The Swedish Freedom of the Press Ordinance of 1766

Background and Significance

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National Library of Sweden

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Jonas Nordin and Kungliga biblioteket/The National Library of Sweden, Stockholm 2023.
Ordinance translated by Ian Giles & Peter Graves, 2016.

Photo: Kungliga biblioteket (10, 12), British Library (5), Mårten Asp, KB (3, 26, 27), Björn Green, KB (17), Jonas Nordin (4, 8, 11, 15, 22).

ISBN: 978-91-7000-474-2

URN: https://urn.kb.se/resolve?urn=urn:nbn:se:kb:publ-716

Kongl. Förordn
1 a Samt

Kongl. Maj:ts Nådige Förordning,

Angående

Skrif- och Tryck-friheten;

Gifwen Stockholm i Råd-Cammaren then 2. Decembr. 1766.

Cum Gratia & Privilegio S:æ R:æ Maj:tis.

Tryckt uti Kongl. Tryckeriet.

Title page of the published version of the 1766 Freedom of the Press Ordinance. The printing was delayed due to Christmas break and the ordinance was not publicly announced until February 1767.

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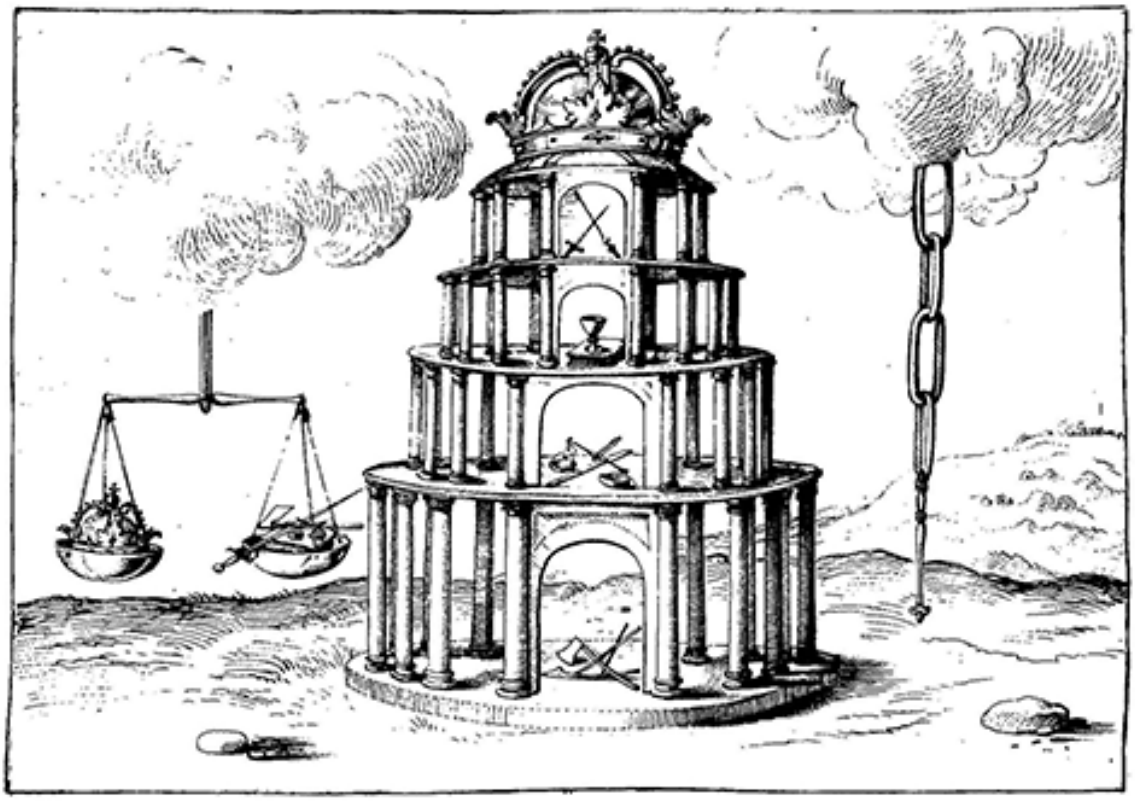
The Freedom of the Press Ordinance issued on 2 December 1766, was not only the first in Sweden but also the first in the world to establish freedom of expression in speech and writing as a protected legal right. But the ideas behind the ordinance were not unique. The Swedish debate tapped into strong currents in Europe's intellectual life. What made the Swedish situation special was its political governance with a strong parliamentary system where conflicting views forced compromises on important societal issues. This provided a favourable foundation for translating the radical political ideas of the time into concrete political proposals.

Censorship and Freedom of the Press in Europe

Together with the art of book printing during the late Middle Ages came the censorship of books. Johannes Gutenberg (1398–1468) has been called the father of European book printing, having introduced movable type to this part of the world. The majority of his life and work were



The old Lutheran-Aristotelian hierarchical order illustrated. Society consists of a pyramid built upon the four estates: nobility, clergy, bourgeoisie, and peasants, with the king at the top. The balance between king and people is illustrated by the scales on the left. On the right, the sceptre of power descends from the heavens in a chain of four links. Illustration from the diplomat Schering Rosenhane's emblematic mirror for princes, *Hortus Regius* (circa 1645).

concentrated in Mainz, and it was in this German city that the first secular censorship office was established in 1486. However, ecclesiastical control was older than that, and one of the driving forces behind book printing was the need for authorized and standardized editions of the Bible, instead of handwritten transcriptions with greater or lesser variations produced in Europe's monasteries. Still, as often happens, the new medium soon began to have its own life, and the Church lost control over the printed word.

Already in the early stages of book printing, authorities displayed a regulatory attitude that would prevail for centuries. The most well-known expression of this censorship is the Catholic Church's list of prohibited books, the *Index Librorum Prohibitorum*, which between 1559 and 1966 registered texts that devout Catholics should abstain from reading. Yet, this list of banned books was by no means unique, and it became the norm in most countries that manuscripts were reviewed before being allowed to be printed. What especially created loopholes past censorship was the authorities' lack of resources to monitor the relatively cheap medium.

Censorship was not only about suppressing rebellious, blasphemous, or immoral ideas; it was equally about quality control. In Christian Europe, all power structures were believed to flow from top to bottom, and both religious and secular authority ultimately derived from God.

Rulers had to uphold a divine order that could not be questioned. This essentially meant that all decisions about right and wrong, even in matters of taste and style, were beyond discussion. Most rulers also sought to maintain religious unity within their territories, and religious orthodoxy has always been incompatible with an open climate of discussion. Another common argument was that bad literature threatened to replace the good unless censors kept the market pure. The uneducated and illiterate especially needed protection from the influence of bad books.

