human beings). Rather, it is only a regulative principle: to pursue this diligently as the destiny of the human race, not without grounded supposition of a natural tendency towards it.’ Immanuel Kant, ‘Anthropology from a Pragmatic Point of View (1798)’, in: idem, Anthropology, History and Education, 331. For discussion, see Georg Cavallar, Kant’s Embedded Cosmopolitanism. History, Philosophy and Education for World Citizens (Kant-Studien Ergänzungshefte vol. 183) (Berlin/Boston: De Gruyter, 2015), 14. Drawing on Robert Louden’s various studies, Cavallar proposes ‘vocation’ as the unifying element of all Kant’s cosmopolitanisms, 13ff. Cf. Robert B. Louden, Kant’s Human Being: Essays on his Theory of Human Nature (Oxford: Oxford University Press), 2011; idem, ‘Cosmopolitan Unity: The Final Destiny of the Human Species’, in Alix Cohen (ed.), Kant’s Lectures on Anthropology: A Critical Guide (Cambridge: Cambridge University Press., 211-29.
remind you of a few of the well-known signposts. In 1785, in *Groundwork*, he sought to show that autonomy as the property of the will was the fundamental principle of morality; in 1788, in *Critique of Practical Reason*, he developed his account of this fundamental principle, discussed the relationship of virtue and happiness, and specified the rational quality of the ‘moral feeling’ of respect for the moral law as the only determining ground of moral action and ‘respect for ourselves’ as established through consciousness of our freedom; in *Critique of Judgement* (1790), he elaborated on the precise relationship of nature, culture (beauty) and morality, while in *Religion within the Boundaries of Mere Reason* (1793) he put forward the idea of the ‘radical evil’ consisting in the ability to violate the moral law and defended the practically necessary idea of the moral commonwealth as guaranteed by God. There emerged widespread expectations that Kant would soon work out the legal and political implications of his theory of morality – which he, however, managed to do only in *Toward Perpetual Peace* (1795), and even more importantly, in *Metaphysics of Morality* published (1797).

In his *On the Common Saying: 'This May be True in Theory, but Does not Apply in Practice'* (1793), written in the wake of the French revolution, Kant first developed his political theory along explicitly republican lines and revisited his theory of how the problem of antagonistic ‘masters’ was to be solved at the international level. He developed these ideas further in *Perpetual Peace* and with some further modifications in his writings of the late 1790s. Kant now came to suggest that republics – he meant here modern representative and commercial republics which could very well be also ruled by monarchs - were the most stable, self-maintaining systems of government. The practice of freedom in republics created possibilities for the cultivation of morality. He also put forward a theory of republican peace, combining moral and empirical arguments.

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32 Idem, ‘Toward Perpetual Peace’, and ‘The Metaphysics of Morals’, in ibidem., 311-352 and 353-604. In *Perpetual Peace* he continued to claim that the only *rational* way of solving the problem of war at the international level was the creation of an *international state* with coercive powers, but argued that this state was only to be achieved gradually. As a first step, only its negative substitute – an ‘enduring and gradually expanding pacific federation’ or voluntary league of states – was practicable. In such a league, Kant argued, humans would have an opportunity to cultivate morality, and hence improve their conception of international right. Finally, on this basis, it could be hoped that they would decide to create what he called ‘the international state’, in which it would be also be possible to achieve the widest conceivable realisation of moral agency, i.e. the highest good of a ‘moral world’, the world in which all agents act morally, for discussion, see Pauline Kleingeld, *Kant and Cosmopolitanism: The Philosophical Ideal of the World Citizenship* (Cambridge: Cambridge University Press, 2013), 51; cf. Reidar Maliks, *Kant's Politics in Context* (Oxford: Oxford University Press), ch. 5.

