



Johann Gottlieb Fichte's Free Speech Theory

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Abstract

This article explicates and introduces the free of speech arguments of Johann Gottlieb Fichte, a German Enlightenment philosopher, and examines Fichte's promotion of freedom of inquiry in the pursuit of educated thought that builds moral character, national strength as achieved through freedom of speech, and the moral limits on freedom of speech. Fichte is a historically-significant theorist who anticipated modern ideas of freedom of speech and the press. He fundamentally believed that people are restricted in thought only by the limits of their mind and should be restricted in speech only as necessary under self-imposed standards of goodness, universal knowledge, and truth. His various writings particularly addressed speech that implicated the delicate balance between national security and the ability to openly criticize the government, as well as the tensions between freedom and responsibility. The import of this study is the argument that philosophers situated outside the Anglo-American political culture have reached similar conclusions that freedom of thought and speech are essential to larger issues of human freedom and constitute a fundamental human right that transcends a particular political experience or institutional arrangement.

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"You thus have no rights at all over our freedom of thought, you princes; no jurisdiction over that which is true or false; no right to determine the objects of our inquiry or to set limits to it; no right to hinder us from communicating its results, whether they be true or false, to whomever or however we wish."¹ Johann Gottlieb Fichte

Communication scholars engaged in First Amendment jurisprudence and the analysis of contemporary free speech issues are generally well-informed regarding the Anglo-American background--legal, political, and philosophical--from which the Framers drew in crafting and debating the ratification of the United States Constitution and the [Bill of Rights](#). Although those assumptions are were not always clearly articulated at the time, we continue to look to the works of [Roger Williams](#), [John Milton](#), [John Lilburne](#), Algernon Sidney, [John Locke](#), [Trenchard and Gordon](#), [Andrew Hamilton](#), [William Blackstone](#), [James Burgh](#), [Joseph Priestly](#), [Richard Price](#), [James Madison](#), and even later works by such authors as [Tunis Wortman](#), [St. George Tucker](#), [James Mill](#), [Joseph Story](#), [John Stuart Mill](#), and [Thomas Cooley](#), to understand the system of freedom of expression as it has evolved from common law to constitutional enactment and as it functions

today through judicial interpretation.

What is missing from our analyses and thereby limits our understanding of free speech theory in a larger sense is attention to other voices and arguments that emerged outside the sociolegal environment of the Anglo-American experience. Communication scholars have been engaged in the study of international and intercultural communication for decades, explicating and analyzing the cultural differences and their influence on human communication in a variety of contexts. Free speech scholars, grounded in rhetorical and communication theory, can also make a unique contribution to free speech theory by doing the same. This essay demonstrates that such an examination can productively offer a broader view of the conditions of human freedom, especially freedom of speech, than the more narrow approach traditionally taken in the discipline.

German Enlightenment philosophers [Immanuel Kant](#), [Johann Gottlieb Fichte](#), [Carl Friedrich Bahrdt](#), and [G. W. F. Hegel](#), for example, significantly contributed to the emerging free speech theory in Europe during the 18th and 19th centuries. Nonetheless, there is little research in our contemporary political literature that addresses ideas advanced by German Enlightenment philosophers as they relate to and could inform the existing body of free speech research and theory in the United States. As I have argued elsewhere, it can be intellectually profitable for communication scholars to examine the German Enlightenment philosophical perspective on freedom of expression, because it produced a strong intellectual tradition in another culture, informed and shaped by a somewhat different political structure.²

This study examines the free speech theory embedded in the diverse works of Johann Gottlieb Fichte (1762-1814), one link in the chain of philosophers who can significantly contribute to our understanding of modern free speech principles.³ Although Fichte has consistently been viewed as a philosophical bridge between the ideas of Kant and Hegel, he is more recently being seen as a [great contributor to philosophical thought in his own right](#). He now serves as an important philosopher amidst the work of Kant (who greatly influenced Fichte and served as a strong foundation for Fichte's work), [Schelling](#) (who was first influenced by the Idealism of Fichte), and Hegel (who was influenced by Fichte and who succeeded Fichte as professor of philosophy at The University of Berlin).

Fichte considered himself the legitimate successor of Kant, [restating Kant's ideas while giving them the structure he thought was lacking](#). Fichte was one of the great German thinkers, or Aufklärer. Fundamental to the Enlightenment, and to Fichte, was the ability to think and speak freely and to obtain information from others through publications and public discourse without the fear of punishment, censorship, or repression by the government. Fichte believed (following [Rousseau's writing of the general will](#)) that the people can, as a collective whole, improve society; and although inherently wicked, people represent the fountain of wisdom. Fichte's work provides a [significant philosophical contribution](#).

The [North American Fichte Society](#) was founded in 1991 to explore Fichte's contributions to contemporary philosophy. And, although much has been written about Fichte's life and writings, few communication scholars know who he is or how his theories of freedom can shape our modern ideas of freedom of speech. Further analysis of his human freedom philosophy, which he maintained is the beginning point of all systematic philosophy, would contribute to contemporary conceptions of human freedom as well as broaden the existing body of free speech theory. This paper provides a beginning point for further analysis of his contributions to free speech theory.

The argument in this essay is not that Fichte's ideas influenced the American framers or that those ideas were seriously considered by American courts in interpreting the First Amendment. The education of the political class in 18th century America included Greek, Latin, French, and occasionally Italian languages, and few German works were available in English translation at the time. While some of those in the founding generation were of German ancestry and possibly could have read Kant, Fichte's earliest work was not published until 1792. Rather, this study makes a more important point: the concept of freedom of expression and the philosophical rationale for its protection transcend the historical experience and legal traditions of British and American political culture. Fichte and his German philosophical colleagues derived similar conclusions about the importance of freedom of speech and the press, examining the idea through a

much different lens, one shaped by quite different legal and political circumstances.

Fichte was an early advocate of German unification, and his work contributed to the success of educational reform and a sense of nationalism after the Napoleonic wars. He hoped to tap the energies of the people by encouraging knowledge and the effective use of the German language, communicating his vision to a small academic circle as well as a larger public audience. The philosophical platform advocated by Fichte stood along side a variety of Enlightenment philosophers who were frustrated both by the general ignorance of the people and by the circumstances of their repression by the government. However, Fichte's ideas of freedom within a political system are significantly different. To Fichte, the growth of the state is achieved through the fulfillment of human rights; human rights are fostered through freedom; and the state serves as a necessary element to help the people achieve moral stability.

Fichte devoted his work to issues of liberation and later fought with the militia in the War of Liberation of 1813 to demonstrate that commitment. As one of Fichte's friends wrote to him, "your name resounds above all . . . doubtless in part because you are regarded as the most valiant defender of the rights of men."⁴ As with many philosophers, Fichte's writings reflected his political inclinations, which [moved](#) from a more liberal stance to a more conservative one.

Fichte's implicit philosophies of freedom of thought and speech serve as the foundation for his vision of a stable state and educational system. Such freedom begins from [thorough examination of the self](#), independent thought, and from that a voice that contributes to society. Through free speech, people could unite to achieve political influence, they could strengthen their morality, and they could help others to become moral and enlightened citizens. The development of the self was an important part of being free and enlightened. To Fichte, God serves as the moral order of reality, and human ego is that which creates change and knowledge.

