

Freedom of Speech and Moral Development in John Milton's Political Thought and Johann Gottlieb Fichte's Revolutionary Writings

*La libertad de expresión en el pensamiento político de John Milton
y en los escritos revolucionarios de Johann Gottlieb Fichte*

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ABSTRACT This paper aims to explore conceptual relationships between philosophical developments to support freedom of speech in John Milton's *Areopagitica* and Johann Gottlieb Fichte's *Reclamation of the Freedom of Thought*. I intend to enhance the philosophical heritage collected and recreated by Fichte. This paper hypothesizes that both theories state that freedom of speech is a condition for the development of morality. In both cases, moral deliberation has a public character, given that moral judgment needs the consideration of different viewpoints about the question at stake. Finally, in both cases, it is defended a republican concept of power, characterized by opposition to moral paternalism, as a form of despotism.

KEY WORDS Milton, Fichte, Tolerance, Freedom, Revolution.

RESUMEN *Este trabajo apunta a explorar las relaciones conceptuales que pueden establecerse entre los desarrollos filosóficos a favor de la libertad de expresión en Areopagitica de John Milton y en Reivindicación de la libertad de pensamiento de Johann Gottlieb Fichte. De este modo, se busca ampliar el espectro de la herencia filosófica recogida y recreada por Fichte. La hipótesis de este trabajo es que ambas teorías sostienen que la libertad de expresión es una condición para el desarrollo de la moralidad. En otras palabras, la deliberación moral tiene en ambos casos un carácter público, dado que el juicio moral necesita de la ponderación de los diferentes puntos de vista sobre la cuestión a tratar. Finalmente, en ambos casos se defiende una concepción republicana del poder, signada por la oposición al paternalismo moral, como una forma de despotismo.*

PALABRAS CLAVE Milton; Fichte; Tolerancia; Libertad; Revolución.

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El presente trabajo se ha elaborado dentro del marco y con la financiación parcial de los siguientes proyectos de investigación. “Derechos constitutivos, libertad y propiedad en el republicanismo moderno y contemporáneo” (PIP Conicet, 2016-2018) del cual soy Director; “Poder político y formación ciudadana en la filosofía de Johann Gottlieb Fichte” (PICTO N° 0016 Universidad Pedagógica Nacional), del cual soy Investigador Responsable.

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In his valedictory speech, titled *De recto praeceptorum poesos et rhetorices usu* (*On the Right Usage of the Rules of Poetry and Rhetoric*), given upon his graduation from Schulpforta, Fichte addressed the issue of the harmony between reason, affect and fantasy. As Kühn (2012) points out, one author Fichte quoted is John Milton (pp. 56-57). The idea of Milton's influence on the philosopher from Rammenau could seem strange for Fichte scholars because the question has not yet been explored.

In this paper, I intend to contribute in this direction by looking for ideas which are common to both philosophers in respect to Fichte's early texts. In this sense, I aim to point out a tradition which goes beyond the line connecting Fichte with Locke, Hobbes or Rousseau, whose influence on the German philosopher, Renaut (1986) has rightly established (pp. 349-350). I intend to broaden the perspective with respect to the mentioned authors, enhancing the scope of the heritage collected and recreated by Fichte.

With this purpose, I first focus on Milton's treatment of responsibility, which goes hand in hand with the exercise of practical rationality. To better understand this question, I consider the presentation in the epic poems by John Milton. Second, I reconstruct the defense of freedom of speech as a condition for developing practical rationality in the political philosophy of the English thinker.

Fall and redemption in Milton's epic poetry

Milton is considered one of the most important epic poets in English literature. However, his classic work goes beyond the borders of the linguistic community, given that it is embedded in universal literature. As Pujals (2017) states, *Paradise Lost* is an epic poem inspired by Virgil. However, it can be compared to the *Divina Commedia*, given that in both poems, the starting point is the corrupt nature of the subject and the means to the redemption of humankind (p. 24).

A central figure in *Paradise Lost* is Satan, which presents a certain complexity. First, he is a rebel against God's authority, whose exercises of power he considers to be despotic. Even Satan confesses that he prefers the freedom of Hell to prostration before God in Paradise (Milton, 1674/2008, p. 11). In a scene of an intense dramatic character, Satan speaks to his followers, arguing that it has been an honorable fight against God's limitless power and therefore it has been worthwhile (Milton, 1674/2008, p. 24). Consequently, Satan does not regret his rebellion despite having been defeated by God

(Milton, 1674/2008, pp. 6-7). Satan's evil is presented as a way to resist God's dominance (Milton, 1674/2008, p. 8).

This aspect of the character produced in works by William Blake and Percy Shelley conveys the impression that Milton sympathized with him and tended to erase the differences between the fallen angel and his creator (Orgel and Goldberg, 2008, pp. xvi-xviii). In *A Defense of Poetry*, Shelley characterizes the construction of this character as a sublime grandeur (Loewenstein, 2004, p. 56). Beyond the friendly aspect of Satan's figure, Olofson Thickestun (2007) deployed his Calvinist traits, because he considers himself as condemned for all eternity. This figure represents the idea of fate and the impossibility of moral progress (pp. 38-39). Besides, Satan is also constructed in the poem as an epic hero who represents monarchic and feudal order. Therefore, he reminds us of the figure of a tyrant (Loewenstein, 2004, pp. 59-60).

Milton performs a double operation when presenting Satan's figure. On the one hand, he attributes some traits typical of the tragic heroes to him, such as bravery in the battlefield, determination, leadership, strength, etc. On the other hand, Milton evidenced the way in which Satan's actions pervert these classic models. Thus, our author intends to explore and redefine the idea of a hero (Lewaski, 2007, p. xix). On this point, it could be stated, against Percy Shelley, that Milton truly is at the antipodes of the satanic worldview, because his works are the expression of Arminianism. Actually, Milton grounds his poetic, political and philosophical work on the conviction that humans are free and called to achieve moral perfection (Kasa, 2016, p. 267). This is exactly God's viewpoint in *Paradise Lost* regarding human's fate. At the beginning of the poem, Satan is enchained at the Stygian Lake as a sort of punishment. But he is freed by God to drive humankind in the way to moral maturity (Milton, 1674/2008, p. 10). God treats his creatures as adult persons, and therefore he values the rebellion of angels. This means that the actions are morally worthy since the agent can violate the correct norms (Milton, 1674/2008, pp. 64-65).

