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HUMAN RIGHTS IN A GLOBAL WORLD: RACIALISATION AND RELIGION IN RATHLEF'S *DIE MOHRINN ZU HAMBURG* AND ZIEGLER'S *DIE MOHRINN*[1]

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ABSTRACT

In Rathlef's and Ziegler's plays the need for human rights becomes tangible through the seemingly Other, disrupting the quotidian order of the (bourgeois) realm. The plays explore racial premises placed in close relationship with intertextual correlates, in particular bourgeois tragedies where the female protagonists embody complex moral values in a challenging environment: both plays under scrutiny here similarly rely on the moral impeccability of their Black protagonists to promote the idea of universal human rights. Moral performance and deficiency as well as perfectibility become an intrinsic part of humanness, which resonates with the nascent notion of Herder's 'Humanität' (understood as a common property inherent in human beings but in need of being cultivated and brought out). The article analyses the dynamic of these developmental arguments and seeks to show how these notions of a morally charged 'Humanität' offer a different, transcendent and in many ways transcultural starting point for the discussion of human rights: human rights emanating from the 'Humanität' inherent in all people can be regarded as universal in these plays precisely because they transcend specific sovereign realm(s) and political rights regimes dominant in the eighteenth century.

In Rathlefs und Zieglers Stücken wird die Notwendigkeit von Menschenrechten durch das scheinbar 'Andere' greifbar, das in die Alltagsordnung der (bürgerlichen) Welt eindringt. Beide Stücke untersuchen die Vorstellungen von 'Race' im engen Konnex zu Intertexten, vor allem dem bürgerlichen Trauerspiel, in denen die Protagonistinnen ebenfalls komplexe Werthaltungen gegen eine schwierige Umwelt behaupten müssen. Die moralische Superiorität der Schwarzen Protagonisten ist eine wichtige Voraussetzung in beiden Stücken, um überzeugend universale Menschenrechte fordern zu können. Moralisch richtiges Handeln, Verdienst und Perfektibilität erweisen sich als zentraler Teil des Menschseins und erinnern hierin an Herders Vorstellung von 'Humanität' als eine allen Menschen innewohnende Eigenschaft, die im Einklang mit Gottes Universum ausgebildet und verfeinert werden muss. Dieser Aufsatz analysiert die Dynamik solcher Perfektibilitätsvorstellungen und zeigt, dass Konzepte einer moralisch verstandenen 'Humanität' einen anderen, transzendenten und in vielerlei Hinsicht auch transkulturellen Ausgangspunkt für die Konzeptualisierung

[1] Many racist words appear in the titles of the plays examined, among the dramatis personae and in older secondary literature. In the following only the n-word will be hidden while other words will be written out so as not to impede the legibility of the article or bibliography. This is not meant to perpetuate offence or to make racist discourses palatable, but to face, analyse and conceptually contextualise racist language and notions without any retroactive mitigation. On another note, I would also like to thank Luke Sunderland for his very helpful feedback on my article.

von Menschenrechten bieten: Menschenrechte können dabei in den Stücken als universal angesehen werden, gerade weil sie über spezifische Souveränitätskonzepte und politische Rechtsregime hinausgehen.

Human rights *avant la lettre* have been a long-contested topic. Samuel Moyn emphasises their disconnected history in which he distinguishes earlier iterations of (nominal) human rights from human rights proper, the latter of which he understands as the 'last utopia' in the 70s.[2] As opposed to this sharp divide proposed by Moyn,[3] this article offers a more flexible conceptualisation of human rights which allows us to identify discursive precedents of the legal discourse of today and place them within a moral and philosophical context. Human rights arguably relate to actual human moralities which are shared either transculturally or through rationally justifiable moral norms. Such a moral concept of human rights is the one of interest here, as Ernst Rathlef's *Die Mohrinn zu Hamburg* and Karl Friedrich Wilhelm Ziegler's *Die Mohrinn* both embark on an extensive justification of equality in view of racial injustice and discrimination. By acknowledging fundamental human attributes such as agency, volition and morality as intrinsically deserving of protection, Rathlef's and Ziegler's plays construct a normative foundation for rights applicable to every individual. Consequently, these plays become inherently political, as the moral imperatives they advocate – ensuring freedom, status, protection from harm and prevention of abuses[4] – must be delivered through political and legal channels. The topic of racial injustice to which Rathlef and Ziegler attend in their plays rose to prominence in the wake of abolitionist theory. Between 1776 and 1816, a stream of plays delving into issues of rights and slavery emerged, thus signalling the growing prominence of such concerns.[5]

My argument unfolds on two fronts: firstly, the plays examined dissociate the concept of rights from a national context, drawing attention to the lacunae in national legislation and jurisdiction that became tangible in an increasingly globalised world. Both works address questions of rights concerning foreign characters who, in a modern sense, lack a defined state affiliation. In established European states, the nature of rights available to those without citizenship remained ambiguous. The playwrights assert that 'nationality' or membership in a legal community should not be a

[2] Samuel Moyn, *The Last Utopia: Human Rights in History*, Cambridge, MA 2010.

[3] See the introduction to this special issue.

[4] Human rights focus on freedom, protection, status or benefit for the rightholders, as Charles R. Beitz suggests in *The Idea of Human Rights*, Oxford 2009.

[5] Barbara Riesche identifies twenty-one plays in that vein in her important work *Schöne Mohrinnen, edle Sklaven, schwarze Rächer: Schwarzendarstellung und Sklavereithematik im deutschen Unterhaltungstheater (1770–1814)*, Hannover 2010.

prerequisite for bestowing basic human rights or serve as a model for navigating rights domestically.

If national mechanisms for granting rights to citizens prove inadequate, what criteria underlie a human being's inclusion into the legal community in these plays? The second layer of my argument delves into their alternative conceptualisation of human rights that circumvents notions of statehood or nationhood, favouring an inclusive notion of 'humanity' as the sole relevant touchstone for human rights. Racial difference serves as a poignant illustration: both plays spotlight morally exceptional conduct by Black protagonists, who come close to attaining a divine, angelic standard. In so doing, they provide a quasi-religious benchmark that, as an evocative, transnational and transcultural concept, binds individuals to a transcendent moral framework.

In what follows, I analyse the two plays as offering a distinctive contribution to human rights debates in the second half of the eighteenth century. The specificity of the medium 'literature' allows for different pathways through and beyond extant political and philosophical rights discourses, first, in terms of dramaturgical emplotment: in opposition to common racist categorisations which tie human hierarchies to skin colour,[6] both plays introduce refined, morally superior Black characters[7] who show that all humans are inherently equal. Based on the notion of such transnational, transcultural and interracial sameness, equal rights must be conferred on all humans irrespective of race and culture. Paradoxically, the argument of sameness relies on the distinct moral excellence with which the Black protagonists surpass other characters in each play. While the emphasis of my argument is on the concept of common humanity and its (potential) proximity to the divine (or the divine order), the paradoxical consequences of the moral apotheosis of Black characters matter as well: within the durable racist power matrix of the eighteenth century, the Black protagonists seem essentially required to meet the highest moral standards without any scope for individual deviation.

Second, with their focus on female protagonists, the plays negotiate far-reaching political questions in connection with marriage or potential marriage. (Black) women appear as paragons of virtue and, as Wendy Sutherland[8] has persuasively shown, echo patterns of previous bourgeois tragedies by embodying complex moral values in a challenging

[6] For an overview of different positions on 'race' from Blumenbach to Meiners, see Manfred Geier, *Philosophie der Rassen: Der Fall Immanuel Kant*, Berlin 2022.

[7] Black and White are capitalised in this article following the arguments suggested by Kwame Anthony Appiah, 'The Case for Capitalizing the *B* in Black', *The Atlantic*, 18 June 2020, https://www.theatlantic.com/ideas/archive/2020/06/time-to-capitalize-blackand-white/613159/ (accessed 5 September 2023).

[8] Wendy Sutherland has shown that an instructive connection is forged between the moral values on display in domestic tragedy: *Staging Blackness and Performing Whiteness in Eighteenth-Century German Drama*, London 2016, pp. 179–81.

environment. While the political context is clearly articulated in Rathlef's work, the specific, private setting in both plays makes clear that one must go beyond given political premises and concentrate instead on basic questions of humanness, humanity and belonging, as articulated in universally applicable human relations across 'races', ethnicities and cultures. The need for human rights becomes tangible through the seemingly Other, disrupting the quotidian order of the (bourgeois) realm. In emulating domestic tragedies in their moral axiology – instead of pitting aristocratic power against bourgeois virtue, they juxtapose White and Black protagonists – both plays render the structures underpinning rights claims visible through an (at least nominally) intercultural and interracial perspective.

Human rights are often understood as a set of claims that are bestowed on people without requiring any duties in return. General rights in this sense 'do not arise out of any special relationship or transaction between men'[9] and apply 'against the world at large'.[10] The natural law and natural rights tradition[11] of the seventeenth and eighteenth centuries assumed that all people had inherent rights which came into being not through an act of legislation but were conferred by 'God, nature, or reason'.[12] In this sense, governments were instituted to protect the rights derived from the laws of nature.

With nation states on the rise, however, the notion of rights was increasingly tied to the notion of sovereignty, a power and force which could grant and maintain them within a political context.

Ernst Rathlef's *Die Mohrinn zu Hamburg* (1775)[13] is an instructive case, as the play suggests that these foci on nationhood, statehood and sovereignty are distinctly Eurocentric. At the same time, the tragedy resorts to certain natural law premises which are updated and adapted into a moral conceptualisation of 'humanity' and its specific capacities as well as duties. Furthermore, it suggests a specific *mutualité*[14] as an integral part of being human, which goes beyond individualistic concepts of rights.[15]

[9] H. L. A. Hart, 'Are there any Natural Rights?', *Philosophical Review*, 64/2 (1955), 175–91 (188).