This paper relies on select addresses and writings by Fichte to provide a glimpse of his beliefs about free information, thought, and speech as the foundation for securing social, political, and moral progress within a society. His arguments are used as primary and befitting support for the thesis of this article. It is hoped that this analysis will serve as a foundation for future studies about this historically-significant advocate of the ideas of freedom as they relate to modern ideas of freedom of speech and the press. Fichte's argument of the government as a protector of citizens' freedom, rather than a repressor of freedom, will be carried throughout the main portions of this examination. He was an advocate of speech who spoke to his national audience about freedom in one of his [addresses](#) to the German people. Of particular interest in this essay is Fichte's Address to the German Nation, where he spoke to the people about speech, language, and the need for educational reform reflecting a new national spirit. These addresses placed him as a hero to the revolutionaries of 1848. Additionally, this article focuses strongly on Fichte's writings *Science of Rights* and *Reclamation of the Freedom of Thought from the Princes of Europe, Who Have Oppressed It Until Now*, the latter being that which Fichte once referred to as his "most beloved." Areas of analysis in this paper are Fichte's promotion of freedom of information for the pursuit of educated thought that builds moral character, national strength as achieved through free speech, and limits on the freedom of speech.

I. Access to Information and Freedom of Thought

Fichte argued that free information and thought are fundamental for an enlightened society, and such freedom should be secured by the government. Society, to Fichte, was like a brotherhood of free individuals who were to seek moral stability. He considered it the duty of citizens to effectively balance the use of freedom with the constraint of freedom. Fichte's writings on free information, thought, and speech make him an especially-important contributor to the study of free speech because he demonstrates a thorough philosophical and practical analysis of his view of necessary foundations for the utility of free speech-- access to information and unlimited reflection on ideas received and conceived in the mind.

A. Freedom to Pursue Knowledge

The freedom to pursue knowledge was considered one of Fichte's main criteria for reaching enlightenment, and people communicating together serves as a primary source for spreading knowledge and thought. Fichte

believed, "if man is to be at all, there must be men."⁵ In order for there to be "men" then all individuals must be educated. Since humans are educated, as evidenced in the existence of rational people in the Universe, where are they educated? Who educated the first people? These are two important questions asked by Fichte.⁶ To these proposed inquiries, he replied, "Only free, reciprocal causality . . . this giving and receiving of knowledge, is the distinguishing characteristic of mankind, through which alone every person shows himself to be man," and, he contended, where there are people there is a world.⁷ Fichte's belief that people learn from communication with others and through reflection of such gained knowledge is significant not only for the importance of fostering an intellectual and progressive society of unified individuals, it is significant because he reminds us of the importance of communication to the development of individual and collective intellect.

Fichte urged people to seek knowledge to obtain wisdom, assist in informing or persuading others, crystallize personal beliefs, and seek a moral life. Fichte argued that freedom is interlocked with intelligence, and consciousness is linked with freedom. He compared his philosophy of the mind to Kant's when stating:

Nothing exists except what is within consciousness. But there is no consciousness without freedom; therefore, freedom is the standpoint of all philosophy, as Kant correctly remarked somewhere, although he does not call attention to this within his own system. Thus freedom is the ground of all philosophizing, as well as the foundation of all being.⁸

As an Eighteenth-Century philosopher advocating freedom, Fichte, like Kant, viewed freedom as a "presupposition of morality."⁹ Fichte spoke out for an Enlightened Germany where all people received and desired knowledge, all people sought a moral life that involved respect for other's rights and freedoms within a society, and where truth served as a focal point of all philosophizing.

In order to possess practical power, Fichte maintained that a person must possess the power to form his or her own concepts through his or her own intellect. Fichte believed, "A character indolent by nature or rendered weak and stunted by intellectual servitude, learned luxury and vanity will never elevate himself to idealism."¹⁰ To reach enlightenment, people were to become educated, not by passively accepting the ideas of others, but by increasing their intellectual activity through patient and serious reflection on many issues, what we today term critical thinking. Fichte warned that people should not be "deceived by the shallow and superficial thoughts which are in circulation."¹¹ Some of Fichte's ideas were a reflection of his successor Kant's ideas and the ideas of the phenomenon of Enlightenment—that people become enlightened when reflecting on issues rather than accepting easy answers from others.

Although Fichte advocated the active pursuit of an education, he conceded that people are limited in what they can learn in one lifetime. People find it necessary to select, and, according to Fichte, this process of selection was considered a citizen's duty. He opined, "for freedom there are no limits; there is merely the task of limiting itself."¹² People limit their own freedom when they determine what is ideal. To Fichte, this self-limitation toward that which is ideal and moral is a necessary act of enlightened thinkers. Fichte stated, "Freedom consists in this: that one can choose from among everything."¹³ In contrast, constraint consists in this: "that the selection must be made from this total sum. Here we obtain the concept of a determinate sum from which freedom makes its selection. A part of this total sum is called a 'determinate activity' or an 'action.'"¹⁴

B. Citizen Duty to Become Educated

In regard to knowledge of the law, Fichte maintained that if people were to adhere to positive law then they must have access to the laws in order to have knowledge of it, and citizens should take it upon themselves to learn the laws in order to be good citizens. In an ultimate community, Fichte envisioned that laws were dependent on each citizen respecting the rights and freedoms of others. Thus, knowledge of the law and punishments constitute imperative information for citizens to obtain as soon as they became citizens of a state. This belief that citizens should have access to the law stems from Fichte's grounding belief that citizens agree to the laws when they agree to exist in a community with others. Thus, individuals' consent to

become citizens in a community constitutes an accepted willingness to remain in the state under the laws of the state that they are required to follow.¹⁵

When there is a community of free beings, then there must also be a principle of rights to secure the freedom of people existing together. Fichte stated, "the conception of Rights involves that when men are to live in a community, each must so restrict his freedom as to permit the coexistence of the freedom of all others."¹⁶ Fichte fought to reform education to reflect these ideas of rights and advocated living together peacefully in one community. He thought that although the elders may be tainted, immoral, and follow habits that are not supportive of social, political, and moral progress; the nation could begin anew with the youth to build a rejuvenated national spirit. He believed that a revised educational system should reflect the freedoms of information and thought. Fichte's addresses to Germany served as a wake-up call for the German people and spirit of the nation. In these addresses, Fichte was seen as "an apostle of the gospel of liberty."¹⁷ He told the German people that people are free to the extent that they think they are free, and to answer the question "Are you free?" the questioner must look to his or her "inward being."¹⁸ It was Fichte's contention that the person who outwardly appears free is, perhaps, only under a delusion of freedom.

In his speeches, Fichte focused on the youth of the state, telling the German nation about the need to better educate the children. He wanted to encourage a love of learning so future generations would be stronger and more enlightened. He stated that the preservation of the German nation rested on educational reform that excited young Germans to understand a "moral world order."¹⁹ However, he also advocated education for all Germans, noting how the present system supported the education of a few, while the many were neglected. Moreover, he argued that people should strive for a noble life by being active and effective, and they should sacrifice themselves for the people as a whole.