However, Satan argues that the prohibition to eat from the tree of the knowledge of good and evil is an act of envy by God in respect to the human race to maintain it in an ignorant condition (Milton, 1674/2008, pp. 99-100). In the discourse through which he intends to tempt Eve, Satan argues that the fruit of the tree of the knowledge of good and evil is the key to moral perfection (Milton, 1674/2008, p. 226). It is a misleading argument, given that Satan intends to pervert humans' capacity of moral judgment. For that, he tempts them to achieve their own moral convictions not using their own effort but an instance which is external to their own conscience.

Thus, Satan wants to lead humanity to a heteronomous morality. On this point, I consider that it could be an echo of Milton's criticism toward Catholic dogma and the moral paternalism of the current monarchy. There is great symbolic value in the scene where, while Eve sleeps, Satan settles above her ear in the form of a frog to tempt her in her dreams (Milton, 1674/2008, p. 108). This means that Satan intends to avoid his victims consciously by using their capability of moral judgment to manipulate them better.

Nevertheless, God does not consider the original sin as the moral death of humankind. Instead, God declares that once a human has sinned, he or she has known not only goodness but also evil (Milton, 1674/2008, p. 275). In other words, sin is an instance which operates as a condition for moral progress, since it is the result of humans' fight against sinful and vicious opinions. However, the path toward moral progress will not be free from pains and troubles. The Angel Gabriel describes Adam the consequences of the original sin to humanity, war and violent death (Milton, 1674/2008, pp. 219-220).

Finally, the poem closes with a sad and overwhelming scene, in which Adam and Eve abandon their happy existence in Paradise and head to the uncertainty of earthly life. Milton paints this moment with these words:

Whereat In either hand the hastening Angel caught Our lingering parents, and to the eastern gate Led them direct, and down the cliff as fast To the subjected plain; then disappeared. They, looking back, all the eastern side beheld Of Paradise, so late their happy seat, Waved over by that flaming brand; the gate With dreadful faces thronged and fiery arms: Some natural tears they dropped, but wiped them soon; The world was all before them, where to choose Their place of rest, and providence their guide. They, hand in hand, with wandering steps and slow, Through Eden took their solitary way. (Milton, 1674/2008, p. 317).

Having said that and given that God's plan in Milton's work consists in the achievement of moral perfection, and the figure of Satan is instrumental in this sense, the fall of the original sin is only a step in the process. Milton describes the ending of this formative sequence in his second epic poem, *Paradise Regained*.

This poem centers on the character of Jesus as the model of the new humanity. In accord with Milton's Arminian worldview, the figure of Jesus has not a divine origin, he is entirely human. Therefore, Jesus has the fragile nature of the fallen man. This poem describes the temptations of Jesus. Hence, Satan contributes here too to humankind's moral progress. The temptations to Jesus are presented in persuasive arguments. Satan tries to convince him

to devote his life to searching for political power (represented in the city of Rome), intellectual power (embodied in Athens) and revolutionary militarized violence (Milton, 1671/2007, pp. 265 ff.).

Of particular interest is the debate between Jesus and Satan about the problem of revolution. In this discussion, Jesus refuses to transform the political relationships using force and without a moral formation of virtuous citizenship (Milton, 1671/2007, p. 295). This is one of the central problems of Milton's reflection on political power.

Freedom of speech as a condition of moral improvement

Milton was a tenacious defender of the Revolution of 1649, which ended with the execution of Charles I. Milton's emblematic text was *The Tenure of Kings and Magistrates*. At the beginning of the book, there is an explicit justification of the judgment and execution of a tyrant (Milton, 1649/2014b, p. 141). Milton states that the benefits of the law must not be guaranteed to whom violates all law (Milton, 1649/2014b, pp. 155-156). In support of his statement, he quotes the following verse by Seneca: "There can be slain / No sacrifice to God more acceptable / Than an unjust and wicked King" (Milton, 1649/2014b, p. 156).

The premise is that human beings are born free, and therefore, they cannot be submitted to any external power (Milton, 1649/2014b, p. 148). For this reason, the power of the government comes from the people and is provisional (Milton, 1649/2014b, p. 150). Hence, Milton rejects the hereditary monarchy, given this form of government assumes that the power of the government legitimates him or her to treat the people as a group of slaves (Milton, 1649/2014b, p. 156). However, following Walker (2011, p. 508), Milton is not a formalist; he is not interested in flatly rejecting monarchy but in enhancing his analysis to the different forms of domination that tyranny could acquire.

Kahn (1995) points out the influence of Arminianism in the Miltonian thesis that the social contract does not imply that people transfer all their power to the government because they always conserve it in their hands. Hence, Milton's consequent emphasis is on the inalienable freedom of humans, in opposition to Calvinist predestination (p. 96). Nevertheless, this is not the only origin of Milton's idea of freedom. Skinner (2004) refers to the role played by the republican tradition, which goes back the *Codex Justinianus*. Our author takes from this tradition the idea of freedom as non-domination, that is to say as the absence of submission to the will of the other

(p. 289). In this context, individuals are free since they are their own judge or *sui iuris*. Dzelzainis (1995) complements Skinner's thesis, showing that Milton is indebted to the idea of *libertas*, developed by Titus Livius (p. 17 and footnote). Cox (2007) differentiates the Miltonian conception of freedom from the Hobbesian idea of negative freedom as well as from that which is bound to narrow ideals of moral perfection (pp. 1568-1569).

