

Kant and Herder on colonialism, indigenous peoples, and minority nations

VICKI A. SPENCER

Department of Politics, University of Otago, Dunedin, New Zealand

E-mail: vicki.spencer@otago.ac.nz

It is the orthodox view in the cosmopolitan and normative international relations literature that Immanuel Kant is a staunch critic of European colonialism. This paper offers a far more critical stance towards Kant's position with respect to minority nations and stateless Indigenous peoples through an analysis that draws on the criticisms developed by his contemporary and former student, Johann Gottfried Herder. The paper proceeds in three parts. In the first section, I present the evidence in favour of seeing both Kant and Herder as strident opponents of colonialism. In the second section, I then show the problems that arise in Kant's position when his views on the state and property rights are taken into consideration. Kant's coupling of the nation and state in contrast to Herder's insistence that they are separate entities is highlighted as a crucial distinguishing point in their positions. In the third and final section, I indicate how Herder provides a far deeper critique of colonialism than Kant, also due to his recognition of the problematic nature of ideological pronouncements of progress.

Keywords: Kant; Herder; colonialism; indigenous peoples; minority nations; cosmopolitanism

The view of Immanuel Kant as a promoter of peace and a liberal defender of human rights in the face of belligerent colonial powers is standard fare in the cosmopolitan and normative international relations literature. Recent scholarship (Eze 1997; Sikka 2006, 152–53; Bernasconi 2001; Klingeld 2012, Ch. 4) has ensured that students of political and international relations theory can no longer ignore the racialist dimensions of Kant's thought. Yet, even when there exists a willingness to acknowledge various illiberal aspects of his political theory, there remains a general consensus among political theorists and international relations theorists alike that such views have no significant impact on Kant's staunch anti-colonialism. The failure to adopt a more critical stance derives not simply from a lack of scholarly engagement with the history of ideas as some critics

(van de Haar 2009, 1–3; Neocleous 2013) indicate has often been the case in international relations. The reading of Kant as anti-colonial predominates studies of his work in both fields.

Sankur Muthu (2003, 257) and Pauline Kleingeld (2012, 97–114) indicate that Kant only became critical of slavery and colonial practices late in his life. In this respect, Muthu maintains that his contemporary and former student Johann Gottfried Herder, whose critique of slavery and colonialism dates from the 1770s, is a significant intellectual forerunner to Kant's mature cosmopolitanism. Yet, while little disagreement exists among scholars about Herder's thought regarding his views against slavery and colonialism, considerable debate exists over the precise point when Kant changed his views on these issues. Muthu (2003, 182–84), for example, distinguishes between Kant's pre-critical and critical work of the 1780s, whereas Kleingeld (2012, Ch. 4) marks his 1795 essay *Toward Perpetual Peace: A Philosophical Sketch* as a significant turning point in his international theory. Both link this break in his international political theory to a change in his views on race, which Robert Bernasconi (2001), by contrast, considers Kant never altered. Certainly he never repudiated his earlier views on race, and Bernasconi (2002, 150–51) further indicates that Kant failed to argue directly for the abolition of chattel slavery in Africa. It is how deeply the change in Kant's international political theory with the development of his cosmopolitan right alters the implications of his theories of state and property for the status of stateless Indigenous peoples and minority nations that I also question here.

Nevertheless, from *Toward Perpetual Peace* onwards, considerable textual evidence exists to support the dominant reading of Kant's international political theory. Thus, Martha Nussbaum (2010, 34) distinguishes Kant's cosmopolitanism from that of the Roman Stoics, because Kant's project for peace that elevates reason over national sentiment means 'colonial conquest is morally unacceptable'. Others, like Howard Williams (1983, 260), take as paramount Kant's belief in the right of every individual to be free from coercion; therefore, whatever else might be said about Kant's other views, Williams maintains that this belief 'undermines any justification a nation or race might have for placing another under its tutelage' (also see Muthu 2003, 147). Garrett Wallace Brown (2009, 103, 142) emphasizes the minimalism of Kant's legal framework for his pacific federation of republican states combined with the duties his cosmopolitan law places on those within the federation to arrive at the conclusion that Kant's cosmopolitanism 'allows for a plurality of various forms of life to coexist'.

In this article, I intend to challenge these views with respect to the coexistence of stateless Indigenous peoples and the status of minority nations within multinational states. By stateless Indigenous peoples I mean

those groups Kant refers to in *Toward Perpetual Peace*, such as the American Indians and Africans at the time of European contact and in the late 18th century. In accord with most current definitions, originality is not employed here as a criterion of indigeneity, but rather continuity with pre-invasion or pre-colonial societies (Keal 2008, 2003, 6–7). In today's context, although American Indians possess United States' citizenship as individuals, the minority nations that they are members of do not possess their own state in the sense of a formal centralized administrative and coercive apparatus body with enforceable laws, which is recognized as a state by other states. Groups such as Aborigines and Torres Strait Islanders in Australia, Maori in New Zealand, and the various Indigenous nations in Canada are likewise sub-state communities or minority nations within multinational states. When I employ the term minority nations, I am, therefore, referring to Indigenous peoples. At the same time, minority nations is a more expansive category that also includes those nations that Will Kymlicka (2000, 221–22) indicates lost out in the process of European state formation such as the Bretons in France, the Catalans in Spain, and the Welsh in Britain. By contrast, Indigenous peoples have existed outside the Westphalian state system with their own forms of self-governance. Stateless Indigenous groups, therefore, raise additional issues we need to address in relation to Kant's theory of the state that minority nations, which do not possess their own states but reside within multinational states, do not.

As Pheng Cheah (1998, 290–91) argues, a far more critical stance is required with respect to Kant's cosmopolitanism and its relationship to colonialism than is often evident. Cheah notes, for example, that the history of colonialism with its exploitation of non-European peoples has disproven Kant's positive affirmation of trade as a pathway towards peaceful relations through increased global interactions. Likewise, Martin Hall and John M. Hobson (2010, 227) see Kant's support for greater trading relations as 'an informal civilizing influence in the East' as the 'one possible caveat' critics might find to his 'robust anti-imperial position'. However, they consider Kant limits exploitative relations of exchange by insisting on 'the *consent* of non-European countries'. Although I argue that Kant's theory of property rights effectively confines this consent to civil states, it is important to see Kant's embracement of the possibilities arising from global capitalist relations in the context of Germany emerging from feudal relations in the late 18th century. As Beate Jahn (2006, 188) indicates, he was also critical of the imperialist behaviour of Britain and the Netherlands – 'the most advanced liberal capitalist states at the time'. Herder (1991, 724, 2002, 407) might be said in his peace plan to possess a slightly more cynical appreciation for the power of greed to override the benefits of trade relations, but he, too, considers they can play a positive role in the development of peace by teaching us about our common interests with other nations.

In this article, I focus instead on the main points of difference in Kant and Herder's international theories that emerged in the debate over Kant's essay *Toward Perpetual Peace* in Germany in the late 18th century. Although Herder's perspective on colonialism and the self-determination of nations predates Kant's essay, the French Revolution and the Revolutionary Wars that followed were paramount in the development of both thinkers' perspectives on peaceful international relations at this time. The signing of the Treaty of Basel with France in 1795 guaranteed Prussian neutrality in the Revolutionary Wars, but only at the cost of the French occupation of the left bank of the Rhine. Many parts of Europe were under threat of being colonized by the French. Both Kant and Herder supported the revolution and they both abhorred the violence that followed it. However, despite these commonalities, their responses reveal that they held fundamentally different approaches to the nation and state, and in Kant's case, I argue, his theory of the state seriously undermines his anti-colonial statements, except in relation to the protection of civil states.

At best, when combined with his theory of property rights, considerable ambiguity exists with respect to the implications of Kant's framework of thought for the status of stateless Indigenous peoples. At worst, he can be read as legitimizing either the removal of stateless Indigenous peoples from a given territory or their assimilation into a neighbouring state. In the case of minority nations residing within a multinational state, I contend that Kant's concern to ensure an indivisible sovereign legitimates the assimilationist drive associated with the centralization of the 'nation-state' in official forms of nationalism.¹ Although scholars of international relations pinpoint the Treaty of Westphalia in 1648 as the beginning of the modern state system, scholars of nationalism maintain it was with the French Revolution that the nation and state were first merged into a single unity to form the modern 'nation-state', giving the process of state centralization a new impetus (Kohn 1945, 4; Meinecke [1907] 1970, 12). Kant's support for this process whereby minority nations are absorbed into the dominant nation within a state means that, although his theory is anti-imperialist with respect to inter-state relations, it nonetheless supports a process of internal colonization.² As a number of recent theorists of international relations indicate, such colonization forms part of an imperial project that has been problematically neglected in the field of international relations due to its traditional state-centric focus (Barkawi and Laffey 1999; Reid 2004; Keene 2005, 9; Shaw 2008; Beier 2009; Keal 2008, 2003).

¹ On the process of 'official nationalism', see Seton-Watson (1977), Gellner (1983), and Anderson (1991).

² For a useful definition of internal colonization, see Keal (2003: 45–7).

The aim of employing Herder's critical insights is to highlight certain differences in his approach to minority nations that serve to challenge the extent that Kant's mature anti-colonial stance as developed in his cosmopolitan right is compatible with the deep structure of his thought. Although it is beyond the scope of this paper to provide a comprehensive analysis of Herder's political thought (see Spencer 2012), the conventional depiction of Herder as a rabid nationalist and anti-cosmopolitan is firmly rejected. The state-centric focus of the discipline of international relations has ensured that it has paid almost as little attention to Herder's thought as it has to Indigenous peoples (Keal 2003; Shaw 2008; Beier 2009, 1). Yet, in recent times, greater attention to the issues of cultural autonomy and pluralism has led certain theorists to show some interest in his thought (Jackson 2000, 66, 407; Keal 2003, 80; Keane 2005, 153–54). By showing how Herder is able to provide a far firmer basis than Kant to support the autonomy of all peoples, his theory should resonate, however, most with contemporary international theorists, who likewise envisage a cosmopolitan moral order that accords recognition in international relations not only to states and individuals, as Kant does, but also to sub-state peoples. In my reading, Herder's thought, thus, provides little support for the kind of pluralism found in classical theories of an international society of states that focusses mainly on the rights of states in the international sphere (see Bull 1995; Jackson 2000, 178–80; Keal 2003, 27–34).