[10] Joel Feinberg, 'Duties, Rights and Claims', in Joel Feinberg, *Rights, Justice, and the Bounds of Liberty. Essays in Social Philosophy*, Princeton 1980, pp. 130–42 (p. 134).

[11] On the different approaches among prominent natural law theorists in this special issue, see Christoph Schmitt-Maaß, '*Lumen supranaturale* vs *lumen naturale*: Human Rights and their Religious Implications in Natural Law in the Early Enlightenment (Pufendorf – Thomasius – Wolff).'

[12] Hans Kelsen, *General Theory of Law and State*, tr. Anders Wedberg, Cambridge, MA 2007, p. 392.

[13] Ernst Rathlef, *Die Mohrinn zu Hamburg: Tragödie*, [no place of publication] 1775. Page numbers in what follows refer to this edition.

[14] Paul Ricœur differentiates between reciprocity and mutuality. The latter is connected to the concept of *agápē*, which will matter in what follows. See Marcel Hénaff, *Le don des philosophes. Repenser la réciprocité (L'Ordre philosophique)*, Paris 2012, pp. 197–231.

[15] 'Concepts such as citizenship, the state, civil society, public sphere, human rights, equality before the law, the individual, distinctions between public and private, the idea of the subject, democracy, popular sovereignty, social justice, scientific rationality, and so on all bear the burden of European

Given the presence of stateless people and slaves (as *homines sacri*) in Hamburg, Rathlef ponders larger, all-encompassing conceptual frameworks of inclusion which transcend the national context. The justification of rights in this global context draws on other premises: instead of merely concentrating on a specific sovereign realm (or the interconnections of several of these)[16] in which rights are formulated, maintained and executed, his focus shifts: human rights can be regarded as universal in the play because they transcend the political rights regimes dominant in the eighteenth century. Following the logic of the play, human rights are not deictically situated in a sovereign bond but emerge outside these power relations.

Rathlef's *Die Mohrinn zu Hamburg*, as the title suggests, takes place in Hamburg, a bourgeois city and intercultural contact zone,[17] where these sacrosanct principles became manifest through their violation.[18] Against this global background, the play argues that a deeper moral instinct can be found in all human beings, irrespective of their specific culture and history. The plot can be summarised briefly as follows: Gorden loves Cadige, a former slave, but is expected to marry his cousin Emilia. He is torn between convention and love when Cadige's African lover Zaduc, from whom she was separated back in Guinea, arrives in Hamburg. After Amanda, the young daughter of Twylen, a Hamburg citizen, has died of unrequited love for Zaduc, Gorden buys the latter from his owner and sets him free to reunite him with Cadige. Unable to choose between the two men, Cadige commits suicide. Over her dead body, Zaduc and Gorden come together as friends.

The transnational and intercultural dimension is an issue topical in the play itself – with Cadige and Zaduc sharing memories of their native values with interlocutors – but it also influences the style[19] and plot of the play. Rathlef incorporates the story of two lovers tragically separated by slavery, which resonates with Aphra Behn's *Oronooko*,[20] but conspicuously

thought and history', see Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference*, Princeton 2009, p. 4.

[16] See Stephen Krasner, *Sovereignty. Organized Hypocrisy*, Princeton 1999, for an overview of different forms of sovereignty (international legal sovereignty; Westphalian sovereignty; domestic sovereignty; interdependence sovereignty).

[17] Birgit Tautz, 'Travelling Ideas of (the British) Empire: Translating the Caribbean World for the Eighteenth-Century German Stage', *Publications of the English Goethe Society*, 79/2 (2010), 95–111; and Birgit Tautz, *Translating the World: Toward a New History of German Literature around 1800*, Philadelphia 2018, pp. 30–67.

[18] Sigrid G. Köhler, 'Drastische Bilder: Journalnachrichten auf der Bühne: Versklavung und Abolition als Gegenstände moderner Geschichtsreflexion in deutschsprachigen Journalen und Theaterstücken um 1800', *LiLi*, 49/3 (2019), 375–98.

[19] The play frequently quotes or refers to Shakespeare, see, for example: 'Seyn oder nicht seyn: das ist die Frage' (p. 121).

[20] Sigrid Köhler and Julia Rebholz have been working on the circulation of the *Oroonoko* motif in the context of colonialism and slavery, identifying multiple translations or adaptations of the material by

moves away from its core theme of rebellion. While Rathlef is reluctant to encourage or support political rebellion, he is still keen to critically examine any given customs or norms. In the play, Gorden suggests that historically generated norms must be heeded, even when they are rooted in prejudice.

> Das würde nun gewiß sonderbar genug seyn, wenn ich eine Mohrinn heyrathete. Man muß dem Gebrauche, man muß selbst den Vorurtheilen etwas nachgeben. Ich sollte mich mitten in meiner Vaterstadt lächerlich machen? Das wäre – Was würde man von mir denken? was würde man von mir reden? Derjenige ist der Ehre eines guten Vaterlandes nicht werth, dem es gleichgültig ist, was seine Mitbürger von ihm halten. Ich bin nicht der erste und werde nicht der letzte seyn, der der Nothwendigkeit etwas aufopfert. (p. 23)

The discourse then shifts without any segue to art, where Gorden contrasts the customary as a marker of valuable civic conformity with the notion of the 'Genie', a key concept in the 'Sturm und Drang' movement:

> Freylich ist das Genie nichts anders, als ein hoher Grade des Ehrgeizes. Diese heftigen Triebfedern, welche von so wenigen empfunden werden, müssen etwas gutes und großes hervor bringen. Zwar lebet niemand, ohne doch etwas Ehrgeiz zu besitzen; auch hat jedermann zu irgend einer Sache Geschicke. Aber jene starke Triebfedern, welche den höchsten Grad des Willens herauf treiben, die müssen seyn, wenn etwas ungemeines, etwas ausserordentliches entstehen soll. Der Grund dieser Triebfeder kan wohl nichts anderes seyn, als ein feines Gefühl, welches vermögend ist, diesen hohen Grad des Ehrgeizes zu erzeugen. (pp. 23–4)

For Gorden, the Genie equals 'Ehrgeiz', the desire for honour. In his view, Phidias would not be tempted by a 'slab of marble and a chisel' on a remote island since he could never satisfy his 'Ehrgeiz' in complete solitude. Even groundbreaking artistic ingenuity therefore remains indissolubly tied to social recognition; analogously, the citizen, as part of a collective, requires the approval of his fellow citizen: axiological consensus regulates social behaviour and aesthetic production. Moreover, when he considers five thousand years of (diverse) human history, Gorden finds the concept of

Aphra Behn, *Oroonoko: Or the Royal Slave*, London 1688. The French Ziméo-tale is also an adaptation of Aphra Behn's novel *Oroonoko*; but see Anja Bandau, 'Jean-François de Saint-Lambert and His Moral Conte "Ziméo" (1769) in the Context of Abolitionist and Imperial Activities', in *Enlightened Colonialism: Civilization Narratives and Imperial Politics in the Age of Reason*, ed. Damien Tricoire, New York 2017, pp. 205–26. See also Sigrid G. Köhler, 'The Politics of Truth-Telling. Black Resistance and the Transatlantic World in Nesselrode's Drama Adaption of the Ziméo-Plot *Zamor and Zoraide* (1778)', in *Performances of Colonial Slavery and Race from International Perspectives*: 1770–1850, ed. Sarah Adams, Jennifer Gibbs and Wendy Sutherland, London 2023, pp. 77–93.

originality proper an implausible one, as 'art' simply consists of the very same 'fabric' altered into somewhat different designs.[21]

Two aspects of Gorden's argument are relevant to the tension between the universal and the particular in human rights discourses. First, in these reflections citizen and artist alike are shown to be dependent on their fellow human beings to achieve full recognition. And second, Gorden refers to different forms and scales of communities in his musings: humankind at large is juxtaposed with specific communities rooted in time and place. Under the mutual umbrella of humankind all races and peoples jointly own the totality of artistic production and human thought as a distinct quantum, whereas tradition and conventions only apply to specific spatio-temporal circumstances. A complex field of tension arises between the all-encompassing category of humanity and the concrete cultural variances pertaining to individual lives. While Rathlef extensively ponders the obligation towards a collective already in place, he also grapples with the ostensible inescapability of specific rules and conventions. He seems to allude to the possibility of (non-revolutionary) change as well, not only aesthetically in his reverence for Shakespeare and Herder, but also in his celebration of the Black characters,[22] thus raising the question of how current customs and laws can or rather must be overcome and adjusted for non-citizens. Does the inclusive viewpoint emanating from the notion of one undivided humanity offer a new, binding perspective on legal constructs?

The unnamed 'Zigeunerjunge' proves a salient character in this respect and has a minor yet indicative role in the play. In an encounter with Cadige, he offers to dance in a 'mohrisch' fashion to please her. When she explains to him that his exaggerated dance moves would be counter-intuitive in the heat of Guinea, he astutely points out that he would be paid 'für die Anstrengung des Leibes' (p. 35), for the visible exertion, for the tangible use of his body. With this notionally purchasable exploitation, *Die Mohrinn zu Hamburg* not only ridicules the 'dehumanizing exoticism'[23] to which this dance is supposed to appeal but also anticipates one of the core themes of the play: slavery and racial inequality. The 'Zigeunerjunge' refuses to

[21] The paradoxes around innovation culminate in the prominent role of ancient Greece in aesthetic debates that praise the Greek ideal while at the same time discarding imitation as an admissible artistic strategy: 'Nachahmen soll ich nicht und dennoch nennet / Dein lautes Lob mir allzeit Griechenland' (p. 25). The well-established imaginary 'Griechenland' seems inconsistent with the simultaneous clamour for originality. As Gorden seems to doubt the possibility of the latter, 'Griechenland' as a specific ideal is not necessarily dethroned but the question of its seminal precedence is nonetheless indirectly raised.