Despite this republican conception of freedom, Milton does not believe that a violent revolution could end any form of tyranny. The reason for that is that those who can love freedom are only the virtuous ones (Milton, 1649/2014b, p. 143). Virtue can, in turn, be developed only through the use of practical reason, thanks to the exercise of critical judgment. Hence the importance of the freedom of speech for the optimization of rational agency. This is the central point of *Areopagitica*, a key text to understanding Milton's opposition to any form of censorship.

Areopagitica was published as a reaction against a law passed in 1643, called the *Licensing Act*. This law prescribed that a book cannot be published unless it has the license or permission by a commission established by the political authority (Milton, 1644/2014a, p. 101). However, beyond this particular event, the book is motivated by the conviction that politicians must recognize and obey the voice of reason, wherever it could come from. This implies the possibility that even laws which are already passed could be criticized by citizens (Milton, 1644/2014a, p. 100). The privileged medium for the improvement of critical rationality is the free expression of ideas and convictions through a book. Hence Milton's statement that "(...) who detroyes a good Booke, kills reason it selfe (...)" (Milton, 1644/2014a, p. 103).

In the course of *Areopagitica*, Milton develops several argumentative strategies to defend freedom of speech as a condition of argumentative rationality in moral and political fields. From this background, Milton refers to Ancient Greece when the judges of the Areopagus only condemned the blasphemous, atheists, or slanderous books. For example, the judges of Areopagus condemned Protagoras's books to the fire, given that there the author began the work manifesting his ignorance in respect to the existence of the gods (Milton, 1644/2014a, pp. 102-103). Nevertheless, this happened neither with the writings of Epicurus, who denied the divine providence, nor with those by cynics, who stood for a licentious sexual life. Even Plato recommended Dionysius to read Aristophanes' plays (Milton, 1644/2014a, p. 103).

Similarly, the Ancient Romans allowed some freedom of speech, given that Lucretius could publish his *De Rerum Natura*, a text in which he expressed his atheist worldview. Even this text was read before Cicero, who argued in

his writings against atheism (Milton, 1644/2014a, p. 104). In this respect, and according to Kranidas (1984), Milton reconstructs English culture in continuity with the Roman republican tradition. Therefore, he considers the practice of censorship is foreign to that tradition (p. 182)

Until the Council of Trent, bishops only declared publicly which books were not recommended; they left to the conscience of each individual the decision to read them or not (Milton, 1644/2014a, p. 105). Only after the Council of Trent could Popes accumulate the power that enabled them to burn and destroy heretic books (Milton, 1644/2014a, p. 105). It was then when, according to Milton's reconstruction, it appeared the requirement that Church authorities authorize the impression of each book, which was called the *imprimatur* (Milton, 1644/2014a, pp. 105-107). Because of the anguish of the Church against the Reform, the practice of the previous censorship of books was established (Milton, 1644/2014a, p. 107).

Milton's indignation against the censorship of books moves him to use a mythological allegory. He states that even the goddess Juno, who crossed her legs to delay the arrival of an unwanted child, would not do anything similar to postpone the birth of an intellectual offspring. But the requirement of previous exam by a commission would be a delay of this type (Milton, 1644/2014a, p. 107).

The same indignation drives Milton to draw on biblical arguments. Thus, Milton states that Moses, the prophet Daniel and Saint Paul, incorporated much knowledge from the Egyptians, the Chaldean and the Greeks (Milton, 1644/2014a, p. 108). To support his thesis, Milton quotes Saint Paul's statement, "Prove all things, hold fast that which is good" (Milton, 1644/2014a, p. 109).

Against the defenders of some form of moral paternalism, Milton argues that a bad book could be useful to a judicious reader because it could help discover an idea, refute a thesis, or beware of some danger to morality (Milton, 1644/2014a, pp. 109-110). As shown above, Milton states that God does not want to keep humans in a childish state, submitting them to a series of prescriptions. God gave them reason in order to enable them to choose by themselves (Milton, 1644/2014a, p. 110).

As an echo of the conception of the original sin developed in *Paradise Lost*, Milton argues that we are born morally corrupted. Therefore, virtue stems from the wisdom which results from the rejection of moral evil once the individual has known all the temptations evil offers. Otherwise, it would be an empty and meaningless virtue (Milton, 1644/2014a, p. 111). God allowed Satan to tempt Adam in Paradise so humankind could make use of

the freedom of choice and be morally responsible and imputable. Had Adam not been tempted, he would have been an artificial Adam or a mere puppet (Milton, 1644/2014a, p. 117).

Milton traces an analogy between the knowledge and examination of moral vices which are indispensable for developing virtue, and the analysis of error, which is necessary for the confirmation of truth (Milton, 1644/2014a, pp. 111-112). Milton states that books can neither be seen as a type of vanity nor as a mere moral temptation but as medicines, which are strong and efficacious enough for the improvement of human life (Milton, 1644/2014a, p. 114).

In this sense, Milton examines several arguments in favor of the prohibition of morally damaging books. One of them is grounded in the idea that the moral evil contained in them is a kind of infection, which could expand without control. Milton argues that, if we followed this chain of reasoning, even the Bible would have to be prohibited, given that there are narrated blasphemous acts, the intemperance of evil people, or holy people complaining about divine providence, as in the Book of Job. Furthermore, in the Bible, the great moral problems are addressed ambiguously and obscurely (Milton, 1644/2014a, p. 112).

Milton also objects that the system of censorship of books assumes that censors are morally infallible. This is absurd because moral infallibility cannot be required from any human being, being that all of us are born morally corrupted (Milton, 1644/2014a, p. 113). As Kendall (1960) points out, Milton uses the biblical metaphor of the "streaming fountain" to refer to the concept of truth. This metaphor implies that truth is something dynamic, which means that the subject must be ready to put into question those ideas held to be true. Thus, it can be avoided that these ideas become a "muddy pool," which is conformity and tradition (p. 449). At the same time, as Bezemek (2015) shows, Milton develops an agonial conception of truth, understood as the friction and contrast between truth and falsehood, which can be settled only by the sentence of reason (p. 165). Blasi (1996) notes that in this sense, Milton has a remarkable trust that truth will prevail anyway in the long run (p. 16).