I proceed by first examining the evidence in favour of seeing both Kant and Herder as anti-colonial. I then examine Kant's views on the state and stateless peoples and compare his coupling of the nation and state with the recognition Herder accords to nations within multinational states. Herder nowhere suggests that Indigenous peoples ought to give up their own forms of governance and unambiguously supports their right to collective self-determination. I argue that Kant, by contrast, sees the political communities of stateless peoples as illegitimate, while his coupling of the state and nation effectively denies the rights of minority nations within multinational states to autonomous coexistence. Finally, I show that Herder offers a far deeper critique of colonialism when he recognizes that its perpetuation goes beyond overt coercion to include ideological pronouncements of European superiority in the pursuit of freedom and enlightenment.

Anti-colonialism

It needs to be acknowledged from the outset that Kant expresses a deep antipathy to the worst atrocities that Europeans had committed in foreign lands in the name of progress and culture. Their prohibition forms a central tenet of his peace project that he outlines in *Toward Perpetual Peace*.

In rejecting both the balance of power doctrine in international affairs held by most of the French *philosophes* and the just war theories developed by Grotius, Vattel, and Pufendorf for condemning humanity to continual wars, Kant provides a far more proactive approach to the development of peace through the construction of a peace treaty in two sections (Keene 2005, 146; Williams 2012, C. 3). The first contains six preliminary articles that he considers necessary conditions for peace, with articles one, five, and six designed for immediate implementation to prevent the abuses they proscribe. Foremost among them for our purposes is article five that stipulates ‘No state shall forcibly interfere in the constitution and government of another state’ (Kant 1991d, 96). Although Kant (1991d, 94) allows greater latitude in terms of the time frame for the implementation of articles two to four, two determines that ‘No independently existing state, whether it be large or small, may be acquired by another state by inheritance, exchange, purchase or gift’. The sovereignty of states is henceforth assured against various colonial practices.

The second section consists of three definitive articles that together provide the institutional and legal framework for his ‘*pacific federation of peoples*’ (Kant 1991d, 102); a loose confederation bound by international and cosmopolitan law that he proposes will consist solely of republican states. Keene (2005, 148) indicates that the idea of a federation ensuring peace possessed contemporary relevance with North America having avoided war among the 13 former colonies following independence. The peace produced via federation in North America stood in stark contrast to the Revolutionary Wars in Europe.

Kant famously distinguished his republican states from democratic ones by referring to democracy as despotism, although commentators rightly indicate his conception of democracy was based on ancient participatory forms and not on liberal representative democracies. It is, nonetheless, misrepresentative of his definition of republicanism – which is based on the separation of executive and legislative power – to interpret it straightforwardly to mean ‘what we would now call a representative democracy’ (Muthu 2003, 162). Although he recognizes that autocracies and aristocracies have a tendency towards despotism, he also states that both forms of sovereignty can be republican and representative (Kant 1991d, 100–01). No matter how exclusively one interprets membership in Kant’s federation,³ it is not the case, however as proponents of the liberal peace thesis like Michael Doyle (1983, 213, 230–32, 1986, 1157, 1160–62, 1993, 186, 189–91) contend that Kant only stipulates international obligations

³ For a particularly broad reading of Kant’s inclusivity, see MacMillan (1995, esp. 553–58).

between its members. As many commentators (Ellis 2005, 95; Jahn 2006, 182, 185–87; MacMillan 2006, 63; Brown 2009, 103) indicate, members of the confederation have clear duties in international and cosmopolitan law towards non-member states, such as to respect the sovereignty of all states no matter how despotic they might be.

It is in Kant's third definitive article that stipulates '*Cosmopolitan Right shall be limited to Conditions of Universal Hospitality*' where we find his emphatic critique of European colonialism. Cosmopolitan law guarantees 'the right of a stranger not to be treated with hostility when he arrives on someone else's territory' (Kant 1991d, 105). This individual right importantly serves the interests of increased global interaction, but universal hospitality is not an absolute right; a lack of hostility is conditional upon the peaceable behaviour of the visitor. In the cases of China and Japan, where the European commercial states had behaved inhospitably, Kant condones the restrictions both states had placed on future visitors, with China only allowing contact but not entrance into its territories and Japan only permitting contact with the Dutch (Kant 1991d, 106–07). The intent of this stipulation is to outlaw a range of colonial practices that he notes from 'the cruellest and most calculated slavery' in the Sugar Islands to the treatment of America, Africa, the Spice Islands, the Cape, etc. 'as ownerless territories' so that 'the native inhabitants were counted as nothing' (Kant 1991d, 107, 106).

Two years later in *The Metaphysics of Morals* (1797), Kant (1991b, 173) further specifies that his cosmopolitan right to visit does not entail a 'right to settle'. Jacques Derrida (2010, 420–21) has criticized the limited nature of Kant's right to hospitality based on its failure to accommodate refugees with 'a right of residence'. Yet Kant's limited right of visitation needs to be read in the context of European colonialism in the 18th century.⁴ As Timothy Waligore (2009) argues, with this stipulation, Kant is attempting to balance the facilitation of cultural interaction with the prevention of further imperialism by uninvited foreigners. He insists that it is only legitimate for foreigners to settle areas of land, if that land is far away from other settlements. In cases of pastoral and hunting peoples, such as the American Indians who used extensive areas of land, he determines that settlements cannot be legitimately established by violence and without the consent of the inhabitants. They can only be established 'by treaty; and even then, there must be no attempt to exploit the ignorance of the natives in persuading them to give up their territories'. Violence is also illegitimate in

⁴ In addition, Kant (1991d, 105–06) stipulates that a visitor cannot be sent away if it will result in someone's death, which would mean political refugees in some cases do need to be accommodated.

cases of ‘supposed good intentions’ such as trying ‘to bring culture to uncivilized peoples’ (Kant 1991b, 173). In keeping with his deontological philosophical stance, the end, for Kant, never legitimates the injustice inflicted on people with the use of violent means.

More than 30 years earlier in his first published piece, *On Diligence in Several Learned Languages* (1764), Herder outlines many of the themes that were to preoccupy him throughout his life (Morton 1989); as well as promoting cultural interaction through the learning of several languages, he emphasizes the importance of first learning one’s indigenous language well. Herder’s main contribution to the history of political thought lies in his recognition of the devastating effects of linguistic and cultural oppression, but he no less condemns the economic and political oppression that have resulted from imperialist conquests. His early essay, *Yet Another Philosophy of History* (1774), is well known for its critique of slavery and its denunciation of the oppression inflicted on Indigenous peoples by the European empires, a theme that he expands into a critique of imperialism throughout history in his most seminal mature work – *Ideas towards a Philosophy of History of Humanity* (1784–91). Again in his late *Letters for the Advancement of Humanity* (1793–97), which contains his critique of Kant’s proposal for eternal peace, Herder declares:

Let the land be named to which Europeans have come without having sinned against defenceless, trusting humanity, perhaps for all aeons to come, through injurious acts, through unjust wars, greed, deceit, oppression, through diseases and harmful gifts! Our part of the world must be called, not the wise, but the *presumptuous, pushing, tricking* part of the earth; it has not cultivated but has destroyed the shoots of peoples’ own cultures wherever and however it could (Herder 1991, 672, 2002, 381–82).

Except in self-defence against a direct attack, violence against other peoples is as illegitimate for Herder as it is for Kant. Where they differ is in the solutions they offer, with Herder rejecting Kant’s formalistic plan for peace in favour of a grassroots approach that focusses on the need to transform people’s perspectives about war and other peoples. Herder (1991, 716, 2002, 402), unlike Kant, has little faith in the effective establishment of a long-lasting peace through a top-down process that is initiated by state leaders. He doubts, too, if perpetual peace is ever possible on this earth. It is not that Kant unrealistically considered his plan would be easily implemented or that he even believed it would be fully realized. Herder, like Kant, also treats peace as a regulative ideal, whereby he considers every step towards it worthwhile. Yet Herder departs from Kant by believing that the key to success lies in changing people’s attitudes. People do not then need to wait for state leaders to act; everyone can develop and foster his basic

principles so that war is no longer glorified and people instead come to shudder in horror upon hearing the word spoken (Herder 1991, 719–21, 2002, 404–05).

In a clear reference to the invasions conducted by the French republicans, at the core of Herder's vision for peace is the need to purify patriotism so that it no longer creates a sense of superiority over other peoples and undermines peaceful relations between peoples (Herder 1991, 722–23, 2002, 406). Keene (2005, 153) notes that the once orthodox view of Herder as the proponent of aggressive nationalism has undergone serious criticism in the past few decades, with Herder scholars consistently showing its erroneousness. Indeed, from his early work onwards, Herder (1994, 38, my translation) highlights the dangers of a 'narrow nationalism'⁵ that promotes an uncritical love for one's nation. Like the more recent hermeneutic thinker Hans-Georg Gadamer, Herder (1994, 15–16, 89, 2002, 276–77, 341) sees value in our prejudices by situating us, but he is consistently critical of an unreflective stance towards our prejudices in our treatment of other peoples (Gadamer 1976, 321–30; Irsmscher 1977, 532; Menges 1998, 167–68; Menze 2002, 83–84). The method that he developed for historical and comparative studies calls for researchers to attempt to understand other peoples on their own terms. Michael Morton (1989, 147) indicates that Herder's term for this method, *Sichhineinfühlen*, is the original source for Coleridge's introduction of the word 'empathy' into English. Herder acknowledges that a hermeneutic gap always exists in understanding others, but he does not consider cultures impenetrable, isolated entities as his notion of incommensurability is sometimes misunderstood (see, e.g. Keal 2003, 80). It is important to remember that he was a highly accomplished translator. Nor is his methodology applicable only to academic studies; he considers it essential in the way that we ought to conduct international affairs. Just as Marshall Beier (2009, 46) has recently called for an empathetic '*counter-hegemonic*' approach towards marginalized peoples in international relations, Herder advocates the active cultivation of a transnational empathy to delegitimize colonial practices:

there must gradually awaken a *common feeling* so that every nation feels itself into the position of every other one. People will hate the impudent transgressor of foreign rights, the destroyer of foreign welfare, the brazen abuser of foreign ethics and opinions, the boastful imposer of his own advantages on peoples who do not want them. Under whatever pretext someone steps over the border in order to cut off the hair of his neighbor as a slave, in order to force his own gods upon him, and in order in return

⁵ 'eingeschränkten Nationalism!'

to steal from him his national sacred objects in religion, art, manner of representation, and mode of life – he will find in the heart of *every nation* an enemy who looks into his own breast and says: ‘What if that happened to me?’ – If this feeling grows, then there will arise imperceptibly an *alliance of all civilized* [gebildeten] *nations* against every individual presumptuous power (Herder 1991, 723, 2002, 406–07).