[22] Cadige and Zaduc are admittedly perfectly assimilated to local customs or at least highly compatible with them: 'Afrikaner waren keineswegs a priori von den Spitzenpositionen ausgeschlossen, aber sie konnten sie nur erreichen, wenn sie auf wesentliche Elemente ihrer "Afrikanität" verzichteten'; Peter Martin, *Schwarze Teufel, edle Mohren, Afrikaner im Bewußtsein und Geschichte der Deutschen*, Hamburg 1993, p. 247.

[23] Sankar Muthu, *Enlightenment Against Empire*, Princeton 2003, p. 12.

accept this principle of fungibility: where Gorden's uncle Wallmer thinks he can convince Gorden to marry Emilia by translating her worth into actual net worth ('Ihr könnet euch dreihunderttausend Mark curant in der Brautnacht verdienen', p. 74), the 'Zigeunerjunge' persistently addresses his interlocutors as 'brother' (p. 68) or 'father'. By focusing on a more fundamental connectedness beyond social status and wealth, he intuitively unites all people in one human family. Wallmer, on the other hand, is scandalised when the 'Zigeunerjunge' uses the ostensibly irreverent 'du' and refers to him as 'father' (pp. 70–1), reading this form of address as an unforgivable violation of the established social hierarchy. Although the 'Zigeunerjunge' is an unspoiled, natural pariah in society and thus conspicuously removed from the Hanseatic social world, he possesses a deep-rooted understanding of morally appropriate behaviour. When he happens to acquire a valuable purse in exchange for an earring that is not his he even ponders throwing the money into a river; unimpressed by easily attainable riches, he does not wish to own what does not rightfully belong to him. It is on this occasion that Gorden calls him a Cynic philosopher 'ohne es zu wissen' (p. 69).[24] In his personal quest for virtue and in his (admittedly involuntary) exclusion from power, prestige and wealth, the 'Zigeunerjunge' unwittingly aligns himself with Cynic principles.

Gorden's reference to Cynicism is productive for the analysis of the play in two respects: through the 'Zigeunerjunge', whose non-name demonstratively evokes 'the travelling people' with their presumed (often pejorative) 'oriental' origin,[25] Cynics come into view as *kosmopolitēs* (citizens of the 'world'), who have transcended the specific limits of their original social and political community and in so doing have assumed a different, not *polis*- but *cosmos*-based standpoint. In the play, the pluralistic global outlook embodied by the 'Zigeunerjunge' is a modified version of such a cosmic standpoint which shifts the emphasis from a specific, locally generated rights system to the notion of universal belonging, to an *a priori* inclusivity.

The mention of Cynicism, moreover, connects Rathlef's play to Agamben's more recent reflections on the role of the biopolitical machinery of the West which separates *zoē* from *bios*, namely 'bare life' from 'politically qualified' life. In *The Highest Poverty: Monastic Rules and*

[24] Superfluous to say that the 'Zigeunerjunge' in his distance to Hamburg's society is at the same time aligned with certain core European notions: property, work ethic, being gainfully employed, etc. His remoteness from norms therefore only concerns specific areas. This contradiction also signifies the specific paradoxes of these 'global' plays. See the following.

[25] See the problematic, contemporaneous *opus magnum* on this topic by Heinrich Moritz Gottlieb Grellmann, *Die Zigeuner: Ein historischer Versuch über die Lebensart und Verfassung, Sitten und Schicksale dieses Volks in Europa, nebst ihrem Ursprunge*, Dessau and Leipzig 1783. For more context on the complex relationship between Germans and the Sinti and Roma see Claudia Breger, *Ortlosigkeit des Fremden: 'Zigeunerinnen' und 'Zigeuner' in der deutschsprachigen Literatur um 1800*, Cologne and elsewhere 1998. Klaus-Michael Bogdal, *Europa erfindet die Zigeuner. Eine Geschichte von Faszination und Verachtung*, Frankfurt a. M. 2011.

Form of Life, Agamben analyses Franciscanism as 'the way to emancipate oneself from all types of property so as to step out of the sphere of law. Paradoxically, the Franciscan rule epitomises a normative code that dismisses in toto its formal structure, and which finds in the kynical actuality of practical virtue the one and only way in which it might be exemplified':[26]

> Because the Cynic form of life deposed the *nomos* itself, the Cynic exile is no longer in a relation of a ban to this *polis*. Indeed, in Cynicism a genuine new sense of politics and *polis* arises based on this exile. This *polis* is no longer social or conventional, but rather concerns nature or the world (*kosmos*) itself.[27]

The Cynic cosmopolitan utopia reflects a notion of universal political belonging in self-imposed exile from existing societies. To render the biopolitical apparatuses inoperative, Agamben introduces the idea of form-of-life which transcends the opposition of *bios* and *zoē*: 'The constitution of a form-of-life fully coincides […] with the destitution of the social and biological conditions into which it finds itself thrown.'[28] In the state of contemplation *bios* and *zoē* coincide:

> Contemplation and inoperativity are in this sense metaphysical operators of the anthropogenesis, which, in liberating human beings from every biological and social destiny and every predetermined task, render them available for that peculiar absence of work that we are accustomed to calling 'politics' and 'art'.[29]

The form-of-life encapsulates potential and praxis, a form of becoming which no longer submits to power. Where Agamben describes the necessity to 'step out of the sphere of law', Rathlef's terminology is different: he wants to liberate humans from their social and political destiny by extending fundamental rights to all humans. Although Rathlef's play is deeply embedded in Western discourses and *dispositifs* (the bourgeois, Enlightened, European system of thought which Agamben sought to deconstruct),[30] it is striking that Rathlef resembles Agamben's *Homo Sacer* series in one pivotal point: he searches for an *a priori* inclusive formula of humanity which transcends the sovereign *polis* as the locus for the 'production' of human beings and human rights. What the play

[26] Roberto Mosciatti, 'Franciscan Cynicism: Bare Life as a Transformative Cosmopolitics', *Journal of Italian Philosophy*, 2 (2019), 42–59 (53).
[27] Gert-Jan van der Heiden, 'Exile, Use, and Form-of-Life: On the Conclusion of Agamben's *Homo Sacer* series', *Theory, Culture & Society*, 37/2 (2020), 61–78 (67–8).
[28] Giorgio Agamben, *The Use of Bodies*, tr. Adam Kotsko, Stanford 2016, p. 277.
[29] *Ibid.*, p. 278.
[30] The sacredness of human life, the *homo sacer* in Agamben's work, is to be understood as the correlate of sovereign power, not as an expression of transcendence.

conclusively shows is that 'humanity' and its corresponding rights cannot be defined or limited by local customs, rules and rights; it cannot be confined to certain classes, races or ethnicities but must consider the 'very being of the human, if a new form of community is to be envisaged. This […] has to be the human as transcendent, not as the 'natural' biological body – the body of the Greek *zoē*.'[31]

In the increasingly globalised world of the eighteenth century, the problem of different legal traditions and the notion of statelessness – extensively discussed by Hannah Arendt in *The Origins of Totalitarianism* – was already tangible.[32] Both Agamben and Arendt highlight the fact that the notion of human rights simply stands for rights which would neither emancipate nor protect us from sovereign power. As Lechte and Newman note, in the view of these thinkers 'rights have the effect of further inscribing us – on the basis of our "bare life" – within the mechanisms of the biopolitical state, a state whose raison d'être in modernity is the government and regulation of the biological life of the population.'[33]

Race proves to be an important eye-opener in Rathlef's play, which attempts to render the political machinery of inclusion and exclusion visible. The notion of race also complicates analysis of the play, as the text oscillates between political and analytical concerns, i.e. between the necessity to problematise the given legal situation and the need to prove human equality across different 'races' beyond any doubt. Although *Die Mohrinn zu Hamburg* mirrors problematic assumptions about race and gender of the time, Rathlef simultaneously seeks to identify formulae by which humans or humanity can be defined beyond given political norms and machineries. In this sense, he is keen to demonstrate that skin colour, though still an important aesthetic component,[34] does not indicate inner virtues and proves as superficial a label as a handsome face or a meaningful

[31] John Lechte and Saul Newman, *Agamben and the Politics of Human Rights: Statelessness, Images, Violence*, Edinburgh 2013, p. 19.

[32] Cf. also Samuel Moyn, Alastair Hunt, Astra Taylor and Stephanie DeGooyer, *The Right to Have Rights*, London 2018.

[33] John Lechte and Saul Newman, 'Agamben, Arendt and Human Rights: Bearing Witness to the Human', *European Journal of Social Theory*, 15/4 (2012), 522–36 (523).

[34] Please also see further discussion below. Rathlef deconstructs certain stereotypes while affirming others in unexpected ways: Gorden's love for Cadige, for example, is not impacted by her black skin even though there seems to be general agreement about its unflattering quality. For women, the customary aesthetic ideal of whiteness remains uncontested, while Zaduc is unanimously perceived as an Adonis and thus aligned with seemingly universal beauty standards. Greek or Roman references were common to validate Black beauty; in this sense, Europeans are commonly seen as the apex of beauty, see Martin, *Schwarze Teufel, edle Mohren* (note 22), pp. 241–71. There is one more thing to consider here, though: presenting Cadige as visually unappealing also undermines the distinct sexualisation of the colonial subject; for the British realm, see Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest*, London 2013. See also Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, Berkeley, CA 2002.

name:[35] Emilia, the beautiful Hanseatic daughter, is in this sense far removed from Lessing's famous eponymous protagonist in *Emilia Galotti*; in *Die Mohrinn* it is not Emilia who commits suicide in view of a moral dilemma (to which Rathlef's Emilia would be insusceptible), but Cadige.

