

The Review of Politics 85 (2023), 514–537.

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doi:10.1017/S0034670523000268

Herder on the Self-Determination of Peoples

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Abstract: Recent studies have argued that Herder supported cultural, rather than national, self-determination. While Herder did not argue that all nations should become states, using the term “cultural” as the defining element of his conception of self-determination risks the false impression that political self-determination is not part of it. Focusing on Herder’s discussion of the relationship between the people and the state in modern European “state-machines” and his comments on the French revolution, this article shows that Herder encouraged the national “self-constitution” of both subjugated and dominant peoples, thus contributing to the rise of the concept of self-determination of peoples. Rejecting direct popular rule as a “phantom of liberty,” he envisioned modern self-determination to be a continuous process of free public deliberation in print media and representative institutions on the possible reform of the constitution of one’s political community, as guided by the public’s evolving understanding of the principles of *Humanität*.

Introduction

This article explores the philosophical genesis of the concept of self-determination of peoples. Although a key concept in modern political vocabulary and international law, it is notoriously elusive. First, the meaning of the term “people” can vary considerably. As a singular term with the definite article it may refer to the common people or the entirety of citizens in a state, while in the plural it can denote either territorial communities or cultural peoples.¹ Second, the concept of self-determination may connote independent

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The research for this article has been funded by the Estonian Research Council’s research grant PUT PRG942.

¹On the concept of the people, see Margaret Canovan, *The People* (Cambridge: Polity, 2005); Jörg Fisch, “Peoples and Nations,” in *The Oxford Handbook of the History of*

statehood, political self-government, popular sovereignty, or even autonomous development.² Some authors have proposed that we differentiate between cultural and democratic self-determination. While “cultural self-determination” refers to the “right of a nation to preserve its existence as a unique social group,” “democratic self-determination” consists of “the right of individuals to govern their lives and to participate in a free and domestic political process.”³ Alan Patten has suggested an even more nuanced distinction between three conceptions of self-determination: statist, democratic, and national. The statist conception equates self-determination with state autonomy.⁴ The democratic one points to the “the value for a people of being able to shape and determine its own affairs.”⁵ The nationalist one posits that it is specifically the “sociocultural peoples” that should be able to do so.⁶

My focus in this article is on the views of the German philosopher Johann Gottfried Herder (1744–1803). Herder is widely credited with having created a strong version of the concept of national self-determination, one positing that all nations have a right to their own state.⁷ Vicki Spencer has qualified this view, maintaining that Herder was defending cultural rather than national self-determination.⁸ According to her, Herder carved out a compelling philosophical understanding of culture, grounding it in an expressivist theory of language and an idea of moral pluralism. From this he derived an insight into the value of the autonomous cultural development of all

International Law, ed. Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012).

²For an overview of the different usages of the concept, see Benjamin Neuberger, “National Self-Determination: A Theoretical Discussion,” *Nationalities Papers* 29, no. 3 (2001): 391–418. Neuberger tacitly equates “self-determination of peoples” with “national self-determination.”

³Yael Tamir, “The Right to National Self-Determination,” *Social Research* 58, no. 3 (1991): 566; compare Avishai Margalit and Joseph Raz, “National Self-Determination,” *Journal of Philosophy* 87, no. 9 (1990): 439–61. These authors use the term “national self-determination” as equivalent to “self-determination of peoples.”

⁴Alan Patten, “Self-Determination for National Minorities,” in *The Theory of Self-Determination*, ed. Fernando R. Tesón (Cambridge: Cambridge University Press, 2016), 120–21.

⁵Ibid.

⁶Ibid., 122.

⁷Richard White, “Herder on the Ethics of Nationalism,” *Humanitas* 18, no. 1–2 (2005): 170.

⁸Vicki Spencer, *Herder’s Political Thought: A Study of Language, Culture and Community* (Toronto: University of Toronto Press, 2012), 144–56; cf. Vicki Spencer, “Kant and Herder on Colonialism, Indigenous Peoples, and Minority Nations,” *International Theory* 7, no. 2 (2015). Spencer’s usage of “national self-determination” diverges from Tamir’s, insofar as she reserves this term for the view that each nation should have its own state.

peoples, and so opposed all forms of imperialism and colonialism.⁹ This does not mean, however, that he suggested that all peoples should create states of their own.¹⁰ According to Spencer, Herder did not rule out multinational polities.

These qualifications about Herder's relationship to a strong version of national self-determination are largely apposite. He did not advocate a right of all nations to independent statehood. However, it is not clear why the adjective "cultural" should be the main, let alone the sole, defining element of Herder's understanding of collective self-determination. The relationship between cultural and political (as well as democratic) self-determination in his thought has remained elusive. Although Spencer recognizes Herder's republican principles and the importance of political self-government, the term "cultural self-determination" risks leaving the false impression that political self-determination is not part of Herder's conception of self-determination.¹¹ Adopting the analytical prism suggested by this term would also shift our attention away from Herder's notion of the people as a political agent. Yet, as I hope to show, Herder's comments on the French Revolution and the concept of revolution in general are very relevant for understanding his ideas about the self-determination of peoples. There is also a continuing debate about Herder's views on multinational polities. Alan Patten, for example, argues that Herder's preference was for "nationally bounded" polities.¹² Indeed, while Herder discussed the situation of various kinds of multinational empires and commented on their possible reform, it remains an open question what kind of future he envisioned for modern peoples (and those in Europe specifically).

The lack of any systematic discussion of Herder's views on the self-determination of peoples is also perhaps one of the reasons why he does not appear in recent attempts to chart the complex philosophical genesis of that concept. Eric D. Weitz mentions Herder's name only in passing, even while claiming that the concept of self-determination emerged in the German

⁹On the links between his aesthetics and anti-imperialism and anticolonialism, see also John Noyes, *Herder: Aesthetics against Imperialism* (Toronto: University of Toronto Press, 2015); Sonia Sikka, *Herder on Humanity and Cultural Difference: Enlightened Relativism* (Cambridge: Cambridge University Press, 2011).

¹⁰Spencer, *Herder's Political Thought*, 154, 165.

¹¹Compare, however, the still useful classical studies by F. M. Barnard, "National Culture and Political Legitimacy: Herder and Rousseau," *Journal of the History of Ideas* 44, no. 2 (1983): 231–53; *Self-Direction and Political Legitimacy: Rousseau and Herder* (Oxford: Clarendon, 1989); and *Herder on Nationality, Humanity, and History* (Montreal: McGill-Queen's, 2003). See also the criticism of Spencer in Alan Patten, "'The Most Natural State': Herder and Nationalism," *History of Political Thought* 31, no. 4 (2010): 659; Dominic Eggel, Andre Liebich, and Deborah Mancini-Griffoli, "Was Herder a Nationalist?," *Review of Politics* 69, no. 1 (2007): 55–56, 71, 76–77.

¹²Eggel, Liebich, and Mancini-Griffoli, "Was Herder a Nationalist?," 75; cf. Patten, "The Most Natural State," 659.

Enlightenment. For Weitz, Kant originated the concept, whereas the subsequent history of self-determination can be understood as “dramatic, often unnoticed transformation” of self-determination from “a primarily individualist into a collectivist doctrine.”¹³ Jörg Fisch and Edward Kolla focus on the ways in which ideas of popular sovereignty were associated with territorial claims, leaving aside questions about the philosophical genesis of the ideal of the self-determination of cultural peoples (nations).¹⁴ The present article demonstrates that Herder’s ideas merit a significant place in the intellectual history of the concept of self-determination.