The Swiss educational reformer [Johann Heinrich Pestalozzi](#), whose theories laid the foundation for modern education, influenced Fichte's ideas about the process of a pupil's education. This process includes the freedom of information and thought, which are foundations for effective communication. Perhaps Fichte's emphasis on education that is grounded in free information and thought is based on his more primary understanding that free thought is the most notable distinction between human and animal understanding. When information is freely acquired and critical thought is encouraged, another stage in the process of education emerges—the pupil should have the ability to express her/himself, for such expression "trains man, and raises him out of darkness and confusion to clearness and definiteness."²⁰ Through discussions of one's embryonic thoughts with other people, an awakening of the mind and intellectual clarity ultimately develops. The stage of awakening into consciousness was considered by Fichte as a stage that breeds confusion and, therefore, required the need for guidance from others to sort out conflicting or undeveloped theories. Unrestricted access to information provides such guidance. Fichte believed that the developing scholar looks to the future, but also must have access to information that already exists to make stronger intellectual contributions to the existing body of information.²¹ Information from sources outside the individual, in turn, help facilitate cognitive functioning and provide social and moral progress for the state. Although Fichte's theories, like most philosophers, changed throughout his life, his views on the freedom of access to information appear to stand steadfast throughout his career.

C. Individual Thought

Because thought is internal it is difficult to censor or stop it, unless the mind has been manipulated or has been falsely persuaded to believe that which is not true, or because a person has permitted his or her access to information to in some way hinder his or her search for truth and knowledge. Clearly, Fichte was an advocate of critical thinking—thinking that is fostered by free access to information. Fichte encouraged people to fully and freely examine their thoughts to understand who they were and what their individual reflection could produce in order to have a positive influence on the nation as a whole. He remarked, "May it become the custom in our nation, not merely to think idly and as it were experimentally, just to see what will come of it, but to think in such a way that what we think shall be true and have a real effect in life!"²²

Unlike philosophers who try to remove the "self" and "I" from the thinking process, Fichte appears to accept the "self" as an inevitable element of any critical thinking process. Therefore, the "self" should be understood and, at least to an extent, fostered. Thought comes from perception of events, and the

development of the "self" is fundamentally tied to one's [philosophical conclusions](#). To Fichte, when people contemplate on an event or object, their egos become involved in the process and they view the object or event by beginning with the self and ultimately ending with the self. Fichte's contributions to the contemporary academy include his thorough analysis of the importance of the self in critical thinking. To Fichte, all reality is derived from our absolute ego, and our individual ego is determined as the source of true experience. Fichte reminds us that the "self" is very much part of a message being communicated, and that the existence of the [self in the process of communication](#) entails more than the mere establishment of the credibility of the speaker. He reminds us of the importance of understanding the self while understanding that which is unrelated to the self for the attainment of a heightened level of knowledge.

Fichte seriously examined his own thoughts and expressed new and revolutionary ideas publicly. Such revolutionary ideas supported the development of a national spirit. His words helped him become a recognized and respected leader of Liberal Nationalism, presenting insights into the theory that people should be restricted almost solely by the limits of their mind and the rights of other people. He was a strong advocate of the idea that the government absolutely does not, and absolutely should not attempt to, have jurisdiction over man's mind; and realized that the government can easily, but should not, have jurisdiction over man's access to information. As Fichte stated, it is "nonsense to speak of a right to freedom of thinking, freedom of conscience" because people "have a power to do these internal acts, and you may have duties concerning them, but you can not speak of rights in reference to them."²³ Although it is generally accepted today that no government has jurisdiction over an individual's mind, Fichte reminds us that monopolies that are allowed to control the access to information can, in turn, cause a damaging effect on the ability to think effectively and freely. It was this foundation of access to information and developed thought that Fichte believed serves as the fundamental element of the individual's inalienable right to speak that which was freely thought.

II. Freedom of Speech

Fichte provides an important voice in the chain of discourse on freedom of speech as it relates to his conception of political structures. Fichte's theories of free speech provide important similarities and differences with his contemporary German Enlightenment philosophers Immanuel Kant, G. W. F. Hegel, and Carl Friedrich Bahrtdt. These four German philosophers viewed enlightenment as the necessary element toward personal achievement. They all believed that true enlightenment is not possible without freedom of speech. This section situates Fichte's ideas with these other German Enlightenment philosophers, focuses on Fichte's vision of a Government system that supports his theory of free speech, and analyzes Fichte's vision for speech that is free but based on well-considered ideas that foster universal knowledge and truth.

A. Situating Fichte Among His German Contemporaries

Both Bahrtdt and Fichte considered the development of the self as instrumental in making society stronger. Kant believed freedom of speech was a natural right of humankind, Bahrtdt believed this freedom was a universal right of humankind ordained by God. Fichte saw it as a right dependent on people's existence with other individuals in society—a balance between being free and respecting the freedom of others. Hegel saw freedom of speech as a right acquired by virtuous people over time. Hegel, in contrast to Kant and Bahrtdt, did not support stagnating doctrines, dogmas, and cannons. Yet, to Bahrtdt and Kant, Hegel's philosophy of rights, firmly established in the habits and customs of people over centuries, could be viewed as stagnant. Hegel, however, criticized Bahrtdt's and Kant's philosophies as static, while stating that his theories were active and promoted change that would lead to moral perfection.

All four of these philosophers also recognized the need for limits on freedom of speech. Such limits were addressed by each philosopher as a moral action of saving people and the state from harm. Overall, each philosopher believed in the constructive criticism of the government. Fichte clarified his view of public opinion as well-considered thought, and he advocated people holding their tongue unless what they say could contribute to a universal body of knowledge, rather than speak foolishly at every opportunity.

These German Enlightenment philosophers worked from a system that allowed people to become their moral best. The philosophers' discussions of the "rights of man" help clarify their foundation for such rights. Kant believed the freedom of speech was a natural right of humanity that should be in accord with the

universal law of right. He believed that the necessity to co-exist and harmonize with other people was part of this universal right. Bahrtdt was, perhaps, the strongest believer in natural law with his theocratic world view. His rationale was based on fundamental natural law philosophy that God gave people the ability to think and speak. Therefore these are natural things for individuals to do. Fichte held that the freedom to voice thoughts to other people on a variety of topics was part of our humanity.

Fichte argued that people could only become human and live in a community through communication. In regard to human relationships, Fichte and Hegel placed more emphasis on a social contract as a basis of right than either Kant or Bahrtdt. Fichte and Kant both strongly believed that free speech was a presupposition of morality, where individuals become more moral through the use of speech.

Politically, Kant, Fichte, and Hegel agreed that the best way to become enlightened was in a representative government that allowed for people to obtain and disseminate knowledge. Bahrtdt stated that free thought and judgment are the sources of becoming enlightened, and that through our reasoning we become stronger. Kant and Bahrtdt also believed that being enlightened is the only source of human happiness. Finally, Fichte was a strong advocate of educational reform. He stated that such reform would make way for more people than a select few to have the opportunity to learn and become enlightened. He taught people to seek knowledge in order to become enlightened citizens.

