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The First Historian of Human Rights

SAMUEL MOYN

For each man regards all times as fulfilled in his own, and cannot see his own as one of many passing waves. Just as if the world and its history had existed merely for our sakes!

Jacob Burckhardt¹

NO ARTICLE IN THE *American Historical Review* so much as mentioned the Universal Declaration of Human Rights of 1948 until October 1998, almost precisely fifty years after its passage. Earlier that same year, the journal had published its first article with the phrase “human rights” in the title—even though, within an astonishingly short time, a new genre called the history of human rights has burgeoned, with faculty positions and now even an endowed chair to anchor it, and with a historiographical canon of its own. In spite of how long it took Americans to begin to write the history of human rights, the president of the American Historical Association was quick to proclaim that every historian in effect works in the field.² The trend betokens something new in the world, perhaps even at the level of conceptual frameworks, but certainly in the crystallization of newly visible styles of transnational reform and an increasingly salient language of international justification.

While no one in the United States proposed to construct the field of human rights history in the decade now so often presented as the breakthrough era for the concept, the leading historian in Germany, Gerhard Ritter, did. In November 1948, Ritter traveled to Basel to deliver a lecture on the subject; human rights were then being intensively discussed at the United Nations, and were to be canonized by its General Assembly in the Universal Declaration a month later.³ Published the following year in the reborn *Historische Zeitschrift*, it was the earliest—for a long time the only—

I am grateful to the numerous readers of this essay, notably Paul Hanebrink and Jerry Z. Muller, for their advice. It was written at the Institute for Advanced Study, Princeton, New Jersey, where librarian Karen Downing gathered up crucial pieces of far-flung evidence, and with support from the American Council of Learned Societies’ Frederick Burkhardt Residential Fellowship for Recently Tenured Scholars program and the Guggenheim Foundation’s Fellows program.

¹ Jacob Burckhardt, *Force and Freedom: Reflections on History*, trans. Alexander Dru (New York, 1943), 358.

² Samuel Moyn, “Two Regimes of Memory,” *American Historical Review* 103, no. 4 (October 1998): 1183; Alice K. Conklin, “Colonialism and Human Rights: A Contradiction in Terms? The Case of France and West Africa, 1895–1914,” *ibid.*, 103, no. 2 (April 1998): 419–442; Linda K. Kerber, “We Are All Historians of Human Rights,” *Perspectives: Newsmagazine of the American Historical Association* 44, no. 7 (October 2006): 3–4.

³ Gerhard Ritter, “Ursprung und Wesen der Menschenrechte,” *Historische Zeitschrift* 169, no. 2 (August 1949): 233–263, which is the version cited here. It was reprinted, with a few minor differences, in Ritter’s own *Lebendige Vergangenheit: Beiträge zur historisch-politischen Selbstbesinnung* (Munich,

professional attempt to find a lineage for the postwar annunciation of human rights. It is startling for a series of reasons, first and foremost because it was Ritter, of all people, who was responsible for it. Ritter is famous, if he is remembered at all, not for drawing the right conclusions from the war his nation caused and the Holocaust it committed, but for his tenacious German patriotism and unflinching defense of power politics. What does it say about the history of human rights—what does it say about human rights themselves—that he was there first?

Almost unanimously, contemporary historians have adopted a celebratory attitude toward the emergence and progress of human rights, providing recent enthusiasms with uplifting backstories, and differing primarily about whether to locate the true breakthrough with the Greeks or the Jews, medieval Christians or early modern philosophers, democratic revolutionaries or abolitionist heroes, American internationalists or anti-racist visionaries.⁴ In recasting world history as the raw material for a progressive ascent of recent beliefs and practices, they have been less ready to concede that the past is never best read as a slow preparation for the present—and that human rights have been only one appealing ideology among others. One might argue that the best work in the field is successful to the extent that it goes beyond the teleological and triumphalist credentialing model that still overwhelmingly dominates.⁵

Revisiting Ritter's story of the invention of human rights—as perverse as it was pioneering—affords critical distance from what has become a central historiographical fashion. It is precisely because his narrative constructs the past of human rights for so unfamiliar a project that Ritter provides a more vivid reminder of how easy it still is to devise a field with the goal of crafting a usable past for new imperatives. The deep past out of which human rights are supposed to have sprung provides rich but manipulable material for such enterprises.

Ritter's first history is also a salutary reminder of the meanings that the concept of human rights accreted in the postwar era, when they transcended the nation-state and began to be called in English by their current name. The 1940s, when Ritter wrote, are often forced to play the role of precursor in contemporary narratives—as a kind of failed early version of the post-Cold War 1990s, when human rights as a movement and a framework became visible enough to motivate historians to work on them. Given the Universal Declaration, the chronological focus on the 1940s is understandable. But Ritter provides an inadvertent warning against omitting the

1958), and also in Roman Schnur, ed., *Zur Geschichte der Erklärung der Menschenrechte* (Darmstadt, 1972).

⁴ For some exemplary works, see Micheline Ishay, *The History of Human Rights: From the Stone Age to the Globalization Era* (Berkeley, Calif., 2004); Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, new ed. (Philadelphia, 2003); John M. Headley, *The Europeanization of the World: On the Origins of Human Rights and Democracy* (Princeton, N.J., 2007); Lynn Hunt, *Inventing Human Rights: A History* (New York, 2007); Adam Hochschild, *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire's Slaves* (New York, 2005); Jenny S. Martinez, "Antislavery Courts and the Dawn of International Human Rights Law," *Yale Law Journal* 117, no. 4 (January 2008): 550–641; Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge, Mass., 2006); and Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality* (Cambridge, 2008), chap. 14.

⁵ See especially the late Kenneth Cmiel's "The Recent History of Human Rights," *American Historical Review* 109, no. 1 (February 2004): 117–135.

conservative and religious sources of human rights in that era, and therefore interpreting it anachronistically. His case powerfully buttresses emerging skepticism about the whole notion of rooting contemporary human rights in the 1940s, let alone earlier, given more recent transformations in the very meaning of the concept, and the unprecedented explosion of a movement based on them.⁶ Ritter confirms that human rights were not a response to the Holocaust—but given the delay of Holocaust memory, almost no one considered them such a response at the time. What his example so powerfully suggests instead is that, more than anything, human rights in the era of the Universal Declaration involved a kind of cultural signaling about the need to reconstruct and defend inherited identity at a moment of unprecedented crisis and threat.

If Ritter's vivid case forces a reckoning with what human rights might have meant before many later departures made them eligible for new kinds of support—and before they attracted new chroniclers—then his value is emphatically not in his lasting contributions. Yet he is worth remembering for the emphasis he placed in this inaugural moment on the difficulty that the new morality of human rights would face, like all moralities that matter, in its encounter with the violence of politics. Just as he joined the transnational Christian defense of human rights, Ritter affiliated with “Christian realism,” which was never a uniquely American position in spite of its prominent defenders in the United States, from Reinhold Niebuhr to Barack Obama.

Christian realism—which approaches international order with tolerance for violence and doubts about whether morality alone can best the forces of sin and evil in the world—was and remains dubious. Yet in the hands of this first historian of human rights, it has a useful historiographical lesson to teach. Just as they have moved to create a Whig interpretation of the history of human rights, contemporary scholars rarely show interest in how the intentions of morality are in fact swept into the violence of politics that it is their goal to reshape. In their narratives, the idea of human rights is obviously a good one, and the task of historians is to show its emergence in the past in order to encourage its fortunes now. If human rights evolve slowly, it is because of evil opposition, not because they can themselves be caught up in evil. But Ritter, though his project is otherwise dead, remains at the forefront because of his awareness that in actually lived history, the moralization of politics, however laudable, does not necessarily work out for the best.

BORN IN 1888, RITTER affiliated as he matured with the standard narrative of Germany's modern trajectory as a search by the nation for the state, pioneered in the nineteenth century by Leopold von Ranke and followed by a nearly unanimous consensus thereafter.⁷ After events had led to a Prussian solution, and a rapid Prus-

⁶ Very recently, a number of scholars in the field have moved to the eras of decolonization and the later Cold War, an approach I have tried to defend and extend in my *The Last Utopia: Human Rights in History* (Cambridge, Mass., 2010).

⁷ Although it provides indispensable help in understanding Ritter's interest in human rights, the accumulated literature has neglected this episode in his career; see especially Christoph Cornelißen, *Gerhard Ritter: Geschichtswissenschaft und Politik im 20. Jahrhundert* (Düsseldorf, 2001). When his study was reissued after the Nazi seizure of power, he changed its title from *Luther: Person and Symbol* to

sification of German history in the later nineteenth century, Ritter's first book dealt with how the project of national unification had had to overcome the initial skepticism of Prussian conservatives before they became—like Ranke himself—swift converts to Otto von Bismarck's empire as the salvific agent and embodied realization of historical progress. From an early date, however, Ritter also concerned himself with how state politics and religious morals fit together in history, and it was this problem that may have preoccupied him most, though in interestingly different ways from regime to regime. A devout Lutheran, Ritter won initial renown for a general study of the origins of Protestantism and its bequest to the modern world, particularly the German state. Yet, although he always emphasized Martin Luther's contribution to morality in these works, notably in a synthetic biographical study that first appeared in 1925, he praised the founder of Protestantism as a "national hero." As the 1930s continued, Ritter moved from uncertainty through moments of enthusiasm to opposition, penning perhaps his most widely read book, on Frederick the Great, identifying with the anti-racist Confessing Church, and joining resistance circles in Freiburg, where he taught for decades.⁸ After the failed plot to kill Adolf Hitler in July 1944 and the roundup of many thousands of people in conspiratorial networks, his membership in the resistance became known, and he spent the six months of fall and winter 1944–1945 in Berlin's Lehrter Straße prison.