Elsewhere I have traced the evolution of Herder’s political thought by situating his ideas in eighteenth-century debates on modern patriotism, commerce, and peace. I have also touched on Herder’s understanding of individual and collective self-determination in discussing his critical engagement with Kant.¹⁵ In various texts Herder used the term “self-determination” (*Selbstbestimmung*) to designate individual human moral freedom (consisting in a voluntary commitment to associative obligations or the pursuit of truth), fundamentally opposing Kant’s concept of individual self-determination as well as his model of constitutional republicanism.¹⁶ Herder proposed an alternative, Stoic-vitalist understanding of self-determination, and emphasized the importance of moral sentiments in achieving a stable form of republicanism. Drawing on those findings, this article analyzes systematically the several facets of Herder’s ideas about the self-determination of peoples. It goes beyond that work by juxtaposing Herder’s ideas with what can be called a Grotian tradition in early modern natural law, on the one hand, and with those of the most radical French republicans, on the other. My goal here is to specify how Herder envisioned the self-determination of peoples as taking place and what kinds of political institutions he regarded as entailed by or compatible with it. I argue that in the 1780s and 1790s, immediately before and during the French Revolution, Herder expressed ideas that in important ways may have contributed to the rise of the concept, while cultural and political aspects of self-determination cannot neatly be separated in his understanding of the concept.

¹³Eric D. Weitz, “Self-Determination: How a German Enlightenment Idea Became the Slogan of National Liberation and a Human Right,” *American Historical Review* 120, no. 2 (2015): 463; see also Elie Kedourie, *Nationalism*, 4th ed. (Oxford: Wiley-Blackwell, 1993). Weitz follows the basic outline of Kedourie’s argument.

¹⁴Jörg Fisch, *The Right of Self-Determination of Peoples: The Domestication of an Illusion*, trans. A. Mage (Cambridge: Cambridge University Press, 2015); Edward Kolla, *Sovereignty, International Law and the French Revolution* (Cambridge: Cambridge University Press, 2017).

¹⁵Eva Piirimäe, *Herder and Enlightenment Politics* (Cambridge: Cambridge University Press, 2023).

¹⁶Johann Gottfried Herder, *Outlines of a Philosophy of the History of Man*, ed. and trans. T. H. Churchill (London, 1800), 94.

Peoples and State-Machines

Throughout his life, Herder pondered the nature of the people as a community, inquiring about the sources of unity and common feelings (i.e., patriotism) which characterized various societies. In his early years, he engaged in a sustained debate on this issue with Rousseau as well as with Montesquieu, seeking to show against the latter that human beings are naturally sociable and that love of the fatherland, too, is a natural feeling.¹⁷ From the 1780s onwards, Herder also made a clear distinction between the people and the state. I focus on this distinction.

In order to specify the degree of originality in Herder's thinking in this respect, it is useful to juxtapose his ideas with a clear line of thinking in early modern natural law discourse. As Richard Tuck has shown, Samuel von Pufendorf and John Locke, each in his own way, followed Hugo Grotius in developing and elaborating on the notion of a distinct people as an association of individuals which is entitled to freely choose a form of government for itself, without at the same time being constituted through that "form" (as Aristotle would have it).¹⁸ These thinkers posited at least two steps in the formation of political communities: most essentially, the creation of a body of people or society by individuals as an initial step (via contract or consent to accept the principle of majority), and, subsequently, the selection of a form of government or the establishment of "sovereignty."¹⁹ Although the "people" for them had in general no capacity to exercise sovereign power and no actual legislative role in the resulting polity, it was nonetheless an identifiable political agent which had chosen, or had the right to choose, the form of government, and whose consent mattered on certain central issues. They fundamentally distinguished the concepts of the people and the state.

Grotius and Pufendorf granted that it was possible to have several peoples ruled by a single sovereign. If a sovereign wished to transfer one of these peoples to another sovereign, then it was necessary to obtain the consent of that distinctive people. Similarly, there is a rudimentary idea of the people as an agent distinct from the state in Locke's *Two Treatises on Government*, although Locke drew more radical conclusions from this (and did not discuss the possibility that there would be many peoples in one state). For Locke, distinct "peoples" were constituted through "the consent of the

¹⁷Piirimäe, *Herder and Enlightenment Politics*, chaps. 1–3.

¹⁸Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2015), chap. 2. On Grotius's innovative approach compared to Aristotle, see Annabel Brett, *Change of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton: Princeton University Press, 2011), 137.

¹⁹On the divergence between Grotius and Pufendorf on the precise ways in which the majority principle was implemented in this context, see Tuck, *Sleeping Sovereign*, 114–15.

individuals, to join into, and make one society"²⁰ as well as to "submit to the determination of the *majority*, and to be concluded by it."²¹ This community chose its form of government and constitution as well as delegated (but never alienated) different aspects of political power to designated agents (individual or collective) as specified by their constitution.²² Violation of trust by rulers led to a dissolution of political government, as a result of which the people as a whole was free to choose a new form of government.²³

Herder proposed a very different understanding of the formation of peoples and their relationship to states. For most of his life, he maintained a critical distance towards the early modern natural law tradition, rejecting its core concepts such as the "state of nature," "sovereignty," and "social contract." Already in his earliest essays, he instead pondered what human literary history could reveal about human nature, society, and the history of mankind. He reached the conclusion that humans were fundamentally "aesthetic" and "poetic" beings who interacted with the world through their senses while the capacity for reason and language were interwoven with sensibility. Humans gradually created and continuously developed language in order to understand their world but also to communicate with each other, expressing themselves in various forms of art. Herder emphasized natural human sociability, maintaining that human beings spontaneously develop national groups or peoples (*Völker*), based on common origin, language, communal singing and the rise of distinct linguistic, religious, and cultural traditions. Political laws were collectively articulated (indeed, "sung") at public gatherings.²⁴ Political principles (*Triebfeder des Staats*) were an integral part of poetry and aesthetic and moral taste in early societies. Imagining a contract between separated individuals was thus misleading. Herder's view also made questions about the enforcement of contracts or laws in early societies redundant. Laws were originally grounded in mores, while mores were grounded in national traditions.

Herder's most explicit reflections on the relationship between the people and the modern state can be found in his *Ideas for a Philosophy of History of Mankind* (1784–1791). He discussed this relationship in responding to Kant's argument about unsocial sociability and the need for a sovereign ruler in human society. Herder maintained that there was no "natural" form of political government, insisting that humans did not "need" a ruler by nature. States—distinctively modern forms of political government—were contingent

²⁰John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 337.

²¹*Ibid.*, 332, emphasis in the original.

²²*Ibid.*, 368–74.

²³*Ibid.*, 367.

²⁴Johann Gottfried Herder, "Fragments on Recent German Literature (1767–8)," in *Philosophical Writings*, ed. and trans. Michael N. Forster (Cambridge: Cambridge University Press, 2002), 60. Henceforth *PW*.

historical developments. Human beings could do without them. However, this required a thorough transformation of humans' moral dispositions.²⁵ Herder offered a highly critical account of modern sovereignty as essentially a form of oppressive rule that had no grounding in its subjects' mores and willing obedience to the laws. Yet this did not prevent him from expressing some hope about the future of Europe.

