

Kant and Bentham on Freedom of Expression

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A lot of concentration has been spent on J.S. Mill's conception of free speech, but there exists scant research on the contributions of his immediate predecessors, most notably Jeremy Bentham, Wilhelm von Humboldt and Immanuel Kant. Especially in Kant's and Bentham's works we find highly relevant arguments that Mill could later draw on. Although the opposition between deontological and teleological approaches in political philosophy was as fierce at the turn of the eighteenth to the nineteenth century as it is now, it is stunning to see the substantial overlap between the two liberal democratic authors working from opposite perspectives of moral and political theory.

In the paper, I propose to discuss a central part of both authors' doctrines, namely freedom of political speech. It has sometimes been remarked that the principle "*To obey punctually; to censure freely*" from Bentham's *Fragment on Government* is echoed by Kant's "*Argue as much as you will, and about what you will, but obey!*" in *What is Enlightenment?* (e.g. Ben-Dor 2000, see Niesen 2008a). But there exists as yet no comparative research on early utilitarian and Kant's theories of freedom of political speech. I argue that a systematic comparison needs to begin with both authors' commitment to the epistemic functions of an unregulated political public sphere and attempt to illustrate this by a reading of Bentham's "Spanish" Writings and Kant's late works on legal philosophy, especially his "On the Common Saying".