In the course of the eighteenth century, moral excellence was precipitously becoming a distinguishing and empowering factor for the bourgeoisie.[36] Closely related to patterns of domestic tragedy,[37] the Black characters in Rathlef's play are elevated to this level of moral exceptionalism, destabilising racial prejudice and the racialised hierarchies in place.[38] Those hierarchies, feeding into the given legal and social order, are the inherent premise that the play attempts to refute. To be sure, Rathlef emphatically reiterates that all races consist of individuals with different moral and intellectual dispositions, but the argumentative trajectory of the play is largely dependent on the exceptional character of the Black protagonists: it is their palpable human excellence which reduces slavery and its inherent laws to absurdity.

The play presents Cadige as an educated, intellectual woman whose reflections the dim-witted Wallmer can hardly follow. As Barbara Riesche points out, Cadige may be Black but she never appears to be alien:

> Ihre Hautfarbe ist schwarz, ihr Wesen, 'ihr Herz', jedoch ist weiß: Es 'hat die Farbe des Schwanes und der Unschuld' […] und das ist nicht nur im moralischen, sondern auch im kulturellen Sinne metaphorisch zu verstehen. Die Außenseiterin ist sie nicht, weil sie sich auf irgendeine Weise kulturell von den Hamburger Bürgerkreisen der Wallmers unterscheidet, sondern allein, weil keine der weißen Figuren (noch nicht einmal Gorden) sich nach den eigenen Wertmaßstäben so moralisch verhält wie sie.[39]

Gorden's understandable appreciation for Cadige[40] is mirrored in Amanda's unrequited and thus fatal love for the slave Zaduc. Her death affords Gorden and Twylen the opportunity to explore the specific legal and ethical status of slavery in a maieutic dialogue in which they examine different layers of human relationships. Marveling at Zaduc's insolence in

[35] The first play of this kind, it embarked on this topic before discussions around Black Africans and their place in nature, history and culture became more prominent. Cf. Uta Sadji, *Der Mohr auf der deutschen Bühne des 18. Jahrhunderts*, Anif and Salzburg 1992, pp. 117–224.

[36] Cf. Wolfgang Martens, *Die Botschaft der Tugend. Die Aufklärung im Spiegel der deutschen Moralischen Wochenschriften*, Stuttgart 1971.

[37] Sutherland, *Staging Blackness* (note 8), pp. 179–81.

[38] See Martin, *Schwarze Teufel, edle Mohren* (note 22), pp. 197–203; Annette Barkhaus, '"Rasse" zur Genese eines spezifisch neuzeitlichen Ordnungsbegriffs', in *Die Ordnung der Kulturen: Zur Konstruktion ethnischer, nationaler und zivilisatorischer Differenzen 1750–1850*, ed. Hansjörg Bay and Kai Merten, Würzburg 2006, pp. 33–52.

[39] Riesche, *Schöne Mohrinnen, edle Sklaven, schwarze Rächer* (note 5), p. 130.

[40] Gorden still stands out as the sensitive soul who recognises her as an equal; by contrast, any scientific or cultural interest expressed by other characters is understood as a distinct form of othering which shifts Cadige from a subject into an object position.

turning down a 'Tochter eines hamburgischen Bürgers' (p. 85), Twylen is ready to take him to court over Amanda's death. Gorden immediately points out the futility of such a lawsuit insofar as love is not legally enforceable, but also highlights that the actual defendant would be Zaduc's legal owner; the latter is neither free nor does he have the right to property. Twylen responds in bewilderment: 'Weder Freyheit noch Eigenthum? Das scheint mir doch wunderlich zu seyn. Er hat dennoch einen eigenen Willen; seine Handlungen, gut oder bös, sind doch die seinigen und er muß dafür haften' (p. 86).

Gorden then goes on to explain that slaves are punishable by the law but not entitled to its protection; they may undeniably be human beings, as Twylen points out, but not legal persons:

> GORDEN. […] einen Sklaven kann man eben so wenig vor Gericht fodern, als diesen Tisch, oder als Ihre Katze. Er ist zu betrachten, wie ein lebloses Ding, wie ein unvernünftiges Thier; er ist gar keine Person.
>
> TWYLEN [i.e. der Wirt, C. N.]. Keine Person? Bey Gott! er ist doch ein Mensch.
>
> GORDEN. Der Gestalt nach, sonst sind ihm alle Rechte des Menschen von dem Gesetze genommen worden. (p. 87)

Twylen's reservations towards Black people – against whom he harbours no 'hatred' (p. 89) – are not rooted in any conviction of racial inferiority (he himself is the grandson of a Black grandmother) but in their accidental, marginal social status. His position is contradictory: he does not reflect on Zaduc's human status when he initially decides to buy him as a slave for his daughter.[41] While instinctively utilising the given power structures whenever it seems opportune, Twylen proves conveniently oblivious to their implicit and far-reaching ethical, and logical, consequences. Zaduc's rightful owner, Osorio, who is intent on selling his slave to Gorden at a premium ('einem Seemann muss alles feil sein', p. 91), exhibits a similar ambivalence. He paradoxically sees Zaduc as both unique and expendable, thus exposing the cognitive dissonances associated with the system of slavery. When he shares the heroic story of how Zaduc judiciously quells a slave mutiny (saving Osorio's property while also liberating the rebellious slaves), Gorden is quick to point out Osorio's inconsistency: 'Das ist eine That, die mit allen Ducaten in der Welt nicht bezahlt werden kann' (p. 96).

When Osorio agrees, Gorden proceeds to raise a more general question which in fact permeates the entire play: 'und gehet man nicht besser mit einer Nation um, unter welcher es so edle Geschöpfe geben kann' (p. 96)?

[41] Zaduc's commodification runs directly counter to Kant's (later) categorical imperative, namely that (rational) human beings ought to be treated as an end in themselves and never exclusively as a means.

To answer this concern, Osorio invokes religious and seemingly rationalised justifications of slavery, first claiming that Black is the colour of the devil, to which Gorden responds with an old adage: 'Wie wenn die Mohren in Ansehung unser eben so unbillig dächten, indem sie den Teufel weiß malen' (p. 97).[42] Osorio then resorts to climate theory,[43] declaring that intemperately hot countries produce extreme characters so that Europeans are well-advised to be careful around those who are Black. However, in the end he has to admit that the racial hierarchies in place are maintained for a different reason: 'Das ist nun einmal so, wir würden weder Zucker noch Taback haben, wenn wir keine schwarze [*sic*] Sklaven hätten' (p. 97).[44] If there is no underlying scientific, religious or moral reason to force Black people into slavery, racial hierarchies prove to be a product of self-serving greed, exploitation and capitalist accumulation through commodification.

For Twylen at least, slaves are evidently human beings, as they are endowed with volition and agency:

> GORDEN. Und Sie halten doch die Mohren auch für Menschen.
>
> TWYLEN. Bey dem Himmel, für was anders? […] Wir sind doch alle gebürtig von Gottes Erdboden. (pp. 88–9)

In view of this underlying sameness, Twylen appears stupefied when he learns that the law nevertheless categorically denies them human status; in the play, then, being human means holding inalienable rights.

The rightless slave at whom Twylen marvels represents a form of Agamben's *homo sacer*, a threshold figure simultaneously within and without the law, reduced to bare life (*zoë*) as opposed to politically qualified life (*bios*). Against this specific *nomos* tied to certain political systems, the play raises the question of what lies at the core of humanity outside the sphere of political validation. At its beginning, both Gorden and Twylen agree that the legacy of Roman law helps perpetuate slavery:[45]

[42] See also Johann Gottfried Herder's famous letter 114, Zehnte Sammlung, in *Briefe zur Beförderung der Humanität*, in *Werke in zehn Bänden*, ed. Hans Dietrich Irmscher, Frankfurt a. M. 1985–2000, VII, p. 674: '*Der N**** malt den Teufel weiß*, und der Lette will nicht in den Himmel, sobald Deutsche da sind' (my italics). Further references to this volume appear in the text, shown as VII with the corresponding page number.

[43] David Allen Harvey, 'The Varieties of Man: Racial Theory between Climate and Heredity', in David Allen Harvey, *The French Enlightenment and the Others: The Mandarin and the Savage and the Invention of Human Sciences*, New York 2012, pp. 125–54.

[44] This ambivalence of the colonial project was indeed prominently raised at the time, for example, by Voltaire in *Candide*.

[45] Rebekka Mallinckrodt, 'Slavery and the Law in Eighteenth-Century Germany', in *Beyond Exceptionalism: Traces of Slavery and the Slave Trade in Early Modern Germany, 1650–1850*, ed. Rebekka Mallinckrodt and Josef Köstlbauer, Berlin 2021, pp. 137–62.

> TWYLEN. Das ist ein sonderbares Gesetz, Herr Gorden, ein grausames Gesetz.
>
> GORDEN. Ein uraltes Gesetz, Herr van der Twylen, römisch, uralt.
>
> TWYLEN. Das Gesetz mag wohl gar noch aus dem Heydenthume herstammen?
>
> GORDEN. Nicht anders.
>
> TWYLEN. Blitz und Hagel! und wir sind Christen? […] *ich habe zwar nicht studiert, bin kein Geistlicher, aber, unter uns gesagt, was hilft alles Geplärr, alles Geziere, wenn wir keine Menschlichkeit haben? Unchristlich und unmenschlich*, ja fürwahr, das eine mag wohl so arg seyn, als das andere. Mögte doch allen Menschen es so gut gehen, als ich es ihnen wünsche. (pp. 87–8, my italics)

While Christianity proved an important conceptual vehicle in the fight against slavery,[46] the dialogue continues to strip away further cultural layers and legal legacies until Twylen arrives at the basic notion of 'Menschlichkeit': neither specific legal regimes, however expansive they may have been (like the Roman empire), nor the by then almost ubiquitous dispensation of Christianity (which may even cause greater disparity)[47] can serve as a moral Archimedean point. Rather, it is Twylen's idea of mutual recognition and human kinship. In the preceding part of the conversation, Twylen regards being human as a self-evident and inclusive concept; 'Menschlichkeit', thrown into sharp relief by slavery, furthermore constitutes a normative benchmark and moral target embedded in processes of recognition, empathy and compassion.