Each philosopher advocated the necessity for the people to have an active voice in governmental affairs. Bahrtdt, interested in religious reform, also stated that people should be able to speak openly about all national beliefs. Kant, Fichte, and Hegel believed in the general will as the basis for law. Kant held that people should influence law-making, and people should have a voice in and be able to agree on the laws they have to follow. Kant was a strong advocate of the obedience of laws; agreeing with Frederick the Great's saying, "Argue as much as you like and about whatever you like, but obey!" Fichte, like Kant, believed the general will needs to be provided for in the constitution of the nation. Fichte stated that only with this provision can the people be called together through a convention that would serve to positively change a corrupt government. And, to Hegel, law was based on the general will and made free speech possible. Hegel stated that when people are involved in the government there is a lessening of potential barbarism. Hegel added that only when there is order can there be freedom.

Although some of Fichte's philosophies shifted between liberal and conservative political stances throughout his career, he consistently advocated a government that is dependent on and supportive of citizens' freedom of speech. It was his position that "worthiness of freedom must come from below up, but liberation can, without disorder, only come from above down."²⁴ He was a true supporter of political independence—writing pamphlets in defense of the French Revolution and criticizing the French Government for not allowing its people necessary freedom.²⁵ As will be discussed later in this paper, his idea of freedom of speech was not one of ultimate freedom to say anything at any time, but was a theory of freedom that included some, mostly self-monitoring and ethically-oriented, limitations. His limitations on freedom of speech appear to be guided by his belief that freedom of individuals is limited by the freedom of the whole, and people should not only think intelligently, they should also speak intelligently and contribute to individual and collective knowledge by their public communication. To Fichte, people are free only if not limited by their surroundings--surroundings that people must constantly expand control over when reaching as far as possible toward a realistically unattainable ultimate freedom. He stated, "it is still permitted to us, so far as I know, to speak to each other in the German language about the fatherland, or at least to sigh over it, and in my opinion, we should not do well if we anticipated of our own accord such a prohibition."²⁶ Fichte did not hold the view that freedom of speech was anything given by God, but did hold that a person "attains rights only in a community with others as indeed he only becomes man . . . through intercourse with others."²⁷

B. Fichte's Vision of Government and Speech

Fichte's ideas of freedom of speech are, like other philosophers of his time, intertwined with his theories of a government system. In his earlier writings, Fichte believed in the legislative and judicial power of the nation, which rested in an overriding "executive power." As one author wrote, "Fichte denied the possibility of the division of powers, and, characteristically for his insistence upon the autonomous forcefulness of government, he made legislation and judicature attributes of the overriding 'executive power,' which was

synonymous with sovereignty."²⁸ However, Fichte believed that a representative government would occur as the sole legal public institution, which would be independent of the sovereign when the government acted unconstitutionally. Later in his life, Fichte's nationalism replaced his strongly sovereign-rule political structures, but throughout his career, his view of the importance of individualism continued to stand firm in his theories of human freedom and nationalism. It is more than plausible that Fichte's views of nationalism arose largely in part because of the many events related to and stemming out of the French Revolution. In 1806 and 1807, [Prussia fought](#) against Napoleon and lost. One author noted, "In his[Fichte's] 'Addresses to the German Nation,' in 1807-1808, the unique mission of Germany in the establishment of this kingdom is urged as a motive for securing national unity and the overthrow of the conqueror."²⁹ Fichte's nationalism arose from Germany's struggles against Napoleon, which resulted in a division of Germany. This placed Fichte in the role of advancing the unification of the German states, which included the advancement of argument and dialogue by the citizens in the public sphere.

Fichte's political philosophies throughout his career maintained a traditional German sovereign model, yet his fundamental principles moved toward a more liberating voice by the end of his career when he integrated his philosophy with the work of the French Revolution. During Fichte's time, the German Empire held a variety of definitions of "sovereign," with each sovereignty having theoretically equal power, yet applying this power differently. When he supported sovereignty, Fichte supported an enlightened sovereign who worked to protect freedom, particularly the liberty to learn and communicate that learning. Although Fichte was not different from many of his contemporaries who linked ideas for freedom of speech to morality and a theory of government, Fichte, unlike many others, emphasized the importance of using one's freedom of speech for an ultimate purpose that was strongly related to national unity and the intelligence of the whole as well as the individual. Surrounding this ultimate purpose of the good of the nation, however, is the theory that one must be able to speak errors as well as that which has been already been proven true in order to understand and develop the intellect toward reaching correct answers on a variety of topics. Fichte's topics of interest included the government, educational reform, and critical thought.

Not only was speech important to Fichte for political stability, to develop critical thinking, and express well-considered ideas for the intellectual benefit of the whole, he believed that it was a citizen's legal duty to speak out. For example, Fichte argued that citizens should be told in their youth that justice can be served only if an attacked person calls out for help. If an attacked person does not make a call for help, he or she cannot help expose the truth; "for only by thus crying out for help did he place himself in a position to get the public to witness his innocence, or to obtain assistance."³⁰ Fichte took his legal argument further, stating that citizens who heard the plea for help should be legally bound to answer the call for help, or else risk being punished.

Many of Fichte's sympathies were quite Republican, as in a republic form of governing. Fichte justified the necessity of a commonwealth with his discussion of rights within a political system, stating:

Our Declaration of Independence . . . specifies the right to the continuance of the absolute freedom of the body as the Right to Life; the right to the inviolability of the body as the Right to Freedom; and the right to the continuance of our free influence upon the whole sensuous world, as the Right to the Pursuit of Happiness. The latter right is also often called the Right to Property. . . . the Declaration of Independence further asserts, by inferring the right of compulsion, that original rights can only be secured as rights by inferring the right of compulsion, that original rights can only be secured as rights by the establishment of a commonwealth.³¹

In his writings, Fichte identified the difference between a democracy and a commonwealth. For Fichte, a democracy requires direct participation from the people. A commonwealth, which Fichte advocated in the "Ephorate," is a representative government of the people. However, Fichte did not view the Ephorate as having any real political or administrative power.³² A democracy is "an utterly unlawful form of government" since it is not good practice for the people to exercise sole executive power in that the people are "hard to detect."³³ He considered the Ephorate as representing the voice of the common will. Thus, the strength of the people consists in a social contract between the people and the government, where society could unite to reconstitute the state once, or if, the government acted outside its constitutional limits.

In a commonwealth, Fichte believed that citizens should follow a general common will. A moral and free society in such a commonwealth would help secure the moral and social progress of the state.³⁴ For a commonwealth to work, the people must be able to rely on the effectiveness of the law. If people in a state abide by the law, and they want the law to be supreme, they must, according to Fichte, desire a commonwealth. In Fichte's vision of a commonwealth, the people would have rights, and would have freedom to the extent that it did not significantly encroach on the freedom and rights of others. He stated, "[w]hatsoever does not violate the rights of another, each person has the right to do, and this, indeed, constitutes each person's right."³⁵ In reviewing Kant's categorical imperative, Fichte argued that if an individual's actions could become universal law then any injustices would be a burden to society as a whole rather than to only one individual.