Also, Milton argues that the previous censorship of books is a lack of respect for the dignity of those who seek knowledge for itself. This could discourage those who expect a certain public recognition of their efforts and instead are treated mistrustfully and put in the hands of an arbitrary censor (Milton, 1644/2014a, p. 120). Milton points out that, while many criminals and defaulters walk freely, books must always go followed by a very visible jailer, who appears in the *imprimatur* (Milton, 1644/2014a, p. 123). This

line of argumentation developed by Milton has a precursor character. Some posterior theories will explore the way in which disrespecting relationships affect the perception of judicative capacities and moral autonomy. In this sense, I consider that the Fichtean theory of recognition could be seen as a deepening of this line of work.

Following this chain of reasoning, the previous censorship of books is also a lack of respect for the public, given that it is a form of paternalism since it assumes that the public is so stupid as to change its mind as a result of reading a pamphlet. Besides, this practice assumes that the censor is allowed to conduct the public indicating to them what to believe and think (Milton, 1644/2014a, pp. 123-124). In this sense, Jordan (2001) remarks that, according to Milton, a government is legitimate when it treats citizens as adult and rational people (p. 37). Thus, the ideal of a just State involves the requirement of establishing relationships of mutual recognition in terms of equal respect and consideration. Only in this way could citizens confirm their capacity of critical judgment and defend their moral and political conceptions.

This demanding ideal of rationality which must follow the exercise of citizenship means a severe diagnosis of dominant social groups' behavior. Milton points out that the conformist attitude which promotes censorship is similar to that of businessmen who find religion too complicated and mysterious. Thus, to devote all their energy and time to their businesses, these wealthy men feast and flatter the churchmen. These people want the churchmen to prescribe to them what to think and do, so they can continue with their comfortable and luxurious lives (Milton, 1644/2014a, pp. 127-128).

As a consequence, Milton states, "Suffer not these licensing prohibitions to stand at every place of opportunity forbidding and disturbing them that continue seeking, that continue to do our obsequies to the torn body of our martyred saint" (Milton, 1644/2014a, p. 130). Milton asks explicitly, "Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties" (Milton, 1644/2014a, p. 136).

However, as in the case of Fichte, the defense of freedom of speech makes any sense only from the background of an ideal of State. As Corns states, Milton determines his concept of a Commonwealth in a negative way. This means that the Commonwealth is neither irrational nor magic, nor does it depend on the whimsical decisions of a single person; it does not frustrate the rational interests of the citizens and is not at odds with the principles of Christian faith (Corns, 1995, p. 37). Having said that, as Reisner (2011) points out, Milton's ideal of a republican society can take place only among cultivated citizens, who value rationality and can develop the necessary moral

virtues (p. 2). In this sense, Kendall (1960) analyzes Milton's epigraph, which is taken from Euripides, according to which those who have the right to speak are the ones who have something to say. This means that only those who fulfill certain requirements of intellectual and moral excellence could participate in the public debate (pp. 456-457). Thus, Milton's republic consists of an intellectual meritocracy of Christian citizens who share their power democratically. These citizens participate in a deliberative space by exchanging reasons, arguments, and counterarguments (Reisner, 2011, p. 17). In the following section, I intend to determine the scope in which these ideas are also present in Fichte's early political philosophy.

Freedom of speech as a constitutive right in Fichte

Independently of the eminent Jacobin character of the early Fichte, I consider that in his theory, one can find a defense of the freedom of speech which echoes Milton's argumentation. This can be observed in Fichtean revolutionary writings, particularly in *Reclamation of the Freedom of Thought*, published in 1793. There, it can be read as a defense of the freedom of speech from the background of a theory of the legitimate State. However, this right is oriented to the development of moral judgment and critical rationality, resembling Milton's theoretical developments. To prove this hypothesis, it is important to follow the Fichtean argumentation with some detail.

Fichte establishes the political character of his text through determining its target audience. It is a less-instructed public, that is to say, is not necessarily an academic one. Nevertheless, Fichte considers that it is a public which plays an important role and therefore has a strong voice. Fichte (1793/1971) believes that his addressees have such an influence that they can form public opinion (p. 3). Fichte makes it clear in the first sentences of the book that it is not a merely speculative treatise, but that he wants to exert an influence on the political life of the community.

However, while Fichte establishes the target audience of his discourse, he warns his learned readers that they must not deem that it is a mere rhetorical work. Even though this text is meant to move the public to take certain ideas seriously, it does not imply that it lacks theoretical depth. Therefore, Fichte (1793/1971) states that the ideas expressed there could be developed in his philosophical system (p. 3).

This does not imply that he aims to attack princes in the current style of that time. Fichte refuses to try to raise himself above the others tackling people of a higher social status. Fichte considers it an unpleasant task to criticize the

behavior of princes while they try to neighbor their subjects and eliminate any form of protocol. Actually, princes tend to boost esteem for wise men and respect for their work (Fichte, 1793/1971, pp. 3-4). Nevertheless, it is an indisputable fact that the freedom of thought is being oppressed in several European States, which motivates the considered publication. The clearest proof of Fichte's diagnosis is his own fear of censure. Fichte points out that, if princes intend to improve the Enlightenment as they explicitly declare, then they will authorize the impression and public sale of his text (Fichte, 1793/1971, p. 4).

Fichte grounds his defense of the freedom of speech on this principle: "human beings neither must be inherited, nor sold nor given away" ("Der Mensch kann weder ererbt, nocht verkauft, noch verschenkt werden," Fichte, 1793/1971, p. 11). The reason for this thesis is that self-ownership of a human being is based on the attribute of consciousness, which raises humans above animals. The defining trait of humanity is moral consciousness which commands absolute performance of certain actions. Moral consciousness operates freely with no external coercion (Fichte, 1793/1971, p. 11). Therefore, if humans allow others to command them in the courses of action to be performed, then they will feel forced to disobey their own conscience. They would have to follow a law which differs from that which results from self-legislation, which implies degradation to the animal level (Fichte, 1793/1971, pp. 11-12). Having said that, if humans have the right to obey only self-given law, then they also have the right to all the conditions of self-legislation and action in accordance with duty. These conditions are above all the rights to freedom and to develop one's own moral personality. These rights are inalienable since they are constitutive of humanity in the individual person (Fichte, 1793/1971, p. 12).