One of Herder's most pregnant insights, developed first in the 1770s, was the idea that European hereditary monarchies (the dominant state-form in Europe at the time) had emerged as a result of the Germanic conquest of Roman territories, while the ruling classes (nobles and the clergy) adopted new principles owing to the fusion of "Roman" and "German" ways of thought, both of which were bellicose in their own ways.²⁶ He elaborated on the character and underlying principles of European monarchies in *Ideas*, arguing that the latter were fundamentally "state-machines," designed for making war and dominating the common people, including conquered peoples. Although lawful government had emerged in early modern times, modern states remained geared towards external conquest. Worse still, new political pathologies (for example, global colonialism and imperialism internationally as well as extensive civic apathy domestically) had emerged.

Nothing therefore appears so directly opposite to the aim of government as the unnatural enlargement of states, the wild mixing of various human races [*Menschen-Gattungen*] and nations [*Nationen*] under one sceptre. The human sceptre is far too weak and slender for such incongruous parts to be engrafted upon it: glued together indeed it may be into a fragile machine, called state-machine [*Staatsmaschine*], but [it is] destitute of internal life and sympathy between parts. . . . Like Trojan horses these machines get close to each other, mutually promising eternity, yet without national character [*National-Charakter*], there is no life in them and for those thus forced together it is only the whim of fate that dooms them to immortality: since precisely the art of politics [*Staatskunst*] that brought them about, is also the one that plays with peoples and humans as with lifeless bodies.²⁷

Herder's reference to "life" is consistent with his broader vitalist natural philosophy as developed in the *Ideas*.²⁸ He posited the existence of a continuous

²⁵Johann Gottfried von Herder, "Ideas for a Philosophy of History," in *J. G. Herder on Social and Political Culture*, ed. and trans. F. M. Barnard (Cambridge: Cambridge University Press, 1969), 323–24.

²⁶Johann Gottfried Herder, "Wie die deutschen Bischöfe Landstände wurden," in *Sämmtliche Werke*, ed. Bernhard Suphan, 33 vols. (Berlin: Weidmann, 1877–1913), 5:676–98. Unless otherwise indicated, all translations from German-language texts are mine.

²⁷Herder, *Ideas*, 324. I have heavily modified the translation.

²⁸On the broader significance of vitalism in the eighteenth century, see Peter Hanns Reill, "Eighteenth-Century Uses of Vitalism in Constructing the Human Sciences," in

existential thread running between the natural and human worlds, and viewed the entirety of created nature as permeated by one basic living force, God. This force, in turn, diversified itself through a dynamic natural process so as to reach a state of stability in organized forms of various degrees of complexity—in essence, an immense variety of ascending forms of inanimate and animate organization from the simplest forms of beings right up to human beings.²⁹ As Marion Heinz explains, social groups, like nations, were for Herder not independent beings or organic forms, but only quasi individuals and quasi beings. They emerged as a result of the manifestation of the organic forces in the actually existing individuals who composed them.³⁰ Furthermore, they came into being precisely because human beings were “the first beings set free by nature.” Humans were by nature determined to be “self-constituting,” which meant that they essentially “constituted themselves” as well as the entire historical world.³¹

From the metaphysical point of view, cultural peoples were emergent communities, which resulted from human interaction with the external world and each other, facilitated by human sensibility and the human capacity for reason. Herder never uses the term “*Volksgeist*” (the spirit of the people) to denote something like the soul of a collective being. The terms he mostly used were “*Nationalgeist*” (national spirit) and “*National-Charakter*.”³² Although these terms, too, had several meanings for him (for example, “*Nationalgeist*” could also designate public spirit), Herder principally uses them to denote a people’s historically conditioned ways of thought and action. While “ways of thought” (*Denkart*) were expressed through a people’s language and literature, he also maintained (following Montesquieu) that national spirit or character as a whole resulted from an interaction between various kinds of historical factors—a nation’s “mode of life, habits, needs, peculiarities of land and climate” as well as its distinctive “constitutions” (*Verfassungen*) and also its “history.”³³

Biology and Ideology from Descartes to Dawkins, ed. Denis R. Alexander and Ronald L. Numbers (Chicago: University of Chicago Press, 2010), 61–87.

²⁹On Herder’s natural philosophy in *Ideas*, see Wolfgang Proß, “*Ideen zur Philosophie der Geschichte der Menschheit*,” in *Herder Handbuch*, ed. Stefan Greif, Marion Heinz, and Heinrich Clairmont (Paderborn: Wilhelm Fink, 2016); Nigel DeSouza, “Herder’s Theory of Organic Forces and Its Kantian Origins,” in *Kant and His German Contemporaries*, vol. 2, *Aesthetics, History, Politics, and Religion*, ed. Daniel O. Dahlstrom (Cambridge: Cambridge University Press, 2018), 109–28.

³⁰Marion Heinz, “Herders Volksbegriff zwischen Lebensmetaphysik und Humanitätsidee,” in *Gesellschaft, Staat, Nation*, ed. Rudolf Burger, Hans Dieter Klein, and Wolfgang H. Schrader (Vienna: Verlag der österreichischen Akademie der Wissenschaften, 1996), 150–52.

³¹*Ibid.*, 148.

³²*Ibid.*, 150–51.

³³Herder, “This Too a Philosophy of History for the Formation of Humanity,” in *PW*, 291–92.

In criticizing modern states as “lifeless,” Herder is not suggesting that there were no living “peoples” in them. Rather, the problem was that these peoples were alienated from the state and the current political institutions, which operated mechanically. However, despite his differences from natural law thinkers, he aligned himself with the more radical of them like John Locke in arguing that the people could always alter their institutions. He made strong normative claims about the ever valid “rights of humanity” (*Rechte der Menschheit*).³⁴ He pointed to the ancient Greeks and Romans who had demonstrated that it was possible for a people to enjoy freedom under political government as well as to shake off “the yoke of ancient forms of government and traditions.”³⁵ While referring to single peoples, Herder also had in view “the people” or even “the common people” within society as the agent entitled to represent or defend the rights of humanity. Thus Herder, like Locke, suggested that “the people” was always justified in exerting its political agency, hinting at the need to radically reform the political institutions in his own time. He made it abundantly clear that “the people” in modern states had especially good reasons to do this as well the increasing capacity to do it. Yet it was also likely that in modern “state-machines,” the mass of the people would simultaneously be organized into distinct peoples rediscovering and reaffirming their national character.

Following Scottish Enlightenment thinkers like William Robertson and Adam Smith, Herder maintained that the rise of long-distance commerce and heightened economic competition between states as well as increased international communication were progressively moderating the despotism of the European monarchies. These processes were fundamentally transforming the power relations within society, materially liberating the common people, yet also making them, at least initially, more subservient. At the same time, there was a different but related process under way, that of the progress of *Humanität* in human history. Humans were increasingly aware of the relations of justice and equity in human society and even in the progress of history itself. Herder hoped and believed that the cultural leaders of different nations would soon begin to seriously explore, and self-reflectively revise and develop, the cultural heritage and political traditions of their nations in the light of *Humanität*. All this would lead to profound transformations in, or, perhaps more likely, the collapse and rebuilding of, the existing “state-machines.”³⁶

³⁴Herder, *Outlines*, 442. I have modified the translation. I refer to this translation only when the relevant section is not included in Barnard’s translation (Herder, *Ideas*).