The earliest examples of easing censorship appeared during periods and in regions where state and church control had waned for various reasons. The Reformation era in the Holy Roman Empire is an example, where political and religious divisions gave rise to a multitude of diverse and difficult-to-control expressions of opinion in print. The same applies to the English Revolution in the mid-1600s, where several competing centres of power and a lively debate on politics and society emerged. The period also saw one of the earliest and most famous principled defences of freedom of the press in John Milton's *Areopagitica* (1644).

Author John Milton (1608–1684), at the age of 62. Engraving by William Faithorne.

Milton believed that while there were ideas that needed to be fought, especially heresy, this was best done in an open conversation and without prior censorship: 'Who ever knew Truth put to the worse in a free and open encounter? Her confuting is the best and surest suppressing.' He argued that contesting harmful ideas was the best and surest way to subdue them. This did not prevent

Milton from believing that certain forms of expression could and should be punishable, but he considered pre-publication censorship to be both repellent and ineffective in maintaining order in public discourse.

In England, censorship was regulated through a Licensing Act, which was periodically renewed. When a new such regulation was to be adopted in 1695, the House of Commons opposed it, while the House of Lords was in favour. To persuade the members of the House of Lords, a letter was composed, primarily formulated by the philosopher John Locke. Many of the arguments were reminiscent of Milton's *Areopagitica*, and they were practical rather than principled. It was argued that censorship was ineffective and that offenses against religion, morality, and public order could be dealt with through ordinary laws and regulations. Another more subtle argument was made. Permission to print a publication was called *imprimatur*, *approbation*, or *placet* in various countries. A publication with such an official approval was difficult to prosecute even if it turned out to be rebellious or defamatory in its effect. Without prior censorship, there was no authorization to refer to and all publications could be subject to legal scrutiny afterwards. This was also something that happened to a large extent during the eighteenth century, and the absence of prior censorship did not equate to freedom of the press. Defamatory pamphlets could be prosecuted in regular courts, religious heresies could be charged under the 1698 Blasphemy Act, and seditious writings could be branded as high treason. In 1719, the 19-year-old printer John Matthews was executed, accused of publishing a pamphlet in support of the Jacobite claimant to the throne. The political parties, Tories and Whigs, used the courts extensively to persecute each other and initiated prosecutions against writings that supported the opposing side.

In other words, printers in Great Britain did not work under ideal conditions. However, already in the seventeenth century, there were such a large number of printing houses that the market was difficult to control. In the eighteenth century, Great Britain's population was approximately four times bigger than Sweden's, but while there were 124 printing houses in London alone in 1785, Sweden had only 24 in the entire realm in 1765. (That number rose to 35 by the end of the century.) Ultimately, Great Britain had the most favourable climate for printers in all of Europe, and many held it up as an example.

Likewise, there was a relatively tolerant attitude towards censorship in the Netherlands and certain small German states. The reasons were largely the same as in Great Britain: many competing printers and a decentralized political structure. For example, the Electorate of Hanover, which had a personal union with Great Britain since 1714, became a kind of connecting hub for European science and learning thanks to its relaxed censorship policy and the progressive university of Göttingen.

The History of Censorship in Sweden

In 1483, the first book was printed in Sweden, but it took a long time before censorship was formally regulated. This does not mean that printers worked under free conditions, but the modest number of domestic books produced during the sixteenth century hardly required institutional procedures. In principle, all printed matter, regardless of content, needed royal approval, which meant that the king's council reviewed manuscripts to be printed and perhaps even more so, the books imported from abroad. The first royal printing press was established in 1526, and otherwise, the realm's offices were under the control of the church or schools. Consequently, the diocesan boards and church consistories had significant control over the printed word, which could take various forms during the religiously turbulent sixteenth century.

Uppsala University, founded in 1477, was forced to close during the Reformation, but when it was re-established under Gustavus Adolphus, the academic consistory (equivalent to the office of the rector) was entrusted with controlling the books and dissertations produced by teachers and students. The university's constitutions of 1626 and 1655 reiterated this censorship instruction.

An unusual form of censorship decree was the privilege granted by Gustavus Adolphus to the learned humanist Eric Schroderus on 10 March 1630. In the letter, Schroderus was given the right to start his own printing press and publish his writings without prior examination by any other authority. Furthermore, there were provisions to protect his exclusive rights: anyone who printed Schroderus' books without permission in Sweden or abroad was threatened with fines. Lastly, Schroderus was given supervision and censorship authority over all books to be printed in Stockholm. This goes to illustrate that trusted individuals could indeed be granted extensive liberties.

The first real censorship legislation came as late as 1661 and was included in the new Chancellery Ordinance issued that year. Paragraph 14 stipulated that all books printed in the realm and its subordinate provinces should be sent in two copies to the king's chancellery for examination. If anything 'prejudicial' (offensive or harmful) was found in the submitted texts, appropriate fines would be issued. This was a form of post-publication censorship, which could prove troublesome for a printer who had already produced a large edition that was subsequently banned. Consequently, only a year later, on 15 July 1662, a royal letter was issued that reversed the order: all manuscripts intended for printing should first be sent to the Royal Chancellery for examination. This provision was supplemented on 21 April 1665, with a prohibition against 'scurrilous and defamatory writings', and on 2 June 1668, with a ban on copying and printing statutes issued by His Royal Majesty. The latter injunction was likely a measure to prevent unauthorized editions of legal texts from circulating among the public.

On 5 July 1684, King Charles XI issued a censorship ordinance, which remained in effect until censorship was abolished with the Press Freedom Ordinance of 1766. As before, the control function lay with the Chancellery, but two years later, on 7 July 1688, a separate office, *censor librorum*, was established within the Chancellery, and its holder would perform the practical work.

The censor's tasks included overseeing the import of books, inspecting bookshops, supervising the printing houses in Stockholm, and not least reviewing and, if necessary, correcting manuscripts before printing. Beyond the capital, the printing houses were concentrated in diocesan and university cities, and the censoring of theological and scientific literature continued to be completed locally. For religious texts, the censor was responsible for controlling the examinations carried out by the consistories. Censorship involved ensuring that no subversive, indecent, or otherwise offensive writings were disseminated. However, a significant part of the work consisted of quality control and safeguarding the authors' and publishers' rights.