Kleingeld (2012) has recently argued in relation to Kant’s thought that patriotism and cosmopolitanism are compatible. Rather than the kind of uncritical love for one’s state associated with the term increasingly during the 20th century, patriotism was generally understood in the 18th century in the republican sense of a commitment to civic liberty (Dietz 1989). There is nothing in this classical understanding of patriotism that is incompatible with a commitment to a cosmopolitan outlook, and in his earlier work Herder often uses the term in this sense. Scholars (Dobbek 1959, 369; Barnard 1965, 81; Dreitzel 1987, 274; Koepke 1987, 84; Adler 2000, 54; Löchte 2005, 93; Pizer 2007, 361; Spencer 2012, Ch. 6) also readily indicate Herder’s republican and democratic sympathies with his strong support for the French Revolution. However, by the time he came to write that the ‘The loudest patriots are often the most petty egoists’ (Herder 1991, 104, my translation) in the first published collection of his *Letters for the Advancement of Humanity* (1793), French republicanism had assumed an increasingly violent and imperialist stance with the French invasions of Belgium, Germany, and the Dutch republic as early as 1792–93. Despite further French invasions of Spain and elsewhere, Herder never repudiated his support for the revolution’s republican values. However, in the 10th collection of *Letters for the Advancement of Humanity* (1797), he calls for the need for a ‘reformed patriotism’ – one that adheres to the principle of self-determination for all peoples – as a prerequisite for peace. Patriotic and cosmopolitan values are reconcilable as Kleingeld notes, but neither necessarily rules out imperialism; it is useful to recall that in its origins in Stoic thought, cosmopolitanism was an imperialist doctrine.

Unlike Joseph Görres in his response to Kant’s *Toward Perpetual Peace*, Kant never supported the kind of revolutionary fervour that justified the external imposition of republican values to obtain a cosmopolitan federation through force (Pizer 2007, 355–57). Görres’s desire for all others to imitate blindly the French model and his initial support for the French occupation of the Left Bank of the Rhine typifies the kind of patriotism that Herder was most concerned to warn against. Nevertheless, Herder also remonstrates against Kant’s formalistic legal cosmopolitan with what he sees as his ideal for all peoples to possess the same political constitution so that it is decided in advance of any empirical investigation what constitutes

the best way of life for a people, irrespective of its particular circumstances. As we have seen, Kant's republican constitution is broader than democratic peace proponents maintain. Like Kant, Herder also favours the rule of law and civil liberties associated with republican values. However, Herder does not assume that they are equally appropriate in all circumstances or that entering into a civil state is the only way in which they could be realized. He prefers a bottom-up approach to the formation of political associations, and he has virtually no faith in peace arising from negotiations among state governments in Europe in a top-down legalistic manner. In his promotion of peace and universal justice, he advocates instead the creation of a 'quiet league' of peoples that would be a flexible alliance in the face of changing circumstances due to its informality, and inclusive of all peoples committed to peace based on an empathetic respect for others on their own terms (Herder 1991, 723, 2002, 407).

Thus, although Herder is not a legal or institutional cosmopolitan, he is a moral cosmopolitan. He can also be categorized in Brown and David Held's (2010, 1–2, 10–11) terms as a cultural cosmopolitan who seeks simultaneously to promote global justice and cultural pluralism. Although his thought was once mistakenly seen to support the Nazi doctrine of race (Collingwood 1946, 89–92; Kedourie 1966, 71–72), recently scholars have tended to emphasize his rejection of Kant's use of racial categorizations. It is not the case that Herder, unlike his contemporaries, is entirely free, however, of racial prejudices and his failure aesthetically to appreciate the physicality of certain ethnic groups will undoubtedly appear racist to modern readers. For Herder, such differences were, nonetheless, superficial with them possessing no consequence in his view for the intellectual or moral capacities of non-Europeans (Bernasconi 2001; Sikka 2006; Spencer 2012, 134–38). All individuals and peoples, he insists, possess '*Humanität, Vernunft und Sprache*' (humanity, reason, and language; Herder 1989, 377). Herder (1800, 166, 1989, 255) also emphatically dismisses the concept of race, because it suggests to him a false difference of origin between peoples that holds the potential danger to justify treating some peoples as inferior to others.

In his mature work, Herder employs the term *Humanität* as a normative concept that encapsulates his commitment to a thin universality.⁶ All individuals and peoples, he stipulates, ought to be treated according to the principle of fairness and equity contained in his concept of *Humanität*: '*Do not unto others what you would not wish them to do unto you; what you*

⁶ For a fuller discussion of this concept and the thin universal values it contains, see Spencer (2012, 112–18).

expect others to do unto you, do unto them too' (Herder 1989, 159, my translation; also see Adler 1994, 63–64, 2009, 108–11). No member of the human species is excluded; insisting against those who claimed that tribal peoples had more in common with apes than Europeans, he urges them to 'honour thyself: neither the pongo nor the gibbon is thy brother: the American and the Negro are: these therefore thou should not oppress, murder, or steal: for they are men, like thee: with the ape thou cannot enter into fraternity' (Herder 1800, 264, 1989, 255).

The state, nations, and peoples

Herder uses the term *Volk*,⁷ or people, interchangeably with the nation, and it is important to recognize that unlike the current normative idea of the nation in modern nationalism studies, he makes no distinction between nations and tribal communities.⁸ He applies the terms *Volk* and nation equally to the Indigenous peoples in North America, Africa, and the Philippines as well as to large European nations like the Scots, the Hungarians, and the Germans. His usage of the term is entirely independent of the existence of the state. Most modern commentators similarly recognize that the state and nation are distinct entities; yet they question whether the current understanding of the nation as a specific form of community that developed from the late 18th century could have existed before the modern state (Hutchinson and Smith 1994, 132). According to Ernest Gellner (1983, 137–38), for example, modern nations are the result of a complex division of labour combined with a centralized state that imposes cultural homogeneity through a standardized system of education over the inhabitants of a particular territory, features that are non-existent in traditional Indigenous communities. For Benedict Anderson (1991, 6, 7), too, his well-known definition of the nation as 'an imagined political community' is irrevocably linked to 'the sovereign state' that emerged in the modern era with the demise of the dynastic system. In this respect, Herder's usage of the term nation/*Volk* is more in accord with Gellner's understanding of the kind of groups that people have always lived in and identified with.

⁷ Herder also employs *das Volk*, in the singular, to denote original humanity, and the concept relates to his desire to release the creative genius and spontaneity of artists. However, when he employs the term in the plural, Herder scholars recognize that he does so to refer to the nation (Koepke 1996, 182; Gaier 2006, 34, 37). Although, as Keene (2005, 153) notes, due to various misperceptions, Herder's concept of *Volk* is often linked to Nazi ideology, as I indicate, Kant employed the same term to denote a nation or people.

⁸ For this classic distinction in nationalist studies, see Kedourie (1966, 75), Gellner (1983, 6), Worsley (1985, 39), and Giddens (1994, 34).

Tarak Barkawi and Mark Laffey (1999, 414–22) along with an increasing number of international relation theorists (Keal 2003; Reid 2004, 68–69; Shaw 2008; Beier 2009) indicate how liberal-democratic peace proponents and traditional international relations theory have obfuscated continuing colonial relations and the warfare waged against Indigenous communities by defining war exclusively as violent interaction between states. Edward Keene (2005, 9) also notes how confining international theory to relations between sovereign states effectively means ruling out investigations into one of its major concerns, the operation of imperial systems. Against this trend, Herder's commentary on peace is situated within a broad framework of both international and inter-state interactions that promotes non-violent relations among *Völker*/nations, between *Völker*/nations and states, among states, and between individuals and the states in which they reside. Thus, he criticizes 'the Europeans' behaviour toward witches and Jews' as much as he does their colonial 'undertakings in both Indias' (Herder 1991, 707, 2002, 398). The legitimacy of self-defence does not lie solely with states against other states but equally with *Völker* against those who threaten their autonomy and attempt coercively to seize their land (Herder 1991, 687, 2002, 385). A people need not possess its own state to have the right to collective self-determination in Herder's schema.

Far from supporting the phenomenon of modern state nationalism as documented by scholars like Gellner (1983) and Anderson (1991), Herder opposes the centralization of states under a single unit of law and education that was occurring during the late 18th century throughout Europe (Herder 1991, 66). Anderson (1991, 85–88) indicates that during the 19th century, with the impetus to shift from Latin as the language of state to a vernacular language, European monarchs increasingly began to take on a particular language and national identity from within their dynastic empires. They then imposed it on all their subjects in the interests of state unification. One of the most brutal examples of this process of cultural assimilation was the Russification of the Baltic provinces in the late 19th century, but it was first evident in the 1780s in the Austro-Hungarian Empire when Joseph II decided to adopt German as the language of state in place of Latin and to impose it on the Hungarians. Although Joseph II was unsuccessful due to Hungarian revolts, in commenting on the centralizing tendencies of the state that were to come to characterize the formation of the modern 'nation-state', Herder (1991, 66) is highly critical of Joseph II's attempt to impose cultural homogeneity on all the nations within the Austro-Hungarian Empire. He urges sovereigns instead to respect the linguistic and cultural autonomy of all *Völker* under their jurisdiction.