33 For a discussion of whether on Kant’s view these self-maintaining systems would come about automatically, or would require a benevolent legislator to establish them, see Paul Guyer, *Kant on Freedom, Law and Happiness* (Cambridge: Cambridge University Press, 2000), 13. Paul Guyer suggests that Kant must have distinguished between the motives of the subjects in adhering to a constitution, and those of a ruler in establishing one. While it is perfectly possible for the subjects of a just state to be ruled solely by self-interest, such a state can only be instituted and maintained by what Kant in *Perpetual Peace* calls ‘moral politicians’, Paul Guyer, ‘The Crooked Timber of Mankind’, in Kant’s Idea for a universal history with a cosmopolitan aim: *A Critical Guide*, edited by Amélie Oksenberg Rorty and James Schmidt (Cambridge, 2009), 129–149 (131).
Republican state, he argued, is instituted in order to guarantee rights and property, but insofar it has no property outside its territory, it can wage war only in self-defence. Furthermore, the people, when allowed to determine the foreign policy of their country, would abhor war. From our point of view, it is most important to emphasise that it was only in Perpetual Peace that Kant clearly spelled out the idea that no state could legitimately force other states to join the federation of states, and hence underlined both the voluntary nature of this federation and the value of national autonomy. He now also coined the novel conception of ‘cosmopolitan right’, but limited it to the one of visiting foreign countries and proposing commerce (trade and exchange of ideas). In so doing he did not advocate ‘rampant commercial exploitation’ as Tully, for example, has suggested. Although continuing to highlight the instrumental value of both commerce and war (national animosity) in pushing mankind towards the republican and cosmopolitan condition, he specified that commerce could not be forced upon foreign peoples: it was perfectly legitimate for the latter to close themselves off from international trade, if the major trading powers and particularly, private companies, were offering it on unacceptable, unfair, terms.

In 1792, Herder initially welcomed the ideas in Kant’s new works in the second half of the 1780s: ‘What if’, he asked, [Kant’s] Critique of Practical Reason and the moral Philosophy based on it laid the foundation for a natural right and right of nations, which – when recognised generally? When generally practiced?’ Yet he soon changed his mind about the desirability of this kind of development. Herder opposed what he saw as Kant’s exclusive focus on the ethics of categorical imperative as the single moral goal of humanity as well as his statist view of the realisation of human rights. Instead, Herder turned to natural law, and indeed, invoked Hugo Grotius’s approach and example, characterising the latter as his ‘Anti-Machiavelli’. The hidden debate with Kant continued, as we shall see in a moment. However, in order to understand what was at stake for Herder in this debate, it is useful need to explore what might have been there in Grotius’s ideas for him.

What appealed to Herder in Grotius, I suggest, was his account of sociability (as mediated by Jean Barbeyrac’s interpretation and comments in his 1720 edition and translation of De jure belli ac pacis (1625). Grotius’s famous discussion of sociability in the Prolegomena of this work referred to two distinct aspects: 1) ‘Desire of Society’ facilitated by the capacity for speech; and 2) the capacity for ‘acting in the same Manner with respect to Things that are alike’, or, as Grotius also described it, the ‘Faculty of knowing and acting, according to some general Principles’.

34 Arthur Ripstein, Force and Freedom: Kant’s Legal and Political Philosophy (Cambridge, MA: Harvard University Press, 2009), 228ff; Maliks, Kant’s Politics in Context, 162-166.
35 On this issue, see Kleingeld, Kant and Cosmopolitanism, 47-58; Maliks, Kant’s Politicsn in Context, 161ff.
36 Tully, ‘Rethinking Human Rights’.
39 Herder, Briefe zu Beförderung, 343.
is an ongoing debate on the meaning of ‘desire of society’ for him;\(^{41}\) yet this debate need not concern us here. For our purposes what matters is the theoretical appeal of the basic structure of his argument as perceived from the perspective of its later adaptations by Pufendorf, Barbeyrac, Diderot and others for Herder: the way in which he combined a notion of human natural dispositions (including compassion) with an emphasis on humans’ capacity to recognise similarity and similar cases, and the corresponding ability to follow a principle of reciprocity in their action. ‘This Sociability’ […], or this Care of maintaining Society in a Manner conformable to the Light of human Understanding,’ Grotius famously argued, ‘is the Fountain of Right, properly so called; to which belongs the Abstaining from that which is another’s, and\(^{[xviii]}\) the Restitution of what we have of another’s, or of the Profit we have made by it, the Obligation of fulfilling Promises, the Reparation of a Damage done through our own Default, and the Merit of Punishment among Men.’\(^{42}\) While thereby seeing sociability as the foundation of ‘strict justice’ specifically, Grotius in a footnote also referred to Seneca’s much broader account of reciprocity.\(^{43}\) Seneca, he argued, made an ‘excellent application’ of this principle by describing the human urge and duty to reciprocate good offices with gratitude, and characterising the entire social interaction as an exchange of mutually beneficial offices for the sake of maintaining society between equals. For Seneca, this equality existed among sages; for Grotius, it concerned all human beings as such.\(^{44}\)