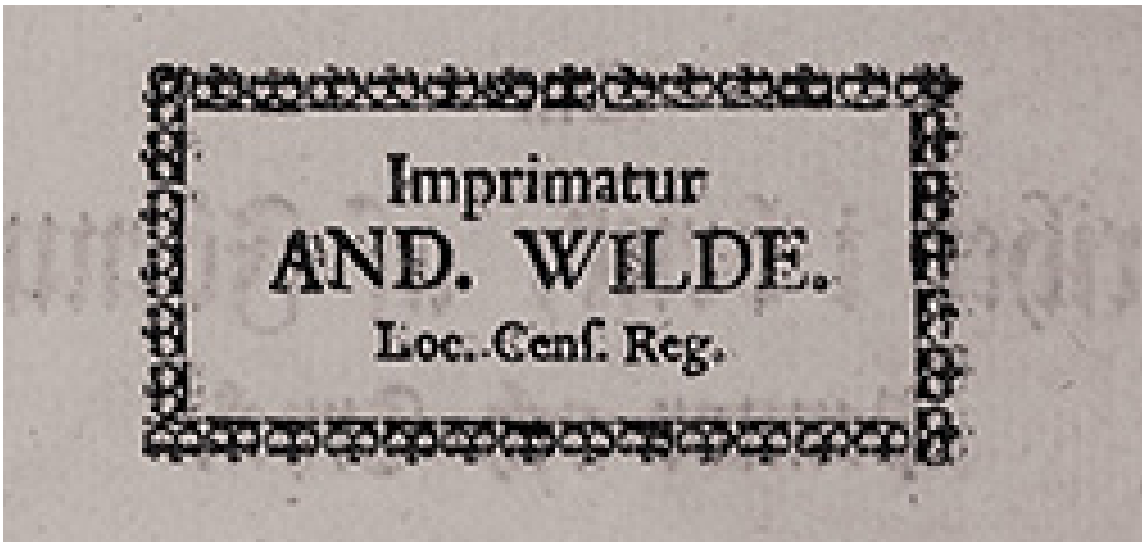
During the eighteenth century, there was no specific framework to protect intellectual property rights. The most common way to protect the economic interests of authors and publishers, in Sweden as elsewhere, was by granting privileges. This meant that the exclusive right to a work was protected for a certain period, usually ten or twenty years. During that time, the work could not be reissued by anyone else, and the censor could also prevent other books on similar topics from being published. The censor's warrant was also seen as a form of approval, which required a certain level of quality; readers' patience and the reputation of His Royal Majesty should not be tested by substandard literature. In effect, such aspects consti-

tuted the most demanding part of the censor's workload, and in Sweden, as in many other countries, the office holder was often a learned man with an overview of contemporary European literature. He often had his own literary works to his credit.

Throughout its existence, the censor's office was held solely by one person, and given the many and varied tasks, it is evident that surveillance often became incomplete. However, it is important to remember the self-censorship among authors induced by contemporary criminal law. Obedience and caution in political matters were instilled in most subjects from childhood, and writers who harboured truly seditious ideas hardly sought official approval for publication.

On 24 April 1749, the provision was introduced that books approved for printing should be stamped with the word *imprimatur* ('may be printed'), followed by the censor's name. This stamp was used until 1766 and appeared with three names: Gustaf Benzelstierna, Niclas von Oelreich, and Anders Wilde, who served for a period as an acting censor.

Interestingly, the stamp also appears after 1766 on new editions of works that had been reviewed before censorship was abolished. The stamp may have been seen as part of the edition that should be included in an unchanged reprint. Another explanation may be that the stamp signalled that the work had been quality-checked.



The 'imprimatur' stamp with the censor's name was compulsory in all printed matter from 1749 to 1766. This example is from a pamphlet discussing the prudence of letting the press free: *Oförgripelige gen-tankar, om frihet i bruk, af fönuft, pennor och tryck* (Unprovocative Replies and Reflections on Freedom in the Use of Reason, Pens, and Printing, Stockholm: Peter Hesselberg, 1761).

Sweden in the Age of Liberty

During the so-called Age of Liberty (1719–1772), Sweden had a distinct form of government compared to other European countries. After the death of King Charles XII, a top-down coup took place, leading to the abolition of absolute monarchy and the transfer of power to the Council of the Realm and the Diet, the four estates' parliament, which convened every three years or more frequently. Over time, two parties emerged: the 'Hats' and the 'Caps'. These were not modern-style parties with well-defined programs and developed organisations. Rather, they were loosely formed interest groups that organised around and during the sessions of the Diet. Unity and consensus were societal ideals, and the parties were initially viewed with suspicion. Towards the end of the Age of Liberty, however, they began to be seen more favourably

as a natural part of the polity, and their organisations became more stable, with clearer ideological differences.

The king's role was reduced to being mostly symbolic during the Age of Liberty. With only two votes, he was easily outvoted in the sixteen-member strong Council of the Realm. However, he was still significant for providing legitimacy and authority to the state power. For generations, subjects had been taught that all power derived from God and that the king was the highest temporal authority. Therefore, it was challenging to accept a form of government where power emanated from the people, especially as influence in the state was seen as a zero-sum game, with the nobility easily gaining disproportionate power. There was a fear of noble rule, especially among the common people. 'Better one master than a hundred', an old saying went. For this reason, the king continued to legitimise all political decisions, and new laws were issued in his name, even though they were actually decided upon in the Diet.

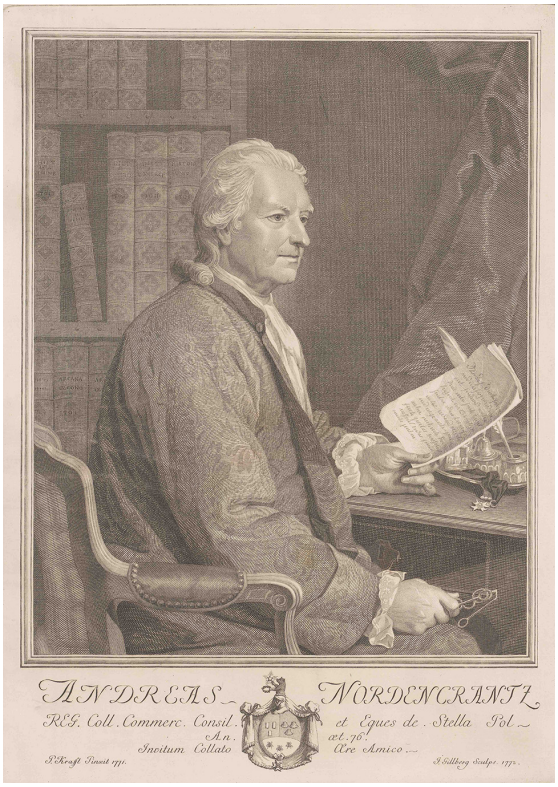
In Sweden, a peasant estate represented the rural population, making the Swedish Diet the assembly with the broadest popular representation in any of the larger European states. However, this should not be compared to today's parliamentary democracies. Instead, the form of government can be likened to the organisation and influence within a modern corporation. To have influence over the governance of the realm, one needed an economic interest in the state. The estate corporations – nobility, clergy, burghers, and peasants – thus corresponded to shareholders. They did not vote collectively at the Diet (equalling the shareholders' general meeting), but appointed commissioners to represent them. Those who did not have independent ownership – women, tenants, wage earners, soldiers, servants, etcetera – had no vote or influence; they can be compared to the company's workforce. The ongoing operations were managed by the Council of the Realm ('the board of directors'), which acted independently but was accountable to the Diet. The Diet could express its mistrust in the entire or parts of the Council, leading to replacements. The king resembled a chief executive officer responsible for day-to-day affairs. His work was determined by the Council/board, but he did not have to answer to the Diet/general meeting. To continue the analogy, nobility, clergy, and burghers were the professional major shareholders in the corporation of Sweden. Here, there was competence, social capital, and negotiation skills. The nobility also had direct connections to the board of directors. The peasants were long seen as individual small savers – weak, divided, and inexperienced – but over time, they developed increasing maturity and expertise in the negotiations at the Diet.