In a second moment, Fichte determines rights which are alienable. According to this distinction, alienable rights are those permitted by moral law which agents have given themselves. Humans can cede these rights only voluntarily, given that otherwise they would obey a foreign law (Fichte, 1793/1971, p. 12).

The social contract, which is at the base of civil society, consists of each citizen's release of his or her alienable rights, that is to say, his or her rights to perform external actions. However, each subject will give up these rights only if the others do so. But the social contract cannot demand the cession of inalienable rights or inner convictions from citizens. The reason for this impossibility is that in this case, no one could control if others have also ceded these kind of rights (Fichte, 1793/1971, pp. 12-13). Civil legislation is valid

for each subject only since they voluntarily submit to it. Executive power originates in the need to force those who have entered civil society to fulfill the social contract (Fichte, 1793/1971, p. 13).

Despite his defense of the requirement of civil self-legislation, Fichte rejects the possibility of direct democracy, given that he does not consider it feasible. Thus, he argues that people themselves have to transfer their power to a prince or group of members of civil society. Therefore, once the rights which will be ceded by the people are determined, it could be settled whether the State would allow restriction of its members' freedom of thought (Fichte, 1793/1971, p. 13).

Fichte determines the constitutive rights of citizenship from analysis of the differences between human and animal understanding. Animals link representations to each other mechanically, so that each follows the other. On the contrary, a human being can intervene in this process and rise above the mere passivity of animals. Humans can make use of their free will to direct themselves in the way ideas will follow each other.

This ability of human understanding is possible thanks to freedom, which is at the base of the will. Therefore, the exercise of understanding disposes humans to submit to laws. But in the case of moral action, individuals have to submit to practical laws, and as a result, they will have to determine their will to follow moral law, which is self-given. In this sense, the free use of reason is an adequate preparation for the exercise of moral autonomy (Fichte, 1793/1971, p. 14).

As such, humans have the right to use reason in a limitless way in the field of philosophical and scientific research. This means that only each person can establish the limits of exercising her or his reason. Human beings have the right to overcome the limits of their own rational research. Reason has an absolute character and therefore must not recognize any definitive restriction to its task. Consequently, it is an inalienable right (Fichte, 1793/1971, pp. 23-24).

As a conclusion, a social contract in which individuals commit themselves to putting restrictions on their own rational research would imply that they would agree to become animals, which means degrading their rational nature. Also, if people have the right to limitless research, they also have the right to perform this task in conjunction with others. This is because reception of the teachings of the others is a fundamental means to carry out rational research. Given that one who has the right to pursue a certain end also has the right to the means to it, all human beings have the inalienable right to receive from others teachings indispensable for rational research (Fichte, 1793/1971, p. 24).

Therefore, all those who agree on the social contract at the same time agree that offering their teachings to others would deprive them of a fundamental condition of their moral personality (Fichte, 1793/1971, p. 24). Consequently, humans could never alienate their freedom of thought when agreeing on the social contract, since this would make the contract invalid (Fichte, 1793/1971, p. 14). Freedom of thought cannot be prohibited for another reason: thinking is an internal process. Therefore, the question under discussion is the prohibition of the freedom to communicate one's own thoughts and exchange ideas with others (Fichte, 1793/1971, p. 15).

One possible justification of the freedom to communicate our own ideas could be that it is not prohibited by moral law. Against this argumentation, it can be stated that expression of one's own convictions had to be prohibited if it disturbs the happiness of others. In other words, others could lose their pleasant illusions and sweet dreams. Fichte's answer to this objection consists of the statement that there is no way in which one could bother the other by communicating one's own ideas, given that others are the cause of their own disturbance.

On the contrary, the aim of sharing one's own ideas is not to attack others, but to offer them a useful tool to think autonomously. Others may accept or not the bread I could offer them and also could accept or not the freely shared opinions (Fichte, 1793/1971, p. 15). In the same line as Milton, Fichte has a cooperative conception of the public space. The author of *Areopagitica* and the philosopher of Rammenau, argue that moral and political shared convictions are always good medicine, without which the moral development of citizens could not be improved.

Fichte examines another possible objection against the right to freedom of speech. It could be reasoned that this right is not inalienable, given that it is not commanded by moral law but not prohibited. Therefore, the social contract could involve the commitment not to share one's own convictions with anyone. This means that members of society cede their right to communication when entering into the community. This would imply renouncing instruction and developments which result from communication with others. However, the instruction with others is a condition of human personality, as was argued above. Therefore, the right to learn from others is inalienable (Fichte, 1793/1971, pp. 16-17). On this point, we can find an echo of Milton's defense of the freedom of speech as a condition of judicative moral activity.

However, communicating both the truth and error must be allowed. It cannot be avoided that people publish convictions they deem to be false,

because it cannot be expected that the subject is truthful, given that this is an internal and not external duty. Consequently, it is a question that only the agent could settle in the forum of his or her own conscience (Fichte, 1793/1971, p. 18).

Furthermore, this type of requirement could not be fulfilled, given that we do not have at our disposal a criterion of truth which could enable us to know infallibly if we are in the presence of an error (Fichte, 1793/1971, pp. 19-20). It could be argued that the diffusion of ancient and already refuted errors should be banned. This depends on what influential people consider to be refuted and false. The government could decide which propositions are true and which are false as it determines the currency value of gold and silver coins (Fichte, 1793/1971, pp. 20-21).