Fichte's ideas of a government that provides for the freedom of speech are most likely based on his general contention that the persuasive abilities of groups can be used for the good of the nation. Fichte asked, if we are dependent on the law to protect our freedom from others and protect others' freedom from us minimizing it, how does the law become such a power? His answer was consistent with his overall philosophy of individual respect for each other's freedoms: "the form of the law, its obligatory power, it only receives from the consent of the several individuals who unite thus into a commonwealth."³⁶ It is through a general conformity of will that people can effectively exist together. When one person breaks from the pack and his or her will is individual, this will becomes what Fichte calls "an unjust will."³⁷ As Fichte pointed out, "There is no question as to the fact that, in such a commonwealth, the just will, if rallying into action, will be always able to overpower the unjust will, since the latter will is only that of an individual, whereas the former is that of all others."³⁸ But he also spoke for the need to revolt against an unjust will found in the government, a government that did not support the rights and freedoms of the people.

Fichte told the German people that they should know the language well so that they could contribute to the advancement of society and have a firm voice in political affairs. If the people failed to clearly speak the language of the government, they potentially "exclude themselves from all influence on public affairs and condemn themselves to lifelong subjection" and "will be permitted to exercise their oratorical skill on the disputes of a fictitious world. . . ."³⁹ He emphasized the importance of people taking a stand in political affairs and making their voice heard, as long as what they said was thoughtfully considered before speaking—for without thoughtful speech, people could not work to benefit the nation. It is with this view that Fichte demonstrates his inclination to limit speech to information that provides a national benefit and information that has only been critically examined prior to public dissemination.

To Fichte, the noblest privilege of a leader is the ability to "assemble his nation and to take counsel with it about its most important affairs."⁴⁰ He argued the instruments of speech and writing kept Germany together as a common whole. He admitted that governments that prohibited free speech were obsessed by anxiety, fear, and terror. He furthered this idea of government support of free speech when advocating, "pamphlets libeling and degrading the fatherland, insipid praises of what is foreign, they are plainly unable to prevent; then let them not be so strict against a word for the fatherland which makes itself heard in between."⁴¹ Since the nation is "urged on by necessity," the people must say what necessity orders them to say.⁴² However, Fichte's work does contain contradictions. For example, while encouraging an almost unlimited freedom of speech, Fichte also advocated the duty of citizens to have self-controlled discipline of their speech. He clarified his positions, however, through his contention that freedom did not disappear with such discipline,⁴³ but instead, personal restraint of speech is necessary to further refine critical thought, and therefore what is stated, and ultimately benefit society.

In regard to the public's right to criticize the government, Fichte contended that only the people can judge the government; however, at the same time, he realized that it is hard to define "the people." Since the government was considered the sole expression of the common will, as well as the accepted voice of the people, one voice in the public constitutes merely a private will. According to Fichte:

No private person has the right to get up and say: 'Let the people of our state come together in a convention to sit in judgment upon the government!' For if the will of such a person does not agree with the will of the government that continues to represent the common will, then the will of that person is a private will rising in opposition to the government, and hence a rebellious will, punishable as such; and his will certainly will

never agree with that of the government.⁴⁴

It appears that any of Fichte's views on absolute *individual* freedom of speech become halted when it comes to revolutionary speech, because it is difficult, if not impossible, for an individual to be able to exercise true freedom of speech on political change in a government system where governmental change should occur by a collective whole speaking in concert. It is arguable, however, particularly due to Fichte's support of the French Revolution, that Fichte supported unbridled freedom of speech on all issues by group and individual voices, but the political environment of his time limited his public declaration of support for unrestrained and unchecked speech against the government, at least against a stable government. Clearly, Fichte believed that if a majority of the population agreed with the arguments of an individual on political change then those ideas, although originating in one or a few individuals, become the popular and majority will—as differentiated with those individuals engaged in dangerous incitement. It is arguable that Fichte's fundamental belief was that all speech on any topic should be absolutely free. His view of freedom of speech in regard to topics other than criticism of the government that threatens national stability is clearly in accord with government support for ultimate freedom of speech.

In regard to speech against the government that could lead to revolution, Fichte did provide for a variety of voices to enter the public arena, arguing that the constitution include a convention to allow for the many voices to be heard. With this convention, "the people" could speak out against the government. This idea of a convention was perhaps strongly grounded in Fichte's belief that the people do not constitute one body until called together in a forum, any speech calling for the dismantling of the existing government can occur if that government is found to be unjust, and speech encouraging political action to overthrow an existing government should occur only for the good of the nation as a whole. This presents a practical dilemma, because the people could not very well be called together without a few individuals risking punishment to gather the people to their philosophical position.

Fichte did realize the impossibility of getting all the people together without a few individuals risking punishment, which most likely led to his advocating a representative government of officials who would work to follow the will of the people. Yet, even with this additional realization, he was also aware that when officials become part of the government, they cease to be part of the people. But the power of the people, to Fichte's republican idea of government, should remain the highest power due to the security of the common will and the representatives' adherence to this will. Still, in working out this vision of public participation in governmental affairs, Fichte realized that "as soon as the government has been established, the people, as a unity, cease to exist; the people are no longer a people, a Whole, but an aggregate of individuals subject to the government, which is now not a part of the people."⁴⁵ It is plausible that Fichte worked to incorporate the people's collective voice, and individual voices, as much as possible in the affairs of the government. However, he may have realized that although freedom of government criticism is beneficial, it must also be restrained, particularly since his overall goal was the unity and stability of the government.

With a representative government, Fichte supported a form of checks on the power of the government, without a division of powers. His solution was in the citizen-elected "Ephorate." The Ephorate, working with the government, was envisioned as the institution that would provide a checks system to guarantee the security of liberty. Fichte clarified this checks system and the necessity of free speech, which would help maintain peace by warning the government of potential uprisings. He stated:

As soon as thinking is developed among the people, a power which observes and checks the action of the government is also developed. This power has two purposes to fulfill: To warn the government; and secondly, if that is of no avail, to call the people together. The first purpose it generally accomplishes, unless free speech is forbidden (which is a dangerous undertaking on the part of the government), and government usually listens to those warnings and obeys them. For no government dares to remain behind the people. But if government does not listen to them, the people are called together.⁴⁶

Within this theory of a political system, if the government rule is intolerable to the people, Fichte advocated that the people should be able to rise up against the government by uniting together to judge the government and Ephorate. "In this case, the uprising is lawful both in form and in substance; for until insecurity and maladministration of the law oppress every citizen, each one takes care only of himself, and tries to get along as best he may."⁴⁷

Fichte, therefore, actively believed that if the government failed to listen to the people, the people should unite against it.⁴⁸ However, as would be expected with Fichte's views of national unity, the basis for such unification should be grounded in the advancement and benefit of the nation. Fichte pointed to the French Revolution as an example of this act of revolution. Fichte's ultimate contract theory of government closely paralleled Locke's earlier idea of a governmental contract with the citizens; Hegel, like Fichte, also emphasized a social contract as a basis of right. With this contract theory, if the state did not fulfill its contractual bargain then the people had the legal right to rebel and overthrow the government that failed to protect their freedoms.