Here lies a crucial distinction between Kant and Herder. Although Kant, like Herder, uses the term *Volk* and applies it to a broad range of

communities, unlike Herder, he rejects outright the idea of a multinational state. In distinguishing his confederation from an international state, Kant considers the latter ‘contradictory, since every state involves a relationship between a superior (the legislator) and an inferior (the people obeying the laws), whereas *a number of nations [viele Völker] forming one state [einem Staate] would constitute a single nation [ein Volk]*’ (Kant 1991d, 102, emphasis added, 1964, 209). Although Kant’s concern here is with the feasibility of an international state, to show its contradictory nature, he invokes his theory of the state at the domestic level in which he clearly adopts the doctrine of one nation per state while acknowledging the existence of a number of nations. With his adoption of this doctrine, nations within multinational states are collapsed into one nation, and therefore lose their autonomy in the assimilation drive of a centralized state. Kant might favour ‘a politics based on reason’ over ‘group sentiment’ as Nussbaum (2010, 28) argues, but he does so at the expense of the self-determination of Indigenous peoples and other nations that happened to find themselves in a minority position as a consequence of the process of European state formation. The misnomer of the modern ‘nation-state’ that obscures the existence of nations within states and that scholars (Seton-Watson 1977, 85–87; Connor 1978; Anderson 1991, 83–111; Guibernau 2004, 132) indicate is a feature of the kind of official state nationalism that developed fully during the 19th century is, therefore, established in Kant’s thought. Such official state nationalism need not take on an aggressive stance towards other states, and it can, therefore, be congruent with an anti-imperialist stance at the inter-state level. However, historically, the development of the modern European state was often highly detrimental to the cultural rights of minority nations at the intra-state level.

It is, thus, important to recognize that Kant’s international political theory does not provide a ‘law of nations’ as it is sometimes assumed (see, e.g. Hayden 2005, 21). It instead outlines ‘the international right of states [Staaten] in their relationships with one another (*ius gentium*)’ (Kant 1991d, 98, 1964, 203). Kant is perfectly aware of this distinction as he explains in *The Metaphysics of Morals* that ‘it is not strictly correct to speak, as we usually do, of the *right of nations [Völkerecht]*: it should rather be called the *right of states [das Staatenrecht] – ius publicum civitatum*’ (Kant 1991b, 164–65, 1956, 466). He acknowledges explicitly that ‘savages’ who have chosen their ‘lawless freedom’ ‘constitute national groups [Völkerschaften], but they do not constitute states [Staaten]’ (Kant 1991b, 164, 1956, 466). His international right was never intended to apply to Indigenous peoples outside the state system. Kant (1991b, 164) even instructs citizens of states not ‘to intermix with any neighbouring people who live in a state of nature’ and to ‘consider them ignoble’. Although he establishes international law

for the protection of states beyond the republican states within his confederation, exclusion is the *modus operandi* towards stateless peoples. The common claim that Kant's cosmopolitan principles treat 'all peoples of the earth as a "single universal community"' (Wood 1998, 62, emphasis added) is, therefore, false; it can only be considered accurate if the term 'peoples' is replaced by states.

National groups within states are also vulnerable to violence at the hands of a belligerent colonial state. Kant's principle of non-interference in the constitution and government of another state means that an external state cannot lend support to any national group within a state unless it has managed to separate and set itself up as an independent state. He categorizes conflicts between national groups within states as 'internal conflict[s]' so that 'interference would be an active offence and would make the autonomy of all other states insecure' (Kant 1991d, 96). Thus, Kant implicitly provides considerable impetus to national groups wishing to protect their cultural autonomy to secede from existing states, because only with their own state will their autonomy be respected within his theoretical framework. This might accord with current international practice that prioritizes the 'nation-state' over other forms of communities, but it is precisely the Westphalian state system that many cosmopolitan thinkers find deficient.

It follows that 'The principle of freedom', which distinguishes Kant's republican constitution, applies only to individuals and not to communities within states (Kant 1991d, 99). Kant provides individuals with no right to be able to live as a people within a multinational state. Kant's theory, therefore, conforms to the traditional liberal approach noted by Vernon Van Dyke (1977, 363–68) that places ontological priority on the individual at one level and the state at another to the neglect of the communities that exist at the intermediate level between the individual and the state. Nations or peoples are delegitimized as a site for cultural and political autonomy, and justice – which Kant (1991d, 99) considers ought to limit the freedom to act within a state – is defined in terms of the prohibition of injustice to individuals *qua* individuals and not as members of communities.

By contrast, it is precisely these communities that Herder prioritizes. Some commentators question whether Herder could ever have envisaged a multinational state (Eggel, Liebich, and Mancini-Griffoli 2007, 65). Even if his thought is no longer linked to an aggressive form of state nationalism, due largely to his claim that 'the most natural state is therefore *one* Volk, with one national character', he is still commonly credited with being the father of nationalism (Herder 1800, 249, 1989, 369; Gilbert 1998; Adams and Dyson 2003, 93; Goldie and Wokler 2006, 742). Three points are noteworthy here. First, this comment is situated within his critique of the

excessively large dynastic and imperial states that had no connection to the people or any sense of solidarity and community. Second, it captures his democratic view that the best political associations arise from the people and are not imposed from above. Third, he is not suggesting that all *Völker* require the kind of modern state that was developing in the late 18th century and that is associated with the modern phenomenon of nationalism. For him, there is not one ideal form of political association suited to all times and peoples:

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. The so-called *best form of government*, which has unfortunately not yet been discovered, certainly does not suit all peoples, at once, in the same way; with the yoke of badly imported freedom from abroad a foreign people would be incommoded in the worst possible way (Herder 1991, 734, 2002, 413).

Herder, therefore, places no duty upon Indigenous peoples to give up their own forms of governance.

Far from advocating that all peoples ought to adopt a modern bureaucratic state, Herder's ideal is to do away with the 'artificial contrivance' of the state with its centralized administrative and coercive functions in favour of loose forms of co-operation based only on the law. He describes the 12 Hebrew tribes as bound together by the Mosaic Constitution, but with each also possessing their own autonomy. In this model, sovereignty is dispersed rather than centrally unified in a single entity with sole jurisdiction over a particular territory (Herder 1880, 115–20, 1989, 369–70). Although Kant's concept of the state is equally based on the rule of law and the existence of a civil constitution, his concern to ensure the existence of a single source of sovereignty within a state means that Herder's anarchist and decentralized ideal accords far more with the kind of loose federation that Kant proposes between states. Due to his pragmatism, Herder recognizes the danger of disintegration into separate and distinct parts that exists with this ideal, and he instead comes to see the entire art of government as the attempt to balance unity with diversity (Herder 1887, 600). Although he remains an advocate of decentralized power, he accepts the existing state system. Based on his principle of collective self-determination, cultural communities struggling for their autonomy can, therefore, find support in Herder's political theory to seek their own independent state, particularly within the historical context of a 'nation-state' system that only accords sovereignty to states. However, any nationalist doctrine that insists *all Völker* require a Westphalian model of the state is antithetical to his political thought.

By way of comparison, Kant (1991b, 137–38, 1991c, 73, 1991d, 90) places a duty upon all peoples living in a stateless condition to leave the state of nature and enter into civic relations under the coercive apparatus of the state. Following Thomas Hobbes (Tuck 2001, 207–10), he regards the ‘the state of nature ... [as] a state of war’ (Kant 1991d, 98). It is not that war itself is always present, but peace does not exist where there is constant insecurity. Nor is it always ‘a *state of injustice (iniustus)*’, but without a judge to resolve disputes in a legally valid manner it is by necessity ‘a *state devoid of justice*’. Although Kant thinks experience demonstrates that people are violent, and he even attributes an inherent wickedness to humanity in his *Religion within the Bounds of Reason Alone* (1793), his argument in *The Metaphysics of Morals* is not derived from empirical evidence:

On the contrary, even if we imagine men to be as benevolent and law-abiding as we please, the *a priori* rational idea of a non-lawful state will still tell us that before a public and legal state is established, individual men, peoples and states can never be secure against acts of violence from one another, since each will have his own right to do *what seems right and good to him*, independently of the opinion of others. Thus, the first decision the individual is obliged to make, if he does not wish to renounce all concepts of right, will be to adopt the principle that one must abandon the state of nature in which everyone follows his own desires, and unite with everyone else (with whom he cannot avoid having intercourse) in order to submit to external, public and lawful coercion (Kant 1991b, 137).

Muthu (2003, 200–01) admits that the one possible exception to Kant’s anti-imperialism lies in his social contract theory, but he dismisses the significance of Kant’s views on the state of nature due to its purely hypothetical nature. Yet, while Kant employs a hypothetical account of the state of nature in his social contract theory, Kant’s disparagement for the stateless condition in which certain peoples choose to live is not simply hypothetical when he writes in *Toward Perpetual Peace*:

We look with profound contempt upon the way in which savages cling to their lawless freedom. They would rather engage in incessant strife than submit to a legal constraint which they might impose upon themselves, for they prefer the freedom of folly to the freedom of reason. We regard this as barbarism, coarseness, and brutish debasement of humanity (Kant 1991d, 102–03).

It is important to recognize that in his use of the term ‘savages’, Kant is not only referring to stateless Indigenous peoples but also to any persons living outside the state system so that his comment equally applies to pirates. Yet

to equate Indigenous communities with the lawless existence of pirates only delegitimizes them further.

Marshall Beier (2009, 15) indicates how 'the idea that Indigenous peoples do not constitute authentic political communities' is fundamental to the narrative of advanced colonialism, and the part that the one-sided focus on the state in mainstream international relations theory has played in its workings. In Kant's case, this failure is not merely due to benign neglect. He delegitimizes Indigenous communities, despite his knowledge of Indigenous forms of self-governance that clearly demonstrate that their stateless condition did not mean they were all 'lawless'. In his early work, *Observations on the Feeling of the Beautiful and the Sublime* (1764), for example, Kant (2007a, 60) distinguishes the 'savages' of North America as having the most 'sublime character of mind' and 'a strong feeling of honor' with the 'Canadian savage ... moreover truthful and honest'. His understanding of the operations of the Iroquois Great Council is, moreover, sufficiently detailed that he was aware of the matrilineal nature of Iroquois society with women in possession of the power to command the male delegates who they chose to represent them (see Snow 1994, 62–65). Kant (2007a, 61) knew the Iroquois possessed their own complex system of governance with a deliberative council that decided 'the most important affairs of the nation'. However, heavily influenced by Rousseau's appreciation for those untainted by the corrupting influence of 'civilization' at the time of writing his early anthropology, Kant soon became critical of Rousseau (Kuehn 2001, 131–32). His depiction of American Indians and their way of life likewise changed. Having placed them in the *Beautiful and the Sublime* in a hierarchically superior position to Africans whose skin colour he thought was 'distinct proof' that anything black Africans stated was 'stupid' (Kant 2007a, 61), in *On the Use of Teleological Principles in Philosophy* (1778) he reversed this ranking. In contrast to his previous depiction of American Indians, he now maintained that they were 'too weak for hard labor, too indifferent for industry and incapable of any culture' (Kant 2007b, 211).