Ritter had not written about human rights before his release, and he did so in the later 1940s only in the context of his return to his professorship in Freiburg, where, with extraordinary vigor, he revised several of his books for reissue and played a major role in the reconstruction and reorientation of West German historical scholarship.⁹ In old age, he turned to writing a multivolume study of German militarism, whose later volumes became, after Fritz Fischer famously laid blame for World War I on Germany's doorstep, an acrimonious public diatribe against his enemy. If memory preserves anything of Gerhard Ritter, indeed, it is the German nationalist who lost the attempt to salvage any sort of uplifting history of his country and defend it against totalizing opprobrium for its twentieth-century crimes. "It is more than doubtful whether the 'dean of German historians' accomplished what he perceived to be his last great mission," V. R. Berghahn commented in the aftermath

Luther the German; Gerhard Ritter, *Luther: Gestalt und Symbol* (Munich, 1925); Ritter, *Luther der Deutsche* (Munich, 1933).

⁸ Ritter was especially loyal to Carl Goerdeler, a conservative opponent of Hitler whose biography he would later write. Nicolas Berg has emphasized that in his memory Ritter downplayed the penetration of Nazi ideology in his own university and town. The victimization of Jews was not, Berg shows, a major theme of his work, either in the Nazi years or after the war, when he favored the German resistance with his scholarly attention. Berg, *Der Holocaust und die westdeutschen Historiker: Erforschung und Erinnerung* (Göttingen, 2003), chap. 2.2; cf. Cornelißen, *Gerhard Ritter*, 239; as well as Henryk Olszewski, *Zwischen Begeisterung und Widerstand: Deutsche Hochschullehrer und der Nationalsozialismus* (Poznań, 1989), 125–127, for the most critical account. Gerhard Ritter, *Friedrich der Große: Ein historisches Profil* (Leipzig, 1936), published in English as *Frederick the Great: A Historical Profile*, trans. Peter Paret (Berkeley, Calif., 1968); Ritter, *Carl Goerdeler und die deutsche Widerstandsbewegung* (Stuttgart, 1952), published in English as *The German Resistance: Carl Goerdeler's Struggle against Tyranny*, trans. R. T. Clark (New York, 1958).

⁹ This essay places human rights in the more general, now established picture of conservative "re-orientation" proposed by a classic work such as Jerry Z. Muller, *The Other God That Failed: Hans Freyer and the Deradicalization of German Conservatism* (Princeton, N.J., 1987), esp. chap. 9, and usefully summarized in Jan Eckel, *Geist der Zeit: Deutsche Geisteswissenschaften seit 1870* (Göttingen, 2008), chap. 4.

of the dispute, summing up a broad consensus.¹⁰ By a few decades into the postwar era, with its original spirit under heavy assault, Ritter left the stage of history with his whole project in ruins; it was soon to be unintelligible.

But in 1948, he was doing something now considered to be at the cutting edge: placing human rights—which were a surging topic of public discussion in his time as they are again today—in the vast historical framework that a specialist’s learning could provide. There was, Ritter began, “hardly another theme of political history that touches the burning problems of life of our present so directly.”¹¹ His German ancestors of the prior half-century knew that their own predecessors of 1789 and 1848 had taken rights seriously, but “the alacrity with which these forefathers had allowed themselves to lose their heads over so abstract and unreal an object” had until recently been simply amusing. Times change. “For we have in the meantime,” Ritter wrote, “experienced a reality without human rights . . . Now we know: on the belief that the premises of human rights are valid, on the fact that they are a reality and not a mere program, depends nothing less than the continued existence of Occidental culture; or, even more plainly stated, on human rights depends in the end whether life on this old European continent will remain worth living.”¹² Thus, Ritter signaled right at the start that the new human rights were about conservative defense of old verities, not progressive betterment of the world. Their content was neither commitment to the humanization of world politics through international law nor affiliation with any movement of well-meaning transnational agitators (there was as yet no such thing). Instead, they prompted a recognition of moral limitations to and on politics.

Yet Ritter also insisted that the new acceptance of the crucial role of human rights as “the essential hallmark of Occidental civilization in contrast to ‘totalitarian’ state slavery” meant a transformation of recent political attitudes, and he called for a reformulation of conservatism.¹³ It would be wrong, he explained, not to admit that human rights were of a narrow bourgeois origin, at least in their “one-sided” typical expressions, which had properly led Germans to be critical of them.¹⁴ Fortunately, the better history he would now provide showed that they did not necessarily have to be about the “self-protection of a bourgeoisie seeking political comfort, but [were] the expression of a highly idealistic activity, from both political and economic points of view.”¹⁵ If so, the original confusion of German nationalists, who had understandably vilified human rights as the accoutrements of Anglo-Saxon or—worse—French shopkeeping, could be dispelled, and their new centrality to politics might

¹⁰ Fritz Fischer, *Griff nach der Weltmacht: Die Kriegszielpolitik des kaiserlichen Deutschland, 1914–1918* (Düsseldorf, 1961), published in English as *Germany’s Aims in the First World War* (New York, 1967); Gerhard Ritter, *Staatskunst und Kriegshandwerk: Das Problem des “Militarismus” in Deutschland*, 4 vols. (Munich, 1954–1968), published in English as *The Sword and the Scepter: The Problem of Militarism in Germany*, 4 vols., trans. Heinz Norden (Coral Gables, 1969–1973); V. R. Berghahn, review in *English Historical Review* 90, no. 356 (July 1975): 680; see also John A. Moses, *The Politics of Illusion: The Fischer Controversy in German Historiography* (London, 1975).

¹¹ Ritter, “Ursprung und Wesen der Menschenrechte,” 233.

¹² *Ibid.*

¹³ *Ibid.*, 234.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

seem less a rude injection or a wholesale import than a sober embrace of common Christian and “Occidental” identity.

In this task, Ritter had to locate their origins properly and carefully. “Historical observation shows,” he suggested, “that they are a relatively recent project of this Occidental civilization.”¹⁶ True, the Stoics of antiquity had understood the common brotherhood of all men in their insistence on universal reason. But the Stoic cosmopolis drew its votaries away from society; and the Greeks and Romans more generally, as modern liberals saw, recognized no limits to politics—whereas modern human rights were to insist precisely on such limits. The Stoics had advocated an “unpolitical, invisible spiritual community, in which one took refuge from the tumult of political struggle.”¹⁷ For this reason, “there would need to be many intellectual bridges to proceed from reason ruling the world to the concrete state and its political and juristic formation.”¹⁸ The same insistence on discontinuity applied to early Christians, whose kingdom was also—as Jesus always insisted—not of this world.

The most one could say for the Stoic-Christian contribution—lionized by the great church historian Ernst Troeltsch in an earlier number of *Historische Zeitschrift*—is that it made possible Scholastic natural law, which embraced the project of moralizing politics.¹⁹ St. Thomas Aquinas and others, Ritter wrote, had propounded “the idea of an eternal order of right that stands over the state, the idea of a justice and a peace that all earthly powers must serve.”²⁰ In a sense, this guaranteed the purposes that human rights were later to serve, without the sociopolitical transformations that were to provide the forum for their annunciation. “So long as Christian belief is truly still alive in society, there can be no totalistic claim by the state; for it is not the highest worldly power that is the object of the highest love and the greatest fear, but rather the Christian God, compared to whose majesty each earthly glory must fade. This two-poled Christian existence relieves the true believer of all fear of men; it makes him in his innermost ethical-religious core independent of all state command and gives him a sphere of life that is free of the state.”²¹ In other words, religious civilization provided functionally through the alternative authority of God the limitations on the hypertrophic state that human rights would later be called upon to furnish some other way. The Scholastic triumph was to bring the otherworldly universalism of Stoicism and Christianity alike down to earth, forging the morality that later went by the name human rights.

It was because it preserved the inward, moral sphere that religious freedom emerged as the first of all human rights. Impressively, Ritter generously acknowledged not the Lutheran Reformation but the Dutch and English dissenting traditions, which eventually were to find their way to American shores, for the truly pioneering theoretical breakthrough in this regard. Theirs was not a scheme to protect and promote bourgeois comforts, as Germans had once charged, but a high-minded

¹⁶ Ibid.

¹⁷ Ibid., 235.

¹⁸ Ibid.

¹⁹ See Ernst Troeltsch, “Das stoisch-christliche Naturrecht und das moderne profane Naturrecht,” *Historische Zeitschrift* 106, no. 2 (1911): 237–267; published in English as “Stoic-Christian Natural Law and Modern Secular Natural Law,” in Troeltsch, *Religion in History*, trans. James Luther Adams and Walter E. Bense (Minneapolis, 1991), 321–342.