Against the multiple layers of the *nomos* which manifests itself in specific laws and mores (differently shaped in diverse cultures), the ability to recognise humankind and treat it accordingly is placed at the heart of the play, re-unifying human diversity in one common principle: 'Menschlichkeit' as both active and passive trait, a feeling ('Empfindung') but also an inherently prescriptive obligation. 'Empfindsamkeit' (sentimentality, sensitivity, sensibility)[48] consequently

[46] Brycchan Carey and Geoffrey Plank, *Quakers and Abolition*, Champaign 2014; Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism*, Chapel Hill 2006; Sarah Lentz, *'Wer helfen kann, der helfe!': Deutsche SklavereigegnerInnen und die Atlantische Abolitionsbewegung 1780–1860*, Göttingen 2020, pp. 58–61.

[47] Osorio even states that he would better understand Gorden's determination to buy Zaduc if Zaduc were Christian and Gorden wanted to liberate him from pagans (p. 103). Nevertheless, in the end Osorio is too proud to accept the money and he immediately reimburses Zaduc, who promptly returns the funds to Gorden.

[48] Ian Cooper speaks of sentimentalism as the 'dominant literary expression of secularized spirituality in the mid-eighteenth century', in 'Literature and Religion in Germany 1770–1830', in *Literature and Religion in the German-Speaking World: From 1200 to the Present Day*, ed. Ian Cooper and John Walker, Cambridge 2019, pp. 122–60 (p. 123).

stands out as a moral virtue in the play,[49] echoing Lessing's famous conclusion: 'Der mitleidigste Mensch ist der beste Mensch.'[50]

The importance of empathy as an essential stage in the process of human recognition is also emphasised in the epilogue to the *Mohrinn zu Hamburg*:[51] in an unspecified afterlife Amanda (Latin for the one to be loved) greets Cadige after her suicide. Both women appear as shadows in that realm where 'Liebe herrscht, die Liebe, / Die Grab und Erd' und Himmel überlebt. (nach Haller)' (p. 126). In the reference to the poet and proponent of physico-theology, Albrecht von Haller, a transcendent, religious form of love presents itself as the ultimate value. It is universally accessible through sensibility or 'Empfindung': Amanda has drunk from the 'Schale der Empfindung […] Daß stets in jeder Brust die Menschlichkeit sich rege. / Ihr edelsten der Seelen, lauft, / Flieht vor dem Unthier' aus dem Wege, / Das Menschen, so wie Bäume, kauft' (p. 126).

The concept of slavery serves as the foil against which this core moral quality of humanness becomes visible: anyone who reduces people to commodities – 'trees' seems to indicate that slaves are not even treated with the same compassion normally extended to animals – is described as an 'Unthier', a dangerous animal.[52] Through this comparison, being human is prominently tied to the moral premise of 'Menschlichkeit', as mentioned by Twylen. The logic of the play culminates in the notion of sacred love which is embodied in both the Black and the White woman who die for love (*érōs*) but, in so doing, also enable 'brotherly' love (*agápē*), first sparked in Twylen towards Zaduc, then kindled between Zaduc and Gorden.[53]

Rathlef's fascination with a plurality of different histories and culturally specific ethical frameworks resonates with Herder's *Auch eine Philosophie der*

[49] On abolitionism in Great Britain, see also Lynn Festa, 'Humanity without Feathers', in *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 1/12 (2010), 3–27 (4): 'Sentimental tropes and figures furnished the imaginative tools that enabled metropolitan readers to recognize the possibility of alleviating the suffering of remote populations and, by arousing and channeling metropolitan sympathies, enlarged the sphere of individuals felt as well as understood to be fully human.'

[50] To Friedrich Nicolai, November 1756, see Gotthold Ephraim Lessing, Moses Mendelssohn, Friedrich Nicolai, *Briefwechsel über das Trauerspiel [1756/57]*, ed. Jochen Schulte-Sasse, Munich 1972, p. 55.

[51] Closeness between imperial and colonial subjects suggests the possibility of empathy; however: 'sympathetic identification creates difference rather than similitude', see Lynn M. Festa, *Sentimental Figures of Empire in Eighteenth-Century Britain and France*, Baltimore 2006, p. 4.

[52] It refers most commonly to 'rohheit, grausamkeit, unmenschlichkeit', see Jacob and Wilhelm Grimm, *Deutsches Wörterbuch*, ed. Deutsche Akademie der Wissenschaften zu Berlin, 33 vols, Leipzig 1854–1960 (reprint Munich 1984), vol. 24, col. 1938. See also Herder, *Werke in zehn Bänden* (note 42), VII, p. 148: 'Humanität ist der Schatz und die Ausbeute aller menschlichen Bemühungen, gleichsam die *Kunst unsres Geschlechtes*. Die Bildung zu ihr ist ein Werk, das unablässig fortgesetzt werden muß, oder wir sinken, höhere und niedere Stände, zur rohen Tierheit, zur *Brutalität* zurück' (italics in the original).

[53] Sutherland, *Staging Blackness* (note 8), pp. 177–203.

Geschichte der Menschheit (1774).[54] It is conceivable that Rathlef engaged with the propositions of this treatise, especially since his protagonist Gorden also reflects on the tenets of sensualism (pp. 24–5) which echo central ideas of *Auch eine Philosophie*.

In this work, Herder follows the history of 'humanity' through different stages up to his own time, and becomes increasingly sceptical of the idea that progress manifests itself in linear form. He compares the Greek *polis* with his own age, where a limited, intimately interconnected microcosm is no longer available: 'Du kannst, *Sokrates* unsrer Zeit! nicht mehr wie Sokrates würken: denn dir fehlt der kleine, enge, starkregsame, zusammengedrängte *Schauplatz!* die *Einfalt* der *Zeiten, Sitten* und des *Nationalcharakters*!' (IV, p. 90; italics in the original). Herder explicitly juxtaposes the citizen of Athens with the 'Erdbürger' (citizen of the world), who lacks the *daimonion*, 'das *sichere Gefühl* dessen, was du tust: die *Freudempfindung* von dem, was du ausgerichtet habest – dein Dämon!' (IV, p. 90; italics in the original).

This expansive realm can seem destabilising, yet it also broadens the potential sphere of resonance for everyone. While difficult for humans to anticipate, its benefits may reveal themselves at a later stage. Herder refers to the chain between peoples and geographical areas that eventually ties them closer together gently but firmly:

> Und wenn uns einst ein *Standpunkt* würde, das Ganze nur unsres Geschlechts zu übersehen! wohin die Kette zwischen Völkern und Erdstrichen, die sich erst *so langsam* zog, denn mit *so vielem Geklirr* Nationen durchschlang und endlich mit sanfterm aber *strengerm Zusammenziehen* diese Nationen binden und wohin? *leiten* sollte – wohin die Kette reicht? wir sehen die *reife* Ernte der Samenkörner, die wir *aus einem blinden Siebe* unter die Völker verstreut, so *sonderbar* keimen, *so verschiedenartig* blühen, so *zweideutige* Hoffnungen der Frucht geben sahen – wir *habens selbst* zu kosten, was der *Sauerteig*, der so lang, so trüb und unschmackhaft gärte, endlich für *Wohlgeschmack* hervorbrachte zur – *allgemeinen Bildung der Menschheit.* (IV, p. 107; italics in the original)

In this vein, Herder concludes with a quotation from 1 Corinthians 13:12–13: 'For now we see through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known. And now these three remain: faith, hope and love. But the greatest of these is love.'

With this climactic passage (IV, p. 107), delivered in Greek, Herder answers the question of the specific vantage point to purview 'das Ganze

[54] He may also have shared Herder's fascination for Shakespeare; cf. Herder's reflections on Shakespeare in *Von deutscher Art und Kunst. Einige fliegende Blätter (Hamburg 1773)*, in *Schriften zu Philosophie, Literatur, Kunst und Altertum: 1774–1787*, in *Werke in zehn Bänden*, ed. Jürgen Brummack and Martin Bollacher, Frankfurt a. M. 1985–2000, IV, pp. 73–118. Further references to this volume appear in the text, shown as IV with the corresponding page number.

nur unsres Geschlechts'[55] and anticipates his later take on 'Humanität'[56] in *Ideen zur Philosophie der Geschichte der Menschheit* by postulating the ethos of love which unifies all the individual, fragmentary existences in one 'Menschheit'.

Two aspects are important in this context: first, Rathlef and Herder recognise a specific version of *agápē* – understood as sacred or divinely inspired love – as 'menschlich', namely a selfless and reciprocal love between human beings. While Herder – a consistorial councillor at the time – conceptualises this love as specifically Christian, Rathlef presents a more neutral, indistinct world of shadows (possibly alluding to Greek mythemes, such as Hades).

Second, Herder and Rathlef both formulate the idea of common 'Menschlichkeit' and 'Humanität' in response to human otherness as experienced and processed in global encounters in a new, expansive world – in fact, the impact of globalisation leads to questions revolving around transnational and transcultural duties and rights, assuming a greater urgency in both cases. Following Herder's world-spanning focus, Rathlef shows how global encounters with racial diversity as well as the cruel mistreatment of different ethnicities and 'races' (in particular, but not exclusively in connection with slavery) constitute a distinct pressure point in relation to basic rights to which every human being ought to be entitled.