Already in his *Ideas*, Herder had invoked a similar account of the foundation of all kinds of natural law. He naturalised the Grotian account and gave it a metaphysical grounding. For, Herder nature consitstituted a vitalist organisation of beings, in which humans represented the most developed life form, essentially a ‘middle form’ between animals and divine beings. First, he stated a broad notion of desire of society, arguing that in terms of their sensuousness, both animals and humans possessed a capacity of sympathy grounded in the constitution of their nervous system. Human sympathy was further modified through reflective awareness [Besonnenheit], but even so, it was necessary to combine sympathy with a separate and “safer guiding rule [Regel]”, the one of “equity [Billigkeit] and truth”, which in practical contexts led humans to recognise and to pursue the ‘great law of equity [Billigkeit] and reciprocity [Gleichgewicht].’\(^{45}\) The latter,

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\(^{44}\) See Hans Blom, ‘Sociability and Hugo Grotius’, *History of European Ideas* 41: 5 (Sociability in Enlightenment Thought, edited by Eva Piirimäe and Alexander Schmidt) (2015) for an argument about the way in which sociability was a remedy to the original elitist tendencies in Grotius’s early views.

\(^{45}\) Herder, *Ideas*, 270; *Outlines*, 101-102; *Ideen*, 147. I have modified the translation here, so as to bring out the juridical origins of this term and the connection to Hugo Grotius’ notion of *aequitas*, as highlighted by Wolfgang Proß, *Anmerkungen*, in *Ideen* vol. III/2, 301-304. See also idem,
Herder argued, was grounded in humans’ specific physical and physiological constitution (erect posture and the organization of human senses). In the moral sphere, he argued, the rule drew together “[our] various interwoven tendencies under a guiding rule [...] Do not unto others what they should not do unto you; but what others should do unto you, do unto them too”. Herder’s formula of the Golden rule thus includes not only the negative moment, but also the command of taking caring of each other’s needs. Such a rule Herder posited as the basis of ‘all human right and right of nations and animals’ [alles Menschen-, Völker- und Tierrecht].

Herder distinguished three layers of natural duties and laws based on them. First, there was a far-going ethic of care about animated nature and the common environment for humans and animals, the ‘right of animals’ [Tierrecht]. Second, there was ‘human right’ in singular [Menschenrecht] about the reciprocal duties of beneficence among humans. It was only natural that humans were to work out the rules of human interaction primarily within their groups (first, tribes, then peoples). Like animals, humans formed groups and possessed the capacity of sympathy, but distinctively, their sociability was even stronger thanks to language, self-reflection, indeed, sense of group honour. While certainly endorsing the plurality of human ways of living, Herder also set up a loosely defined normative ideal of political community. Political communities did not need to be hierarchical systems of domination, but could be those of self-government and meritocracy. This ideal was captured in the notion of the fatherland, the ideal that the ancients had bequeathed to the moderns, without fully having been able to determine its precise constitutional implications. In an early unpublished draft of the first series of Letters for the Advancement of Humanity, penned down in the second half of 1792, Herder proclaimed the French attempts to devise a republican constitution as an example of the pursuit of this ideal and thus as worthy of the attention of ‘anyone who does not want to be an animal’ [a clear dismissive hint to Kant’s Idea - EP].

Thirdly, and finally, there was the ‘right (law) of nations’. The historical task for humanity was to work out the fair principles of dealing with other groups and their members. Grotius’s attempt to achieve at a broadly based syncretic ‘law of nations’ was pioneering in this respect, and there were signs that humans and even peoples could bind themselves to these principles, and this was the reason why he in the 1790s invoked...
Grotius as his ‘Anti-Machiavelli’. However, he also believed that it did not make sense to simply rationally posit these principles. Instead, Herder argued, it was necessary to cultivate the dispositions [Gesinnungen] of individuals and peoples. There were good signs in the air, as peoples had come to communicate and trade with each other, the barbaric military spirit was receding and the rapacious colonial and commercial imperialism of European powers was increasingly harming those very powers who pursued it. Yet with all our respect for humanity, Herder maintained, it was also vital to be aware of the human weakness, the fact that humans were necessarily prone to delusion [Wahn] and prejudices [Vorurteile] grounded in self-love and self-interest. It was due to the latter that humans so easily overcame mere sympathy and pity (particularly) towards distant others. The only possible antidote to it was reflective purification of one’s own sentiments, on the one hand, and enlargement of mental horizons via sympathy, on the other.52 As a matter of fact, these were just two sides of one and the same coin. What was necessary was not just compassion to those who had been offended, but also attempts to understand and take into account the victims’ point of view, including their opinions and sentiments about those who had perpetrated crimes against them.53 As authors offering examples of such history, Herder listed ‘Las Casas, Fénelon, you two good St. Pierres [the abbé de Saint-Pierre and Bernardin de Saint-Pierre – EP], many an honest Quaker, Montesquieu, Filangieri54 – each of whom had characteristically sought to lay bare the various kinds of atrocities and injustices that had been committed towards individuals and whole peoples in Europe and elsewhere. These thinkers, Herder argued, had written humane history guided by a human feeling [Menschengefühl] and the rule of right and wrong [die Regel des Rechts und Unrechts].55