In his mature cosmopolitanism, it is the influence of Hobbes's anarchic portrait of the state of nature on Kant's thinking that is, however, paramount. Although Kant never believed that civil society was in reality founded on a social contract, his portrait of statelessness in *Toward Perpetual Peace* strongly parallels Hobbes's depiction of the factual existence of a state of nature at the international level. They both share the belief too that not only is the state essential in the maintenance of peace at the domestic level but also that only an indivisible sovereign is feasible. Karena Shaw (2008) has detailed the ways in which Hobbes's conception of sovereignty is detrimental to minority nations by marginalizing them within

states. Hobbes's focus is largely, however, on the domestic sphere with his concern to prevent civil war, whereas Kant considers the anarchic nature of the international state system in the late 18th century a direct impediment to peaceful relations at the domestic level as well. Addressing the anarchic nature of the international situation, thus, possesses additional urgency in Kant's theory (MacMillan 2006, 61–63).

Herder directly challenges Kant's Hobbesian claims about the 'incessant strife' and insecurity endemic in a stateless condition in his *Letters for the Advancement of Humanity*. To remind Kant (and others) that American Indians had developed sophisticated forms of peaceful self-governance, he extensively cites G.H. Loskiel's account of the peace treaty between the Delaware Nation and the Iroquois confederation in North America. Although he recognizes that it eventually failed in the face of colonial pressures – as he notes had many other attempts at maintaining formal peace treaties in both Europe and Asia – it is clear that Herder considers the ability of communities to live in lawful conditions and to form peace treaties with neighbouring nations are not dependent on the existence of the state (Herder 1991, 2002, 400–03, 713–17; Pizer 2007, 358–59; Spencer 2014).

In Kant's legal framework, by contrast, the state is the only legitimate entity with the ability to establish peaceful relations. The result for stateless Indigenous peoples is a precarious existence: 'unless one neighbour gives a guarantee to the other at his request (which can happen only in a *lawful state*)', Kant (1991d, 98) writes in a footnote, 'the latter may treat him as an enemy'. As Kant thinks that stateless Indigenous peoples do not possess the legal capacity to provide such a guarantee, despite his anti-colonial statements on the way Europeans had behaved in Africa and elsewhere, he can be read as granting legitimacy to states that treat them as their enemy. At the very least, there is a clear contradiction here in Kant's thinking. The further inference that it is imperative for states to act towards stateless Indigenous peoples as if they are their enemy eventuates because Kant considers those outside the state system effectively injure us through the insecurity that their refusal to submit to the coercion of public law in a state creates:

It is usually assumed that one cannot take hostile action against anyone unless one has already been actively *injured* by them. This is perfectly correct if both parties are living in a *legal civil state*. For the fact that the one has entered such a state gives the required guarantee to the other, since both are subject to the same authority. But man (or an individual people) in a mere state of nature robs me of any such security and injures me by virtue of this very state in which he coexists with me. He may not have injured me actively (*facto*), but he does injure me by the very lawlessness of

his state (*statu iniusto*), for he is a permanent threat to me, and I can require him either to enter into a common lawful state along with me or to move away from my vicinity (Kant 1991d, 98).

Kant, as noted above, explicitly rules out the use of overt violence, and yet the permission he grants a sovereign state to require stateless Indigenous peoples to become subsumed under its jurisdiction or to leave their homeland legitimates the pre-emptive use of state coercion against a free people. His use of the harm principle means that such coercive state action can be seen as both legitimate and essential in the pursuit of justice.

There is not merely a tension in Kant's thought between his anti-colonial sentiments and his cosmopolitan ideal of peace that is irrevocably tied to the existence of the state. There appears to be an outright contradiction between these statements and the conditions he places on colonial powers in obtaining land from Indigenous peoples through a non-coercive process of treaty formation. It might be objected that because Kant refers to the peoples of America, Africa, the Spice Islands, and the Cape in his third definitive article on cosmopolitan right that he does not regard them as 'savages' living in a state of nature. Following the previous quotation, he stipulates that a legal constitution can take one of three forms: a civil constitution at the level of the nation-state, a constitution that protects international right between states, and one based on cosmopolitan right (Kant 1991d, 98–99). Thus, cosmopolitan right might be seen to provide legal protection to the peoples of America, Africa, the Spice Islands, and the Cape. Yet cosmopolitan right did not exist in constitutional form either at the time of initial European contact or in the late 18th century. As Kant states in his opening paragraph of the second section of *Toward Perpetual Peace* that concludes with the footnote containing the above quotations, 'the state of peace must be *formally instituted*' (Kant 1991d, 98). Since cosmopolitan right still needed to be formally and fully instituted, it follows that despite his criticisms in his third definitive article of the way Indigenous peoples had been treated by Europeans, within his theoretical framework Africans and American Indians at the time of European contact were devoid of a civil constitution, and therefore living in an anarchic state of nature (Cavallar 1999, 53; MacMillan 2006, 70). For them to remain in that 'lawless' situation was, thus, a threat to the security of others.

Kleingeld (2012, 112) nonetheless sees a clear shift in Kant's perspective on race with his acceptance of the ability of American Indians and Africans to sign contracts in *The Metaphysics of Morals*, when he had previously considered slavery appropriate for them. Although as late as 1792 Kant re-affirmed Hume's claim of the natural inequality of people with black skins, three years later in *Toward Perpetual Peace* his critique of the way

commercial states had treated the peoples in Africa, the Americas, and the Spice Islands as if they were ‘ownerless territories’ (Kant 1991d, 106) suggests that in developing his mature cosmopolitanism he had come to regard the consent of the pre-invasion inhabitants as important in the fate of their territories. In *The Metaphysics of Morals*, he also insists that the ignorance of Indigenous peoples ought not to be exploited when acquiring land through contractual agreements. Moreover, he explicitly rules invalid arguments justifying the use of violence against stateless peoples, because the world would still have been in ‘a lawless condition’ if it had not been used. A good end, he claims repeatedly, can never justify the use of unjust means (Kant 1991b, 173).

Yet these anti-colonial statements and Kant’s attempts noted earlier to prevent European imperialism are at odds with his theory of property rights that means no one outside the state system can legally possess any land. Respect for others’ property requires reciprocity that cannot be guaranteed where the parties involved are not constrained by civic rights. When this standard is publicly violated, no obligation to respect others’ rights exists. Any rights of ownership are merely provisional in the state of nature (Williams 1983, 89–90; Reiss 1991, 22; Walligore 2009, 42). Thus, while Kant’s cosmopolitan right provides adequate protection against colonialism for nations with their own a civil state as Walligore argues, his theory of property rights provides a significant challenge to the rights of stateless Indigenous peoples without the kind of reconstruction of his thought that Walligore and others attempt. Although in Section III of the Theory of Right in *The Metaphysics of Morals* on Cosmopolitan Right Kant regards violence against stateless Indigenous peoples as a violation of the conditions of right, whatever the good intentions behind the use of such means, earlier in section I he considers force acceptable:

Anyone may thus use force to impel the others to abandon this state for a state of right. For although each individual’s *concepts of right* may imply that an external object can be acquired by occupation or by contract, this acquisition is only *provisional* until it has been sanctioned by a public law, since it is not determined by any public (distributive) form of justice and is not guaranteed by an institution empowered to exercise this right (Kant 1991b, 137–38).

In the same work, Kant’s theory of property rights, therefore, legitimates colonial occupation upon discovery of a territory where no state exists, while he elsewhere condemns it. Since it is his social contract theory that sets up the conditions of right based on reason that determines land is not legally owned outside a civil constitution, its implications for stateless peoples in the empirical world cannot be dismissed lightly due to its hypothetical nature.

As minority nations, Indigenous peoples within a state fare no better in the realm of practical reason. Once a state has been formed, the property rights of Indigenous peoples would be assured in terms of right reason. However, any colonial dispossession that previously arose from trickery, deceit, or violence is also validated. Claims for historical justice are not legitimate in Kant's theory, either on legal or moral grounds (Williams 1983, 250), even in cases where states are occupied due to 'inheritance, exchange, purchase or gift'. Although he outlaws such state occupation in preliminary article two of *Toward Perpetual Peace*, Kant (1991d, 94, 97) goes on to stipulate that the means employed in gaining state power are irrelevant 'to the present *state of political possessions*. For although this present state is not backed up by the requisite legal authority, it was considered lawful in the public opinion of every state at the time of putative acquisition', it follows that since the European empires were at one on the legality of their actions in Africa and elsewhere – also in their engagement in the slave trade – it follows that Kant's theory effectively delegitimizes the ability of people to obtain any redress for the ills that he so eloquently outlines were committed against them. Once a civil constitution has been formed, he clearly states in *The Metaphysics of Morals* that practical reason requires 'men to obey the legitimate authority now in power, irrespective of its origin' (Kant 1991b, 143). Thus, any practical implications arising from his critique of the methods Europeans used in treating Africa and other territories as 'ownerless' are effectively nullified wherever dispossession has occurred to such an extent that a colonial power has established a state constitution in a particular territory. The mode of acquisition is irrelevant to the current state of affairs.

Nor are continued injustices sufficient warrants for civil disobedience. According to Kant (1991b, 143), a subject may lodge a complaint if the ruler violates the law, 'but he may not offer resistance'. It might be objected that Kant retrospectively supported the French Revolution, but he did so on the highly disputable grounds that the monarch had surrendered his sovereign power (Williams 1983, 210–11; Reiss 1991, 30). His support for authority with the need to accept the ultimate power of the state and an indivisible sovereign consistently overrides any moral argument for justice making Kant's political theory decidedly conservative. According to Wolfgang Proß (2006, 246–47), the development of 'German conservatism' during the 19th century was far more indebted to Kant's position of obedience to the state than it ever was to Herder. Kant's prohibition against rebellion is 'absolute' even when it is believed that 'the head of state, has violated the original contract by authorising the government to act tyrannically' (Kant 1991c, 83). It is the people's duty 'to tolerate even what is apparently the most intolerable misuse of supreme power' as to do

otherwise would be unlawful (Kant 1991b, 145). At most, people have a negative right to resistance so that they may refuse to comply with administrative demands from the executive. If there happens to be a rebellion, the previous ruler cannot be punished for any previous mismanagement of the state, and even though Kant considers any such revolution unjust, the subjects are still obligated to obey the new constitution. His sole exception lies with the dethroned monarch as Kant leaves it to the discretion of other state powers to determine whether they are prepared to assist the monarch's restoration through the use of force (Kant 1991b, 146–47).