Understanding the significant role of economic co-ownership helps to grasp the prevailing mindset of the time and makes it less alien from our perspective. The notion that those who pay also should have the right to decide is recognised in many contemporary contexts (except perhaps in politics). It also helps to explain the resistance to parliamentary rule that simultaneously existed in broad circles and across all social classes. The four estates were considered institutionalized special interests balancing each other; if everyone could have a say but no one was allowed to dominate, a harmonious state would be achieved. However, elevating these representatives of special interests to the highest rulers of the realm was as outlandish to many as if we today were to let employers' organizations and trade unions govern a country.

All the described beliefs had ancient roots and shaped societal thinking across Europe, regardless of the form of government. However, the eighteenth century was a period of significant change when these thought patterns began to be challenged. The radical, natural rights-inspired ideas that emerged primarily focused on the individual's freedom versus state intervention. Political representation was a minor concern compared to the question of the

individual's rights and freedoms. The radical thinkers argued that humans were born free by nature, and even though man had relinquished some of this freedom to form societies with common rules, they retained a fundamental immunity against unjustified interference from the authorities. The French legal philosopher Montesquieu explained this clearly in his book *The Spirit of Laws* (1748): 'Liberty is the right to do everything that the laws permit.'

Montesquieu's postulate became a fundamental proposition for many reformers in the eighteenth century. His writings, along with those of other Enlightenment thinkers, were read and pondered all over the continent. In states with monolithic political systems, such as France, Russia, and Denmark, these ideas remained confined to salon discussions or were subject to the whims of the rulers, while Sweden's relatively porous and dynamic form of government provided a fertile ground for translating these new ideas into real political reforms.



Author and politician Anders Nordencrantz (1697–1772). Engraving by Jacob Gillberg after a painting by Per Krafft.

President of the Chancellery Anders Johan von Höpken (1712–1789), dressed in the attire of the Order of the Seraphim. Engraving by Jean Eric Rehn.

The Struggle for Freedom of the Press

When the Swedish press freedom reform was adopted, it followed years of campaigning and extensive preparations. The term Age of Liberty (*frihetstiden*) was already used by contemporaries and carried obligations for most politicians. Autocracy had been rejected, and there were early slogans expressing that phenomena like aggressive wars, torture, and censorship were incompatible with a free form of government. In reality, however, it was not until the 1750s that such ideas began to gain broader support.

An early principled advocation of press freedom was presented by Anders Johan von Höpken. As President of the Chan-

cellery, he was likened to a prime minister and he was also the leader of the ruling Hat Party. His party supported the publication of the political journal *En Ärlig Swensk* (An Honest Swede, 1755–1756), which had been criticised by opponents within the Council of the Realm. This prompted Höpken to eloquently speak out. His argumentation was based on natural law principles: he declared that humans were born with natural rights that the state cannot infringe upon, but they were born without inherent knowledge, which must be imparted through education and upbringing. He argued that freedom must be utilized, and such utilization requires knowledge. Therefore, the means to gain knowledge and exercise freedom is freedom of the press and understanding of the laws. He advocated for general public enlightenment because 'the instrument of government and the fundamental laws include both the learned and the unlearned'. Despite his passionate speech, Höpken was not a true advocate of press freedom, as his actions against political opponents demonstrate. In fact, he represented a common view: reading and forming opinions on state affairs and other complex matters should be reserved for an educated few. The common people should stick to religious texts and simpler disciplining writings suitable for their humble position in society.

Philosopher and political writer Peter Forsskål (1732–1763). Engraving by Johan Fredrik Martin, 1780s.

More dedicated advocates of free expression were the writers Johan Fredrik Kryger (1707–1777) and Anders Nordencrantz (1697–1772). Kryger viewed the issue primarily from an economic standpoint, arguing that increased press freedom would benefit domestic industries. However, he also believed that most topics should be open to free discussion, excluding religious matters. Nordencrantz was one of the most influential opinion makers during the Age of Liberty and a sort of ideological leader within the Cap Party. He had motioned for the abolishment of censorship as early as 1727, when he made his first appearance at the Diet. Several of his writings could only be published after 1766, including *Tankar om friheten i tryck, samt dess nytta och skada* (Thoughts on Freedom of the Press, its Usefulness, and Harm), which he had translated from English as early as 1730 and kept as a manuscript. Before the Diet session of 1756, he obtained an *imprimatur* for the pamphlet *Oförgripelige tankar, om frihet i bruk af förnuft, pennor och tryck, samt huru långt friheten derutinnan i et fritt samhälle sig sträcka bör, tillika med påföljden deraf* (Harmless Thoughts, about Freedom in the Use of Reason, Pens, and the Press, and How Far such Freedom Should Extend in a Free Society, along with its Consequences). Despite having obtained permission, the printing was interrupted due to intervention from the Chancellery. Parts of the text, however, came into circulation before it was banned. As the title suggests, Nordencrantz did not advocate unlimited press freedom, and he embraced the argument that censorship contributed to maintaining the quality of books. However, he believed that the censorial office must be independent of political interests and therefore should be placed under the control of the Diet. He

further argued that punishable ideas should primarily be met with arguments, not prohibitions. Nordencrantz returned to the issue of press freedom in several writings, including the extensive tract *Til riksens höglofl. ständer församlade vid riksdagen år 1760* (To the High and Noble Estates of the Realm Assembled at the Diet of the Year 1760), comprising almost 700 pages.