Karl Friedrich Wilhelm Ziegler's *Die Mohrinn*,[57] set in England and distinctly more popular than Rathlef's earlier foray into these challenging questions, builds and expands on the notion of ideal-typical 'love', with the play's main Black character, namely the exceptional Joni, embodying it even more strongly. Published in 1802, it captures a significantly later stage in the engagement with questions of slavery and racism. The explicit focus shifts away from (human) rights, even though the absurdity of a White character, Georg, conceivably owning Joni is suggested as offering a technical excuse when she is accused of theft (claiming that Georg instructed Joni to take the briefcase in question). The plot is straightforward: Georg, son of Lord Fleetwell, who had been presumed dead, returns to his father's home after Joni has saved his life on more than one occasion; he prefers her to his fiancée Aurelie, but Joni, determined to clear the way for their union, initially insists that he must keep his word. Towards the end, complications erupt around Georg's aunt Lucie, who is both avaricious and racist and whose superficial, as well as hypocritical,

[55] Johann Gottfried Herder, *Ideen zur Philosophie der Geschichte der Menschheit*, in *Werke in zehn Bänden*, ed. Martin Bollacher, Frankfurt a. M. 1985–2000, IV, p. 16. Further references to this volume appear in the text, also shown as IV with the corresponding page number.

[56] Herder used the term 'Humanität' sparingly till the early 1780s; his criticism of the French word *l'humanité* may have played into that. Cf. Hans Dietrich Irmscher's comments on history and the use of 'Humanität' in Herder's works, in *Werke in zehn Bänden* (note 42), VII, pp. 910–12.

[57] Karl Friedrich Wilhelm Ziegler, *Die Mohrinn, Ein Schauspiel in vier Aufzügen*, Vienna 1802. Page numbers in what follows refer to this edition.

Christianity serves as a flattering contrast to Joni's profoundly ethical mindset. Lucie makes an early appearance in the play, depriving the freshly manumitted slave Jabaz of his travel money – which is promptly returned by the kind Aurelie. Later, Lucie also takes Georg's portrait from Joni, who then breaks into Lucie's armoire to recover it, accidentally helping herself to the empty briefcase from which Aurelia has taken the money to reimburse Jabaz. In the end, everything comes to light, and Aurelie selflessly encourages Georg and Joni to enter matrimony. The legal complication on which the play focuses – Joni is on trial for alleged theft – does not touch on general questions of political or human rights, but the entire play is meant to explain and emphasise moral excellence as a core trait of human beings.

While Joni herself is no longer a slave and certainly fully adapted to her new environment (her mastery of German is impressive, especially in comparison with her brother, who can only just about piece sentences together), the play introduces Lord Fleetwell's slave, Jabaz, at the very beginning. Fleetwell releases him when he learns about Jabaz's father, who – as Fleetwell is himself – must be mourning the (presumed) death of his son. In a moment of reciprocity, Fleetwell, who believes Georg dead, seeks to alleviate the suffering of Jabaz's father, with whom he strongly identifies across perceived racial barriers. Empathy helps him to acknowledge that there is no racial difference in the intensity of paternal love. While the complexity of the legal entanglements in a globalised world persists in Ziegler's play, it is striking that the individual solution facilitated by Lord Fleetwell seems to be entirely satisfactory: his act of manumission does not lead to any meta-discourse about slavery, nor does the play formulate an explicit demand for more comprehensive public legal structures to protect and liberate humans from enslavement.[58] Whereas Rathlef accentuates the need for proper legislation, Ziegler primarily focuses on all potential holders of (human) rights and the mutual moral obligation of all humans based on their shared humanity; human recognition as a general category replaces contractually facilitated reciprocity and/or rights which are protected by a sovereign entity.

If humans should be endowed with certain basic rights – as the play implies – the question of who belongs to this community and how the community is defined becomes paramount. Ziegler's play goes to extreme lengths to demonstrate that Joni is a more than worthy spouse for Georg (as Aurelie herself states verbatim: 'Ich habe ihn geliebt, Joni hat ihn verdient', p. 86); the play demonstratively discards concerns about

[58] Obenewaa Oduro-Opuni, 'German Abolitionism: Kotzebue and the Transnational Debate on Slavery', *Journal of Transnational American Studies*, 10/1 (2019), 237–60 (239). See also Susanne Zantop, *Colonial Fantasies. Conquest, Family, and Nation in Precolonial Germany, 1770–1870*, Durham, NC 1997, p. 152: 'Violence is thus not seen as germane to the master-slave relationship and the colonial situation. It is that which others – some depraved individuals – perpetrate, not we.'

interracial relationships, and the marriage between Black and White is not thwarted in the end, but fully endorsed.

Ziegler's play revolves around moral perfection, based on which Joni can claim rightful access to Fleetwell's family. As in Rathlef's play, being human turns out to be a complex moral construct which appears in productive proximity with the divine, and, in view of these interconnections between morality, religion and humanity, Herder's ideas prove to be heuristically instructive for Ziegler as well, not least regarding the developmental tensions inherent in the former's notion of 'Humanität'. A closer look at Herder's later thoughts on 'Humanität' in particular helps to elucidate the important evolutionary dynamic at the heart of Ziegler's and Rathlef's plays. In the decades following *Auch eine Philosophie zur Geschichte der Menschheit*, Herder continued to refine his ideas relating to humanity, eventually offering a much more specific – if still in many ways polyvalent (and regarding certain cultures, for example, the Sinti and Roma, also distinctly pejorative and exclusive)[59] – approach in *Ideen zur Philosophie der Geschichte der Menschheit* (1784) and *Briefe zur Beförderung der Humanität* (1793). As opposed to humankind as the aggregate of all human beings throughout the ages, 'Humanität' refers to an ideal but attainable state of humankind, but also to its latent potentiality in mankind: 'Hence "humanity" is both an ideal condition and a definable real quality',[60] which echoes Aristotle's philosophy of becoming. As in *Auch eine Geschichte*, the acquisition of knowledge is emphasised in *Briefe zur Beförderung der Humanität* as the 'fundament of human freedom and worship of God. Science and worship are the two sides of the same coin for Herder':[61]

> Herder's concept of 'Humanität' is defined by the intricate interconnection between the all-encompassing principle of a universal 'Vernunft' (reason) – the human faculty of 'Vernunft' being only a part of it – and its pragmatic complement of 'Billigkeit' (fairness). Human 'Vernunft', for Herder, is the faculty that makes human beings godlike because it enables them to participate in God's reason, which is accessible to the human beings via recognition of the order that articulates the universe.[62]

What aligns with Kant's emphasis on 'Vernunft' as the foundation for moral agency[63] (and for Kant's categorical imperative) is at the same

[59] Here Rathlef distinctly differs from Herder's later work, where Herder suggests enrolling Sinti and Roma in the army on the grounds that they were 'a strange, heathen, subterranean nation, alienated by birth from everything godly, decent and bürgerlich'; see Nicholas Saul, *Gypsies and Orientalism in German Literature and Anthropology of the Long Nineteenth Century*, London 2007, p. 1. As these reflections show, Herder's approach was far from consistent.

[60] Robert T. Clark, *Herder, His Life and Thought*, Berkeley, CA 1955, p. 314.

[61] Hans Adler, 'Herder's Concept of Humanität', in *A Companion to the Works of Johann Gottfried Herder*, ed. Hans Adler and Wulf Köpke, Rochester, NY 2009, pp. 93–116 (p. 101).

[62] *Ibid.*, p. 106.

[63] Thomas Gutmann, 'Würde und Autonomie. Überlegungen zur Kantischen Tradition', *Jahrbuch für Wissenschaft und Ethik*, 15/1 (2010), 3–34 (8).

time intricately connected to the idea of a more comprehensive process of becoming and development, of which even 'Vernunft' is a part.[64] 'Fortbildung' is achieved in the immanent world through the capacity bestowed on humans: 'die Gottheit hilft uns nur durch unsern Fleiß, durch unsern Verstand, durch unsre Kräfte' (IV, p. 635). In this sense, 'Humanität' becomes the purpose of human beings, as the chapter title 'Natur und Gott hat unserm Geschlecht mit diesem Zweck sein eigenes Schicksal in die Hände gegeben' indicates (VI, p. 630). Herder merges the notion of 'Billigkeit' with the ethical aspects of human cognition, proceeding from the principle that God's creation is grounded in order which will eventually lead to happiness. The term 'Billigkeit', borrowed from the German legal tradition, balances out the general and individual and thus bears conceptually on the notion of human rights. Herder holds that rights cannot exist without duties, much as human dignity requires philanthropy and vice versa, thus emphasising the perennial law of mutuality: 'Der Name *Menschenrechte* kann ohne *Menschenpflichten* nicht genannt werden; beide beziehen sich auf einander, und für beide suchen wir Ein Wort. So auch *Menschenwürde* und *Menschenliebe*' (VII, p. 147). Herder however also points out that a major part of humanity does not have any dignity yet:

> Es soll aber zum *Charakter seines Geschlechts*, mithin auch zu dessen *Wert* und *Würde* gebildet werden. Das schöne Wort *Menschenliebe* ist so trivial worden, daß man meistens die Menschen liebt, um keinen unter den Menschen wirksam zu lieben. Alle diese Worte [Menschheit, Menschlichkeit, Menschenrechte, Menschenpflichten, Menschenwürde, Menschenliebe] enthalten Theilbegriffe unseres Zwecks, den wir gern mit *Einem* Ausdruck bezeichnen möchten (VII, pp. 147–8; italics in the original)

– namely, 'Humanität'. Chiming with Kant's categorical imperative, Herder draws on the law of 'Billigkeit' which becomes 'des Menschen Richtschnur':

> *was du willt* [*sic*], *daß andre dir nicht tun sollen, tue ihnen auch nicht; was jene dir thun sollen, tue du auch ihnen.* Diese unwidersprechliche Regel ist auch in die Brust des Unmenschen geschrieben: denn wenn Er andre frißt, erwartet er nichts als von ihnen gefressen zu werden. […] Ohne strenge Billigkeit und Wahrheit ist keine Vernunft, keine Humanität denkbar. (VI, pp. 159–69; italics in the original)

While Herder suggests that every human being has the potential of 'Humanität', its realisation and actualisation are duty-bound and inextricably coupled with moral behaviour ('Billigkeit'). 'Billigkeit' is furthermore attuned to God's universe and its order. Humankind cannot discover God's laws in nature and history through reason alone (and thus

[64] Herder sees reason as a structural premise still dependent on 'Vernommenes'; he retains his empiricist position, accentuating the senses and the body as an integral part of being human.

figure as 'image of the Divine') but only through philosophy, cognition *and* religion: with the latter proving to be 'die höchste Humanität' (VI, p. 162). These correlating capacities and faculties, reason, 'Billigkeit', commitment to – and 'Bildung' through – religion, determine 'Humanität'.