Herder did not fail to indicate that his humane history was profoundly different from the kind of universal history envisioned by Kant. Even though he and Kant were both defending a certain ideal of humanity, they disagreed about the moral foundations as well as the substance of universal history. They also had very different views of what could possibly be done to improve the situation of humanity. First, Herder explicitly rejected Kant’s hypothesis of the ‘radical evil’ of human nature, arguing that virtue was never to be understood as a suppression of our nature.56 He also saw no use in Kant’s strict separation of respect for moral law and moral sentiments and vehemently rejected the idea that only in modern states could education for morality truly begin. This had also profound implications for historiography and indeed, politics.57 Herder even went as far as to warn against the possible abuse of Kant’s ‘history of constitutions’ and enthusiasm towards the ideal as a pretext for republican imperialism – a very pertinent warning in

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52 I elaborate on this idea in Chapter VI of my Patriotism, Cosmopolitanism and Nationalism. I have previously discussed some of these issues in Eva Piirimäe, ‘Herder and Cosmopolitanism’, in: Rebecka Lettevall and Kristian Petrov (eds.), Critique of Cosmopolitan Reason. Timing and Spacing the Concept of World Citizenship (Oxford et al: Peter Lang, 2013), 181-212 (298-207).


54 Herder, Briefe zu Beförderung, 689; idem, ‘Tenth Collection’, 386.


56 Herder, Briefe zu Beförderung, 746-753; idem, ‘Tenth Collection’, 420-424.

57 Herder, Briefe zu Beförderung, 735-727; cf. ibid., 750; idem, ‘Tenth Collection’, 415; cf. ibid., 423.
an age of French revolutionary wars. While a certain recovery from the basest kind of ‘reason of state’ was palpable in the public opinion of modern Europe, he argued, a new ‘dazzling phantom’ was rising in history, namely, “the calculation of undertakings towards a future better republic, towards the best form of the state, indeed of all states”. This phantom was particularly dangerous since it seemingly introduced ‘a nobler yardstick of merit’ in history and blinded ‘with the names of “freedom”, “enlightenment”, “highest happiness of the peoples”’. Here, it was necessary to remind ourselves that groups were the primary contexts for working out the shape of political institutions. ‘The happiness of one single people’, Herder insisted, ‘cannot be imposed on, talked onto, loaded onto the other and every other. The roses for the wreath of freedom must be picked by a people’s own hands and grow up happily out of its own needs, out of its own desire and love."

Instead of focusing on political constitutions and portraying humans as mere ‘critics’ participating in public ratiocination, universal history had to narrate human actions and uncover the various kinds of opinions and principles guiding them. As a next step, the latter were to be evaluated in the light of ‘moral sense’ [moralische Sinn]. This evaluation involved both (1) empathetic understanding [Einfühlung] sensitive to deep differences between ages and cultures and (2) impartial sympathetic consideration of the motivations of historical actors as well as the consequences of their actions to others, based on an inborn awareness of the fundamental rule of reciprocity regulating the interaction of human beings and societies. As a result of such a historical education, Herder hoped, humans would develop new ‘dispositions of peace’. As such dispositions, he listed and described ‘horror of war’, ‘reduced respect for heroic glory’, ‘horror of false statecraft’, ‘purified patriotism’ in the sense of self-contained, stable national self-respect, a ‘common feeling’ so that every nation feels itself into the position of every other one, and finally, and positively, ‘love of useful activity’ in promoting human well-being.