²⁰ Ritter, “Ursprung und Wesen der Menschenrechte,” 236.

²¹ Ibid., 237.

and spiritual origin for rights that Germans could now recall. True, propounding freedom of conscience had not been the most common result of Protestantism's advent. On the one hand, even in England, the Reformation could easily smash, rather than reinforce, the old two-poled distinction between spiritual and temporal authority, promoting bloody confessionalization. On the other, the principles of religious freedom that the dissenters introduced were not a simple source for the more full-blown rights of the American Revolution, which instead created a permanent dilemma for anyone who thought to champion these principles.

At the beginning of the twentieth century, the German political scientist Georg Jellinek had claimed the direct Protestant origins of modern rights.²² Yet as Ritter observed, in colonial America "the general paradigm is English privileges from the king and freedoms of Englishmen handed down from time immemorial; and in any case the Christian character of colonial society was assumed and went without saying." By 1776, in contrast, "emancipation from the Anglican Church played no further role. An article on freedom of religious conscience was inserted late in the Virginia Bill of Rights, and not without opposition from the state church, which itself hoped to be established." Something new drove the colonists: "not religious, but essentially material complaints." Unlike the right of religious freedom, which expressed "spiritual ardor," American secession reflected a "purely worldly and politically irrepressible desire for recognition, an authentic nationalism of the young colonial people."²³ Thus, the limitation of the state that it had been unnecessary to proclaim in the Middle Ages was only one modern implication of the invention of human rights, which indeed had another face, less spiritual and more material, and less moral and more political. If Americans leapt from the long-developing list of English privileges against the king to the announcement of general principle—"the general phrases of natural right, which applies to all humanity," as Ritter put it—it was because they moved from religion to revolution.²⁴ Which lesson did the rise of rights teach, then? Not simply the translation of the state limitation that religious forces had once introduced, but also subsequent and competing developments that pointed toward very different results.

It mattered utterly, Ritter continued, that the ambiguous transformation had occurred in a wholly atypical place, a "colonial hinterland."²⁵ "Only on the virginal soil of colonial America," as he put it, "was there, after the yoke of English dominion had been shaken off, a society so completely without tradition, one that achieved this without its revolutionary subversion." The same, however, was not to be true for the next destination of human rights: France. What made sense in America, with its wide-open spaces and untraditional equality, could not directly apply to Europe, especially Continental Europe, where it was the *resistance* of the old Stoic and Christian legacy to transformations in the direction of American individualism and especially economic freedom that mattered. For the Declaration of Independence "had in reality nothing more to do with Christian natural law."²⁶ It went so far as

²² For background, see Duncan Kelly, "Revisiting the Rights of Man: Georg Jellinek on Rights and the State," *Law and History Review* 22, no. 3 (Fall 2004): 493–530.

²³ Ritter, "Ursprung und Wesen der Menschenrechte," 240.

²⁴ *Ibid.*, 243.

²⁵ *Ibid.*, 245.

²⁶ *Ibid.*, 247.

to base social ethics on the natural desire of men to pursue happiness, a telltale—and somewhat disturbing—concession to eighteenth-century materialistic utilitarianism. “For Christian social ethics,” by the starkest of contrasts to modern self-involved hedonism, “men have the same worth as God’s children, but only and above all on condition of like responsibility before the eternal judge.” From Christian thought followed “the recognition of each man as a person, that is, as the bearer of an eternal distinction in an ethical order.”²⁷ It was precisely the difference between these earlier conceptions and the potentially anarchistic implications of “human rights” from 1776 on that meant that the more democratic states became, the less they resembled moral communities, and the more they risked engaging in a totalitarian abuse of rights rather than truly generalizing them. History, Ritter insisted, had shown as much. What was safe in Philadelphia was explosive and dangerous in the extreme in Paris and elsewhere.

Thus, the distant roots of human rights in the Christian Occident needed to be remembered, but only in light of the perversions of democracy with which rights had since, alas, become bound up. This history, which Ritter covered in his discussions of the trajectory of Jean-Jacques Rousseau’s principle of popular sovereignty and of its apotheosis of the French revolutionary Declaration of the Rights of Man and Citizen, had to be recalled now, too—not least because it had led, long down the road, to Hitler’s triumph. On the Continent, democracy was “wholly foreign to history,” and when it was applied there, it “was profoundly destructive, compromising the very freedom of the personality that it was alleged to secure.”²⁸ He continued: “If it was the point of human rights to restrict the sovereignty of the state in the name of an individual sphere of freedom, this problem could not really be solved with a radically interpreted sovereignty of the people that led directly to the submission to the masses.”²⁹ No wonder that the nineteenth-century consensus—even in the Frankfurt revolutionary parliament in 1848, where heartfelt appeals to rights cast them as a German inheritance rather than a natural or hedonistic entitlement—retreated from American and French radicalism.³⁰ True, the Germans debating rights in the Frankfurt Paulskirche had played a dangerous game and deserved condemnation for their excesses, as their “National Liberal” followers saw; but even their early emphasis on the importance of German rights within a German state achieved a useful embedding of rights without yet risking the democratic wildfire that America had invented but contained, and that France had unleashed on the world, leaving nothing but terror and destruction. For its assertion of rights *against* democracy, “we look back on the liberal nineteenth century with so much wistful longing.”³¹ Twentieth-century history was not to be so kind to German lands, as the destitute form of rights as mass emancipation and totalitarian slavery won out.

Ritter dealt with the disaster on a final page. In his lifetime, the “unholy” story had been one of “the shattering of traditions” and the drive to spiritual uniformity of both world wars, with their “total” absorption of all facets of life in the state along with their moral corruption and idolization of the political nation, and the tech-

²⁷ *Ibid.*, 248.

²⁸ *Ibid.*, 254.

²⁹ *Ibid.*

³⁰ *Ibid.*, 256.

³¹ *Ibid.*, 259.

nologization of life with its “corrosion of the concept of the person.” And “behind it all lay the advancing secularization of the Occidental world.” On a political level, the baleful Rousseau had the last laugh, in the form of “the doctrine of the national general will, which realizes itself without restriction of eternal law.” The “inner logic” of *volonté générale* was the *Volksgemeinschaft* of the National Socialist movement.³²

If there was no returning to the premodern era, before the ambiguity at the heart of human rights had emerged, the key now was to isolate and prioritize their good version. Freedom of the person, not vulgar equality, mattered; and especially, high-minded spiritualism, not low-minded materialism, had to govern the meaning of human rights, so that the memory of the social ethics that Christianity had once provided without human rights could be defended against the hedonistic and democratic guise that the latter could easily assume. Against the Soviets, in particular, the rationalistic interpretation of human rights could offer no defense, since the promise of collective material happiness had now passed over to communism, in spite of its American origins.³³

The move to social rights, whether in the Weimar Constitution, the Atlantic Charter, or emerging UN language (including the draft Universal Declaration), was in this sense treacherous, as the Stalin Constitution of 1936, which included similar promises, had shown that their real meaning was terror. Not that they were unimportant, and they might even be crucial, given the collapse of liberal capitalism, which had caused so much misery in living memory.³⁴ But everything depended on whether the new “human rights,” both political and social, were an attempt to restore and revive by other means the wisdom of Christian social ethics, or simply a prelude to democratic and materialistic totalitarianism. “On human rights depends in the end whether life on this old European continent will remain worth living” thus meant primarily whether the right interpretation of them would prevail.

ALTHOUGH THE LANDMARKS on Ritter’s map, from the Stoics on, largely track most contemporary exercises in the history of human rights, its idiosyncrasies are obviously a reflection of the time in which it was written—suggesting that contemporary forays into this charged field, too, might say much more about very recent experiences than about the deeper past that they ostensibly narrate. To encounter Ritter is thus first and foremost to worry about what sorts of short-term concerns might affect how the human rights that historians want to cherish are emplotted in a long history. And placed in context, the main revealing feature of Ritter’s argument is the contemporary reorganization of the politics of religion with which his whole interpretation was bound up.

Among the key elements in Ritter’s cultural signaling is the recasting of the relationship between Christianity and “the Occident” of the postwar era, a topic of overwhelming importance that has barely begun to be analyzed. It is a transformation to which Ritter provides an interesting guide, because it was the fate of the Christian Occident that he understood to be most at stake in the efflorescence of human rights.

³² *Ibid.*, 260.

³³ *Ibid.*, 261.

³⁴ *Ibid.*, 262.

Indeed, the next year, in a commentary on the new *Grundgesetz* of the Bonn Republic, which refracted human rights into West German domestic constitutionalism, Ritter insisted again that Christian social ethics, though now unavailable as a potentially direct foundation of collective European life, must assume the task of informing human rights to avoid their secular or revolutionary perversion, or all would be lost.³⁵ Although he never gave up his sense of the superiority of the German Lutheran tradition, what mattered to him, as to many others, in the postwar period was transcending an older politics of sectarian dispute leading to ecumenical compromise and unity in the face of unprecedented fear and catastrophe. He gave a leading role to Catholic principles. And while Axel Schildt and others have shown that there was a real tendency in postwar West German conservatism to exclude America from “the Occident,” Ritter found Atlantic Protestantism to be crucial.³⁶ Both moves fundamentally affected his history of human rights.