Milton is against the violent and arbitrary establishment of the criterion of truth and falsehood of our opinions grounded only on the principle of authority. Milton, as well as Fichte, refuse to betray the freedom of conscience through submission to the dominant powers. Truth cannot be reduced to the hazardous configuration of powers in each case.

Fichte notes that the government considers the paralysis of freedom of thought is easier and more practical when reinforced by religious authorities. Thus, the government saves considerable effort which would require permanent surveillance of subjects' behavior. As a result, citizens become machines of obedience, which could be whimsically instrumentalized by the government (Fichte, 1793/1971, pp. 21-22). If we examine the history of kings and emperors, we note that the truth of propositions has been changing at the pace of the succession of governments or even in the course of the same administration. Therefore, the exclusive ground of truth is the very will of the government in each case (Fichte, 1793/1971, p. 22). The obvious inheritance of Rousseau resonates here but also the Miltonian thesis that a just society is the only one in which citizens excellently exercise practical reason in elaborating their moral judgments and govern themselves in this way.

Fichte rejects the violent revolutionary change of oppressive constitutions. This violent strategy does not make any sense, because it is not given a perfect constitution, which would guarantee the happiness of all subjects, and therefore we are condemned to work and fatigue in promotion of the common good. A violent revolution is risky, and its results could be unstable when they do not involve reverting to previous barbaric states. Consequently, people should move toward a better constitution but in a gradual and slow way and at a solid pace (Fichte, 1793/1971, p. 5). Fichte remarks on the progress of the Enlightenment in Germany, even though he acknowledges its limitations and

incomplete tasks (Fichte, 1793/1971, p. 6). As argued before, Milton rejects the moral and political feasibility of a violent revolution to realize a just society. In his poems and political and philosophical works, Milton adopts a critical attitude toward activism which lacks intellectual depth. Partially because of his historical experience with the revolution of 1649, and partially by virtue of his philosophical convictions, Milton aims at cultural change grounded in the exchange of opinions and arguments.

Fichte reasons consequentially, in the sense that advance in the enhancement of freedom of thought is unavoidable. Therefore, if princes try to oppress the freedom of thought, then they risk triggering an uncontrollable and violent revolution. From this background, Fichte uses a powerful metaphor, stating that the dikes that are hindering the course of human spirit must be removed to avoid their violent breaking and the resulting flood of the fields. Fichte refers to the recent events of the French Revolution when humanity violently sought revenge from oppression (Fichte, 1793/1971, p. 6).

As Milton does, Fichte considers that the supreme value is the freedom of thought, which is a shrine for humanity in us. Conserving freedom of thought is more important than not sending our sons to war to have their throats slit by enemies they have never offended or the duty to guarantee decent food for our offspring (Fichte, 1793/1971, p. 7).

Fichte points out the prejudice that princes are morally and intellectually superior and therefore, the fight for the freedom of thought is doomed to failure. This justifies a form of moral paternalism. Against this prejudice, Fichte argues that princes are inferior to average human beings because they are usually degraded by a bad education. Starting in childhood, princes are taught that all human beings who surround them are their property and consequently, they do not owe respect to anyone (Fichte, 1793/1971, p. 7).

Further, the education princes receive leads them to unlimited hedonism which weakens their moral character, taking away their vitality. Also, princes are instructed in superstitions which disturb the correct use of their understanding. As a result, states Fichte, it is a miracle of providence we in history find permanently more weak than perverse princes. Therefore, we must be grateful to the princes for the harm they do not bring to us (Fichte, 1793/1971, p. 8).

Princes' counselors are another obstacle, since they resist the enhancement of all kind of rights. They whisper to princes that any kind of independent thinking must be repressed. Therefore, Fichte summons people to try wakening the princes to remove the barriers set by their court and

understand what is best for their people. It is not an insolent act but rather an act of education and respect (Fichte, 1793/1971, p. 8).

From this background, Fichte rejects all forms of moral paternalism. A prince is not God, because he cannot guarantee us happiness. On the contrary, the prince only has an obligation to govern according to justice, which means guaranteeing our basic rights. Consequently, we must not tolerate our prince demanding sacrifices from us with the excuse that they are meant to serve our wellbeing (Fichte, 1793/1971, p. 9). Even if princes could legitimately guarantee us happiness, their fallibility would prevent them from doing it. They cannot prevent natural catastrophes, the death of soldiers in war, etc. (Fichte, 1793/1971, pp. 26-28). In this sense, Fichte resumes Milton's criticism of any moral and political paternalism. These objections are the very base of Enlightenment. As Fichte does, Milton insists on the illegitimate character of a monarchy which does not have as its sole aim the search for the common good and the guarantee of the rights of citizenship. For both authors, the government has only a representative function, which results from the transfer of power from the people. Thus, the government cannot be in charge of the private lives of citizens.

The government cannot improve citizens' happiness, since paternalism usually presumes the mistaken idea that happiness consists of wealth, health, social status, etc. Fichte considers the latter mere means to achieving true happiness, which consists of the exercise of spontaneity as the result of one's effort and work (Fichte, 1793/1971, pp. 28-29). In this sense, Milton's Arminianism assumes that the only way to self-fulfillment is the development and exercise of moral freedom, which is based upon critical judgment.

In this sense, Fichte considers that rulers must not be the owner of the job positions they distribute, given that they belong to those who deserve them. Neither does the government possess the money addressed to people in need. This means that rulers receive a mandate from the society they represent (Fichte, 1793/1971, p. 30).

Fichte encourages the reader to ask for the reason at the base of the idea that a prince is authorized to use his subjects as mere means at his service. It is necessary to examine the sense of serving such whimsical and arrogant beings as if we were beasts of burden. We must search for the reason that makes it possible for us to end up as slaughtered meat when princes send us to war (Fichte, 1793/1971, p. 10). As a consequence, Fichte rejects the foundation of the relationship of domination of power over the people, which is effectively at the prince's disposal. People are more powerful than the government because they can decide to stop obeying. People can paralyze society, and the

authorities tremble at the smallest threat of revolution (Fichte, 1793/1971, p. 10). Likewise, Milton's diagnosis is that people always have the power in their hands and can recover it at will. Given that government's power is fragile since it depends on the consent of citizens, it is impossible for authorities to withstand a popular revolt.