However, under Fichte's theory, such a revolution was legal for the people standing together in a convention, but was not legal when individuals who did not have the support of the people advocated the overthrow of the government. Thus, under his theory, the advocates of change must find a voice that focuses on pulling citizens together, a voice that works for the people and the benefit of the nation. These individuals, or few advocates for beneficial political change, were viewed by Fichte as "rebels." Fichte praised both the successful and unsuccessful political rebels. He realized that the unsuccessful political rebels would probably be punished by the government; however, he continued to support their cause, as long as they acted so as to positively influence the state. With his support for freedom of speech, it is fitting that he considered these rebels to be "martyrs of true justice."⁴⁹ He opined that they are most likely "innocent in intention; but in deed they are punished as guilty."⁵⁰ Fichte realized that rebellion against the government is essentially an underground operation. Although there is a risk in rebelling, if rebels were successful (because the people united with them) the collection of citizens could harness power over the unjust dictates of an executive power.⁵¹

The rebels Fichte personally supported were those who acted for just ends. Before beginning their fight, Fichte advocated that the rebels have a good knowledge of the people and assurance that the people were likely to follow them before they call for a revolt against the government. Fichte again stressed the importance of reflecting on ideas and actions before expressing them, since such an attempt for a convention would risk the possibility of the destruction of all law. Fichte warned that rebels without a cause, or those who failed to consider the ramifications of their voice, were likely to harm to the stability of the entire state, which he opposed. Perhaps the French Revolution had much to contribute to Fichte's concept of a unified people who support the government until that government has been proven unjust. But, what this theory of citizen action does demonstrate is Fichte's openness to well-considered public participation in the strength of the nation, grounded in the imperative element of argument in the public sphere. He might appear in his work as one who spoke of free speech with limits; however, few attempt to contend that Fichte was not an ardent supporter of freedom with tendencies toward absolute freedom of speech over restricted speech. Despite his political preferences, he was certainly an advocate of free expression.

C. Public Dissemination of Well-Considered Ideas

Fichte encouraged citizens to reflect on ideas, and once their ideas were refined, citizens should share the ideas with others. Fichte mentioned a particular German custom of open debate as being un-German. Again, Fichte demonstrates his preferences for critical thought that refines one's voice in the public sphere. This custom of open debate involved a participant introducing any topic as an invitation for participants to discuss the topic, saying whatever they wished about the topic "quickly and on the spot."⁵² When one speaker was finished, without pause, another speaker began. Fichte criticized this impromptu form of discussion and debate (even though he was once a participant in them) because he would rather people speak publicly after they have carefully reflected on their ideas--in order to contribute to the conversation, rather than speak blindly and possibly mislead with false information. Fichte argued, "If anyone has his judgment ready and clear in this way, we do not exactly insist that he shall deliver it publicly. . . . Only he who can say something different and better is called upon to speak."⁵³

Fichte told the German people that he publicly spoke out about issues of the government and educational reform not simply because everyone has the same right to speak freely:

I am doing it solely because not one of them has done it before me, and that I would be silent if another had already done it. This was the first step, . . . someone or other had to take it. . . . After this some other step will be the second; all have now the same right to take this step; but once again it will in fact be one man, and one man only, who does take it. There must always be one who is first; then let him be first who can!⁵⁴

He preferred that everyone be able to contribute to a universal body of knowledge and advance that knowledge as he did. His idea of public oratory was one that entailed self-monitoring, not government censoring. He believed that his speech did contribute to the strength of the state, as history demonstrates that it did. He used his speech to encourage the German nation toward reform, while supporting a united national pride.

With his own work, Fichte stated that he desired to "lead as many men as I could to a point where they might take a firm stand, to the point which concerns us most intimately--the point of our own common interests."⁵⁵ He told the German people:

When once a united and unchanging opinion makes itself heard, when a definite need announces itself as a general need and makes itself felt--the need of a national education, as we assume it will be--I am quite sure that our governments will listen to us; they will help us, if we show the inclination to allow ourselves to be helped. At any rate, if they did not, we would then, and not before, have the right to complain about them; at the present time, when our governments are pretty much as we want them to be, it ill becomes us to complain.⁵⁶

One of his common interests was the determination of what it was to be German, as opposed to non-German. To Fichte, a German was someone who "appreciated the need of forming an opinion for himself about that which concerns Germans," and those who were not interested in German subjects "may rightly be regarded. . . as not belonging to us."⁵⁷

Fichte also questioned the public about its effective use of freedom of speech, stating:

Throughout the entire domain of the whole German language, wherever our voice rings out free and unrestrained, it thus invokes Germans by the very fact of its existence: No one wants your oppression, your servility, your slavish subjection; but your independence, your true freedom, your elevation, and your ennoblement are wanted; for it is not forbidden to discuss these things openly with you and to show you the infallible means of attaining them. If this voice finds a hearing and has the result intended, it will set up a memorial of this greatness, and of our faith in it, for all centuries to come--a memorial which time cannot destroy, but which will grow greater, and spread more widely, with each new generation. Who dares to set himself against the attempt to erect such a memorial?⁵⁸

He considered that it was not only important to have public communication for all, but he took on the self-imposed role of encouraging others to learn, understand and actively communicate their knowledge. Fichte is, of course, most greatly remembered for his rhetorical ability to encourage the patriotic spirit of his fellow countrymen.

III. Limits on the Freedom of Speech

Although Fichte held the previously-mentioned views about the government and freedom for public argument within a stable nation, he found it necessary in a morality-driven, peaceful, and successful unified nation to require some speech limits. However, unlike philosophers of freedom who required government-enforced restrictions during the period of Enlightenment, Fichte's theory of the limits of free speech was placed primarily on the speakers, not necessarily the government --such as with his desire that people speak only when they have something valuable to say.

A. Self-Imposed Censorship Guided By Moral Considerations

It is arguable, and justifiable, that any true limits that Fichte imposed on the freedom of expression were, realistically, none. Fichte's desired limitations on speech are actually preferences rather than mandated forms of censorship. He was generally unsupportive of government-enforced censorship. To Fichte, people should be morally bound to restrict their freedom to do or say what they please, or at least refine their voice through careful reflection prior to speaking. Other German Enlightenment philosophers, Kant, Hegel, and Bahrdt, also proposed that the total, unrestrained freedom of speech and publication without any limits could be harmful to other people and the state. Fichte clarified his view of limited speech in a society of men living peacefully together as the balance between constraint and use. Fichte defined constraint as the selection made from the total sum of everything. However, if a person lived alone, outside of a community, then he believed that the restrictions on this freedom of speech were not an issue.

Fichte did not submit to unjustified censorship, and he was opposed to government or church-enforced repression. The government of Saxony in 1798 suppressed Fichte based on accusations of atheism. Fichte published a friend's article in *The Philosophisches Journal* when he was an editor of that journal, and wrote a [preface](#) to the article, titled "On the Ground of our Belief in a Divine Government of the World." The journal was suppressed by almost all the German states. When a request came through the Court of Weimar for the punishment of Fichte, Fichte threw more fuel on the fire by writing "Appeal to the Public"—an appeal made without sanction from the government of Weimar.⁵⁹ Rather than surrender to the reprimands or any suggested punishment, he threatened to resign and left the city when he was dismissed. Although his opinions of God were nonconformist, he wrote and spoke his beliefs in public, amidst the attacks against him. He wrote a strongly-worded letter to the ministry addressing his unjustified reprimands and stated that he would rather retire his position at the University than succumb to such treatment.⁶⁰ As one author remarked of Fichte, "He reacted to the charge with indiscreet petulance and lost the support of Goethe and Kant, but the issue was genuine: complete freedom of thought and expression."⁶¹ Although Fichte supported freedom of speech with a preference toward self-imposed limitations of the speaker, it was during this time that Fichte did demonstrate a support for complete freedom of expression. Such a demonstration may have been because Fichte saw himself as a defender of morality who once studied for the ministry, and accusations of atheism, which denied much of what he advocated, enraged him to the point of demonstrating a total support of ultimate freedom of expression.