As far back as 1942 (in a piece published only after the war), Ritter had bemoaned the terrible price for “the Occidental idea” that Hitler’s state had exacted, and signaled that only the unification of Christians could save it now.³⁷ According to his student Klaus Schwabe, Ritter’s participation in the Freiburger Kreis resistance group in his mostly Catholic university town had softened his revulsion toward the Roman Church and sensitized him to the riches of Scholastic natural law traditions; and Ritter testified that his experience of being imprisoned with Catholics had opened his eyes to the fact that what Christians shared mattered far more than what separated them. But after the war, the escalating threat of secularism counted just as much as a rationale for closing ranks.³⁸

On the four hundredth anniversary of Luther’s death in 1947, Ritter delivered a dramatic talk, which he updated to present in English to fellow Reformation scholars in Washington, D.C., in December 1952.³⁹ In it he emphasized that the legacy of the Catholic background was crucial even for German Lutherans. It was essential now, he insisted, to acknowledge the medieval Catholic attempt to join God’s revelation and worldly affairs, whatever its flaws, rather than to take Lutheranism’s escape route to individual faith as the one thing needful. After all, Luther, while

³⁵ Gerhard Ritter, “Die Menschenrechte und das Christentum,” *Zeitwende* 21, no. 1 (July 1949): 1–12.

³⁶ Compare Heinz Hürten, “Der Topos vom christlichen Abendland in Literatur und Publizistik nach den beiden Weltkriegen,” in Hürten, *Katholiken, Kirche, und Staat als Problem der Historie: Ausgewählte Aufsätze, 1963–1992*, ed. Hubert Gruber (Paderborn, 1994), 282–307, with Axel Schildt, *Zwischen Abendland und Amerika: Studien zur westdeutschen Ideenlandschaft der 50er Jahre* (Munich, 1999).

³⁷ Gerhard Ritter, “Untergang und Wiedererweckung der abendländischen Idee: Eine Zeitbeobachtung von 1942,” *Neubau* 2, no. 7 (October 1947): 290–297, and 2, no. 8 (November 1947): 342–350.

³⁸ Klaus Schwabe, “Change and Continuity in German Historiography from 1933 into the Early 1950s: Gerhard Ritter (1888–1967),” in Hartmut Lehmann and James van Horn Melton, eds., *Paths of Continuity: Central European Historiography from the 1930s to the 1950s* (Cambridge, 1994), 89–90; cf. Schwabe, “Der Weg in die Opposition: Der Historiker Gerhard Ritter und der Freiburger Kreis,” in Eckhard John, Bernd Martin, Marc Mück, and Hugo Ott, eds., *Die Freiburger Universität in der Zeit des Nationalsozialismus* (Freiburg, 1991), 191–206. It should be noted that while this circle’s wartime memoranda, in which Ritter had a major hand, invoke natural law and Christian order, they do not include human rights language. See Klaus Schwabe and Rolf Reichardt, eds., *Gerhard Ritter: Ein politischer Historiker in seinen Briefen* (Boppard am Rhein, 1984), Anlage II; and Helmut Thielicke, ed., *In der Stunde Null: Die Denkschrift des Freiburger “Bonhoeffer Kreises”* (Tübingen, 1979).

³⁹ Gerhard Ritter, “Luthertum, katholisches und humanistisches Weltbild,” *Zeitwende* 18, no. 2 (1946–1947): 65–84; published in English as “Lutheranism, Catholicism, and the Humanistic View of Life,” *Archiv für Reformationsgeschichte* 44, no. 2 (1953): 145–160.

spiritually uncompromising, had courted “the risk of breaking up the whole universal Christian order of Western civilization,” while Catholicism, however defective, had striven mightily to provide “the spiritual basis for the domination of the whole of life by the church [and above all] that application of the Christian spirit in the practical sphere, by which was determined the political, economic, and social order of the world.” It was Catholicism, therefore, that had provided “a cultural unity in the Christian Western lands,” one “that possesses within it a strong power of rebirth and recovery after disaster.”⁴⁰

No feature of Ritter’s history of human rights is more surprising than its assignment of a sort of acme to Catholic natural law for concretizing religion in social norms in a way that Lutheranism never managed to achieve, whatever the deep validity of its critique of Catholic intermediation between God and man. To be sure, the Lutheran correctly suspected that attempting to embed morality in the world—even a morality of rights—carried a terrible risk. “Was there ever a mob-rising of chaos against order, of the masses against their overlords, was there ever a revolution or a grave breach of the law that was not embellished by a proclamation of the innate natural rights of man?” he asked. “Indeed the worst memories of mankind come to mind when we hear talk of such ‘natural rights,’ and we never understand more clearly what the Bible means by ‘original sin’ than when we witness the inextricable confusion of true and false pathos, idealism and acquisitiveness, noble intention and utter mendacity, in which mankind fights its way onward.”⁴¹ All the same, the worry that had understandably led Lutherans to avoid politics before was at most a cautionary proviso in the present emergency.

In fact, it was Anglo-American Protestantism that now stood the best chance of saving the dire situation, and Ritter opened himself to it in this era in remarkable ways in both theory and practice. He joined the Protestant “ecumenical movement,” which, after many false starts, experienced a wave of success, due not least to vigorous American wartime work for Christianity to contribute to the future peace. In August 1948, three months before his lecture on the history of human rights, Ritter attended the epoch-making Amsterdam conference of the World Council of Churches (WCC), where the ecumenical movement finally coalesced.⁴² He eagerly reported that Christians, unlike many secular Americans and Englishmen, treated Germans as brothers, but had understood far earlier than their German fellows the need for Christianity to infuse the political world. In his most important article, Ritter reviewed the history of the ecumenical stirrings in wartime, with special attention to John Foster Dulles and the “Six Pillars of Peace” that his Commission to

⁴⁰ Ritter, “Luthertum, katholisches und humanistisches Weltbild,” 69–71; English, 148–149. On the Lutheran legacy of abstention from politics, see also Gerhard Ritter, “Luther und die politische Erziehung der Deutschen,” *Zeitwende* 18 (1947): 592–609. For similar ideas throughout German and European Catholicism at the time, cf. Damian van Melis, “‘Strengthened and Purified through Ordeal by Fire’: Ecclesiastical Triumphalism in the Ruins,” in Richard Bessel and Dirk Schumann, eds., *Life after Death: Approaches to a Cultural and Social History of Europe in the 1940s and 1950s* (Cambridge, 2003).

⁴¹ Ritter, “Luthertum, katholisches und humanistisches Weltbild,” 71–73; English, 148–151.

⁴² No good history of the ecumenical movement exists, but documents and its own self-study provide useful information: G. K. A. Bell (Bishop of Chichester), ed., *Documents on Christian Unity*, 4 vols. (London, 1920–1958); and Ruth Rouse and Stephen Charles Neill, *A History of the Ecumenical Movement, 1517–1948* (London, 1954), esp. chap. 16 on the origins of the World Council of Churches by its general secretary, Willem Adolf Visser ’t Hooft.

Study the Bases of a Just and Durable Peace had formulated on behalf of the American Federal Council of the Churches of Christ. In this phase, Dulles and his colleagues hoped to push Americans toward a peace based on godly morality rather than power considerations alone, while also rejecting the pacifistic temptations of their religious brethren; and among other things, and like other American private groups, they called for an international bill of rights, especially the protection of religious freedom.⁴³

Ritter saw in these developments—and in light of Dulles’s postwar path, in which new anxieties led Dulles to amplify the assertion of rights against totalitarianism of his earlier documents—a precious resource. Ritter explained to German readers that Dulles embodied the spirit of American Protestantism today, because he had announced that Christians needed to mobilize to secure “world order” against potential chaos. Already in a 1947 letter, Ritter had said that he found such idealism moving once he discovered it in Dulles’s wartime career, and he affirmed that such ideas would prove to be Germany’s sole defense against totalitarianism. Those assumptions must have been ratified when he heard Dulles urge fellow ecumenical Christians at Amsterdam the next year to incline to an American rather than Soviet model. Ritter praised Dulles, the WCC, and American statesmen for defending human rights and for their early recognition that the articulation of such rights had to be understood as a Christian moral mission. “Geopolitically,” Ritter concluded, “there can be no doubt that the future of everything that we customarily regard as the heritage of Christian-Occidental culture depends on the almost religious zeal with which today’s America defends the principle of general human rights against the totalitarian state system.”⁴⁴ No wonder, then, that he had tracked the history of this newly pivotal concept to an American epicenter, first in the colonial defense of religious freedom and then, albeit more ambiguously, in 1776. As Americans had shown, Christians “must demonstrate what being a Christian means in the world itself, not in a spiritual void.”⁴⁵

Like Catholicism, Anglo-American Protestantism showed that the world could not be left to itself. The wartime and especially postwar editions of Ritter’s Luther biography, which had once influentially celebrated his hero as the “eternal German,” were revised accordingly.⁴⁶ Ritter dropped that appellation for Luther, and his ear-

⁴³ Gerhard Ritter, “Die englisch-amerikanischen Kirchen und die Friedensfrage,” *Zeitwende* 18 (1949): 459–470. See Commission to Study the Bases of a Just and Durable Peace, *Six Pillars of Peace* (New York, 1943), 72–80. Surprisingly, the otherwise well-informed Ritter seems to have been unaware of FCC activist Frederick Nolde’s participation in 1944–1945 at San Francisco in adding human rights to the UN Charter or his work after. See Nolde, *Free and Equal: Human Rights in Ecumenical Perspective* (Geneva, 1968), for his memoirs. Compare John Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Washington, D.C., 2005), which is in the tradition of retrospective uplift. For a more evenhanded view of human rights within the overall ecumenical agenda, see Edward Duff, *The Social Thought of the World Council of Churches* (London, 1956).