³⁵Herder, *Outlines*, 441.

³⁶On Herder’s ideas on the progress of *Humanität* in Europe, see Piirimäe, *Herder and Enlightenment Politics*, chaps. 7–8. See also the classic account by Hans Adler, “Herder’s Concept of Humanity,” in *A Companion to the Works of Johann Gottfried Herder*, ed. Hans Adler and Wulf Koepke (Rochester, NY: Camden House, 2009).

Herder makes this point most forcefully when discussing the history and future prospects of the currently “subjugated” and foreign-dominated Slavic peoples. Modern trade would improve the “legislation and politics” in the historical territories of these peoples, promoting their “quiet industry” and international contacts.³⁷ As a result of these processes, “these now deeply sunk, but once industrious and happy peoples will awake from their deep and long slumber,” so that they ultimately “will be freed from their chains of slavery and will use their beautiful areas from the Adriatic Sea to the Carpathian Mountains, from the Don to the Moldau as their property,”³⁸ celebrating on these territories “their old festivals of peaceful industry and trade.”³⁹

Is the political ideal Herder is proposing merely cultural self-determination, or is it also political self-government, perhaps even the creation of new states? What is clear is that he is demanding that these peoples be able to determine their affairs and way of life on their historical territories. The precise mechanism how this is achieved remains unspecified, as it is up to these peoples to decide upon it. As for the creation of new states, the term “state” is of course key. If used to designate modern “state-machines,” then Herder was not proposing a new ideal according to which all cultural peoples should create their own states. Recall that he suggested that the state would ultimately become redundant in human history. However, if we have in view a humanized state serving the purpose of *Humanität* as well as enabling political self-government,⁴⁰ then things become more complicated. As we have seen, Herder made clear that peoples were always free to alter their form of government and that the example of the Greeks and Romans showed that political self-government was possible. Thus, given that we are not talking about state-machines, but instead humanized states, possibly federal states, there is a certain plausibility to this interpretive possibility. He does not say much about the precise institutional form of the new polities created, or indeed about its relationships to other polities, but highlights the emerging agency of Slavic peoples and their new aspirations. Whether he thought about extending this idea to other subjugated peoples in Europe or elsewhere is less clear. It is nevertheless likely, given his straightforward rejection of all kinds of colonialism and imperialism as well as his overall view of the progress of *Humanität*.

³⁷Herder, *Outlines*, 483.

³⁸*Ibid.*

³⁹*Ibid.*, 484.

⁴⁰Herder developed a conception of a humanized state explicitly only in the 1790s. See “Briefe zu Beförderung der Humanität,” in *Werke in zehn Bänden*, ed. Günter Arnold et al. (Frankfurt am Main: Deutscher Klassiker Verlag, 1991), 7:131. Henceforth *FHA*.

Self-Determination of the French People during the Revolution

In 1792, Herder published a short essay entitled "Tithon and Aurora," in which he raised a direct question about the meaning and legitimacy of a "revolution" (he did not mention the French Revolution).⁴¹ When read together with his thoughts on the process of the alteration of the French constitution in his unpublished early draft of *Letters for the Advancement of Humanity*, his reflections in this essay show that he was concerned about the situation and rights not only of subjugated peoples but of all peoples whose political institutions were in need of profound reform.

Herder begins by analyzing the term "revolution," proposing that it essentially has two meanings. The first, the true and older definition, refers to circular kinds of natural movement, like the revolution of the moon around the earth. The second, and much later, meaning connotes violent upheavals which turn the established order upside down, for example, elevating those formerly at the bottom to the top or vice versa. This latter definition dated from the barbaric period when conquests and violent upheavals occurred frequently.⁴² This kind of revolution, obviously, was best avoided, and indeed, there was hope that it could be avoided in modern times: "the more our reason and equity increases, the more the concept of revolution should also be used in its original true sense," meaning a return to the "natural order of things" (*das natürliche Verhältnis*), an orderly course of things according to natural laws.⁴³

While this may sound like a straightforward invitation to a revolution in the true sense, Herder also made clear that evolution and revolution (properly understood) only seemed to be opposed to one another, and there was actually no need for even any true revolution, if there was a regular evolution. However, in human affairs evolution could be hindered. According to Herder, everything in "nature" was in constant evolution and revolution, but where human art is involved, it is possible that old or dying bodies can be preserved by artificial means. Sometimes, in individual cases, the body outlives the soul, making the person in one sense already dead before their death actually occurs. The person's energy has died, and he has become a shadow of himself.⁴⁴ The same can happen to "so-called politico-moral persons, institutions, constitutions, estates and corporations."⁴⁵ These bodies can linger on for centuries, even though their "souls" have long since departed. Herder thus claimed: "While the land and the people never really become old, or become so only very late, states as human institutions . . . can fortunately also experience old age and youth, and thus also an ever-lasting

⁴¹Herder, "Tithon und Aurora," in *FHA*, 8:221–39.

⁴²*Ibid.*, 227–28.

⁴³*Ibid.*, 229.

⁴⁴*Ibid.*, 227.

⁴⁵*Ibid.*, 225.

unnoticeable progression towards growth, fruition, or dissolution."⁴⁶ Good regents will not let this decay happen. They understand that the human course of events requires a form of "gardening," pruning dry leaves, and fostering natural development and growth, thereby facilitating evolution. More often than not, however, political leaders did not understand that this was their true task.

It must have been clear to contemporary readers that Herder was suggesting that France had long ago become a dead state owing to the inaction of its rulers and dominant classes. To paraphrase Herder's claims in *Ideas*, the "state-machine" was functioning, but was devoid of life. He hereby implied that it was more than likely that "an upheaval of the state" (*Staatsumwälzung*) would happen in France at some point. If this was the case, it was vital for the leaders of the people to seize the opportunity to initiate a true revolution in order to restore the natural order within the state. In the realm of human affairs, this kind of restoration could not obviously be a full revolution (a return to an original state), but only a return to the natural principles of order suitable to the current age. There was no justification for trying to stop this process. When a political upheaval has taken place, the state is to "retain or restore the natural order, the healthy activity of all its parts as well as the vibrant circulation of all its fluids, and not fight against the nature of things. Sooner or later, even the strongest machine will yield [to nature] in this fight."⁴⁷ Referring again to the idea of the "state" as a "machine," Herder made clear that the original Frankish "state-machine" (i.e., the medieval constitution) could not and should not be revived. The current "state-machine" needed to be replaced by a new kind of political community grounded on very different foundations.

Such a true revolution was possible because human art and learning (*Kunst und Wissenschaften*) never died, but only regenerated themselves, attaining new forms. Considering that Herder viewed peoples as constituted primarily through culture, this helps to explain his confidence about the longevity of peoples in contrast to states. Art and learning, too, could potentially become stagnant, yet never (or very rarely) could they die completely. National character thus also evolved, even if it was not currently expressed in the state. Furthermore, as we have seen, a people could always adopt a new constitution. Cultural revival and political revival, of course, were mutually reinforcing, while the revolution in France showed that time had become ripe for the latter in particular. Interestingly, Herder in "Tithon and Aurora" also praised the Glorious Revolution for having helped England to achieve its "living constitution" in the "most peaceful manner." While rulers in other states had suppressed all new developments and initiatives, England (Britain) was making great progress in its "constitutional, financial, and

⁴⁶Ibid., 236–37.