Yet, the most explicit and concise plea for freedom of the press came from a young and relatively unknown philosopher and naturalist in Uppsala, Peter Forsskål (1732–1763). In the spring of 1759, he had a small eight-page pamphlet, titled *Tankar om borgerliga friheten* (Thoughts on Civil Liberty). The reception of this publication serves as an interesting case study on the function of censorship.

Sweden's last censor Niclas von Oelreich (1699–1770), previously professor of literary history at Lund University. Anonymous drawing.

Initially, Forsskål wanted to present his writing as a dissertation at Uppsala University, but he was rejected by the faculty and, after appeal, also by the *censor librorum*, Niclas von Oelreich (1699–1770).

Oelreich was known for having a relaxed view on his control function and often made different assessments than his superiors in the Chancellery. After some slight editing that seems to have been done in agreement with the author, Oelreich granted the pamphlet an *imprimatur*. Forsskål immediately had 500 copies printed at his own expense by the printer Lars Salvius and ensured their immediate dissemination.

The Chancellery soon became aware of what had happened and summoned Oelreich and Salvius for interrogation, one after the other. Oelreich justified the granted *imprimatur* by stating that the content of the writing was merely a defence of Swedish liberty, which could in no way be considered offensive, something the Chancellery found it difficult to deny. Salvius, in turn, stated that Forsskål had presented consent from the censor, and he thus had no reason to question the content.

Finally, Forsskål was called to the stand. Confronted by his interrogators, he stubbornly maintained that there was nothing rebellious in his pamphlet. He had only argued for respecting the fundamental principles that characterised the Swedish form of government. Specifically, he advocated for strengthened human rights – 'civil liberties', in the language of the time. He began by stating that humans were born free but subject to society's laws, a formulation reminiscent of Montesquieu. Abuse of the laws was the surest path to oppression, especially if it occurred between citizens; it was a specific reference to the recurring exploitation of the political system and public authorities to persecute opponents. The essence of Forsskål's message was summarized in paragraph seven:

> So, the life and strength of civil liberty consist in *limited Government*, and *unlimited freedom of the written word*; as long as serious punishment follows all writing which is indisputably indecent, contains blasphemy against God, insults private individuals and incites apparent vices. [Emphasis in original.]

In addition, Forsskål's pamphlet addressed issues of legal security, protection of property, economic freedom, educational reforms and more. All in all, it presented a concentrated reform program that summarized the radical Enlightenment ideas that were spreading throughout Europe.

This was precisely Forsskål's defence: he argued that his pamphlet contained nothing that had not already been expressed in other writings, even in Swedish. The Chancellery's interrogators acknowledged that this was indeed true, but those ideas had only been found in voluminous tomes read by the learned (most likely a reference to Nordencrantz's writing). The person leading the interrogation with Forsskål was none other than Anders Johan von Höpken, who believed that enlightened men could indeed grasp complex reasoning and put it in a proper perspective, while the same thoughts easily confused and had harmful effects on uneducated and simple people.

The interrogators at the Chancellery were accustomed to being able to intimidate people into recantation and submission, but it did not work with Forsskål, and there was no actual legal basis to prove any wrongdoing on his part. He was sent back to Uppsala, and the university's consistory was ordered to reprimand him. Thus, the affair was reduced to an academic disciplinary matter. An order was issued to confiscate Forsskål's pamphlet, but the authorities only managed to seize 79 of the 500 copies. The Chancellery hesitated to ban the publication outright since they realised it would only increase the temptation to read it. Ultimately, the government issued a prohibition against possessing or selling the pamphlet, claiming that it contained 'unreasonable sentences leading to no less erroneous and dissatisfied thoughts about the form of government and the freedom and security established for the subjects'. Violating the prohibition could lead to a fine of 1,000 silver *daler*, an enormous amount equivalent to almost two years' wages for a ship's captain. As a comparison, obstructing firefighting efforts or refusing to provide water during a city fire resulted in a fine of ten silver *daler*. By the time the Diet convened in October 1760, Forsskål was already on his way to the Arabian Peninsula on a research expedition. He passed away three years later without ever seeing his homeland again.

During the Diet session of 1760–1762, the issue of freedom of the press became prioritized on the national political agenda for the first time. The primary initiator of the matter was Anders Nordencrantz, but others who wanted the topic thoroughly examined included the future national historiographer Anders Schönberg (1737–1811) and Colonel Carl Fredrik Pechlin, best known for his involvement in the assassination of King Gustav III thirty years later. Schönberg and Pechlin represented the two main viewpoints. While both fundamentally desired easing censorship, the former saw the issue as fundamentally important, whereas the latter viewed it from a practical perspective. For Schönberg, freedom of the press was a means to enlighten the public, while for Pechlin, it was a potential political tool.

The issue of freedom of the press was brought up in part because the Diet wanted to hold responsible those who had involved Sweden in a disastrous campaign in the Seven Years' War, which was still raging. As part of a thorough investigation, the relevant council minutes were to be printed; they were normally kept secret, like the Diet's and state authorities' records. A special committee was appointed within the Diet to investigate this and other major legislative issues, but due to an overwhelming workload, a special freedom of the press committee was soon formed on the suggestion of censor Niclas von Oelreich. It consisted of four noblemen, two members from each of the other three estates, and Oelreich himself as an adjunct member.

Very little is known about the freedom of the press committee's work since no minutes appear to have been kept. The printing of Council and Diet proceedings turned into a main issue affecting politicians' relationship with the electorate. According to official doctrine, the

Diet was a closed corporation that should not be influenced from outside once the election process was complete. The voters – the 'principals' – were prohibited from pressuring members or demanding accountability. This doctrine may seem peculiar from a modern democratic perspective, but among other things it stemmed from a fear that voters, as the heads of the estates, would declare themselves unbound by laws and decisions made by the Diet. Additionally, there was a belief that accountability could be demanded only through legal means, and if members of the Diet feared prosecution for their decisions, it would paralyse their entire activity. (Parliamentarians' independence from voters is, in fact, a cornerstone of modern representative democracy, where accountability is demanded at the ballot boxes.) The issue had caused significant division in the Diet in the 1740s, but in the Diet's resolution in 1747, the so-called 'principals' doctrine' (*principalatsläran*, the idea that the estates were subordinated to the will of the people) was declared illegal. After that, actions of the members of the Diet could not be questioned by people at large.