Fichte was always a strong defender of complete freedom of expression, and the few limitations that he desired on expression were merely due to his expectations of ethical-based and intellectual-based self-monitoring by the communicator. Further, it could be argued that such fine-line limitations are not real limitations on expression at all. He definitely failed to support government censorship of speech.

B. Libel and Slander

Fichte remarked on the importance of free speech in legal matters such as libel and slander. One way the state could protect citizens was to warn them of anyone with an "infamous" character. But to Fichte, no one could be considered "infamous," and therefore of bad character, without legal proof. Fichte stated, "Hence, no one has a right to deprive him of this possibility by falsely charging him with infamy. . . . The state has guaranteed it by agreeing not to interfere with public opinion, and the natural order of things in this respect."⁶²

Fichte's vision of free speech worked to take the government role of limiting speech out of the picture, except where the government was needed to protect an individual's character against libelous and slanderous attacks. Moreover, Fichte maintained that a person who falsely attacked someone's character should be the one who is discredited in society. But, such punishment of character again appears to be one that is enforced by societal perceptions and actions, rather than the interaction of the government. Fichte held, "He who maliciously defames another citizen, naturally defames himself, for he renders himself unfit for the confidence of others."⁶³

Despite Fichte's writings on some form of state-enforced protection of an unjustly-accused person's character, Fichte was a strong supporter of the freedom of the press. He proposed a solution to ending libel, one that was dependent on the citizens rather than the government. He stated that if the libelous or slanderous words were not purchased or heard by citizens, then such words would likely disappear. This is an easy answer, and one that is not unlike the solutions now posed in contemporary society to end libelous

attacks. He stated:

No more scurrilous denunciations will be printed the moment it is certain that no more will be bought, and as soon as their authors and publishers can no longer reckon on readers tempted to buy them for lack of something better to do, by idle curiosity and love of gossip, or by the malicious joy of seeing those men humiliated who at one time instilled into them the painful feeling of respect. Let everyone who feels the disgrace hand back with fitting contempt a libel that is offered him to read; let him do this, although he believes he is the only one who acts in this way, until it becomes the custom among us for every man of honour to do the same; and then, without any enforcement of restrictions on books, we shall soon be free of this scandalous portion of our literature.⁶⁴

This solution to libel was placed on the society, simply advocating that proven liars should stop lying, and society should stop listening to or reading the lies. Eventually, he thought, the immoral acts of people lying about others would eventually subside, if not die out. Although such a solution might be viewed as too simplistic, it is one that remains a valid argument for those who support unlimited freedom of speech.

C. Advancing Truth in Speech

Fichte was an advocate of a society where citizens and the government worked toward determining truth and avoiding misleading and false information. For example, he criticized a fearful German practice of falsely praising foreigners. He stated that out of terror the German people tended to flatter foreign nations that might pose a threat to them, but such behavior proved ridiculous: "a frightened man who praises the beauty and graciousness of a creature which in fact he takes to be a monster, and which he merely seeks to bribe by his flattery not to swallow him up" is counter-productive.⁶⁵ Fichte advocated that his countrymen raise themselves to a higher standard, to work as enlightened people toward that which leads to truth and wisdom, while leaving it to other nations to speak blasphemies.

One slander does not cure the other, or restore the "natural order of things."⁶⁶ Instead, Fichte suggested giving the "lie to those who think and speak thus of you; show before the eyes of all the world that you are different, and then those men in the eyes of all the world will be convicted of untruth", adding:

Perchance it was precisely with the intention of being refuted by you in this way, and because they despaired of any other means of rousing you, that they spoke of you as harshly as they did. If that was the case, how much better disposed towards you they were than those who flatter you, in order that you may be kept in sloth and quietude and all-unheeding thoughtlessness!⁶⁷

Guilty or innocent, the person who was attacked, in Fichte's account, was the one who was ultimately placed with the burden of clearing his or her name.

Fichte believed that people have a sphere of freedom that is limited only by their minds and their ability to co-exist with others, while respecting their freedoms to foster their individuality. He stated:

Freedom is . . . always posited in the future Now, my freedom is possible only if the other individual remains within his sphere; hence, as I demand my freedom for all the future, I also demand his restriction to his sphere, and since he is to be free, his restriction through himself for all the future; and all this I demand immediately in positing myself as an individual.⁶⁸

Fichte concluded, "I must recognize the free being as such in all cases, that is, must restrict my freedom through the conception of the possibility of his freedom."⁶⁹ Within this sphere, people have certain freedoms. These freedoms consist of properties each person values, and a person's labor consists of attaining and maintaining the properties he or she values. In a rational government, everyone in a state must make this agreement to respect others' spheres of freedom and property, including the property of one's character.

Fichte does appear to argue for a few limitations on freedom of speech, but they are quite vague. This vagueness may be construed as resulting in hidden limitations on freedom of speech. The idea that freedom of speech is valid so long as one respects another person's freedom and right of character provides for a great limitation of speech. In effect, a person's anticipation of what might harm someone else's rights and freedoms would, in turn, cause self-censorship far greater than it appears Fichte may have contemplated, what we might now refer to as a "chilling effect." The effort of limiting one's freedom of speech to account for another person's freedoms provides a huge gap in what one would otherwise say. However, as Fichte was a lifelong supporter of critical thought and speech and writing that reflects rational contentions, it is also arguable that his countrymen, who were well aware of the self-imposed limitations that Fichte wished imposed on speakers, also knew of the breadth of freedom of speech that Fichte also greatly advocated.

IV. Conclusion

Although most academic studies of human struggle for free speech and a free press focus on British or American thoughts and practices, much can be gained by analyzing how political thought is shaped in varying cultures and in different time periods. This study serves as only a beginning examination of the nature and limits of free thought and speech during one time period in one culture and within the framework of one man's work. Further study of Fichte's ideas of the nature and limits of free information, thought, and speech are needed to supply more weight to an already existing body of free speech theory. Fichte represents the brother of German liberty and German Nationalism. He urged the German people to learn and use the German language to the best of their ability. His work and published addresses encouraged his countrymen and led the way for the high-powered German unification movement occurring after his death and after the Napoleonic Wars. Fichte's philosophy of free speech represented a voice that advocated contributive speech. Through his eloquent rhetoric, he was able to touch the hearts and minds of his countrymen in an effort to apply all that he had learned throughout his career to unify his countrymen during a period of political and social confusion as a result of the French occupation of his country.

Fichte believed that people are rational beings, restricted in thought only by the limits of the human mind, and restricted in speech only where necessary by moral factors. To Fichte, there is no right to think, because thought is an internal process, but there is a right to protect one's self from harm. He agreed that people should respect others' freedom. Much of Fichte's emphasis on free speech supported the spirit of the German nation, rather than speech against the nation. He stressed the importance of free speech and mastering the German language, and added that a group of individuals only become a society, or community, when they relate with each other through communication.