⁴⁷Ibid., 225.

commercial affairs." With that revolution, it had decisively renounced the "spirit of feudal, military, and forest laws of William the Conqueror."⁴⁸

In the unpublished draft of the first series of *Letters*, written from November to December 1792,⁴⁹ Herder applied these insights to the French Revolution. He maintained that it represented the "spirit of the times" at the end of the eighteenth century, but could also be seen as a return to natural order, a regeneration of the French state as a new kind of polity. The recession of the barbaric spirit of conquest and war as well as the abolition of ancient royal and noble privileges represented the inevitable "natural" course of history. From the point of view of "natural relations," all individuals within a state belonged to one and the same "rank" (*Stand*)—"the people (not the rabble) [*Volk (nicht Pöbel)*]."⁵⁰ By contrasting the "people" with the "rabble," Herder wished to make clear that being part of the people was not to be confused with belonging to the lowest kind of people; rather it consisted in being a member of a body of citizens.

Herder thus expressed his full support for France in its attempts to "give itself a constitution" (*Verfassung*).⁵¹ Although using the term "France," he really meant the French people who in turn were acting through their representatives. The French (like the English) were a "nation that constituted a political whole."⁵² While he did not use the term "self-determination" in this context, he introduced a relatively close cognate to describe the ongoing process—"self-constitution" (applied to both individuals and collectives).⁵³ France was reconstituting itself. However, it thereby also contributed to the more general progress of *Humanität*. The discussions in the French National Convention on "the tasks, details, and doubts regarding the constitution [*Einrichtung*] of the entire nation [*die Nation*], its full organization and fundamental rebirth"⁵⁴ were bound to have consequences for all European nations and the entire human species: "The constitution [*die Konstitution*] that the National Convention is working on is an unsolved, until now unprecedented problem; [regardless of whether] those who seek to resolve it do not succeed or, conversely, meet with success is the struggle, the victory, even the failure of this most complex, difficult problem of humanity not worth the attention of anyone who does not want to be considered to be an animal?"⁵⁵

⁴⁸Ibid., 232.

⁴⁹Hans Dietrich Irmscher, "Herders Humanitätsbriefe," in *FHA*, 7:811.

⁵⁰Herder, *FHA*, 7:767–68.

⁵¹Ibid., 785.

⁵²Ibid., 786.

⁵³Herder also used this term in a private letter to Friederike Luise countess zu Stolberg-Stolberg, Weimar, November 8, 1790, in Johann Gottfried Herder, *Briefe: Gesamtausgabe 1763–1803*, ed. Wilhelm Dobbek and Günter Arnold, 18 vols. (Weimar: Hermann Böhlaus Nachfolger, 1977–2016), 6:216.

⁵⁴Herder, *FHA*, 7:783.

⁵⁵Ibid., 782–83.

As we have seen, thanks to his conception of the progress of *Humanität* in human history, Herder believed that modern peoples awakening from their slumber would attempt to create political institutions in which the people would govern themselves. In seeking to specify the form of their institutions, they would be creatively drawing on, yet not seeking to “revive” in a more precise sense, their own national traditions. The barbaric heritage and the spirit of conquest were to be replaced by *Humanität* and the spirit of (benign) trade. Herder seemed to believe that “peoples” would naturally resume their agency in modern revolutions—in certain cases, there would be many peoples emerging from dying “state-machines,” in others there would be only one. In France, just one people seemed to be regenerating itself.⁵⁶ Of course, these were hints only; Herder did not consider these processes in any detail. He did not address the question of possible distinct peoples within the political whole of France (or England/Britain, for that matter). He did not specify any formal mechanisms to find out about the existence or viability of a collective political self. Nor does it seem to have occurred to him that these kinds of processes on the territories of collapsing empires could easily lead to rival interpretations of national or political self-hood among the population, or profound political disagreements within, as well as rivalry and conflicts between, different self-constituting nations.

Herder focused instead on the relationships between the French people and other states. Here his position was very clear. He maintained that no external meddling in the self-constitution of France was legitimate, following the example of natural lawyers like Emer de Vattel who had specified the implications of a nation’s right to alter its constitution for international relations.⁵⁷ He strongly criticized the interventionism of neighboring European monarchies, including the Austro-Prussian intervention,⁵⁸ rejecting also emerging French republican interventionism and imperialism.

The Phantom of Liberty

Although Herder was highly sympathetic to the French Revolution in the early 1790s, over time he became increasingly critical of it. He early on identified the rise of a false ideal of self-determination in France during the revolution, one that he called the “phantom of liberty” (*Schwindelgeist der Freiheit*).⁵⁹ Essentially, it consisted in a specific (and in his eyes misguided)

⁵⁶Ibid., 786.

⁵⁷Emer de Vattel, *The Law of Nations*, ed. Béla Kapossy and Richard Whatmore (Indianapolis, IN: Liberty Fund, 2008), §37.

⁵⁸Günter Arnold, “Die Widerspiegelung der Französischen Revolution in Herders Korrespondenz,” in *Impulse: Aufsätze, Quellen, Berichte zur deutschen Klassik und Romantik*, ed. Walter Dietze and Peter Goldammer, vol. 3 (Berlin: Aufbau-Verlag, 1980), 46–48.

⁵⁹Herder, *FHA*, 7:779; cf. 774.

understanding of what political liberty involves in terms of institutional design. Herder suggested that this ideal would lead to disastrous consequences in both domestic and international affairs.

There was one thinker in particular whom Herder regarded as primarily responsible for the rise of the “phantom of liberty” in modern France: Jean-Jacques Rousseau. Rousseau’s critique of representation had facilitated the spread of this problematic ideal. Rousseau had famously called for an extrac-
onstitutional legislator to form the people as a political body. However, when the people was constituted, it could not be divested of its legislative right, and the general will would be the only principle followed by the people. Rousseau also denied the possibility of representing the general will, arguing that it does not “admit to be represented.”⁶⁰ It thus followed that laws could only be changed by an act of the will of the sovereign, while sovereignty belonged to all the members of the body politic as equal citizens. Every law was therefore to be ratified by all the members of the body politic as citizens. Rousseau also maintained that deliberation was not to be expected from the citizens as members of the sovereign body, but instead was directly opposed to the idea of the general will.⁶¹

Rousseau’s support for direct democracy was in fact strongly qualified—indeed, as Richard Tuck and Michael Sonenscher have (in their otherwise very different interpretations) demonstrated, he expressly distinguished the modern republic from the ancient one, emphasizing several profound differences in their socioeconomic and cultural foundations as well as proposing a distinction between sovereignty and government as an essential modern innovation.⁶² For large states, he recommended *mandat impératif* and graded promotion.⁶³ The reception of Rousseau’s suspicion of representation by the French revolutionary thinkers, however, is more important for our purposes. As Keith Baker pointed out some time ago, during the French Revolution, a considerable number of authors came to follow Rousseau on the issue of representation in particular. These thinkers insisted that the “election of representatives would result in the subjection of the entire community to the particular (hence arbitrary) will of the representative body.”⁶⁴ Agreeing that in a large territorial state, a representative body would still be necessary, they accordingly came to defend mandation, and advocated for the creation of a

⁶⁰Jean-Jacques Rousseau, *The Social Contract*, in *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 114.