The freedom of the press committee presented its report on 29 May 1761, authored by Schönberg. It led to a renewed discussion on the principals' doctrine, but consequently the issue of freedom of the press faded into the background among a myriad of other matters without the Diet reaching any decision. Nevertheless, a seed had been planted and continued to grow.

The Emergence of the Ordinance 1765–1766

It was expected that the issue of freedom of the press would resurface at the next session of the Diet, which convened on 15 January 1765. The political climate had become more radicalized in several areas, and for the first time in a quarter-century, the Hat Party lost its grip on power to their opponents, the Caps. The Hat Party's long hold on government is an important explanation as to why the question of public access to documents came to play a significant role in the debate. The party with the majority in the council could control appointments to state offices and pick their political allies, enabling them to exercise direct political control through the authorities while making it difficult for the opposing party to gain insight into their activities. To address this, the Caps wished to make public the documents of governing bodies and state authorities, and such a principle needed constitutional anchoring to prevent its revocation in the event of a change in government.

The issue of freedom of the press had already been raised in the spring of 1765 through three motions. The first was submitted by Lieutenant Gustaf Cederström, who otherwise made no significant impact at the Diet during the Age of Liberty. The second motion was written by Anders Schönberg and essentially repeated the freedom of the press committee's report from the previous Diet. The third was delivered by gymnasium lecturer Anders Kraftman but was actually written by the Ostrobothnian chaplain Anders Chydenius (1729–1803). It was Chydenius' first Diet, and his modest position in the clergy estate explains why he acted through an agent. On the matter itself, he was confident in his belief and would become a key figure in the further processing of the issue.

The change of government opened the way for a comprehensive review of the machinery of the state and in March, the Diet appointed a 'Grand Deputation' to investigate why the country's wise laws functioned so poorly in practice, essentially a kind of constitutional revision. The Grand Deputation was divided into committees responsible for various issues, and the so-called Third Committee was tasked with investigating the issue of freedom of the press. This time, the committee consisted of fifteen members: six noblemen and three from each of the common estates.

The Third Committee held a total of twenty-one meetings between August 1765 and July 1766. Their work reviewed the development of Swedish censorship legislation and examined the situation in other countries. They found both commendable and discouraging examples, but no solution that could be directly copied to suit Swedish circumstances. The English situation was partly inspiring but rejected as a model because freedom of the press was not an actual right and there were many cases of harassment of political opponents in the courts, solely for what they had expressed in print.

The priest and representative of the clergy Anders Chydenius (1729–1803), one of the initiators of the Freedom of the Press Ordinance. Mezzotint by Johan Fredrik Martin 1803.

The three motions roughly captured the diverging opinions in the committee. Cederström wanted to retain censorship but reduce it to an advisory function. An author that deviated from the censor's recommendations must be prepared to face legal consequences. Schönberg focused mainly on the publicity of documents. The censor's office would still exist and determine which documents could be disseminated to the public and which could not. Freedom of the press would exclude content that violated religion, matters of state security, and good morals. Chydenius was the only one who advocated abolishing the censor's office altogether. He considered it highly risky to entrust liberty to a single person, and 'to make him a judge of the entire nation's thoughts and reasoning'. At the same time, he recognised the need for the same kind of limitations Schönberg had spoken of but questioned how they could be upheld without prior censorship. If the author was made responsible, he could get away by hiding under anonymity. Thus, it would be best to hold the printer accountable for the writings they reproduced. What Chydenius raised was the idea of a legally responsible publisher (*ansvarig utgivare*), a function that remains important in Sweden's current Freedom of the Press Ordinance from 1949 and Freedom of Expression Constitution from 1991.

The Third Committee worked systematically and reported regularly to the Grand Deputation where major issues were endorsed one by one. The principle of public access to official documents was the first to be approved and was simultaneously prepared elsewhere. In parallel, work was underway on a statute called Royal Ordinance on the Enforcement of Laws, which was issued on 12 November 1766, a few weeks before the Freedom of the Press Ordinance came into effect. Behind the cryptic title was a significant reform package that, in addition to further limiting the king's power, aimed to stop legal uncertainty and abuse of office. Paragraph 11 introduced a provision that would be crucial for the future. Constitutional changes discussed by the Diet would not take effect immediately but had to be approved at the next session of the Diet and after new elections. This was a recognition of the voters' veto in matters concerning the country's governance. Such a mandate required enlightened citizens, which presupposed access to the political organs' and government agencies' minutes, as well as a free press that could communicate the content to the public. In other words, it was a significant step towards a citizen state.

Finally, on 21 April 1766, a proposal was put forward in the Third Committee to abolish pre-publication censorship. In the committee, just as in the Diet, votes were taken by each estate, with the majority decision prevailing. The representatives of the peasantry and the burghers unanimously voted for the abolition of censorship. The nobility's members were divided, but two out of three deputies present voted against. The matter, therefore, depended on the clergy's vote. There were only two members in attendance. One of them, Chydenius, voted in favour. The other, the later Bishop Anders Forssenius, also voted in favour but wanted an exception for theological literature, for which he desired continued censorship. Such a solution was not included in the proposal, and since the clergy could not agree on the matter, the proposal was accepted with two votes against one.

The chairman of the committee, Judge Gustaf Gottfrid Reuterholm, had been absent during the vote, and when the negotiations resumed on 16 May, he unexpectedly presented his own counterproposal, which meant that the censor's office would be maintained but placed under the control of the estates. When the committee presented its report to the Grand Deputation on 7 August, there were therefore two proposals to consider: one advocating the complete abolition of censorship and one seeking a reformed censorship system. As the Grand Deputation only kept decision records on 7 August, we cannot say how the arguments went, but the proposal that was adopted advocated the abolition of censorship.

The official author of the victorious draft of the law was the mayor of Skanör and Falsterbo, Leonard De la Rose, but it is commonly believed that Anders Chydenius was the true author. His own account much later and a relatively extensive chain of indications speak in favour of this, but there is no indisputable evidence. It should be noted that Chydenius no longer participated in the committee's work as he had been expelled from the clergy on 3 July for an economic paper where he criticised a previous decision of the Diet. Although there are good reasons to see Chydenius as the main author of the law proposal adopted in August, there were deletions and quite extensive editing after the Grand Deputation's meeting. The final result was thus worked on by many hands. The most significant change that occurred during the editing stage was the reintroduction of censorship in theological matters, demanded by the clergy.

This concession was necessary for the ordinance to be adopted at all. When the estates voted on the law in October, it was accepted without reservation among the burghers and the peasantry, as it had been in the committee. The clergy could accept the law with the inserted limitation, but the nobility rejected all paragraphs regarding public access to documents, arguing that they contradicted the Instrument of Government.