The power Kant accords to a sovereign ultimately overrides the concerns he expresses towards the prevention of colonial practices. Although his cosmopolitan right means that foreigners have no right to settle, he, nonetheless, stipulates that 'The *lord of the land* has the right to encourage the immigration and settlement of foreigners (colonists) even though the native subjects should look askance at it'. Only their 'private ownership of land' needs to be respected, because they live in a civil state (Kant 1991b, 160). Yet many Indigenous peoples never adhered to a system of private property. Moreover, as rebellion is always illegitimate, if 'the lord of the land' fails to respect the property of the Indigenous people under his jurisdiction or to forge a fair treaty with pastoral and hunting peoples, no redress is possible within Kant's theoretical framework.

It is questionable too whether Indigenous peoples have any effective capacity to refuse to agree to sign a treaty to hand over their land, whether on fair or unfair terms. Despite Kant's moral prohibition on the use of violence, no effective limitations exist within his political theory on a sovereign's use of violence. If Indigenous peoples refuse to comply with a sovereign's request for a contractual agreement to be able to use their land or if they actively protest against a lord's settling of their lands, the use of the coercive apparatus of the state appears inevitable. Kant shows some ambiguity towards state power. He claims in *Idea for a Universal History with a Cosmopolitan Purpose* (1784) that 'man is *an animal who needs a master*' (Kant 1991a, 46) – a proposition that Herder took considerable objection to while turning it on its head.⁹ At the same time, as Muthu (2003, 156–57) indicates, Kant (1991a, 46) is equally aware that the 'master' is 'an animal who needs a master' and he laments the non-existence of a perfect solution to overcome this dilemma. However, without the provision of any ultimate check on the sovereign through resistance, the balance of power within Kant's theoretical framework consistently leans

⁹ Herder (1800, 248, 1989, 369) wrote in his *Ideas for a Philosophy of History of Humankind*: 'The proposition ought to be reversed: "the man who needs a master is a mere animal; soon as he becomes a man, a master is no longer necessary to him"'.

towards state authority over minority nations who lack recognition as legal entities. Although Kant's anti-imperialism ensures the sovereignty of all states, no matter how despotic they might be, his political theory accords no effective protection against colonialism in the cases of either stateless Indigenous peoples or minority nations within multinational states. Kant's theory might prohibit enforced assimilation, but due to his over-riding concern to ensure the strength of a single sovereign entity, it is no less a doctrine of colonial assimilation, whereby minority nations are absorbed into the dominant nation in the 'nation-state' system.

Cultural imperialism

The assimilationist drive within Kant's theory is perhaps most explicit in his cosmopolitan view of history. It displays, as James Tully (2002) has argued, the kind of cultural imperialism that lingers within the ideological sphere long after the demise of direct colonialism. In both *Idea for a Universal History with a Cosmopolitan Purpose* and *Toward Perpetual Peace*, Kant outlines his hierarchical conception of historical development that places Indigenous stateless peoples at the bottom of the hierarchy and the republican constitution that was emerging in Europe at the highest point. Although he guarantees the sovereignty of all states and he criticizes those who justify the use of violence on the basis of bringing culture and progress to the savages, European superiority is, nonetheless, confirmed at the ideological level. Kant firmly adheres to a conception of low and high culture (Heinz 1996). 'Savagery' and 'barbarism' exist at lower stages of development, whereas 'cultivation', 'civilization', and 'culture' only exist at the higher levels on our path towards the goal of 'moral maturity' (Kant 1991a, 48–49):

While the purposeless state of savagery did hold up the development of all the natural capacities of human beings, it nonetheless finally forced them, through the evils in which it involved them, to leave this state and enter into a civil constitution in which all their dormant capacities could be developed. ... We are *cultivated* to a high degree by art and science. We are *civilised* to the point of excess in all kinds of social courtesies and properties. But we are still a long way from the point where we could consider ourselves *morally* mature. For while the idea of morality is indeed present in culture, an application of this idea, which only extends to the semblances of morality, as in love of honour and outward propriety, amounts merely to civilisation (Kant 1991a, 49).

The key towards moral maturity lies in the international sphere where 'the highest point of nature' will be achieved with 'a universal *cosmopolitan existence*' (Kant 1991a, 51). That cosmopolitan existence is dependent on

all peoples adopting a republican civil constitution and the European model of the ‘nation-state’ in which nations within states are assimilated into one nation. Where Herder attempts to achieve a balance between unity and diversity in the art of governance, uniformity *over* diversity is central to Kant’s vision and a key feature of his theory of state sovereignty. Europeans might have some way to go in Kant’s estimation to achieve moral maturity, but the perfect state already exists in nascent form in European models. Nature will ultimately ensure this end as human beings’ propensity for unsociability propels them towards war and revolution, whose devastation Kant regards as the motive force to encourage people to abandon ‘their lawless state of savagery’ and enter into ‘a federation of peoples in which every state, even the smallest, could expect to derive its security and rights not from its own power or its own legal judgement, but solely from this great federation’ (Kant 1991a, 47). Thus, despite Kant’s deontological stance that determines unjust means like the use of violence are illegitimate, violence, forms a central function in the realization of his ‘nation-state’ ideal. Right reason dictates that every state ought to adopt a republican constitution that guarantees legal equality to everyone, a single common legislator, and freedom under the law, but it is Nature that will eventually ensure the abandonment of inferior forms of political organization (Kant 1991d, 99–100, 108–114).

Herder dismisses Kant’s theory of development ‘*towards a future better republic, towards the best form of state, indeed of all states*’ as ‘a dazzling phantom’. He finds such ideological pronouncements of progress particularly problematic as they seduce and delude people ‘with the names of “freedom,” “enlightenment,” “highest happiness of the peoples”’ (Herder 1991, 734, 2002, 413). Happiness cannot be attained by blindly imitating another people, because each culture has its own standard of happiness that evolves from its own history and circumstances to suit its particular time and place. ‘Hence’, Herder (2002, 413, 1991, 734) writes, ‘a history that calculates everything in the case of every land with a view to this utopian plan in accordance with unproved first principles is the most dazzling *deceptive history*’. Freedom cannot be imported through the imitation of institutional structures from elsewhere that might be entirely inappropriate to the unique conditions of a place. In encouraging people to learn from other cultures, adaptation to one’s own circumstances is vital to ensure the authenticity that lay at the core of Herder’s conception of self-determination. Freedom needs to grow from below through the empowerment of a people. Herder’s international theory, thus, stands apart from mainstream international relations theory with the legitimacy he accords to all peoples and their political communities. Authenticity, for Herder, exists by following one’s own path and not a European model of ‘nation-state’ formation.

Herder further perceives that the colonial project is not only evident in the direct exploitation and coercion of other peoples. It operates equally, if more subtly, through the sense of superiority that a people exudes over another at the ideological level. Constant belittling of another's way of life negatively impacts on the latter's sense of self-worth. In his *Fragments on Recent German Literature* (1767–68) – the work that first elevated him to the forefront of the German intellectual scene – he notes critically the tendency of past French writers to denigrate the German language and insists that ‘no genius need be *ashamed* of their mother tongue, or *lament* it’ (Herder 1985, 212, 259). His understanding of the workings of French cultural imperialism means that he recognizes Kant's international theory similarly perpetuates colonialism at the ideological level by sending a clear message that Indigenous political communities are inferior.

From his earliest writings, Herder, therefore, emphasizes the role of historical writing in the perpetuation of European hegemony. In *Yet Another Philosophy of History*, he ridicules the arrogance of the idea he attributes to some of his contemporaries that Europe has attained the peak in a linear progression of history. The enlightenment, universality, and cosmopolitanism that European ‘civilization’ purports to offer is instead a guise for the destruction of cultural diversity that is predicated on the categorically mistaken belief held by Kant (and many others in the 18th century) that Europe alone possesses culture (Herder 1991, 741, 1989, 11–12, 1994, 40, 75–76, 2002, 297–98, 328–29). Repeating these points as a prelude to his peace plan in his late *Letters for the Advancement of Humanity*, he writes:

Let one still less contemptuously insult any people that has never insulted us. Even if authors may not hope that the good first principles which they spread will everywhere find quick acceptance, caution against giving rise to dangerous first principles is their greatest duty. People readily draw support from contemptuous judgments about other peoples in order to justify dark deeds, savage inclinations. ... Rather, let one not put into the hands of any people on earth on grounds of ‘*innate superiority*’ the scepter over others peoples – much less the sword and the slave whip (Herder 1991, 698–99, 2002, 394).

Thus, the writing of history becomes a key site in Herder's theory in which to overcome the workings of colonialism and promote peaceful international relations inclusive of all peoples. Kant's critique in his mature cosmopolitanism of the worst excesses of European behaviour towards other peoples has much in common with many of Herder's own criticisms of European colonialism. However, the elimination of the direct subjugation of other peoples is, from Herder's perspective, insufficient to combat the far more commonplace European sense of superiority that lay at the

heart of cultural imperialism and that he believes is evident in Kant's theories of development and the state.

Conclusion

Many commentators argue that, despite certain ambiguities in Kant's international political theory, the deep structure of his work provides a strong case against colonialism. This is without doubt the case for peoples who possess their own state. Contrary to the claim of certain liberal peace proponents, Kant stipulates that members of his confederation possess clear duties in international and cosmopolitan law to respect the sovereignty of non-republican and non-member states. With respect to stateless Indigenous peoples and minority nations, however, my contention has been the opposite. Although a number of Kant's comments on cosmopolitan right show that he was appalled by many of the practices of the European colonial states and he was clearly moving towards an anti-colonial stance, a closer analysis of his work reveals that a deep ambiguity continues in his mature work. Often his statements on cosmopolitan right stand in outright contradiction with arguments he makes elsewhere, even within the same work. However, due to both his theory of property rights and his conception of state sovereignty ultimately within Kant's theoretical and legal framework, neither stateless Indigenous peoples nor minority nations within a multinational state have any real protection for their autonomy as peoples.