Like other German Enlightenment philosophers, Fichte believed in the role of the government to protect rights and freedom. Fichte considered it the duty of the state to protect the rights of the people, especially their freedom of thought and expression. The way the government could protect freedom of speech and the press was not to create unjustified governmental restraint on such freedoms. His views on speech against the nation centered on a balance between national security and the ability to criticize the government. He clarified his view of public opinion as one of a well considered thought, and he advocated that people use their mind and voice to contribute to a universal body of knowledge. His view was one of learning to know, speaking to share information, and the protection of such abilities.

The implications of this study for free speech scholars goes beyond a mere explication and understanding of Fichte's philosophy of freedom and his comprehensive theory of freedom of speech. It demonstrates that philosophers situated outside the Anglo-American political culture have reached the conclusion that freedom of thought and speech are essential to larger issues of human freedom and constitute a fundamental human right that transcends a particular political arrangement. It also indicates that free speech scholars seeking to construct a theory of freedom of expression can productively engage the arguments of the seminal thinkers from other nations. Further, such scholars should work to grasp the principles of free speech as a universal human right in an inductive fashion based on studies of overlooked but insightful writers who have struggled to comprehend and resolve the transcendent issues involved in balancing and resolving the tensions between free and responsible speech.

Notes

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Works Cited

1 Johann Gottlieb Fichte, "Reclamation of the Freedom of Thought from the Princes of Europe, Who Have Oppressed It Until Now," Thomas E. Wartenberg, translator; Chapter in *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley: University of California Press, 1996), 136.

2 Lindsley Armstrong Smith, "Carl Friedrich Bahrdt (1740-1792): On Freedom of Speech and Publication," *Free Speech Yearbook* (2000), in press; and Lindsley Armstrong Smith, "Kant, Bahrdt, Fichte, and Hegel: The Nature and Limits of Free Speech Rights in the German Enlightenment," paper presented at the Southern States Communication Association Convention in New Orleans, Louisiana, 8 April 1995. Ms. Smith is an attorney at Martin & Kieklak Law Firm and previously served as law clerk to the Honorable Richard S. Arnold on the United States Court of Appeals for the Eighth Circuit.

3 For a synopsis of Fichte's life and work, see [The Popular Works of Johann Gottlieb Fichte](#), and [Alfred Weber's History of Philosophy](#). See also, the entries in the [Encyclopedia Britannica](#) and [The Internet Encyclopedia of Philosophy](#).

4 Mark Kipperman, *Beyond Enchantment: German Idealism and English Romantic Poetry* (Philadelphia: University of Pennsylvania Press, 1986): 62. The author here notes that Fichte and all other political philosophers of the Eighteenth Century used the word "man" to represent humankind. Present academic conventions, including the policies of the *American Communication Journal*, have a commitment to the use of nonsexist language. Therefore, the author's language in this article conforms to that standard; however, the quoted passages retain the original usage to preserve the integrity and historical accuracy of the text.

5 Johann Gottlieb Fichte, *Science of Rights*. A. E. Kroeger, translator (Philadelphia: J. B. Lippincott & Co., 1869), 60.

6 Id., 61.

7 Id.

8 Johann Gottlieb Fichte, *Foundations of Transcendental Philosophy*, Daniel Breazeale, trans. and editor (Ithaca: Cornell University Press, 1992), 143.

9 Tom Rockmore; *Fichte, Marx, and the German Philosophical Tradition* (Carbondale: Southern Illinois University Press, 1980), 20.

10 Lewis P. Hinchman, *Hegel's Critique of the Enlightenment* (Tampa: University of South Florida Press, 1984), 28.

11 Johann Gottlieb Fichte, "Concerning the Means for our Preservation Until We Attain Our Main Object," Speech in *Addresses to the German Nation*. R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 213.

12 Fichte, *Foundations of Transcendental Philosophy*, 447.

13 Id., 143.

14 Id., 157.

15 Fichte, *Science of Rights*, 26.

16 Id., 24.

17 R. F. Jones and G. H. Turnbull, translators, *Addresses to the German Nation* (Chicago: The Open Court Publishing Company, 1922), xxi.

18 Fichte, "Closer Study of Characteristics," Speech in *Addresses to the German Nation*, R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 123.

19 Johann Gottlieb Fichte, "Introduction and General Survey," Speech in *Addresses to the German Nation*, R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 14.

20 Johann Gottlieb Fichte, "The Starting-Point that Actually Exists for the New National Education of the Germans," Speech in *Addresses to the German Nation*, R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 165.

21 Johann Gottlieb Fichte, "New Education Further Defined," Speech in *Addresses to the German Nation*, R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 185.

22 Fichte, "Same Subject Further Considered," Speech in *Addresses to the German Nation*, R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 235.

23 Fichte, *Science of Rights*, 82-83.

24 Johann Gottlieb Fichte, *Beitraege zur Berichtigung der Urtheile des Publicums*, in *Saemmtliche Werke*, VI, 44.

25 Jones and Turnbull, trans., *Addresses to the German Nation*, xv.

26 Johann Gottlieb Fichte, "People and Love of Fatherland," Speech in *Addresses to the German Nation*, R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 149.

27 Fichte, *The Science of Rights*, 160.

28 Krieger, *The German Idea of Freedom*, 185.

29 John Dewey, *German Philosophy and Politics*, (New York: Henry Holt and Company, 1915), 86.

30 Fichte, *Science of Rights*, 334-335.

31 Id., 169.

32 Leonard Krieger, *The German Idea of Freedom*, 184.

33 Id., 23.

34 Id., 188.

35 Fichte, *Science of Rights*, 149.

36 Id., 156.

37 Id.

38 Id., 157.

39 Fichte, "Concerning the Means for our Preservation," 216.

40 Id., 217.

41 Id.

42 Id., 218.

43 Fichte, *Foundations of Transcendental Philosophy*, 158-160.

44 Fichte, *Science of Rights*, 257.

45 Id., 265.

46 Id., 285.

47 Id., 270.

48 Id., 285.

49 Id., 273-274.

50 Id.

51 Id., 272-273.

52 Fichte, "Concerning the Means for our Preservation," 210.

53 Id., 211.

54 Johann Gottlieb Fichte, "Conclusion," Speech in *Addresses to the German Nation*, R. F. Jones and G. H. Turnbull, translators (Chicago: The Open Court Publishing Company, 1922), 252.

55 Fichte, "Concerning the Means for our Preservation," 212.

56 Id., 213.

57 Id., 212.

58 Id., 221.

59 Heinrich Heine, *Religion and Philosophy in Germany*, John Snodgrass, translator (Boston: Beacon Press, 1959), 132.

60 Id., 134.

61 Kipperman, *Beyond Enchantment*, 62.

62 Fichte, *Science of Rights*, 328.

63 Id., 371.

64 Fichte, "Same Subject Further Considered," 244.

65 Id., 245

66 Fichte, "Conclusion," 250-251.

67 Id., 251.

68 Fichte, *Science of Rights*, 77-78.

69 Id., 78.