Now, the nobility's reservation had no significance since the law had been adopted in the other three estates. However, it led to a curious wording in the law. As mentioned earlier, the intention had been for the Freedom of the Press Ordinance to be a constitutional law, but this would have required its adoption in all four estates. Furthermore, in accordance with the simultaneously prepared Ordinance on the Enforcement of Laws, it could not come into force immediately as a constitution but only if approved at the next session of the Diet with intervening elections. Therefore, paragraph 14 did not explicitly state that the ordinance was a constitution, but rather that it would have 'the guaranteed continuance [...] provided by an unalterable Constitution'. This vague language would have consequences a few years later.

Content of the Freedom of the Press Ordinance

Although laws and regulations were decided by the Diet, they were formally issued by the king. When a new law was adopted, a humble request was sent to the king to sign it, which was also an order to the Council to publicly proclaim it. The estates' letter about the Freedom of the

King Adolf Fredrik (1710–1771, ruler from 1751) as patron of the arts. The king's patronage is supported by the members of the four estates standing behind him. Engraving by Pehr Gustaf Floding 1761.

Press Ordinance is dated 15 October, and King Adolf Fredrik dated the law on 2 December 1766, which is its official birthday.

So, what was the new law about? It is worth noting the title of the printed law: *His Majesty's Gracious Ordinance Regarding the Freedom of Writing and of the Press*. As evident from the emphasis on freedom of writing *and* printing, it was in fact a technology-neutral law of freedom of expression, though these terms were not yet invented. Furthermore, throughout the text, the king spoke in the first-person plural, which blurred the line between subject and citizen.

In the preamble, the king emphasised the many benefits of freedom of the press for enlightenment, scientific progress, moral improvement and for promoting veneration for the law by exposing abuses and illegalities to the public. It was also a means for subjects to understand and learn how the government was rationally organised. Therefore, the king explained, the previous censorship and the pre-examination task of the Chancellery had completely ceased, and all responsibility for keeping the printed word within the limits of the law now rested on authors and printers. The importation of foreign literature would still be reviewed by the consistories and the Chancellery, which in practice meant by the head of the royal library.

The first three paragraphs dealt with the limitations on free speech that remained. The first paragraph forbade all writings and printed materials that disregarded the pure evangelical faith. The second paragraph summarized the realm's fundamental laws, declaring that nothing could be printed that contradicted their content. This stipulation was primarily dictated by the fear of autocracy, which permeated the constitutional law discussions of the time. The third paragraph prohibited defamatory and libelous comments about the royal family, the Council, the Diet, state officials, or individual citizens. It was also forbidden to write derogatory remarks about foreign powers or rulers, as well as to print indecencies. For all offenses mentioned in the introductory paragraphs, fines of 300 silver *daler* were stipulated, provided that the offences mentioned in the first paragraph were not perceived as blasphemy. In such cases, the matter was not tried as a freedom of the press case but rather under general law, which could result in banishment or the death penalty.

The fourth paragraph contained technical specifications regarding the printer's handling. The year of publication was to be stated on the title page together with the author's name, unless the author wished to remain anonymous. If the printer wanted to avoid responsibility in case of a possible trial, he needed to keep written evidence of the author's identity. This was followed by provisions on legal deposit of all printed materials to the realm's public libraries, rules that remained unchanged from before. The fines in this paragraph ranged from 100 to 200 silver *daler*.

Next came the crucial fifth paragraph. It emphasised that everything that was not explicitly forbidden in the first three paragraphs could be discussed without limitation. It was a liberal provision that echoed Montesquieu and natural law: humans were fundamentally free, and it was the exceptions to this freedom that needed to be specified. Such a principle of legality – *nullum crimen sine lege*, no crime without a law – had not been self-evident before, but it ran as a common thread through the Caps' legal reform program. The paragraph continued to stress that even laws and ordinances could be discussed in print, as long as it did not contradict the provisions of the second paragraph on the foundations of the state. This explanation was necessary because at the time, it was often repeated that the realm's fundamental laws could not be changed, only improved, which had intimidated people to abstain from any constitutional discussions. After this, another limitation was introduced: the realm's relations and agreements with foreign powers could be discussed, except in matters that should be considered classified.

Paragraphs 6–11 detailed the meaning and scope of the new principle of public access to information. This included all court and government documents, except those that could be offensive to individuals without having public interest or those that were offensive to public morals. Votes in the council chamber and courts could be published because officials and representatives should be ready to be held accountable for their decisions. The minutes of the Diet, which were previously treated as state secrets, were also included in the new transparency. It is worth noting that it was only in 1771 that the printing of the minutes of the British Parliament was allowed, and this right did not extend to the deliberations in His Majesty's Government.

Paragraph 12 focused on historical works, which was probably a reminder that the principle of public access and freedom of the press were not just political issues but also reforms in the field of literature.

As 'it would be too long-winded to carefully list all possible subjects, cases and topics', paragraph 13 reiterated that the prohibitions only applied to what was explicitly exempted in the law.

The fourteenth paragraph contained the previously mentioned declaration about the sanctity of the constitution and proclaimed that no one, not even the king himself, could make the slightest amendment or restriction to press freedom.

Finally, the usual provision that fines for violations of the ordinance would be distributed among three parties, namely the plaintiff, the district or city, and the king (meaning the state treasury).

The Consequences of Freedom of the Press

One of the most remarkable aspects of the 1766 Freedom of the Press Ordinance was that it followed a principle framed by the opposition party, the Caps, and that they upheld it also after gaining control of the government, even though it could have repercussions for themselves. Typically, political parties favoured methods that benefited their own party or, like Anders Johan von Höpken, advocated press freedom for themselves but not for their opponents. By making government actions public, it was the policies of the Caps that were first and immediately subject to scrutiny. It would have been easy and convenient to limit the scope of the reform – and such attempts were, indeed, made – but the press freedom ordinance is one of several indications that the view of politics and the party system was entering a qualitatively new phase.

The Freedom of the Press Ordinance had an immediate impact on public discourse, most visibly in political opinion formation. There was an explosive growth of political pamphlets, and the closing years of the Age of Liberty saw an increasingly radical debate that seemed to be leading towards a total transformation of Swedish society. The idea that legislative and executive powers should be governed by the will of the people grew stronger. As previously mentioned, the idea that all citizens were involved in legislative power was one of the motivations behind the Ordinance. Slowly, merit-based values began to replace the aristocratic thinking of the estate society. Privileges of the estates were increasingly challenged, and measures were taken to strengthen the legal capacity of unrepresented citizens. Several proposals were made to abolish the estate system and instead introduce a 'general right of Swedish man' (*en allmän svensk mannarätt*) with equal rights and duties for all citizens, male and female.