In the same line as Milton, Fichte refutes the idea that the princes' right to rule has a hereditary source, since this kind of justification would lead to an infinite regress. In other words, if a prince inherited his right to rule from his father and the latter from his father, and so on, then it would be impossible to establish a first member of the series who had not inherited authority through a family line. Therefore, the first member of the series could not have left as an inheritance something he or she would not have possessed (Fichte, 1793/1971, p. 11).

Fichte denounces publicists of reactionary political groups who warn about the harmful consequences which could be brought by freedom of thought. For that purpose, they emphasize the violence and bloody slaughters of the French Revolution. Against those publicists, Fichte remarks that absolute monarchies have been showing horrible deeds or even more violence. It cannot be expected that any social process will not generate any disturbance, given that "there is more peace nowhere than in the grave" (Fichte, 1793/1971, p. 26). Along the same line as Milton, Fichte defends an agonal conception of political life, even though in both cases it is based upon the exercise of rational agency in a cooperative way.

Fichte founds his defense of freedom of speech on the Kantian concept of humanity as an end in itself, which requires the guarantee of moral autonomy. Nevertheless, the Miltonian source of Fichte's thought can be noted in his early period. In the same sense as Milton, Fichte stands for constructing a non-dominated communication space, through which the moral convictions of citizens may circulate freely. For this reason, Fichte strongly rejects arguments aimed at restricting freedom of speech which assume that the expression of certain moral convictions could eventually harm the sensitivity of those who do not share these ideas.

Final reflections

As a result of the previous discussion, it can be noted that a series of ideas are common to the works of Milton and Fichte. Both conceptions have a shared atmosphere, as they were moved by revolutionary processes and in response to them, independent of the obvious differences between the Revolution of

1649 and the French Revolution. In the case of Milton, the addressee is a public of cultivated citizens who want to develop their moral capacities. Even though Fichte does not address academically cultivated people, he clearly aims, as Milton does, at awakening the need to develop moral rationality in a non-repressive context. Therefore, both authors take a position against the status quo of their time, which is perceived as an authoritarian and morally paternalistic way of government. In both cases, the authors call for the launch of revolutionary processes. They also deem, in both cases, that freedom of speech is a priority, and as a result, they consider censorship to be the worst enemy of moral progress. Thus, the trigger of the critical position in both cases is the experience of oppression of the freedom of communication.

However, I consider that we can go deeper in respect to the conceptual elements which unified both positions. Both thinkers defend the freedom of the individual in the face of the conditions of the environment, in order to preserve responsibility for their own moral development. In this sense, both theories object determinism, insofar as it is a dogmatic and reactionary conception. Determinism is compatible only with some form of moral heteronomy, and as a consequence, the subject is understood in a passive way, inasmuch as he or she cannot have a hand in the decisions which built his or her subjectivity.

Milton clearly opposes Calvinism, because it denies the subject the ownership of his or her own acts, and therefore it reproduces the existing power relationships. This position can be undoubtedly seen in the character of Satan in *Paradise Lost*, who revolves around the idea of eternal condemnation and the consequent impossibility of moral development.

Fichte does not accept any determinist conception of subjectivity either, given that this would imply the degradation into animality. Human consciousness exists in the possibility to initiate new courses of action, after an appropriate deliberation. Then consciousness demands the exercise of a rational agency, in the same sense of Milton. Fichte rejects any form of moral heteronomy, given that consciousness is immune to any form of external coercion. Thus, the activity of moral judgment requires the guarantee of the conditions of the exercise of rationality.

On the other side, Milton and Fichte share the republican conception of freedom in terms of independence, which means not to be at the mercy of the other's will. Milton continues the idea of *libertas*, understood as a capacity to act as one's own judge, which means to obey only one's own free will. Hence his thesis that the government's power is provisional, insofar as it comes from the people. Therefore, it is legitimate to overthrow a ruler who has betrayed

his or her mandate. This conception of freedom leads Milton to support the destitution of Charles I, as well as his subsequent beheading.

Nevertheless, this does not mean that Milton deems that the means to the building of a republic should be a violent revolution. On the contrary, a tyranny can be overthrown only through the education of virtuous citizens. This is because citizens can only defend freedom when they love it, which implies that they are governed by their own reason. This is the only way to sustain a republican regime which guarantees the independence of its citizens. Hence, even though Miltonian political philosophy does not aim at the ownership of the citizen's free will, it is not an idea of negative liberty, or the mere absence of external coercion on the individual. In turn, this demands the fostering of those conditions for the possibility of the development of rationality.

Fichte also considers that a violent revolution carries the risk of reverting to a barbaric state of affairs. Hereto, as well as Milton, Fichte maintains that only hard work and moral development can bring about historical progress. In analogy with Milton's thought, Fichte argues that freedom, understood in terms of independence, is an inalienable right, without which no political regime be legitimated. Therefore, a just government must guarantee the effectiveness of the rights that make moral freedom and responsibility possible. Fichte pays attention above all to freedom of conscience and of speech, which are being trampled upon by those authoritarian and paternalistic governments. From this viewpoint, a human being cannot renounce this fundamental right without losing him or herself and becoming a mere animal, which can be easily manipulated by others. If a human being degrades him or herself to a state of animality, he or she would deny him or herself the capacity to establish relationships between his or her ideas in one's own way. This implies in turn the capacity to act freely, in respect to one's own representations. Hence the only possible social organization is built by an interweaving of free relationships of communication.

Thus, both authors state the need for restrictions to the norms that are ruling the public space, so that it could be possible to avoid arbitrary interferences by others. The rational agency of individuals has then, as a condition of possibility, an institutional design which is sensitive to the conditions of interpersonal relationships.