The deep structure of Herder's work, by contrast, means he unambiguously supports the right of Indigenous peoples and minority nations to self-determination. I have argued that at the heart of these differences lies a crucial distinction between Kant and Herder in their theories of the nation and state. Kant, unlike Herder, not only places a duty upon Indigenous peoples to forsake their own forms of governance in favour of a state, he also adopts an assimilationist stance towards minority nations residing within multinational states. For contrary to common misperceptions, it is Kant and not Herder who develops an ideology of one nation per state. Far from supporting the cultural homogeneity and increasing centralization of the modern state that is a feature of modern nationalism, Herder's project is to protect the cultural diversity that exists within multinational states. Contrary to Kant's position, protection of the autonomy of peoples is not, for Herder, dependent on a people obtaining its own state. He considers it the duty of all sovereigns to protect and honour the cultural autonomy of the peoples residing under their jurisdiction. For colonialism is perpetuated not only directly through the use of violence against foreign peoples. As Herder perceives, it also operates through the suppression of peoples' cultures in favour of the dominant nation within a state and the kind of ideological pronouncements of progress evident in Kant's theory of development.

It does not follow that it is impossible or invalid to reconstruct Kant's thought to produce a more inclusive theory. However, it is important to distinguish between such reconstructions and Kant's own position, which displays many of the same problems towards recognition of the collective rights of minority nations as traditional liberal thought prior to the pluralist turn of the past 20 years. Moreover, to overcome these problems, a radical reconstruction of Kant's theories of development, the state, and sovereignty would be required. Those cosmopolitan thinkers who wish to challenge colonial relations beyond the inter-state level – that is, in Herder's terms, at the international level – and the ontological priority accorded to the state will, therefore, find Herder provides a far more straightforward, consistent, and fruitful philosophical basis in support of their position than they will in an unreconstructed Kant.

Acknowledgements

The author presented earlier versions of this paper to the Political Theory Research Unit at Cardiff University, the Department of Political Science at the University of Notre Dame (USA) and the Centre for Governance and Public Policy at Griffith University, Brisbane. The author thanks Andrew Vincent, Ruth Abbey, Wesley Widmaier, and Haig Patapan for their respective organization of those events and for being such gracious hosts, Howard Williams and David Boucher for their extensive commentaries, and the other participants who attended the seminars and engaged in such a stimulating manner with her paper. The author is also very grateful to the journal's anonymous reviewers and the editors for their constructive comments.

References

- Adams, Ian, and R.W. Dyson. 2003. *Fifty Major Political Thinkers*. London and New York: Routledge.
- Adler, Hans. 1994. "Johann Gottfried Herder's Concept of Humanity." *Studies in Eighteenth-Century Culture* 23:55–74.
- Adler, H. 2000. "Nation: Johann Gottfried Herders Umgang mit Konzept und Begriff." In *Unerledigte Geschichte: der literarische Umgang mit Nationalität und Internationalität*, edited by G. Von Essen, and H. Turk, 39–56. Göttingen: Wallstein.
- . 2009. "Herder's Concept of Humanity." In *A Companion to the Works of Johann Gottfried Herder*, edited by Hans Adler, and Wulf Koepke, 93–116. Rochester, NY: Camden House.
- Anderson, Benedict. 1991. *Imagined Communities*, revised edition. London: Verso.
- Barkawi, Tarak, and Mark Laffey. 1999. "The Imperial Peace: Democracy, Force and Globalization." *European Journal of International Relations* 5(4):403–34.
- Barnard, F.M. 1965. *Herder's Social and Political Thought: From Enlightenment to Nationalism*. Oxford: Clarendon Press.

- Beier, Marshall. 2009. *International Relations in Uncommon Places: Indigeneity, Cosmology, and the Limits of International Theory*. Basingstoke: Palgrave Macmillan.
- Bernasconi, Robert. 2002. "Kant as an Unfamiliar Source of Racism." In *Philosophers on Race: Critical Essays*, edited by Julie K. Ward, and Tommy L. Lott, 145–66. Oxford: Blackwell.
- . 2001. "Who Invented the Concept of Race? Kant's Role in the Enlightenment Construction of Race." In *Race*, edited by Robert Bernasconi, 11–36. Oxford: Basil Blackwell.
- Brown, Garrett Wallace. 2009. *Grounding Cosmopolitanism: From Kant to the Idea of a Cosmopolitan Constitution*. Edinburgh: Edinburgh University Press.
- Brown, Garrett Wallace, and David Held. 2010. "Editors' Introduction." In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown, and David Held, 1–14. Cambridge: Polity.
- Bull, H. 1995. *The Anarchical Society: A Study of World Order*, 2nd ed. New York: Columbia University Press.
- Cavallar, Georg. 1999. *Kant and the Theory and Practice of International Right*. Cardiff: University of Wales Press.
- Cheah, Pheng. 1998. "Rethinking Cosmopolitical Freedom in Transnationalism." In *Cosmopolitics: Thinking and Feeling beyond the Nation*, edited by Pheng Cheah, and Bruce Robbins, 290–328. Minneapolis, MN and London: University of Minnesota Press.
- Collingwood, R.G. 1946. *The Idea of History*. Oxford: Clarendon Press.
- Connor, Walker. 1978. "A Nation is a Nation, is a State, is an Ethnic Group, is a" *Ethnic and Racial Studies* 1(4):377–400.
- Derrida, Jacques. 2010. "On Cosmopolitanism." In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown, and David Held, 413–22. Cambridge: Polity.
- Dietz, Mary. 1998. "Patriotism." In *Political Innovation and Conceptual Change*, edited by Terence Ball, James Farr, and Russell L. Hansen, 177–93. Cambridge: Cambridge University Press.
- Dobbe, Wilhelm. 1959. "Johann Gottfried Herders Haltung im Politischen Leben Seiner Zeit." *Zeitschrift für Ostforschung* 8:321–87.
- Doyle, Michael W. 1983. "Kant, Liberal Legacies and Foreign Affairs." *Philosophy and Public Affairs* 12(3):205–35.
- . 1986. "Liberalism and World Politics." *The American Science Review* 80(4):1151–69.
- . 1993. "Liberalism and International Relations." In *Kant and Political Philosophy: The Contemporary Legacy*, edited by Ronald Beiner, and William James Booth, 173–203. New Haven, CT and London: Yale University Press.
- Dreizel, Horst. 1987. "Herders Politische Konzepte." In *Johann Gottfried Herder, 1744–1803*, edited by Gerhard Sauder, 267–98. Hamburg: Meiner.
- Eggel, Dominic, Andre Liebich, and Deborah Mancini-Griffoli. 2007. "Was Herder a Nationalist?" *The Review of Politics* 69(1):48–78.
- Ellis, Elisabeth. 2005. *Kant's Politics: Provisional Theory for an Uncertain World*. New Haven, CT and London: Yale University Press.
- Eze, Emmanuel Chukwudi. (ed.) 1997. *Race and the Enlightenment: A Reader*. Cambridge, MA and Oxford: Basil Blackwell.
- Gadamer, Hans-Georg. 1976. *Truth and Method*, translated by David E. Linge. Berkeley: University of California Press.
- Gaier, Ulrich. 2006. "Herders Volksbegriff und seine Rezeption." In *Herder im Spiegel der Zeiten: Verwerfungen der Rezeptionsgeschichte und Chancen einer Relektüre*, edited by Tilman Borsche, 32–57. Munich: W. Fink Verlag.
- Gellner, Ernest. 1983. *Nations and Nationalism*. Oxford: Basil Blackwell.
- Giddens, Anthony. 1994. "The Nation as Power-Container." In *Nationalism*, edited by John Hutchinson, and Anthony D. Smith, 34–35. Oxford: Oxford University Press.

- Gilbert, Paul. 1998. *The Philosophy of Nationalism*. Boulder, CO: Westview Press.
- Goldie, Mark, and Robert Wokler. 2006. "Biographies." In *The Cambridge History of Eighteenth-Century Political Thought*, edited by Mark Goldie, and Robert Wokler, 711–86. Cambridge: Cambridge University Press.
- Guibernau, Montserrat. 2004. "Anthony D. Smith on Nations and National Identity: a Critical Assessment." *Nations and Nationalism* 10(1–2):125–41.
- Hall, Martin, and John M. Hobson. 2010. "Liberal International Theory: Eurocentric but not Always Imperialist?" *International Theory* 2(2):210–45.
- Hayden, Patrick. 2005. *Cosmopolitan Global Politics, Aldershot*. Hants, England: Ashgate.
- Heinz, Marion. 1996. "Kulturtheorien der Aufklärung: Herder und Kant." In *Nationen und Kulturen: Zum 250. Geburtstag Johann Gottfried Herder*, edited by Regine Otto, 139–52. Würzburg: Königshausen and Neumann.
- Herder, Johann Gottfried. 1800. *Outlines for a Philosophy of the History of Man*, translated by T. Churchill. London: Printed for J Johnson by L Hansard.
- . 1880. "Vom Geist der Ebraischen Poesie." In *Sämmtliche Werke* Vol. 12, edited by Bernhard Suphan, 1–308. Berlin: Weidmann'sche Buchhandlung.
- . 1887. "Idee Zum Ersten Patriotischen Institut Für den Allgemeingeist Deutschlands." In Johann Gottfried Herder, *Sämmtliche Werke* Vol. 16, edited by Bernhard Suphan, 600–16. Berlin: Weidmann'sche Buchhandlung.
- . 1985. "Über die Neuere Deutsche Literatur. Erste Sammlung von Fragmenten. Eine Beilage zu den Briefen, die Neueste Literatur Betreffend." In Johann Gottfried Herder, *Frühe Schriften 1764–1772*, edited by U. Gaier. Vol. 1 of *Werke in zehn Bänden*, edited by Günter Arnold *et al.* 161–259. Frankfurt am Main: Deutscher Klassiker Verlag.
- . 1989. *Ideen zur Philosophie der Geschichte der Menschheit*, edited by Bollacher Martin. Vol. 6 of *Werke in zehn Bänden*, edited by Günter Arnold *et al.* Frankfurt am Main: Deutscher Klassiker Verlag.
- . 1991. *Briefe zu Beförderung der Humanität*, edited by Hans Dietrich Irmischer. Vol. 7 of *Werke in zehn Bänden*, edited by Günter Arnold *et al.* Frankfurt am Main: Deutscher Klassiker Verlag.
- . 1994. "Auch eine Philosophie der Geschichte zur Bildung der Menschheit." In *Schriften zu Philosophie, Literatur, Kunst und Altertum 1774–1787*, edited by Jiirgen Brummack, and Martin Bollacher. Vol. 4 of *Werke in zehn Bänden*, edited by G. Arnold *et al.* 9–107. Frankfurt am Main: Deutscher Klassiker Verlag.
- . 2002. *Philosophical Writings*, edited and, translated by Michael N. Forster. Cambridge: Cambridge University Press.
- Hutchinson, John, and Anthony D. Smith. 1994. "The Rise of Nations: Introduction." In *Nationalism*, edited by John Hutchinson, and Anthony D. Smith, 132–33. Oxford: Oxford University Press.
- Irmischer, Hans Dietrich. 1977. "Johann Gottfried Herder." In *Deutsche Dichter des 18. Jahrhunderts: Ihr Leben und Werk*, edited by Benno von Wiese, 524–50. Berlin: Erich Schmidt Verlag.
- Jackson, Robert. 2000. *The Global Covenant: Human Conduct in a World of States*. Oxford: Oxford University Press.
- Jahn, Beate. 2006. "Classical Smoke, Classical Mirror: Kant and Mill in Liberal International Relations Theory." In *Classical Theory in International Relations*, edited by Beate Jahn, 178–203. Cambridge: Cambridge University Press.
- Kant, Immanuel. 1956. "Die Metaphysisch der Sitten." In *Werke in sechs Bänden, vol. 4, Schriften zur Ethik und Religionsphilosophie*, edited by wilhelm Weischedel, 303–634. Weisbaden: Insel Verlag.