⁴⁴ Ritter, “Die englisch-amerikanischen Kirchen und die Friedensfrage,” 469. For the letter, dated July 29, 1947, see Schwabe and Reichardt, *Gerhard Ritter*, 439 n. 1. For Dulles and Nolde at Amsterdam, see John Foster Dulles, “The Christian Citizen in a Changing World,” in World Council of Churches, *Man’s Disorder and God’s Design*, vol. 4: *The Church and the International Disorder: An Ecumenical Study* (London, 1948), 73–141; and O. Frederick Nolde, “Freedom of Religion and Related Human Rights,” *ibid.*, 142–189.

⁴⁵ Ritter, “Lutheranism, Catholicism, and the Humanistic View of Life,” 158 (not in the German original).

⁴⁶ The wartime third edition (1943) was a serious revision, changing the subtitle to *Gestalt und Tat*

lier statement that it remained open to question whether Lutherans should “join the ‘modern’ world and want to join it, if by this one means the spirit of Anglo-Saxon and Roman culture” was altered to read “if by the modern world one means the spirit of an un-Christian world.”⁴⁷ The justification for these new alliances was, self-consciously, the need for Christian unity and worldly engagement against the Soviet Union, the common enemy of common values. “How uncannily near to our own doors,” Ritter worried, “stands the culture-destroying power of the East, and how darkly is German life already overshadowed by the night of barbarism!” The order of the day was to “re-erect with brain and brawn a sort of emergency structure of human culture out of the old rubble and ruins” and embrace “the cause of reconstruction and the consolidation from within of the old Christian culture of the western world.” (In this era, Orientalism most frequently targeted secularism, while human rights often could stand for the West’s religion.)⁴⁸

To illuminate the significance of the moves Ritter was making, his trajectory deserves comparison with that of Jacques Maritain, a Catholic and French opposite number with whom he converged in important ways in the postwar moment. If Ritter was the most prominent historian of human rights of the era, Maritain was by any measure the leading philosopher enthusing about the concept and promoting it widely. Early in his career, at the time when Ritter was at his most nationalist, Maritain was the leader of a reactionary French Catholic circle working to revive St. Thomas as a bulwark against Rousseau’s founding of democratic idolatry. (In this era, he saw Luther not as a moral alternative to the disease of liberalism but as the cause of the virus.) Maritain’s complex evolution occurred much more slowly in the direction of human rights than did Ritter’s, after the pope’s 1926 ban of his favored political group, Action Française, drove him to a decade of experimentation. By the early 1940s, thus a few years before any German equivalents, Maritain had come to argue—contrary to the overwhelming weight of his own tradition—that Catholic natural law teachings were the best framework for modern human rights. Indeed, he did the most to link the idea of the “human person,” so central to Ritter’s essay, with the idea of human rights.⁴⁹ Along with the powerful revival of natural law in Ger-

and the dedication from his wife to his son Berthold, who fell in the Wehrmacht in Russia on Christmas Eve 1941. The fourth edition (1947) retooled the introduction and the last chapter on the legacy, with the fifth (1949) and sixth (1959) editions altering the latter slightly; the sixth serves as the basis of the English translation, *Luther: His Life and Work*, trans. John Riches (New York, 1963). He kept the famous “eternal German” tag, however, through the 1947 edition (238).

⁴⁷ Ritter, *Luther* (1925), 154, and (1943), 242; English, 218.

⁴⁸ Ritter, “Lutheranism, Catholicism, and the Humanistic View of Life,” 156–159 (not in the German original). In an important recent book, Konrad Jarausch has canvassed the means (the reorientation of the politics of religion aside) by which Germans were brought “back from perpetrating unspeakable crimes to a sincere commitment to human rights.” To do so, he explains, is to examine how a rapprochement with “the West” and “civilization” took place over the decades. The difficulty with this framework, however, is that *every one* of the positive terms toward which Germans are supposed to have headed in this progressive trajectory was already part of their immediate postwar conservative discourse, as the case of Gerhard Ritter clearly shows—human rights included. Jarausch, *After Hitler: Recivilizing Germans* (New York, 2006), vii. For context, compare Dianne Kirby, “Divinely Sanctioned: The Anglo-American Cold War Alliance and the Defence of Western Civilization and Christianity, 1945–1948,” *Journal of Contemporary History* 35, no. 3 (2000): 385–412; Kirby, ed., *Religion and the Cold War* (New York, 2003); and William Inboden, *Religion and American Foreign Policy, 1945–1960: The Soul of Containment* (Cambridge, 2008).

⁴⁹ For the defense of the human person in a larger context, see my *The Last Utopia*, chap. 2; as well

many, the activism of a figure such as Maritain to make old Catholic theories seem like the only viable framework for the new human rights cannot but have influenced Ritter's historical narrative and contemporary attitudes. True, Ritter acknowledged more honestly than the French and Catholic philosopher that the old natural law metaphysics of the "human person" did not flow directly into the new human rights; instead, for Ritter, human rights were at best a proxy for the primacy of that person whom Christianity had once protected without modern compromises. Yet like Ritter's ambivalent championship of human rights in the postwar moment, Maritain's depended on a distinction between their good, communal, and religious form that centered on the person, and their evil, soul-destroying, and Jacobin perversion that unleashed both the individual and the totalitarian state that claimed to meet his needs. As early as 1942, writing in *Fortune* magazine, Maritain had praised the "concept of, and devotion to, the rights of the human person" as "the most significant political improvement of modern times," but warned darkly of the perilous temptation to "claim human rights and dignity—without God," for an "ideology" grounded in "a godlike, infinite autonomy of human will" could lead only to catastrophe.⁵⁰ As Ritter remarked to an ecumenical correspondent, "As Christians we possess the standard with whose help we can distinguish mere assertion and glorification of man from true, ethical understanding of society's obligations to the individual; the so often haphazard and arbitrarily strung together catalogue of 'human rights' has to be checked against our standard."⁵¹

Ritter also fits with a generalized fear of democracy and the role of rights in keeping it at bay. The perception on the part of "Cold War liberals" that Rousseau had paved the way for totalitarianism originated as a commonplace of Christian intellectuals in their interwar reactionary days—and they did not change their minds when circumstances drove them to invent a new kind of conservatism after the war. For Ritter, as for later Cold War liberals, revolutionary-era rights were revolutionary—and violent.⁵² To such figures, indeed, the claim that the French Revolution was the direct origin of more recent human rights would have seemed not simply mistaken, but an extraordinary and dangerous perversity. In other words, it is hard to

as my "Personalism, Community, and the Origins of Human Rights," in Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge, 2011), 85–106.

⁵⁰ Jacques Maritain, "Christian Humanism," *Fortune* 25, no. 4 (April 1942): 106–108. See also Maritain, *Les droits de l'homme et la loi naturelle* (New York, 1942), published in English as *The Rights of Man and Natural Law*, trans. Doris C. Anson (New York, 1943), and many postwar writings. Drafting his senior thesis at just this moment, John Rawls—a Christian thinker and not yet a philosopher of rights-based liberalism—made the human person central to his theological undertaking: "an individual is not merely an individual, but a person." Rawls, *A Brief Inquiry into the Meaning of Sin and Faith*, ed. Thomas Nagel (Cambridge, Mass., 2009), 128.

⁵¹ Schwabe and Reichardt, *Gerhard Ritter*, 439.

⁵² Jacob Talmon, for example, shared the suspicion of appeals to abstract rights, promises of material happiness, moves to social entitlements, and voluntarist, revolutionary means for realizing them. "Carried away by the idea of the rights of man, and the Revolutionary hope of salvation, and exasperated by famine and shortage," he wrote, "the masses confusedly and passionately clamoured that the Revolution should carry out its promises, that is to say, should make them happy." Of course, unlike Ritter, Talmon saw revolution as a "messianic" transformation of religion rather than a departure from it. Talmon, *The Origins of Totalitarian Democracy* (London, 1952), 150; cf. 35–36, 91, 156–157 (property versus social rights), 203 (terroristic Babouvist rights). Cf. Leo Strauss, *Natural Right and History* (Chicago, 1952), also targeting the ambiguity of originally hedonist rights, and in which Rousseau points ahead to baleful twentieth-century developments.

avoid the impression that when human rights were invented and accepted in the 1940s, it was often on the ground of an energetic critique, explicitly Christian or generally spiritualistic at basis, of the French Revolution, an event emotionally rejected by figures now conscripted under the banner of Western spiritual unity. Their attempt to separate rights from revolution in the radically different atmosphere of the conservative restabilization of the post–World War II moment when human rights were canonized was a central feature of the concept’s birth.