In this sense, Milton objects to the previous censorship of books, inasmuch as this restriction severely hinders citizens' use of critical judgment. In other words, without the free exchange of opinions, no one could have access to other perspectives about the situation demanding a moral judgment,

thus making deliberation, necessary to perform this task, difficult. Besides, censorship makes it difficult citizens' perception of their own judicative capacities. It is then a measure which establishes disrespect in relationships and harms a healthy and formative bond. But censorship does not only hinder the development of citizens' moral rationality but also that of the government. Milton's republican ideal demands that political authorities are able to give an account of their acts to the citizens. Having said that, moral responsibility is possible only if the ruler has deliberated before making a decision, which in turn requires public discussion. The criticism of laws and government dispositions lay the foundations of every representative government, inasmuch as it allows the people to keep the power, which originally rightfully belongs to them, and to make use of it. As a result, censorship hampers the stability and feasibility of the republican design which Milton has in mind.

Fichte does not only state that freedom of speech must not be banned but also that there is not a way to materialize this prohibition. The practice of censorship implies the illusion that other people's thinking can be controlled. What effectively can be prohibited is the expression of one's own ideas, which carries reprehensible consequences, from Fichte's viewpoint. In the first place, and according to Milton, Fichte states that this practice leads to the establishment of paternalistic relationships, inasmuch as it is grounded on the assumption that the expression of one's moral convictions could harm other people's sensitivity. Ultimately, it is a form of disrespect for the other person's rationality and for his or her moral responsibility. Therefore, Fichte conceives the moral development as a cooperative task, in the course of which each individual helps others to enhance their perspective and transcend the limitations of their own moral judgement. Besides, and along the same line as Milton, Fichte reduces to absurdity the theory that the censor could distinguish infallibly between those beliefs which are true and those which are false. Then the censor would not be a human being and would not need to travel the path of moral development, whereby he would not be able to elaborate a moral judgment about the other person's ideas.

Furthermore, in both cases, moral rationality can be developed only among a non-dominated communication, where there is freedom to exchange arguments and reasons. The individual's convictions are partial, limited and fallible by nature. Consequently, Fichte, as well as Milton, considers it indispensable that individuals feel free to enter the cooperative process of the formation of moral development. That means that both authors assume a demanding conception of the moral psychology, which involves a series of emotional dispositions and a capacity to moral judgement, which is very

far from the liberal idea of negative liberty. In this sense, it could be stated that these thinkers endorse a form of moral perfectionism. Even though it is a perfectionism which can be labelled as a “positive liberty”, using the broadly known denomination in Berlin (2002), it is contrary to any form of paternalistic use of political power. The view of both theories is moral autonomy, which involves some form of rational self-government. In this sense, Milton states that responsibility require different alternatives of action, in the face of which the individual could make a decision. In other words, nobody is able to develop a virtue if he or she does not also face the possibility of developing some sort of vice. But most importantly, the individual must be in a position to examine the different reasons which he or she could endorse in order to make a conscious choice between the available options. Only by virtue of the weighing of the several motives is moral autonomy possible. In line with his Arminian convictions, Milton perceives books to be medicines, inasmuch as they are a means to promote rationality. The conception of moral deliberation developed by Milton could be seen as an agonal procedure, where the contrast between virtue and vice, truth and falsehood, is the means to the work of reason.

Along with Milton, Fichte perceives moral deliberation as a collective and cooperative effort. Thus, the expression of one’s moral convictions is analog to the act of sharing a piece of bread or lighting one’s lamp with another’s. Nevertheless, the other individual remains free to accept the shared ideas or not to do so. Thus, Fichte deems that it cannot be required to an individual who wants to enter into a civil state, to renounce one’s opinions in favor of the other’s, given that in this case he or she would renounce the reception of the contribution of other people to his or her very moral development. In other words, this individual would renounce to one’s own human flourishing, which cannot be reasonably demanded from anybody.

As a result, Milton and Fichte reject any form of moral despotism, which would imply to treat citizens as if they were incapable of rational self-government. In both cases, the exercise of rational agency depends on a framework of relationships of recognition, which assumes the moral responsibility of the other individual. Moral virtue cannot be developed if it is not allowed to elaborate the moral judgment through the following of its own argumentative rules. Thus, rational agency in both authors has a condition of the possibility of establishing certain normative restrictions, which correct the relationships of disrespect, which in turn hinder the self-perception of one’s own capabilities of judgment.

Milton deems that censorship diminishes the incentive to contribute to the moral development of other people. The attitude of suspicion and mistrust of the practices of censorship discourages those who want to argumentatively ground their opinions in front of others, in order to enter a moral conversation. It also constitutes a demotivating message to the public, inasmuch as it assumes that the readers are incapable of any form of critical thinking and therefore must be supervised by a censor. Thus, moral paternalism does not lead to the treatment of all citizens with equal concern and respect. On the contrary, this attitude establishes asymmetrical relationships between citizens, because it assumes that moral responsibility can only be attributed to the censor. Furthermore, the censor is considered morally infallible and, as a result, cannot overcome the constitutive limitations of a solipsistic approach in respect to moral deliberation. Hence moral paternalism fosters a conformist and mediocre morality, which leads to the stagnation of moral development.

Fichte also rejects the subordination of one's own moral criteria to the mandates of those who exercise ideological or political authority and who belong to the established powers. As the philosopher of Rammenau points out nowadays, in this case we would be allowing the government to establish the moral value of our convictions, in the same way as the authority establishes the currency value of gold and silver. These paternalistic governments have a pragmatic approach and therefore want to save the effort to control their citizens permanently, transforming them in obeying machines. Besides, Fichte considers that this authoritarian style is unstable, given that the imposed value systems change chaotically, inasmuch as the individuals in charge change, as the secular history shows.

As a result of the previous argument, I deem that a common line of thought can be traced in both theories, which enables us to read the early Fichtean political thought from another perspective. Throughout this text, my intention was to open a new way to approach Fichte's early political texts, taking into account the presence of Milton's moral and communitarian ideal. I hope to have achieved the awakening of at least an interest in exploring these new paths.

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