- 1964. “Zum Ewigen Frieden. Ein Philosophischer Entwurf.” In *Werke in sechs Bänden, vol. 6 Schriften zur Anthropologie, Geschichtsphilosophie, Politik und Pädagogik*, edited by Wilhelm Weischedel, 191–251. Frankfurt am Main: Insel Verlag.
- 1991a. “Idea for a Universal History with a Cosmopolitan Purpose.” In *Kant’s Political Writings*, translated by H.B. Nisbet, edited by Hans Reiss. 2nd ed. 41–53. Cambridge: Cambridge University Press.
- 1991b. “The Metaphysics of Morals.” In *Kant’s Political Writings*, edited by Hans Reiss, translated by H.B. Nisbet. 2nd ed. 131–75. Cambridge: Cambridge University Press.
- 1991c. “On the Common Saying: “this May be True in Theory, but it does not Apply in Practice”.” In *Kant’s Political Writings*, edited by Hans Reiss, translated by H.B. Nisbet. 2nd ed. 61–92. Cambridge: Cambridge University Press.
- 1991d. “Perpetual Peace: a Philosophical Sketch.” In *Kant’s Political Writings*, edited by Hans Reiss, translated by H.B. Nisbet. 2nd ed. 93–130. Cambridge: Cambridge University Press.
- 2007a. “Observations on the Feeling of the Beautiful and Sublime.” In *Anthropology, History, and Education*, edited by Günter Zöllner, and Robert B. Loudon, translated by Paul Guyer, 23–62. Cambridge: Cambridge University Press.
- 2007b. “On the Use of Teleological Principles in Philosophy.” In *Anthropology, History, and Education*, edited by Günter Zöllner, and Robert B. Loudon, translated by Günter Zöllner, 195–218. Cambridge: Cambridge University Press.
- Keal, Paul. 2003. *European Conquest and the Rights of Indigenous Peoples: The Moral Backwardness of International Society*. Cambridge: Cambridge University Press.
- 2008. “Indigenous Sovereignty.” In *Re-envisioning Sovereignty: The End of Westphalia?*, edited by Trudy Jacobson, Charles Sampford, and Ramesh Thakur, 316–30. Aldershot, UK: Ashgate.
- Kedourie, Elie. 1966. *Nationalism*, 3rd ed. London: Hutchinson.
- Keene, Edward. 2005. *International Political Thought: A Historical Introduction*. Cambridge: Polity.
- Kleingeld, Pauline. 2012. *Kant and Cosmopolitanism: The Philosophical Ideal of World Citizenship*. Cambridge: Cambridge University Press.
- Koepke, Wulf. 1987. *Johann Gottfried Herder*. Boston: Twayne.
- 1996. “Kulturation and Its Authorization through Herder.” In *Johann Gottfried Herder: Academic Disciplines and the Pursuit of Knowledge*, edited by Wulf Koepke, 177–98. Columbia: Camden House.
- Kohn, Hans. 1945. *The Idea of Nationalism*. New York: Macmillan.
- Kuehn, Manfred. 2001. *Kant: A Biography*. Cambridge: Cambridge University Press.
- Kymlicka, Will. 2000. “American Multiculturalism.” In *Political Theory and the Rights of Indigenous Peoples*, edited by Duncan Ivison, Paul Patton, and Will Sanders, 216–36. Cambridge: Cambridge University Press.
- Löchte, Anne. 2005. *Johann Gottfried Herder: Kulturtheorie und Humanitätsidee der Ideen, Humanitätsbriefe und Adrastea*. Würzburg: Königshausen and Neumann.
- MacMillan, John. 1995. “A Kantian Protest Against the Peculiar Discourse of Peace.” *Millennium: Journal of International Studies* 24(3):549–62.
- 2006. “Immanuel Kant and the Democratic Peace.” In *Classical Theory in International Relations*, edited by Beate Jahn, 52–73. Cambridge: Cambridge University Press.
- Meinecke, Friedrich. 1970 [1907]. *Cosmopolitanism and the National State*, translated by Robert B. Kimber. Princeton, NJ: Princeton University Press.

- Menges, Karl. 1998. "“Sinn” and “Besonnenheit”: The Meaning of “Meaning” in Herder." In *Herder Jahrbuch/Herder Yearbook 1998*, edited by Hans Adler, and Wulf Koepke with Samson B. Knoll, Vol. 4:157–75. Stuttgart and Weimar: Verlag J.B. Metzler.
- Menze, Ernest A. 2002. "Herder and Prejudice: Insights and Ambiguities." In *Herder Jahrbuch/Herder Yearbook 2002*, edited by Karl Menges, and Regine Otto, Vol. 6:83–96. Stuttgart and Weimar: Verlag J.B. Metzler.
- Morton, Michael. 1989. *Herder and the Poetics of Thought: Unity and Diversity in On Diligence in Several Learned Languages*. University Park, PA and London: Penn State University Press.
- Muthu, Sankar. 2003. *Enlightenment against Empire*. Princeton, NJ: Princeton University Press.
- Neocleous, Mark. 2013. "O Effeminacy! Effeminacy! War, Masculinity and the Myth of Liberal Peace." *European Journal of International Relations* 19(1):93–113.
- Nussbaum, Martha C. 2010. "Kant and Cosmopolitanism." In *The Cosmopolitanism Reader*, edited by Garrett Wallace Brown, and David Held, 27–44. Cambridge: Polity.
- Pizer, John. 2007. "The German Response to Kant's Essay on Perpetual Peace: Herder Contra the Romantics." *The Germanic Review* 82(4):353–68.
- Proß, Wolfgang. 2006. "Nationalism, Anthropology, and Culture." In *The Cambridge History of Eighteenth-Century Political Thought*, edited by M. Goldie, and R. Wokler, 218–47. Cambridge: Cambridge University Press.
- Reid, Julian. 2004. "War, Liberalism, and Modernity: the Biopolitical Provocations of “Empire”." *Cambridge Review of International Affairs* 17(1):63–79.
- Reiss, Hans. 1991. "Introduction." In *Kant's Political Writings*, edited by Hans Reiss, translated by H.B. Nisbet, 2nd ed. 1–40. Cambridge: Cambridge University Press.
- Seton-Watson, Hugh. 1977. *Nations and States: An Enquiry into the Origins of Nations and the Politics of Nationalism*. London: Methuen.
- Shaw, Karena. 2008. *Indigeneity and Political Theory: Sovereignty and the Limits of the Political*. Hoboken: Taylor and Francis.
- Sikka, Sonia. 2006. "Herder and the Concept of Race." In *Herder Jahrbuch/Herder Yearbook*, edited by Wulf Koepke, and Karl Menges, Vol. 8:133–57. Heidelberg: Synchron.
- Snow, Dean R. 1994. *The Iroquois*. Oxford and Cambridge, MA: Blackwell.
- Spencer, Vicki A. 2012. *Herder's Political Thought: A Study of Language, Culture, and Community*. Toronto: University of Toronto Press.
- . 2014. "Indigenous Inspiration and Herder's Peace Woman." In *Visions of Peace: Asia and the West*, edited by Takashi Shogimen, and Vicki A. Spencer, 139–60. Farnham, Surrey, UK and Burlington, VT: Ashgate.
- Tuck, Richard. 2001. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. Oxford: Oxford University Press.
- Tully, James. 2002. "The Kantian Idea of Europe." In *The Idea of Europe: From Antiquity to the European Union*, edited by Anthony Pagden, 331–58. Cambridge and Washington: Cambridge University Press and Woodrow Wilson Center Press.
- van de Haar, Edwin. 2009. *Classical Liberalism and International Relations Theory*. Basingstoke: Palgrave.
- Van Dyke, Vernon. 1977. "The Individual, the State, and Ethnic Communities in Political Theory." *World Politics* 45(2):275–95.
- Waligore, Timothy. 2009. "Cosmopolitan Right, Indigenous Peoples, and the Risks of Cultural Interaction." *Public Reason* 1(1):27–56.
- Williams, Howard. 1983. *Kant's Political Philosophy*. Oxford: Basil Blackwell.
- . 2012. *Kant and the End of War: A Critique of Just War Theory*. New York: Palgrave Macmillan.

- Worsley, Peter. 1985. "The Three Modes of Nationalism." In *The Challenge of Social Change*, edited by Orlando Fals Borda, 39–56. London: Sage.
- Wood, Allen W. 1998. "Kant's Project for Perpetual Peace." In *Cosmopolitics: Thinking and Feeling beyond the Nation*, edited by Pheng Cheah, and Bruce Robbins, 59–76. Minneapolis, MN and London: University of Minnesota Press.