In any case, many other examples show that the invention of human rights as a signal for the need to unify Christians was far from Ritter’s idiosyncrasy. Like Maritain, most religious figures—especially the Catholics who were to be so significant after the war—had once rejected the idea of rights as secularist and solipsistic. The Catholic Church’s long-term vilification of the political language of rights is a classic fact, though the institution reshaped itself later.⁵³ In 1940, to take another example, George Bell, the highly influential Anglican bishop of Chichester, commented, “Of course you can dress up the ideas of 1789 and adapt them to the conditions of 1940. But the present situation is the result of secularism. To add a further dose of secularism to what the patient has already absorbed is to add poison to poison . . . No amount of secular Declarations, no number of claims for human rights, without spiritual sanctions, will save us from destruction.”⁵⁴ Yet by the postwar period, thanks in part to Maritain’s agitation and in part to independently successful attempts to capture the language, many prominent Christian intellectuals were championing it—on the condition that it reflected Christian moral community. Those years saw Bell insisting that “the rights of men derive directly from their condition as children of God and not of the State,” given “the sacredness of the human personality.”⁵⁵ When the leading Swiss Protestant theologian and ecumenical icon Emil Brunner addressed the topic in 1947, he similarly insisted that “human rights live wholly from their ground in faith. They are either *jus divinum* or—a phantom.”⁵⁶

For such figures, as for Ritter, the priority of religious freedom mattered most, and its pivotal role in his history reflected a consensual priority. Charles Malik, a Lebanese Christian and a principal drafter of the Universal Declaration, later recalled his fear that “if we should lose th[e] Article on freedom of conscience and religion, namely, if man’s absolute freedom were to be derogated from in any way, even by the subtlest indirection, my interest in the remainder of the Declaration would considerably flag.”⁵⁷ (According to his cousin by marriage Edward Said, who

⁵³ Mary Ann Glendon, the only prominent recent historian of human rights to emphasize religion, systematically ignores this point in citing pre–World War II social encyclicals as a source for human rights, given their usually illiberal interpretations at the time. Catholicism was crucial, but only because a few of its partisans, in Europe and elsewhere, were inventively leaving the reactionary temptation behind, a process that affected the larger church only very slowly, awaiting Vatican II and the collapse of more clerical forms of fascism in Spain and Portugal decades later. Glendon’s emphasis on religion also slights its anticommunist political associations. See Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York, 2001); cf. Glendon, “Catholicism and Human Rights,” in James L. Heft, ed., *Believing Scholars: Ten Catholic Intellectuals* (New York, 2005), 81–93.

⁵⁴ G. K. A. Bell (Bishop of Chichester), *Christianity and World Order* (Harmondsworth, 1940), 104.

⁵⁵ G. K. A. Bell (Bishop of Chichester), “The Church in Relation to International Affairs” (address at Chatham House), *International Affairs* 25, no. 4 (October 1949): 407, 409.

⁵⁶ Emil Brunner, “Das Menschenbild und die Menschenrechte,” *Universitas* 2, no. 3 (March 1947): 269–274, and 2, no. 4 (April 1947): 385–391, 269.

⁵⁷ Charles Malik, “The Universal Declaration of Human Rights,” in Nolde, *Free and Equal*, 10.

sat at his feet in those years, Malik's devotion to rights as a proxy for Christianity flowed unacceptably into doctrines of "the clash of civilizations, the war between East and West, communism and freedom, Christianity and all the other, lesser religions."⁵⁸ By contrast, few serious non-Christian intellectuals were theorists or partisans of the new idea of human rights—or even rights generally—until several decades later.⁵⁹

Such intellectuals were likewise representative of the immediate postwar trajectory of human rights in politics, when the idea survived nowhere in the cacophony of world ideology, except in what became their West European homeland, in an era of Christian hegemony based on a reformulated conservatism.⁶⁰ Of the few causes generally understood as human rights concerns in international politics at the time, the most prominent by any measure was depredations of religion under communism, as evidenced by UN attention to the once-famous internment of Hungarian cardinal József Mindszenty—in the month of the Universal Declaration's passage.⁶¹ The fact that there were socialist and indeed Soviet invocations of the idea in the 1940s was not enough to establish some powerful alternative human rights discourse; apparently, they mainly succeeded in convincing Westerners such as Ritter that human rights had to be saved from totalitarian abuse, which he worried would occur in their name if they came to imply the pursuit of happiness rather than the fear of the Lord.

However threatening, human rights were defended by Ritter in the immediate postwar years as a last genealogical connection between Europeans and a Christian past in which the limitation of the state went without saying because of primary religious loyalties. Ritter's deep history of human rights, though, actually reflected the extremely recent, if quite pervasive, transformation of a politics of religion that only shortly before had veered in the direction of confessionalism and nationalism. Now it offered a Continental and transatlantic spiritual unity that was crucial in the face of the baleful materialism of the Soviet East. "The whole over-concentration on 'the West' is only religious nationalism extended in cultural scope," political theorist Judith N. Shklar put it incisively in 1957, criticizing the common tendency of Christian conservatives of the era to broaden geographically and modernize politically a religious and anticommunist politics that had fastened more narrowly on defense of sect and homeland before.⁶² Most of all, therefore, Ritter's history provides a potentially uncomfortable reminder that, whatever their secular and progressive later uses, human rights in their founding era were commonly part of a religious and conservative enterprise.

⁵⁸ Edward Said, *Out of Place* (New York, 1999), 265.

⁵⁹ See, e.g., UNESCO, *Human Rights: Comments and Interpretations*, introduction by Jacques Maritain (New York, 1948); and R. M. MacIver, ed., *Great Expressions of Human Rights* (New York, 1950), with chiefly religious authors and contents, including famed American Catholic natural law theorist John Courtney Murray's appropriation of rights as part of his praise for American traditions of fusing religious liberty and moral community.

⁶⁰ See Marco Duranti, "Conservatism, Christian Democracy, and the European Human Rights Project, 1945–1950" (Ph.D. diss., Yale University, 2009).

⁶¹ See UN General Assembly Resolutions 272 (III) (1949) and, later, 294 (IV) (1949) and 385 (V) (1950).

⁶² Judith N. Shklar, *After Utopia: The Decline of Political Faith* (Princeton, N.J., 1957), 174.

AS HIS SYMPATHY for Dulles's critique of pacifism makes clear, Ritter's appeal to human rights remained compatible with the exercise of power. Even as he distanced himself from the cult of power for its own sake in the postwar period, he also insisted that the attempt to moralize politics would have to face forbidding challenges. True, as his many critics have insisted, his goal of redeeming German history from its supposed Nazi deviation defined his project fully as much as his supra-state embrace of Christian and "Occidental" identity did. But perhaps, in his championship of a morality of human rights that did not forsake their dependence on power, a redeeming feature of his otherwise local and time-bound embrace of human rights is to be found. For interestingly, and perhaps uniquely, Ritter embraced human rights as part of the transnational invention of "Christian realism," a connection that few other founders of that political theology made, even though it was exploding throughout the West at the time.

Why Basel? The venue of Ritter's lecture on the invention of human rights—the Basler Historisch-Antiquarische Gesellschaft—may have been pregnant with significance. The national myth of the German people then being under forced revision, it was to Swiss Basel—where Jacob Burckhardt had provided the skeptical nineteenth-century counterpoint to the historiography of the triumphant Prussian state—that many were making a pilgrimage, though not always so literally. Most famously, and remarkably, in that same year of 1948, Ritter's older contemporary, the likewise conservative Friedrich Meinecke, delivered his absorbing meditation on the contrast of Berlin and Basel, and Ranke and Burckhardt. Meinecke's career had once involved histories of Germany's break with Enlightenment cosmopolitanism and the rise of nationalism in its stead. Now, at the ripe old age of 86, he conceded rather disarmingly that Burckhardt, the skeptic toward power (and presentism), might have been right all along. Meinecke's once-instinctive preference for the narrative of the apotheosis of the triumphant Prussian state had now been shaken, he explained, with the benefit redounding largely to Burckhardt's pessimism; it might even lead to a rejection of the state not simply as a subject of history, but also as an object of identification. Hugh Trevor-Roper and, more recently, Lionel Gossman have made Meinecke's lecture central to their wonderful treatments of the postwar relevance of Burckhardt's thought at a moment when the principles of German *Machtpolitik* had to be rethought.⁶³

Ritter could not go so far. In his self-labeled "war book" of 1940, *Machtstaat und Utopie*, he had already turned to Niccolò Machiavelli and Thomas More and their contending modern legacies, and the fraught relation they symbolized between power and morality. The book would be reissued after the war, with major revisions, as *Die Dämonie der Macht*, and appeared in English then as *The Corrupting Influence*