58 Kant himself talked about the impartial onlookers’ sympathy with the French republicans enthusiasm in the pursuit of ‘the rights of the people to which they belonged’ in his Contest for Faculties; Kant, Political Writings, edited by H.P. Reill (Cambridge: CUP, 1996), 183.
59 Herder, Briefe zu Beförderung, 734; idem, ‘Tenth Collection’, 413.
60 Ibid.
61 Ibid.
62 Herder, Briefe zu Beförderung, 339.
63 In his Ideas, Herder had invoked the idea of historical justice – the Goddess of Nemesis – as a metaphysical principle underlying the historical process. In his later works and particularly in his Letters and Adrastea (1801) he portrayed philosophers, historians and poets as the main agents of Nemesis, i.e. as sympathetic, yet also impartial judges evaluating historical figures and entire nations. Herder writes in Adrastea: ‘Why does the evaluating Nemesis look into the breast [of an agent]? It is because it measures what it is there, the feeling of self-respect, compassion and fellow-feeling with others.’ (the translation is mine - EP), Johann Gottfried Herder, Adrastea (Auswahl), in idem, Werke in zehn Bänden, vol. 10, ed. Günter Arnold (Frankfurt / Main: Deutscher Klassiker Verlag, 2000), 142. See also Johannes Schmidt, “Je besser ein Staat ist, desto angelegentlicher und glücklicher wird in ihm die Humanität gepflegt”—Herder’s Political Ideas and the Organic Development of Religions and Governments, in Piirimäe, Lukas and Schmidt (eds.), Herder on Empathy and Sympathy.
64 Herder, Briefe zu Beförderung, 720–726; idem, ‘Tenth Collection’, 404–409. For discussion, see my ‘Herder and Cosmopolitanism’.

our responsibility with regard to contributing to removing the “causes of unhappiness”, particularly those created by ourselves.65

Conclusion
Let us return to Tully’s two traditions now. In Tully’s account, the Democratic tradition views human rights as dependent on duties, invoking notions of popular sovereignty and self-Government.66 This outlook is also evident in the three more specific views characteristic of this tradition according to Tully: 1) instead of High Enlightenment’s market liberalism, the democratic tradition emphasises economic self-reliance and democratic self-government; 2) instead of regarding land and environment as regular commodities in market relations, it portrays „human family” as part of a world community which includes all forms of life, human and non-human; 3) it views cooperation, not antagonism is the primary factor in human and ecological evolution. In general, thus, the Democratic tradition portrays human rights as ‘tools for conviviality within cooperative relationships; relationships that we have responsibilities to uphold and improve. Rights-bearers are caretakers of the pre-existing relationships in which they live and evolve, and human rights are tools of cooperation and nonviolent contestation within them.’67

I hope that my interpretation has shown Herder’s affinity with this view of human rights in all three aspects, even if he avoided the term, and quite likely, had significant reservations about his contemporaries’ theories of the ‘natural rights’ of man or even ‘human rights’ [Menschenrechte].68 Invoking the authority of Grotius, Herder rejected the more severely individualist and contractarian arguments that have now also come to be seen as originating in Grotius and emphasised the Stoic strands in Grotius and early modern natural law tradition in general. He also presented mutual help and self-government as the basic economic and political principles. It is somewhat anachronistic to characterise his ideas as ‘belonging to a tradition of human rights’, yet the same concerns might also be raised against Tully’s own main representative of the ‘Democratic tradition’, Mohandas Gandhi, who like Herder insisted on the primacy of human duties to human rights.69 Yet if we agree with Hunt that the idea of human rights was rather a ‘field of conflict’ and a ‘programme’, we might very well qualify these alternative ideas (metaphorically) as an alternative tradition of human rights.

I have not done much to defend Kant against Tully’s critique in this lecture. Instead, I have shown that Herder put forward a remarkably similar critical view of Kant as the one espoused by Tully. This view was not entirely fair, considering Kant’s true intentions and the evolution of Kant’s views into a clearly anti-imperialist direction in his

65 Herder, Briefe zu Beförderung, 749-750; idem, ‘Tenth Collection’, 423.
67 Ibid., 25, 26, 28.
late years. Yet Herder’s critique does reveal some of the limitations of this view as well as points to the dangers associated with this position. In more straightforwardly cosmopolitan and consistently ‘Kantian’ accounts, these dangers might easily realise; while Kant’s actual statism in fact precluded ‘republican imperialism’ (some of his followers already renounced his kind of statism).70 Furthermore, in reality, Kant also incorporated the idea of the rights of indigenous ‘peoples’ to self-government as well as the land which they inhabit – an aspect which does not strictly follow from his theory, yet one that he adopts in response to engaging with thinkers like Diderot and Raynal – and possibly, Herder.71