⁶¹*Ibid.*, 59–60.

⁶²Tuck, *Sleeping Sovereign*, 1–9, 121–46; Michael Sonenscher, *Jean-Jacques Rousseau: The Division of Labour, the Politics of the Imagination and the Concept of Federal Government* (Leiden: Brill, 2020), 21–24, 67–85.

⁶³Sonenscher, *Jean-Jacques Rousseau*, 74–80.

⁶⁴Keith Baker, *Inventing the French Revolution* (Cambridge: Cambridge University Press, 1990), 274, 289; cf. Tuck, *Sleeping Sovereign*, 143, 145–46.

system of local municipal assemblies alongside the national one.⁶⁵ They also endorsed the “municipal revolution” in France, which instigated the rise of popular councils (and militias) in each town, and the setting up of 41,000 new communes in France.

These communes—among them, most notably, that of Paris—assumed a highly active role in the progress of the revolution. Thanks to this widespread suspicion of representation (which was also expressed in the 1791 constitution), the communes regarded themselves as entitled to intervene in the political process and to express various kinds of demands, including against the constitution itself. Indeed, it is necessary to distinguish between two very different lines of development ensuing from the Rousseauian suspicion of representation. As Tuck suggests, the Girondins developed Rousseau’s distinction between sovereignty and government by insisting on the right of the municipalities to vote on fundamental (i.e., constitutional) laws, leaving all other legislation to the representative assembly. The Jacobins, by contrast, blurred the line between sovereignty and government by proclaiming that all laws, however minor, should (in theory) be enacted by the people.⁶⁶ The door had to be left open to allow for popular contestation of any decision; whereas over the course of the revolution, the municipalities became ever more empowered as the actual agents of the people. As the revolution evolved and external threats to the republic escalated, the Jacobins resorted to the rhetoric and practice of necessity increasingly against the National Convention as a representative body, so as to claim the rights of the people against it.⁶⁷

It is in all likelihood these developments that Herder had in view when he repeatedly criticized the Rousseauian ideas that prevailed in France from early 1793 into 1794. I propose that what he is in fact referencing is the Jacobin idea of popular rule in France, which he (like Benjamin Constant later) interpreted as a misguided attempt to revive ancient liberty in modern times. Already in 1765, in an essay on ancient and modern patriotism, Herder had rejected the ancient understanding of freedom (and direct democracy) by arguing that, for the ancients, “freedom was an untamed audacity, the daring to hold the wheel of state in one’s hands, the wilfulness not to suffer any other name above oneself.” The freedom that moderns wanted for themselves, by contrast, was a more “modest freedom,” “the freedom to enjoy in the shadow of the throne one’s dwelling and vineyard in peace and quiet, and to possess the fruit of one’s labours, the freedom to be the shaper of one’s

⁶⁵As Tuck highlights, these ideas were combined with a refusal of deliberation to the sovereign people (*Sleeping Sovereign*, 152–53).

⁶⁶*Ibid.*, 158–60.

⁶⁷István Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: Belknap Press of Harvard University Press, 2005), 490–92.

happiness and comfort, the friend of one's intimates and the father and guardian of one's children."⁶⁸

During the French Revolution, Herder qualified this account by complaining that the idea that the people should rule directly originated in the minds of the philosophers. He refers directly to Rousseau,⁶⁹ making the claim that the people should not rule or instruct. It instead required instruction. Rousseau's idea of the "rule of the people" was being implemented in France without regard for the fact that the "people have remained uneducated for centuries under the yoke of European despotisms."⁷⁰ Herder also compared current German bureaucratic rule with the "even more oppressive yoke of popular rule by numerous municipalities" in France, expressing his relief that Germans can observe the "French shipwreck in an open and alien sea from a safe coast," at least as long as "our evil genius does not push us against our will into the [same] sea."⁷¹ He also never expressed support for the idea that a universal popular vote on the constitution was required.

Herder's idea of political self-determination or indeed, of the "self-constitution" of the French people should not thus be confused with any support for direct democracy, plebiscitary legislation, or popular veto over the decisions of the legislative. Rather it seems that Herder's position shares common ground with authors who propose that the idea of modern liberty can be combined with new models of representative government.⁷² As indicated above, he was highly enthusiastic about constitutional deliberations in the National Convention, particularly celebrating the fact that "more than a thousand well-selected individuals"⁷³ were now publicly discussing constitutional issues, which reveals how important it was for him to have a proper public deliberation. We can thus argue with some confidence that so far as concerns the actual institutional makeup of a modern state like France, Herder's preference remained with representative government. Popular sovereignty in the form of

⁶⁸Johann Gottfried Herder, "Do We Still Have the Public and Fatherland of Yore?," in *Selected Early Works, 1764–1767: Addresses, Essays and Drafts; Fragments on German Literature*, ed. Ernest A. Menze and Karl Menges, trans. Ernest A. Menze and Michael Palma (University Park, PA: Penn State University Press, 1991), 61, emphasis in the original. Henceforth *HEW*.

⁶⁹Herder, *FHA*, 7:105, 774.

⁷⁰*Ibid.*, 774.

⁷¹*Ibid.*, 782.

⁷²The most important theoretical elaboration of these ideas in France was by the abbé Emmanuel Joseph Sieyès, who deployed the two ideas of representation and deliberation, which Rousseau had attacked, to mount a powerful case for the defense of autonomy of the legislative. Unfortunately it is impossible to determine whether Herder was familiar with Sieyès's ideas, as he did not comment on any theories of representation explicitly, and unlike his erstwhile mentor and theoretical adversary Kant, he never mentioned Sieyès's name.

⁷³Herder, *FHA*, 7:782.

popular rule or indeed mob rule in the municipalities was only deceptively a form of political liberty (self-determination).

As indicated above, Herder was also highly critical of the foreign policy implications of this “phantom of liberty.” Insofar as this ideal could be devised and justified rationally (in the abstract), there was also a temptation to impose it forcibly upon other, supposedly less enlightened peoples. This was unacceptable to Herder. Even had the French conception of political liberty been flawless, he would have opposed the idea that it could somehow be introduced without modifications and discussion in differing cultural contexts: “the so-called best form of government,” he maintained, simply cannot “suit all peoples, at once, in the same way.”⁷⁴ He also clearly ruled out the imposition of “freedom” on other peoples by force.⁷⁵

The Self-Determination of a People as a Continuous Process

In 1795, Herder published a new essay on ancient and modern patriotism, again approaching this problem from a wide historical perspective, just as with his earlier essay on the same topic. However, instead of juxtaposing ancient republican and modern monarchical liberty and patriotism, he offered a more complex argument about the formation of various national, transnational, and international “publics” as well as a different interpretation of the ideal of a “moral fatherland” in ancient as well as modern times. My goal here is to explicate how Herder’s discussion of patriotism and the “modern public” can be seen as a reflection about those ways in which a people can be self-governing.