In the second half of the eighteenth century, 'Menschheit' had generally become a 'Zielbegriff im Sinne der sich selbst bestimmenden, autonomen Subjektivität'.[65] What matters for the argument here is not only the potential developmental dimension inscribed in Herder's 'Humanität' but also the particular synergy between 'Billigkeit' and the divine. Where Herder is still relating to Christian monotheism, contemporaries reflected on similar frameworks but formulated them more openly. Goethe, for example, explores these interconnections between humanity, the divine and morality in his poem 'Das Göttliche', referring to 'higher beings' in the plural. He also describes a close alignment between the divine and humankind through moral behaviour, as summarised in the famous aspirational mandate to be noble, helpful and kind:

> Edel sei der Mensch,
> Hülfreich und gut!
> Denn das allein
> Unterscheidet ihn
> Von allen Wesen,
> Die wir kennen.
>
> Heil den unbekannten
> Höhern Wesen,
> Die wir ahnen!
> Ihnen gleiche der Mensch;
> Sein Beispiel lehr' uns
> Jene glauben.[66]

Both, then, task human beings with approximation to the divine (Goethe) or to 'Billigkeit' and religiosity as a mode of perfect congruence with God's universe (Herder) and, in doing so, generate a specific tension within the definition of humanity itself. The duality of potentiality and actualisation in Herder's thoughts on 'Humanität' resembles the temporal dyad between now and then inherent in Goethe's imperative. 'Humanität' is also conceived in relation to human perfectibility or 'das Göttliche' itself (Goethe), and therefore enforces a developmental rather than spatialised logic which applies to inclusion or exclusion. In this evolutionary dimension, 'Humanität' becomes directional and relates to (potential and actual) progression and gradation.

[65] Hans Erich Bödecker, 'Menschheit, Humanität, Humanismus', in *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Wilhelm Conze and Reinhart Koselleck, Stuttgart 1972–97, III, pp. 1063–128 (p. 1064).

[66] Johann Wolfgang von Goethe, *Werke*, ed. on behalf of Grand Duchess Sophie of Saxony, 63 vols, Weimar 1887–1919, I/2, p. 83.

In the narrational context, it is central that this model creates an in-built dynamic as it provides an implicit target which can be met or missed. Joseph R. Slaughter stresses this specific evolutionary logic of the 'Bildungsroman': he connects the phenomenon of world literature with international human rights, which he sees as closely allied with the market logics of late capitalism. Slaughter argues that the 'Bildungsroman' offers a crucial conceptual vocabulary and narrative grammar for the free and full development of human personality which is envisioned in a similar fashion in a human rights context.[67] The emplotment of Rathlef's and Ziegler's plays promotes a similar developmental logic with an emphasis on morality, acknowledging that the '*Göttliche* in unserem Geschlecht' (VII, p. 148) needs to be attained through 'Bildung zur Humanität' (VII, p. 148): only its actual achievement reveals (in our case: proves) the ubiquitous potential common to all human beings irrespective of race. In Ziegler's *Die Mohrinn* the Black protagonists refute common racial stereotypes by performatively complying with a set of (specific) qualities underwritten by contemporary moral and religious expectations.[68] Joni, like Cadige and Zaduc in Rathlef's play, undergoes a test of character through which this (ostensibly anti-racist) point can be made persuasively. Yet an unintended side effect of this narrative strategy presents itself when the moral threshold for Black protagonists is almost automatically raised in the racialised[69] context of White supremacy.[70] The plays operate tactically within specific power relations whose epistemological premises they seek to refute. In so doing, the very same hierarchical structures remain intrinsic parts of the plays. Whiteness as a standard of beauty is therefore not a peripheral detail: Ziegler's play notes on multiple occasions that Joni is – almost unanimously – considered to be 'häßlich'.[71] While the play aligns itself with the scopic regimes which register and sustain phenotypical difference, it also sows doubt pedagogically: Joni suggests, when she once faintly objects to her alleged ugliness, that the unfamiliar is always treated less favourably: 'Sie findt mich häßlich. Wäre sie eine Afrikanerinn, vielleicht fände sie mich schön' (p. 60). Despite these brief reflections on the historicity of

[67] Joseph R. Slaughter, *Human Rights, Inc.: The World Novel, Narrative Form, and International Law*, New York 2007.

[68] Sigrid G. Köhler, 'Menschenrecht fühlen, Gräuel der Versklavung zeigen. Zur transnationalen Abolitionsdebatte im populären deutschsprachigen Theater um 1800', in *Recht fühlen*, ed. Sigrid G. Köhler, Sabine Müller-Mall, Florian Schmidt and Sandra Schnädelbach, Paderborn 2017, pp. 63–79 (p. 74): 'Einzelne schwarze Figuren werden zudem dem moralisch-ästhetischen Bildungsideal des ausgehenden 18. Jahrhunderts folgend als "schöne Seelen" dargestellt, die selbst in größter Not noch intuitiv moralisch handeln, so dass die Theaterstücke darüber hinaus jeglichem Zweifel an der Ebenbürtigkeit in Moralität und Humanität schwarzer und weißer Menschen entgegenwirken.'

[69] See Stephen Cornell and Douglas Hartmann, *Ethnicity and Race: Making Identities in a Changing World*, Thousand Oaks 1998.

[70] Anna Stubblefield, *Ethics along the Color Line*, Ithaca, NY 2005.

[71] William refers to her as 'häßlicher Engel' (p. 80), which encapsulates the opposition between the external ugliness and her moral grandeur.

beauty standards, the play predominantly utilises the strong pejorative perspective on Joni's external Blackness[72] to establish the 'whiteness' of her soul, which is repeatedly praised as divine and angelic: a gift sent from heaven ('Geschenk des Himmels', p. 58), human perfection that deserves worship ('Gefühl, das auch Andacht ist – für Verehrung menschlicher Vollkommenheit', 'Was ich an Joni verehre, Ursprungs, ewiger Anbethung werth', p. 58); the play is full of superlatives when it comes to Joni. When Lucie objects to this ostensible 'Abgötterey' (p. 58), Georg refers to the organic connection between human and God, embodied in God's pure breath in Joni's soul ('Die Seele des Menschen ist Gottes Hauch, in Joni hat er sich rein erhalten', p. 58), which incidentally proves congruous with Lucie's pious demands.

Furthermore, as Aurelie observes, Joni's conduct is on a par with that of Europeans and impeccable in comparison with her 'Landesleuten' (p. 40)[73] who, as Aurelie quickly concedes, do not behave ignobly but merely differently: Joni's perfect adaptability is founded in her outstanding intellectual faculties and emotional capacities, with which she can also efficiently disprove prominent racist positions of the time.[74] Her love and magnanimity transcend basic human reflexes such as self-preservation: not only does she almost starve herself to death in order help Georg but she also sucks a snake's venom from his body, risking her own life yet again. In one conversation, she claims that this was her duty as a slave, but then admits that love often resembles this notion of complete submission. Gender dynamics remain enmeshed with the racial hierarchies relevant to slavery. Joni may be stylised as a proper heroine, including a moment of forgivable weakness (she breaks open a cupboard to claim Georg's portrait), but her agency also remains noticeably limited through her close bond with him. At the same time, Joni does not accept Georg's attempt to formulate any prior claim to her heart:

> GEORG. Durch tausend Rechte bist du mein – denn meine Ansprüche auf dich verjähren sich nicht, sie sind in dem Buch des Ewigen eingeschrieben.
>
> JONI. Du hast sie in der Sekunde selbst ausgelöscht, zerrissen den Schuldschein meiner ewigen Dankbarkeit, zerrissen nun auch den Brief meiner Freyheit! Ich will nicht deine Freundinn mehr sein, ich will wieder

[72] Lawrence Blum defines racism in relation to two aspects: inferiorisation due to a putative biological inferiority and antipathy towards a group defined by its allegedly inherited physical traits which are historically connected to forms of racial oppression. While only Lucie shows real antipathy, all other protagonists still agree on the inferior looks of Joni. See Lawrence Blum, *I'm not a Racist, But… The Moral Quandary of Race*, Ithaca, NY 2002, p. 27.

[73] It should be mentioned that Ziegler also introduces Joni's brother as her intellectually less well-adapted counterpart: he is unable to master the local language but proves sensitive and courageous. While the emphasis on 'Bildung' and evolution were common at the time, the plays under discussion offer different examples of adaptation and assimilation.

[74] Sigrid G. Köhler, 'Beautiful Black Soul? The Racial Matrix of White Aesthetics (Reading Kotzebue against Kleist)', *Image & Narrative*, 14/3 (2013), 34–45.