There is no denying that my interpretation of Herder sharply diverges from the received and still widespread view of him as a romantic nationalist. The received view is not entirely misguided, but seriously one-sided and as such misleading. Herder was one of the first authors who emphasised the value of national self-government, ‘national’ encompassing not just political, but also cultural aspects of human agency. His human history also included ‘national history’ which focused on one’s national culture. Considering his critique of the modern state and his Christian humanitarianism, however, he was hardly advocating the creation of new, more authentically ‘national’ states. Yet Herder did also realise that national independence was important for the preservation of culture and for creating free and democratic institutions, and in the very last years of his life began to think ever more seriously about the predicament of the German states in Europe. Indeed, there is a fundamental problem with Herder’s view which has been forcefully pointed out by Istvan Hont: it is a vision for a post-political (or more precisely, post-statist) world, while in the world of states, his ideas about the self-government of peoples became a tool for redrawing the borders of states so as to rectify past instances of imperial or colonial context.72 One of Herder’s most outstanding ‘disciples’ in this respect was Giuseppe Mazzini who supported the militant and revolutionary cause of national independence for Italy and believed human rights to be best solved in nationally based states. Subsequently and in quite different political contexts, these ideas also came to be used to give a deeper, cultural, legitimation to reason of state, e.g. being appropriated by nationalist authors like Heinrich von Treitschke and many others.

What is the message of this for us, intellectual historians? In his lecture held here in Helsinki a year ago, at the opening of the Centre for Intellectual History, Richard Whatmore argued that it is in bringing out the original visions and their ‘unintended consequences’ that intellectual history is at its most helpful.73 I fully agree with it and I believe that my lecture, too, has pursued these goals. The traditions that philosophers

70 I discuss this at greater length in Chapter 5 of my Patriotism, Cosmopolitanism and Nationalism.
71 For the development of Kant’s views on commerce and colonialism, see Muthu, Enlightenment against Empire, ch. 5 and idem, ‘Conquest, Commerce, and Cosmopolitanism in Enlightenment Political Thought’, in: idem (ed.), Empire and Modern Political Thought (Cambridge: Cambridge University Press, 2012), 199-231 (220-231).
72 Istvan Hont, Jealousy of Trade: International Competition and the Nation-State in Historical Perspective (Cambridge, MA: The Belknap Press of HUP, 2005), 137. One might argue that Gandhi’s anti-politics underwent a similar transformation, when his anti-statist and anti-imperialist ideas were invoked by the supporters of the independent nation-state of India. On Gandhi’s anti-politics, see Mantena, ‘On Gandhi’s Critique of the State’.
may delineate for analytical (and indeed, critical!) purposes necessarily lose some of their clarity when traced in the thought of real authors; or indeed, by studying the thought of individuals and the debates among them, we come to appreciate the full complexity of the problems we face in political life. As I hope to have shown, Herder’s mature views represent an early instance of an anti-statist, federalist cosmopolitanism. We can also hold out his example against Moyn’s view which does not differentiate between different kinds of Enlightenment cosmopolitanisms, arguing that for the Enlightenment thinkers, natural rights were only to be achieved through the construction of spaces of citizenship in which rights were accorded and protected. The question about the sequencing of statehood and morality of course remains, and we might do well to remember that the historical attempts to try out radical alternatives to statehood have not ended well so far. Yet intellectual history does also reveal the intricate ways in which different visions get combined in actual political life, sometimes to the good effect, sometimes less so. I think the reception of Kant and Herder should rather warn us against the ‘pure’ versions of theory in which certain human values are diminished or eliminated for the sake of (seeming) consistency. Neither of them actually wanted to go down that road, while several of their followers later did so – as a result we end up with sharply polarised views of cosmopolitanism and nationalism, which should be rejected. Yet as we do live in a world of states, it might still be appropriate to point out the value of the Herderian tradition as a powerful critical tool for exploring the underlying principles of this world, and as a reminder about the vital significance of sentimental, indeed broadly humanist, historical education for promoting deep respect not only for an abstract humanity, but also for individual human beings.