In the 1795 essay, in discussing the notion of the “public” as a collective singular, Herder distinguishes between “real” and “ideal” forms of public. The “real public” entailed a crowd of people that was physically present at a cultural event, whereas an “ideal public” was a virtual or imagined community, which did not depend on any contiguity in space or time. With regard to both kinds of public, Herder maintained that one should assume the existence of a “reasoning moral being” that sympathetically observes and judges our thoughts, and “whose tastes we are also allowed to strive to instruct, teach, form and further develop.”⁷⁶ He highlighted the fact that such a public was increasingly aware of its own existence, thereby qualifying it as a form of collective self. This self could actively shape itself through public discussion.

Crucially, Herder suggested that nations, too, had to be construed as distinct kinds of “ideal publics.” Herder acknowledged that different nations had prioritized different elements in their collective self-understanding. While the Hebrews had articulated the ideal of a “God’s people” as a

⁷⁴Herder, *FHA*, 7:734. Translation from *PW*, 413.

⁷⁵Herder, *FHA*, 7:734.

⁷⁶Herder, “Haben wir noch das Publikum und Vaterland der Alten?,” in *FHA*, 7:302.

“genetic individual” constituted through language, the Greeks coined the ideal of a moral fatherland as a special kind of community of fate established through laws and civil institutions. Herder’s message is clear: modern nations should follow the example of both the Hebrews and the Greeks (and, indeed, the Romans) in cultivating and cherishing their languages and in realizing the idea of the “fatherland” as a moral and political project, to be pursued by generations through collaborative efforts.⁷⁷

Herder also underscored the importance of moral and political leaders in awakening, forming, and maintaining the national public itself. In his unpublished draft of *Letters* (1792), he suggests that true leaders, in modern times, are best described as “aristo-democrats” (*Aristodemokraten*), “noble, great, wise men” trained through “education and experience,” who are “arranged as heads and leaders of the people by God and the state.”⁷⁸ It is impossible to tell whether Herder here refers only to moral and spiritual leaders or if he was also pointing out the value of elections. It is not entirely implausible that his reference to the state could be to the institution of elections in a modern republic. The statement was made in the context of his commenting on the French discussions in the National Convention. If we recall his hopeful remarks about the importance of public deliberation on a new constitution, it would appear that Herder was proposing precisely this kind of deliberation as an essential part of, even a precondition for, legislation in a representative body.

Herder explicitly cautioned against following the ancients in relying on public ceremonies and theatrical effects to influence the minds of the audience. Here he again expressed a critical distance from direct democracy. The ancient Greek ideal of liberty had often enabled orators, oracles, and priests to manipulate the feelings of their publics.⁷⁹ Already in his earliest essay on ancient and modern patriotism, mentioned above, Herder had jotted down the idea that there was a crucial difference between “our republics” and “ancient republics”; the latter having experienced the “disadvantages” characteristic of a situation “when the crowd thinks for us.”⁸⁰ In his late years, Herder also feared that the danger of such manipulation was even more exaggerated in modern times, as there was a tendency to publicly venerate certain abstract ideas such as fraternity, liberty, or peace, which lacked a firm foundation in the actual morals of the people. This could produce nothing but glaring double standards—a gulf between the professed principles and the actual ways of thought and behavior of the people. Thus he argued that in modern times, moral reflection and education needed to take

⁷⁷Ibid., 333.

⁷⁸Ibid., 768.

⁷⁹Ibid., 308.

⁸⁰Herder, *HEW*, 61. The reference to “crowd” is from another early essay: Johann Gottfried von Herder, “How Can Philosophy Be Made More Universal and Useful for the Benefit of the People,” in *PW*, 26.

place via print media, including books. Appealing to the people's sentiments was necessary (and in this respect the moderns needed to learn from the ancients), but what was equally important was creating an attitude of unrushed deliberation, self-reflection, and even self-criticism, which would ultimately have a genuine impact on legislation.

Although sympathetic to revolutions, Herder was no revolutionary. In his theoretical reflections he always prefers gradual change and evolution to violent upheaval. The "aristo-democrats" that he envisions were thus not primarily revolutionary leaders, but those who saw their task as both educating and representing the people. Most likely, Herder also reserved this sort of role for himself in relation to his own fatherland, Germany. In his unpublished early draft for *Letters*, he made clear that the main question for Germany was how it could overcome its fragmentation and achieve something like a "national constitution," considering that the present constitution of the Holy Roman Empire was dysfunctional.⁸¹ In his published writings, Herder encouraged as much public debate about the situation and future of Germany as possible. He sought to enlighten his native German public about the positive aspects of their common cultural and political heritage, pointing in particular at the German traditions of republican self-government ("German people's government" [*deutsche Völkerverfassung*] as he also called it) in medieval cities.⁸² These traditions revealed that modern ideals of civil and political liberty had deep roots in European social and political history, which offered hope that some of these traditions of self-government could be revived in new forms in modern states. Like France and, before it, England, Germany was to shed its barbaric heritage, while finding elements in its past on which it could creatively draw in devising its future constitution.

Did Herder call for "nationally bounded" states, as Patten has argued, or did he fully accept multinational states, as Spencer has claimed? Considering the central importance of the self-determining "public" in the political process for Herder, we need first to determine how he envisioned the operation of such a public. Clearly, a common language (as Patten also highlights) was a precondition for common social life and public debate.⁸³ In Germany, one of Herder's primary goals was to encourage the cultivation of a common German language, so that the different German peoples in the territories of the Holy Roman Empire could together form one national public.⁸⁴ The exact political institutions that such a public was to create for itself, however, were to be devised through these discussions.

In Herder's normative vision, modern cultural and political leaders should foster the rise and sustenance of a morally desirable form of national and

⁸¹Johann Gottfried Herder, "Briefe zu Beförderung der Humanität," in *Sämmtliche Werke*, 18:346.

⁸²Herder, *Outlines*, 561.

⁸³Patten, "'The Most Natural State,'" 682.

⁸⁴Herder, *FHA*, 7:337.

political community, which would be capable of peacefully coexisting with other similar communities. Insofar as the collective self was an imagined self, essentially a “public” that was pursuing an idealized, moral form of itself, it was not a narrowly fixed concept. Just as individual self-determination consisted in a voluntary commitment to moral relationships and lasting associations with other human beings, so Herder expected culturally defined “peoples” to determine themselves not only by politically “constituting themselves,” but also by further cultivating their publics, which included the creation, maintenance, and development of ties with other peoples. The self-determination of a people was thus an ethical ideal and aspiration and only secondarily a right. Herder also directly sought to foster the rise of a transnational public, which would morally assess the actions of different individuals and peoples, applying but also actively reflecting on the most fundamental norms of justice in the wider international sphere, consistent with his conception of *Humanität*.⁸⁵

Herder was critical of the nationalizing reforms initiated by rulers like Joseph II.⁸⁶ Clearly, he had also cautioned against the loss of one’s national character for the sake of some illusion of higher morality or political unity. In *This Too a Philosophy*, he castigated other Enlightenment writers for their disparaging remarks about “national character.”⁸⁷ However, the possible alternatives to current “state-machines” for him were not exhausted by cultural respect for minorities in existing empires or indeed nationally bounded humanized states. He also encouraged more open-ended self-constitution. In *Ideas*, he welcomed the fact that European peoples possessed exceptionally “mild” kinds of “national character” owing to their relatively late, complex origins in the times of *Völkerwanderungen* and also because of their common religion. Herder maintained that these kinds of milder national characters were an excellent precondition for the rise of a future “common spirit” in Europe. He even mused that European peoples could come to form something like a “European republic,” a new and distinctively modern version of the Hanseatic League.⁸⁸ In *Letters*, Herder’s ultimate vision is the emergence of a “league of humanity.”⁸⁹ According to his understanding of self-determination, we might argue that self-determining peoples could also potentially form transnational political unions in which their self-determination would not be absolute but relational to that of other peoples, grounded in republican and humanitarian as well as national values, which, as we have seen above, were compatible for Herder.⁹⁰

⁸⁵Ibid., 337–39.