> deine Sclavinn seyn; damit du mit allem Rechte deine Liebe befriedigen kannst. (p. 65)

She does not submit to Georg as a slave but as a selfless, loving person, ready to forsake the physical fulfilment of *érōs* for the more encompassing feeling of sisterly love (*agápē*). Courage, a distinct feeling of self-worth and an immaculate set of morals with which she seeks to protect the people close to her, prove central to her character. As a consequence, she is almost unanimously recognised as 'Engel Joni' (p. 39): 'sie kennt keinen Eigennutz, es fehlt Ihr keine Tugend und wer sie eines so groben Verbrechens beschuldigt, lästert ein himmlisches Wesen, das ich rächen will' (pp. 114–15). In this sense, she has secured '*heiligere* Rechte auf […] [Georgs] Herz' (p. 11; my italics) thanks to her noble, selfless and kind behaviour. Indeed, religiously imbued vocabulary is used throughout to describe Joni's perfection as transcendent: the overfulfilment of moral duties associates her with the idea of human perfectibility in the vein of Goethe, thus bringing her closer to the angelic and divine beings to whom she is explicitly likened in the play.[75] Consequently, she proves to be a worthy future member of the Fleetwell family specifically and, more broadly, of an all-encompassing racially unsegregated family of human beings.[76] This underlying argument in the play reverberates with the notion of a 'Menschheitsfamilie'[77] as it appears emblematically in Lessing's seminal *Nathan der Weise* (1779), where people of different religious persuasions eventually learn that they are blood relatives, or even when – in Rathlef's play – the 'Zigeunerjunge' presupposes family ties between all people(s).

Joni's over-fulfilment of moral standards paradoxically paves the way for the notion of human sameness: Ziegler's and Rathlef's plays both proceed from the notion of global (accidental, not substantial) difference which interferes with the logic of nationally or regionally applicable law. Since the Black characters – not of all of them slaves – fall into this social and legal vacuum, the plays presume a politically unqualified core of humanness which needs to be acknowledged ubiquitously, irrespective of the politically

[75] This side-effect is also observable in Rathlef, who ensures that Zaduc, in his infinite human compassion, is averse to revolutionary upset. One encounters a very similar scenario in all Herder's N****-Idyllen. Susanne Zantop, *Colonial Fantasies* (note 58), p. 151, points out in relation to Zimeo in particular: 'Herder's Zimeo is thus morally cleansed, a "demigod", "born to rule", not to serve […]. Herder depoliticizes his protagonist(s) in order to stress their moral superiority […] and the atrocious effect of the slave trade on black families.'

[76] In the racialised context of the plays, these thoughts resonate with the controversy around polygenesis and monogenesis; polygenesis posits that different races are of different origin, while monogenesis claims a common descent for them. For a summary of these debates, see Tanja van Hoorn, *Dem Leibe abgelesen: Georg Forster im Kontext der physischen Anthropologie des 18. Jahrhunderts*, Tübingen 2013, pp. 85–176. Cf. also Terence Keel, *Divine Variations: How Christian Thought Became Racial Science*, Stanford 2018, pp. 23–54.

[77] Helmut J. Schneider, *Genealogie und Menschheitsfamilie: Dramaturgie der Humanität von Lessing bis Büchner*, Berlin 2011.

specific context. In fact, the social (Ziegler) and political (Rathlef) system should, the plays imply, follow this premise of human sameness. At the same time, human sameness is established through difference in the plays. To be sure, the outstanding moral behaviour of the Black protagonists is discursively aligned with the theories of 'Menschlichkeit' and 'Humanität' which differentiate between active and passive modes or potential and realised states of 'Humanität'; however, it is striking (and, at the same time, in view of the ethical and political argument the playwrights hope to advance, not surprising) that the plays allow for only minimal variation – and never moral failure – in their Black protagonists.

RELIGION AND HUMAN RIGHTS

What does this mean for human rights? In a globalised world, Rathlef's and Ziegler's plays see the community of past, present and future humans in their specific, transcendent 'Humanität' as an answer to the increasing challenges of difference in ethnicities, phenotypes, 'races', cultural and legal traditions. Especially in Rathlef's tragedy, humanness per se is demonstratively presented as politically and culturally unqualified: an inherently transcendent, morally charged 'love' (as 'Menschenliebe') is both the core asset and main duty of being human. By redirecting attention to the underlying common ground of 'Humanität' in the complex emerging sense of the 'Sattelzeit', both plays transcend the question of the locally applicable law, demanding greater legal and social inclusivity for all human beings irrespective of their national, cultural and religious backgrounds.

More recent discussions of human rights and global ethics throw the role of religion and religious language, which are displayed in both plays, into sharp relief. Michael Ignatieff, for example, argues that difference rather than shared identity is the primary factor in human recognition;[78] in this sense, universalism does not derive from our 'ordinary virtues or basic emotional intuitions' but has to be seen as:

> a rational thought experiment, as a critical discourse enacted into international law, whose purpose in the discourse of a free society is to persuade the ordinary virtues to enlarge and expand their circle of moral concern. Human rights functions best as a challenge to majoritarian moral preference.[79]

Following Hume's statement that there is no 'such passion in human minds, as love of mankind, merely as such, independent of personal

[78] Michael Ignatieff, 'Human Rights, Global Ethics, and the Ordinary Virtues', *Ethics & International Affairs*, 31/1 (2017), 3–16.
[79] *Ibid.*, 12–13.

qualities, of services, or of relation to oneself',[80] Ignatieff concludes that general obligations to humans as such, transcending differences of race, class or culture, become elusive in the world of ordinary virtues, where proximity and similarity are more relevant when it comes to the outcome of moral choices.[81]

Coming from Ignatieff's pointed position,[82] the importance of the religious undertone, imagery and language in the plays becomes clear: only a transcendent form of love and belonging can serve as the omnipresent conduit of human interaction and address the multiplicities of cultures and peoples without giving up on the notion of universality as a premise for human equality (and equal treatment under different regional laws or legal practices). A secular, 'cosmopolitan' approach[83] (in the Kantian sense of 'Weltbürgertum') is still dependent on the a priori recognition of humanness which makes any transgression (a violation of basic rights) tangible as such.[84] However, it is exactly this basic human sameness that is called into question by the systemic racism both plays place at their centre.

The increasing awareness of differences – but also navigating through them by means of the paradigm of 'Ähnlichkeit'[85] – helps to further debates around human rights which at least partially cohere throughout the centuries and across different traditions and lines of thought.

Two additional aspects are relevant here: bourgeois, European and sometimes specifically German values are presented as self-evident and universal, so that moral behaviour is benchmarked against locally specific norms (for example, property and authority) which the Black protagonists wholeheartedly embrace. Full acceptance of others who are marked as

[80] David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, Oxford 1956, 2nd edn, p. 481.

[81] Ignatieff, 'Human Rights' (note 78), 10.

[82] By settling for a minimal version Ignatieff intended to counter an overinflation of human rights, which would be susceptible to ideologies: 'All that can be said about human rights is that they are necessary to protect individuals from violence and abuse, and if it is asked why, the only possible answer is historical.' See Michael Ignatieff, *Human Rights as Politics and Idolatry*, Princeton 2001, p. 149.

[83] Wolfgang Huber, 'Human Rights and Globalisation', in *Religion and Human Rights: Global Challenges from Intercultural Perspectives*, ed. Wilhelm Gräb and Lars Charbonnier, Berlin 2015, pp. 7–24 (p. 20).

[84] Seyla Benhabib explores the question of how 'legal norms and standards, which originate outside the will of democratic legislatures, [can] become binding on them', and points out in this context that: 'Kant envisaged a world in which all members of the human race eventually would became participants in a civil order and enter into a condition of lawful association with one another. Yet this civil condition of lawful coexistence was not equivalent to membership in a republican polity. In an extremely important move, Kant argued that cosmopolitan citizens still needed their individual republics to be citizens at all.' Kant's reflection thus remains firmly tied to the notions of sovereignty that Rathlef seeks to sidestep. See Seyla Benhabib, 'The Philosophical Foundations of Cosmopolitan Norms', in *Another Cosmopolitanism*, ed. Seyla Benhabib and Robert Post, Oxford 2006, pp. 13–44, pp. 17 and 24.

[85] For a contextualisation of the notion of 'Ähnlichkeit', see Dorothee Kimmich, 'Ähnlichkeit. Ein Paradigma globaler Literaturgeschichte?', in *Globalgeschichten der deutschen Literatur: Methoden – Ansätze – Probleme*, ed. Urs Büttner and David D. Kim, Stuttgart 2022, pp. 263–78.

'racially' different, it seems, is contingent on their strict adherence to ordinary (in Ignatieff's sense), i.e. local virtues, as Gorden explains in Rathlef's play. This means that the reference to transcendence remains paradoxically coupled with an unwavering affirmation of local (Western) customs and morals.

The other conclusion pertains to the close association of human rights with the nation state.[86] In their urgency and the high priority they were accorded, human rights in the eighteenth century must have been influenced significantly by the simultaneous process of globalisation. As Thomas Vesting has pointed out in his legal theory and the media of the law: 'human rights emerge alongside the territorial aspects of the liberal state as an abstract, "uprooted" praxis, offering the promise of a new political and social order that goes far beyond the rights granted only to the immediate members of a polity'.[87] The analysis of Rathlef's and Ziegler's plays shows that the emphasis on the nation state as the main driver, facilitator and cultivator of human rights must be supplemented by an examination of these globalised discourses which depart from the premise of sovereignty and proceed – however successfully – to excavate the common ground of humanity.[88]

[86] Moyn, *Last Utopia* (note 2), p. 26: 'The "rights of man" were about a whole people incorporating itself in a state.'

[87] Thomas Vesting, *Legal Theory and the Media of Law*, tr. James C. Wagner, Cheltenham 2018, p. 16.

[88] This is also where Agamben's form-of-life, although substantially different, can shed light on the argument put forward in these two plays which, in view of the global world, refuse to proceed from the *polis* at hand to related ideas around (human) rights.