⁶³ Friedrich Meinecke, *Die Idee der Staatsräson in der neueren Geschichte* (Munich, 1924), published in English as *Machiavellism: The Doctrine of Raison d'État and Its Place in Modern History*, trans. Douglas Scott (New Haven, Conn., 1957); and Meinecke, *Ranke und Burckhardt: Ein Vortrag, gehalten in der Deutschen Akademie der Wissenschaften zu Berlin* (Berlin, 1948), published in English as "Ranke and Burckhardt," in Hans Kohn, ed., *German History: Some New German Views*, trans. Herbert H. Rowen (Boston, 1954), 141–156. Compare H. R. Trevor-Roper, "Jacob Burckhardt," *Proceedings of the British Academy* 70 (1984): 359–378, reprinted in Trevor-Roper, *History and the Enlightenment* (New Haven, Conn., 2010), 246–265; Lionel Gossman, *Basel in the Age of Burckhardt: A Study in Unseasonable Ideas* (Chicago, 2000), chap. 15; Gossman, "Jacob Burckhardt, Cold War Liberal?" *Journal of Modern History* 74, no. 3 (September 2002): 538–572.

of Power.⁶⁴ In response to Burckhardt's curt apothegm that "power is evil," Ritter drew back in his own reflections. "Power is not simply evil, as Burckhardt thought," he affirmed right at the start of *Machtstaat und Utopie*. It was an estimate he did not change, and that he even amplified, after the war. "Power as such, even combative power, is not altogether evil, as Jacob Burckhardt thought," he added for good measure.⁶⁵

Ritter had first turned to his meditation on power thanks to his teacher Hermann Oncken, who had long before inducted him into critical reflection about the liberatory transcendence of power that utopian schemes promised. As far back as 1922, in fact, Ritter had published a translation of More's *Utopia* to which Oncken added an introduction that detected below the surface of the progressive humanitarianism of the book a rationale for future British imperialism.⁶⁶ In his own reflections, in a very new context, Ritter turned to explore why his own nation inclined to the Machiavellian pursuit of power for its own sake, and to investigate what the alternative to it really was. His basic conclusion in 1940, and indeed in all editions of his book, was that geographical circumstances determined the necessary German embrace of Machiavellianism, whereas More's *Utopia* ought to be read, in content and context, as a reflection of "insular" humanitarianism that only safe isolation from the internecine struggles of neighbors allowed, and that in any case masked its own selfishness.⁶⁷ It was, Ritter always insisted later, a veiled criticism of Hitler, but it was also possible to read it as a defense of the German struggle. For even in his somewhat revised version, Ritter praised national power at the expense of humanitarian morality, at least in a modern German situation.

One source of this view, and certainly the most prominent, was Ritter's continuing affiliation with Machiavellian realism, even as Meinecke was now leaving it behind. Ritter stuck to the position that Machiavelli had set the terms for Continental politics, whose votaries could not be ashamed about their affronts to morality when circumstances required them. "He ought to be praised for illuminating the daemonic aspect of power and for revealing its very nature in so ruthless a fashion," Ritter insisted. Yet whatever his persisting Machiavellianism, Ritter did add that some conceptual alternative now needed to be found: "And still, everything in us refuses to accept meekly what he said, or even to talk of it in Machiavelli's elegant,

⁶⁴ Gerhard Ritter, *Machtstaat und Utopie: Vom Streit um die Dämonie der Macht seit Machiavelli und Morus* (Munich, 1940). The postwar editions, beginning in 1947, were titled *Die Dämonie der Macht: Betrachtungen über Geschichte und Wesen des Machtproblem im politischen Denken der Neuzeit* (Munich, 1947); the English version, *The Corrupting Influence of Power*, trans. F. C. Pick (Hadleigh, 1952), is based on this edition.

⁶⁵ For the original comment, see Ritter, *Machtstaat und Utopie* (1940), 9, and in all editions except the English one; cf. 146–147 n. 13, 169–170 n. 24. For the postwar comment, see Ritter, *Die Dämonie der Macht*, 164; English, 182. Hereafter I cite the 1940 *Machtstaat und Utopie* unless there is reason to do otherwise.

⁶⁶ Thomas Morus, *Utopia*, trans. Gerhard Ritter (Berlin, 1922); see also Hermann Oncken, "Die Utopie des T. Morus und das Machtproblem in der Staatslehre," *Sitzungsberichte der Heidelberger Akademie der Wissenschaften* (Philosophisch-historische Klasse) 13, no. 2 (1922): 1–25; reprinted in Oncken, *Nation und Geschichte: Reden und Aufsätze, 1919–1935* (Berlin, 1935), 373–397.

⁶⁷ The text can be read as an early version of Robert Kagan's *Of Paradise and Power: America, Europe, and the New World Order* (New York, 2003), but in this story, Germans were from Mars and Anglo-Americans from Venus, and the antagonistic structure of their relationship meant that the humanitarians, instead of tacitly depending on the Machiavellians for their protection (as Kagan supposes that Europeans now do), also fight wars, even as they pretend to be activated by universal principles.

not to say joyous, manner. In spite of all that we have seen, we cannot and have not resigned ourselves but are making the attempt to construct an order of things that is based on healthy, reasonable, and moral considerations. We still believe that there must be—somewhere—a moral basis for all social life.”⁶⁸ If Ritter was going to remain a realist, it would have to be on the basis of Christian morality, not Machiavellian power alone.

Yet Anglo-American utopianism—long since rejected by Meinecke and Ritter—still did not fit the bill. Machiavelli’s great contemporary More had indulged in the fiction of island separation to dream the dream of humanitarian morality by itself. True, More himself insisted on the state’s power to defend itself, and as a Christian he knew that human sin meant the bankruptcy of excessive optimism about earthly affairs. But *Utopia* ultimately stood for the “program of peace and humanitarian welfare which was to replace the power politics of war and conquest”—and indeed the need for a propertyless, “communist” state to advance that program. Ritter admitted that such a humanitarian utopia might, as More hoped, start by taking advantage of its natural borders and distance, fortifying its ports but not waging endless war. More nevertheless knew, Ritter observed, that economic relations and population growth would embed his polity in the Continental syndrome, from which it only claimed to be free. To be sure, More proposed that planting colonies on virgin soil abroad, steering clear of Continental conflicts, comported with eternal justice, and allowed the humanitarian utopia to avoid the cult of power as an end in itself. But then, Ritter responded, this “humanitarianism” was simply an imperialism caught up in its own high-minded propaganda. And utopia’s claims to humanity in warfare, which the islanders most certainly conducted in More’s scheme, grated when from the Continental point of view it looked like selfishness dressed in the rhetoric of universal ideals. Humanitarian utopianism, far from offering a real alternative, simply hid power beneath the mask of justice, which was “doubly in the wrong since [the utopians] now appeared—in the eyes of the Machiavellian!—as deceitful and pharisaic, in fact like wolves in sheep’s clothing.” As a result, if Ritter wanted human rights to infiltrate politics after the war, it would have to be in full awareness of political theorist Carl Schmitt’s celebrated interwar dictum, a piece of Machiavellian wisdom that had survived the ruin of the German cause: “Whoever invokes humanity wants to cheat.”⁶⁹

This critique of morality as the propagandist’s delusion competed, however, with a very different argument in Ritter’s arsenal, one that was becoming increasingly prominent: morality needed power and would have to reckon with its frightful implications. “Without some assistance from real power,” Ritter insisted, “no ideal has ever been able to survive for long in the field of power politics.” And if so, “the moral code fails to remain self-contained and absolute.”⁷⁰ The Machiavellian could try to dispense with the utopian, but the reverse was not the case, and this lesson still

⁶⁸ Ritter, *Machtstaat und Utopie*, 30; English, 23; *Die Dämonie der Macht*, 36; English, 25. In jail in 1944–1945, Ritter wrote “Machiavelli und der Ursprung des modernen Nationalismus,” in Gerhard Ritter, *Vom sittlichen Problem der Macht* (Bern, 1948), 40–90.

⁶⁹ Ritter, *Machtstaat und Utopie*, 60, 65, 79; English, 59, 65, 80–81 (citing Schmitt, as the postwar edition does); Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago, 1996, 2007), 54.