⁸⁶Ibid., 66–67.

⁸⁷See, e.g., Herder, *PW*, 329.

⁸⁸Herder, *Outlines*, 600, 604–5.

⁸⁹Herder, *FHA*, 7:13–14, 139.

⁹⁰On “relational” self-determination in contemporary political theory, see Iris Marion Young, “Two Concepts of Self-Determination,” in *Ethnicity, Nationalism, and*

Conclusion

Herder's name figures only marginally in recent genealogies of the concept of the self-determination of peoples. Contemporary Herder scholars have tended to be critical of the idea that he should be credited with coining the concept of national self-determination, proposing that "cultural self-determination" and "republicanism" are more appropriate labels for the political ideals he advocated. This is only justified, however, if we adopt an unduly narrow understanding of national self-determination as identical with the notion that each nation should have its own state. As we have seen, Herder did articulate important aspects of the concept of self-determination of peoples. Using Patten's terms, we can find elements of all three conceptions of self-determination (statist, democratic, and nationalist) in Herder's thinking. He rejected external interventions on cultural as well as political grounds. At the same time, his ideas about cultural self-determination cannot be neatly disentangled from those about political self-government and democratic self-determination. Herder creatively developed the distinction between the people and the state (invoked earlier by several natural law thinkers), while also adopting the idea that the "people" is free to alter their constitution and political institutions. In contrast to natural lawyers, however, he defines the people primarily (but not exclusively) in cultural terms, while also proposing an account of a distinctively modern kind of national "self-constitution."

It is widely acknowledged that Herder was a fierce critic of European colonialism and imperialism. However, we should also pay attention to his account of the emancipation and liberation of European peoples to grasp his understanding of modern self-determination. Europe had witnessed the rise of powerful "state-machines" in the Middle Ages; modern states were not fundamentally different from the former with regard to their bellicosity. They could still be described as oppressive and expansive forms of government. Nevertheless, they were also internally highly unstable. In different texts, Herder focused on somewhat different aspects of political change. *Ideas* predicted the awakening of Slavic peoples which would lead to profound transformations in, if not the outright collapse of, the existing "state-machines." In his writings from the 1790s, by contrast, he was mainly concerned with the ways in which large and dominant peoples like the French or the Germans could devise for themselves a "living" political constitution so as to fundamentally reconstitute themselves and their polities.

Both these ideas, however, are ultimately grounded in Herder's vision of human history as consisting in the gradual progress of *Humanität*. Herder underlined the ways in which socioeconomic processes as well as the progress

Minority Rights, ed. Stephen May, Tariq Modood, and Judith Squires (Cambridge: Cambridge University Press, 2004), 185–89.

of *Humanität* in history supported the gradual empowerment and awakening of the common people as well as subjugated peoples. Consequently, extensive political reforms were needed. Without ever directly encouraging revolutionary action, Herder warned readers (among them, regents in particular) that if reforms do not occur, the collapse of modern absolutist monarchies was inevitable, while the people never renounced its right to rise up against oppressive forms of government and political traditions. The emerging new polities, in his vision, were to be fundamentally republican ones. In such polities, all individuals would be members of one and the same “rank” — “the people.”

While combining ideas about cultural and political self-determination, Herder clearly distinguished between true political liberty (self-determination) and a false one. Reflecting on the so-called municipal revolution in France, he rejected the idea that the people should rule itself directly. As the French experience proved, this would end up in the rule of the rabble or mob. He strongly preferred German traditions of municipal self-government. At the same time, he endorsed deliberation by elected representatives in the National Convention, presenting this process as an essential precondition for the French “self-constitution” and potentially an example for all peoples. An enlightened elite was to be responsible for shaping public opinion and helping to constitute self-reflective national publics, which he presented as the desired alternative to the politically activated “rabble” or “crowd.” Indeed, one of Herder’s distinctive innovations during the French revolution period was the idea that political liberty in modern times should not be understood as a single formal act of legislation of the democratic sovereign (effectively, consisting in majoritarian decisions), but as a continuous process of free public deliberation occurring concurrently in both print media and representative institutions.

Herder also gave some hints about the desirable boundaries and composition of self-determining polities. He clearly opposed nationalizing empires, defending the right of peoples to cultural self-expression. Yet he also emphasized the agency of modern peoples. Profound reforms—including those of federalization—were necessary in current “state-machines.” Without such reforms, it was likely that the state-machines would collapse into distinct nationally bounded polities. Although Herder was aware of the danger of new kinds of “national delusions” rising in modern times,⁹¹ he believed that modern humans (peoples) would be capable of creating new kinds of humanized states thanks to new forms of public debate. As his remarks on the increasingly vibrant transnational public sphere and the possible “European republic” indicate, he viewed political self-determination as an entirely open-ended process, envisioning various forms of national and transnational cooperation as well as federal unions of self-governing cultural peoples, all of which was both possible and desirable.

⁹¹Herder, *FHA*, 7:46, 772–23.

Considering Herder's extensive readership, it is probable that these ideas resonated with subsequent writers. Indeed, it is likely that there were at least two waves of reception of his political ideas in periods culminating in the revolutions around 1848 and 1918. Significantly, the creation of sovereign nation-states was not initially the sole or even the main professed goal of political actors in those periods. National unification, of course, was an important topic in German (or Italian) context in the 1840s, while there was a broader strand of thought in the public discourse that emphasized modern individuals' enhanced capacity for self-determination and the national public's collective agency, on the one hand, and the friendship of peoples across borders, on the other. However, numerous thinkers in both these periods were also demanding the federalization of empires and the guaranteeing of representative government in nationally or regionally based federalized units, which they viewed as essential conditions for achieving domestic and international peace.⁹² These ideas, too, can possibly be traced back to Herder. Of course, in order to properly determine whether and how (and which of) Herder's ideas were actually received, adopted, modified, or criticized by subsequent writers, new studies are required. What is clear is that we must revise the erroneous view that there was only one conception of "self-determination" in the Enlightenment—that of Kant. Before Kant, there was Rousseau. And alongside both, there was Herder.

⁹²Several historians have recently suggested that "Herderian" ideas on nationality and international relations circulated widely around 1848 or during the First World War. See, for example, Axel Körner, "National Movements against Nation States," in *The 1848 Revolutions and European Political Thought*, ed. Douglas Moggach and Gareth Stedman Jones (Cambridge: Cambridge University Press, 2018) and Xosé M. Núñez Seixas, "Wilson's Unexpected Friends: The Transnational Impact of the First World War on Western European Nationalist Movements," in *The First World War and the Nationality Question in Europe: Global Impact and Local Dynamics*, ed. Núñez Seixas (Leiden: Brill, 2020), 45–46.