⁷⁰ Ritter, *Machtstaat und Utopie*, 32; English, 26–27.

applied in the postwar scene—applied with more force, since the order of the day was to moralize politics. Ritter never got very far in resolving this dilemma. Although in the later versions of his book on Machiavelli and More, he extended the story from World War I to World War II and transformed his postscript into a chapter saying what he insisted he could not say under dictatorship, the great revelation of how to resolve the controversy between the claims of morality and the demands of politics remained sketchy and inadequate.⁷¹ Self-evidently, in his various versions of the defense of power, Ritter hoped to isolate and defend the main line of modern German nationalism from its alleged deviation in the Nazi movement and its wars—which he blamed in any event on Western and especially French democratic incursion.⁷²

It was a stance that, perhaps by chance, caused what was almost certainly the first dispute over the history of human rights, which took place in the pages of the *Times Literary Supplement*. In March 1950, an anonymous notice on the new volume of the *Historische Zeitschrift* singled out Ritter's piece on human rights as its "most important article" and gave a respectable summary of it.⁷³ In April, Geoffrey Barraclough, whose studies had recently sought a medieval explanation for Germany's modern errors, inveighed against this complacency. Barraclough worried about "subtly reactionary and nationalist trends" in the new journal, and charged that Ritter wanted to "prove (put with a brutality which he would certainly deplore) that the ideas of Human Rights that developed historically in England and France, and the liberal parliamentary democracy that went with them, are the historical source of 'totalitarianism.'" ⁷⁴ Was this more than a bit unfair? Clearly wounded, Ritter (who had met Barraclough in his home when he visited England in October 1949) wrote first to his critic privately, then in a letter to the editor, decrying this "total misapprehension" of his views. "As I explained on the first page," he noted coldly, "I

⁷¹ See Gerhard Ritter, "Vom Doppelsinn des Politischen," *Deutsche Rundschau* 68 (January 1942): 6–10; and Ritter, *Machtstaat und Utopie* (1943 ed.), Appendix; then Ritter, *Die Dämonie der Macht*, chap. 5: "Versuch einer theoretischen Überwindung des Gegensatzes," titled in the English version "The Contrast Resolved." See also Cornelißen, *Gerhard Ritter*, chap. 6.3; and Ritter, "The German Professor and the Third Reich," *Review of Politics* 8, no. 2 (April 1946): 246, along with his English-language preface, for his own self-interpretation.

⁷² Ritter, *Machtstaat und Utopie*, 118–121; English, 131–133. He pursued this quixotic agenda most directly in his book-length postwar response to attempts to draw a line from Teuton forests, through Lutheranism, Prussianism, and Bismarck, to twentieth-century aggression. Gerhard Ritter, *Europa und die deutsche Frage: Betrachtungen über die geschichtliche Eigenart des deutschen Staatsdenkens* (Munich, 1948), republished as *Das deutsche Problem: Grundfrage deutschen Staatslebens gestern und heute* (Munich, 1962), on which the English version is based: *The German Problem: Basic Questions of German Political Life, Past and Present*, trans. Sigurd Burckhardt (Columbus, Ohio, 1965). For a later English summary of Ritter's attempt to blame Nazism on democracy, see his "The Historical Foundations of the Rise of National-Socialism," in International Council for Philosophy and Humanistic Studies, *The Third Reich: A Study* (New York, 1955), 381–416. For context, see Jean Solchany, *Comprendre le nazisme dans l'Allemagne des années zéro (1945–1949)* (Paris, 1997); and for historians specifically, see Solchany, "Le nazisme: Déviance allemande ou mal de la modernité? La réflexion des historiens dans l'Allemagne des années zéro (1945–1949)," *Vingtième siècle* 34, no. 2 (April 1992): 145–156.

⁷³ "Current Periodicals," *Times Literary Supplement*, March 31, 1950, 206.

⁷⁴ Geoffrey Barraclough, "The *Historische Zeitschrift*," *ibid.*, April 14, 1950, 229. Barraclough had been impressed by an essay by Johann Albrecht von Rantzaу that he read before it was published: "Individualitätsprinzip, Staatsverherrlichung und deutsche Geschichtsschreibung," *Die Sammlung* 5 (May 1950): 284–299, published in English as "The Glorification of the State in German Historical Writing," in Kohn, *German History*, 157–174, which indicts Ritter's inability to break from the German conception of history.

wanted to oppose the traditional skepticism in German history of the practical meaning of so-called human rights.”⁷⁵

That a long line of critics such as Barraclough have indicted Ritter for continuing the nationalist traditions of German historiography is understandable. The evidence for that conclusion is there to see. Much more interesting to note, however, is that if Ritter struggled to fit the need for a morality now formulated as human rights together with the role of “power,” it was not simply out of nationalist apologetics. It harmonized with the transnational crystallization of Christian realism that, in America and England no less than in Germany, insisted on the realities of power as a framework for moralism. Just as he esteemed Dulles, Ritter heaped praise on Reinhold Niebuhr and his fellow Christian “theologians of a new world order.” (Niebuhr, like Ritter, attended the WCC’s Amsterdam congress, but it is not clear that they met.) Similarly, Ritter floridly welcomed the spectacular emergence of Cambridge don Herbert Butterfield as a prominent Christian theorist of international affairs whose emphasis, like Niebuhr’s, fell on the permanence of sin and the need to grant power its inevitable role and not simply deplore it moralistically.⁷⁶

There are, to be sure, deep intellectual and political defects in this tradition, not least in its revived form in the global war on terror, first by so-called liberal hawks and now by Barack Obama himself. Recent affiliates with the tradition typically take the emphasis on a fallen humanity as a warrant for belligerence in an evil world, rarely seeing its relevance—as Niebuhr certainly did—for their own potential conduct. And Obama has also appealed to Christian realism to explain why he must still fight wars, making the hard choices in a world of enemies that the “human rights lobby” in his country and, especially, Western Europe finds abhorrent.⁷⁷ Yet it is worth noting that few of the early Christian realists cared much for the percolation of human rights; Niebuhr, most notably, disdained them.

Uniquely for his time and since, and perhaps precisely because he knew that his own country had indeed gone so wrong, Ritter strove to make Christian realism compatible with devotion to the new human rights. Instead of rejecting them as hollow optimism, he insisted that, like all idealistic moral aspirations, human rights were ambiguous in their implications, because they depend on politics to be embedded in national life and world affairs. Besides imposing constraints on states, Ritter knew that appeals to such norms can consecrate dangerous “crusades for

⁷⁵ “And I also wanted,” he added, “to participate as a historian in clarifying the inner tension between the principle of freedom and that of equality in the catalogue of natural-law *Human rights* [a phrase he left in English in his German letter] of 1776. This tension has grown only clearer in the course of the last century and a half. If equality is understood not as equality of opportunity but as equality of life entitlements, then the danger of a communist revolution, and the destruction of a liberal social order, lie very near.” Letter of April 4, 1950, in Schwabe and Reichardt, *Gerhard Ritter*, 461. For the further correspondence between the two, see *ibid.*, 463 n. 11. For Ritter’s public reply, see “Letters to the Editor,” *Times Literary Supplement*, May 12, 1950, 293.

⁷⁶ See Ritter, “Die englisch-amerikanischen Kirchen und die Friedensfrage,” 460–461; Gerhard Ritter, “Christentum und Geschichte: Zu Herbert Butterfields christlicher Geschichtsbetrachtung,” *Zeitwende* 24, no. 2 (August 1952): 139–151, esp. 145; and Schwabe and Reichardt, *Gerhard Ritter*, 515–516. The emergence of Christian realism as a transnational event deserves its own historian, but for now see Heather A. Warren, *Theologians of a New World Order: Reinhold Niebuhr and the Christian Realists* (New York, 1997); and Nicolas Guilhot, “American Katechon: When Political Theology Became International Relations Theory,” *Constellations* 17, no. 2 (June 2010): 224–253.

⁷⁷ Barack H. Obama, “Nobel Lecture,” Oslo, Norway, December 10, 2009.

idealistic ends,” including ones that specific states are empowered to conduct.⁷⁸ His history of human rights reclaimed them, but without treating them as a refuge of moral safety that could ever remain free of the impurity of power.

In this sense, if in no other, Ritter’s priority as the first historian of human rights is deserved, no matter the suspect origins of his argument and the very ambiguous legacy of Christian realism. After all, so far historians of human rights as an emerging group have most frequently identified closely and empathetically with the moralization of world politics, offering the validation that deep roots seem to provide, and favoring uplifting tales in which struggles are followed by success. Less examined, let alone explored, in the recent literature has been how the embrace of this set of norms relates to concrete results—including their multiple pathways and blatant failures. Ritter, however, had a pronounced sense of how norms can justify and embellish state action as much as they channel and limit it, and are often annexed to the extension of power in incomplete, exclusionary, and even violent ways as much as they force power to do their bidding. And he therefore knew that they needed to be treated dispassionately rather than celebrated blindly. When he made himself into the first historian of human rights, it was not least out of an increasingly familiar confusion, a half-century before Americans constructed the field anew and entered it in droves, about how to make sense of the inescapable but perilous connection between morality’s aspirations and power’s realities. We may have different reasons to approach his problem, but it is—or ought to be—ours all the same.

⁷⁸ Ritter, “Luthertum, katholisches und humanistisches Weltbild,” 73; English, 151. “Fixed principle matters,” Michael Ignatieff wrote in a prominent recent apology for mistakenly advocating America’s invasion of Iraq on human rights grounds. But what escaped him in that advocacy, he goes on to explain, is that principle and politics mix uneasily, so it is not certain that “good intentions will guarantee good results.” Ignatieff, “Getting Iraq Wrong,” *New York Times Magazine*, August 5, 2007. What is confusing, however, is that in what was his most recent book at the time of the Iraq War, Ignatieff had already argued that human rights is a politics with all the impurity this implies, not an ethics outside politics. See Ignatieff, *Human Rights as Politics and Idolatry* (Princeton, N.J., 2001).

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