Press freedom was a prerequisite for the rapid political radicalisation. Suddenly, things could be said openly – although often anonymously – that had previously only been pondered upon in secret. Several writings that had earlier been banned by censorship could now be published. One such example is Anders Nordencrantz's fierce attack on Swedish militarism: *Tan-*

kar om krig i gemen och Sweriges krig i synnerhet, samt hwaruti Sweriges rätta och sanskyldiga interesse består (Thoughts on War in General and Sweden's War in Particular, and Wherein Sweden's True and Accurate Interest Lies). It was published in two volumes in 1767 and 1772. The title page stated that it was 'written in the year 1758 and belonging to a larger work that has been written by high and due command, but not possible to present to the public until now'.

Several congratulatory writings were published praising the new law. *Frihetens intåg: Ode i anledning av riksens höglofl. ständers beslut om skrif- och tryck-friheten 1766* (The Entry of Freedom: Ode on the Occasion of the Esteemed Estates' Decision on Writing and Press Freedom 1766), probably by Jacob Gabriel Rothman, has a title that speaks for itself. The anonymous pamphlet *Femtio patriotiske satser, om skrif- och tryck-frihetens förädlade bruk, öden och omskiften* (Fifty Patriotic Propositions on the Ennobled Use, Fate, and Vicissitudes of Freedom in Writing and of the Press) from 1771 provides a fairly typical example of the tone:

> That writing and press freedom are the supreme rights of a free people, and that freedom without them is almost a shadow, hardly worthy of such a noble name, can be denied by no one except self-willed aristocrats who wish for a dark horizon of governance so that others may not see their selfish tricks and cherished schemes.

The effect of the Freedom of the Press Ordinance is quantitatively measurable. Around eighty periodic publications (most of them short-lived) emerged during the years of press freedom, 1766–1774 (or rather –1772). The impact was even more pronounced in pamphlet literature. Approximately 75 percent of the political pamphlets published between 1700 and 1809 were printed in the first six years following the Ordinance.

Transitioning from censorship to press freedom required a mental adjustment, and several authors were hesitant to fully believe in the extent and sincerity of the new law. As a protective measure, they would begin their writings with specific references to the provisions of the Freedom of the Press Ordinance. The principle of public access to information fuelled the debates and extracts from protocols and other official records were extensively published to support arguments on all sides. People experimented with the newfound freedom, and several prosecutions were initiated for violations of the existing limitations.

An issue of the daily newspaper *Dagligt Allehanda* (26 November 1770) was confiscated by the Svea Court of Appeals for violating provisions on defamation when it published documents related to the administration of the Court Preacher's office. In 1769, after the Hats had regained power, they prosecuted a Cap pamphlet titled *Uplysning för swenska folket om anledningen, orsaken och afsigterne med urtima riksdagen 1769* (Information to the Swedish People about the Reasons, Causes, and Intentions of the Extraordinary Diet of 1769), which, according to a memorandum to the noble estate by Johan von Engeström, contained passages that were 'highly audacious and treacherous against the king's high person, the estates of the realm, the Swedish people, colleges and officials, and the constitution of the realm'. Since the printer, Bengt Petter Holmén, refused to disclose the name of the author, he himself was sentenced to three weeks of imprisonment on bread and water. Upon his release, Holmén's friends published an ode of joy, *Fägne-qwäde*, which began:

Oh! noble freedom of the press,
thou art the goddess of our time,
thine value we do find.
But he who cherish thee,
will not always wealthy be,
although thine wise laws
certainly please the people of Sweden,
and designed for enlightenment,
you are loved in our North.

Ack! ädla tryckfrihet
du är vår tids gudinna,
ditt värde vi ju finna.
Fast den dig vårda vet,
ej alltid blir så fet,
dock dina visa lagar
visst Svea folk behagar,
och till upplysning gjord
du älskas i vår Nord.

In 1792, Holmén published a new edition of Peter Forsskål's forbidden *Thoughts on Civil Liberty*. The title had been supplied with an addition: *in light of the now widely discussed principle of freedom among the French*.

Not everyone was in favour of the new order. The most common arguments against press freedom were that it had introduced an indecent tone in public discourse and that the people were not mature enough to handle the responsibility it entailed. 'The most precious benefit in a free society is genuine freedom of thought, press, and writing', declared Lieutenant Carl Nathanael Frankenheim in a memorandum to the nobility dated 28 June 1769. But this freedom has 'in the most unworthy way been abused by some impudent and base-minded writers', he continued.

> Some such writings have, contrary to the clear provisions of this royal ordinance, unleashed such coarseness against and on topics that are considered most sacred in all well-considered realms, that one cannot read them without shuddering and utmost astonishment.

In the 1769 pamphlet *Philolali förwandling, eller Swar på en landtmans bref, om skrif- och tryckfrihetens missbruk, genom en förledit år utkommen pratsjuk weckoskrift* (Philolaus's Metamorphosis, or Reply to a Yeoman's Letter, on the Abuse of Freedom of Writing and of the Press, through a Rambling Weekly Publication Published Last Year), the benefits of the ordinance were also given a meagre evaluation:

> Indeed, this privilege is both useful and an invaluable testament to Our Noble Freedom. But as nothing is inherently so good that harmful consequences cannot arise through its abuse, the public has – except for a few good and useful publications, whose numbers are soon counted – gained little else through this than a select collection of all the bitterest and at the same time, the coarsest disfavour and personal insults that raging and fierce partisans could cause against each other.

The rapid political changes frightened many, and the increasingly heated attacks on the privileges of the nobility soon led to the downfall of the entire form of government.

The End of Press Freedom

On 19 August 1772, King Gustav III carried out the coup d'état that put an end to the Age of Liberty. This so-called revolution was met with great enthusiasm in many circles and only saw limited open resistance. During the Age of Liberty, the most ardent opponents of strengthening royal power were found within the nobility, which had significant political manoeuvring space in the Diet. However, as the focus of the Diet shifted more towards the non-noble estates and the privileges of the nobility came under scrutiny, many nobles changed sides and supported the new king, who ascended the throne in February 1771. The nobility's change of allegiance was the single most important factor for the success of Gustav III's coup.

Medal celebrating Gustav III's 'improved' Freedom of the Press Ordinance 1774. The text surrounding the flute-playing peasant says, 'I have the freedom to use my voice', freely paraphrased from Virgil. The medal, struck by Gustaf Liungberger, is reproduced from Jacob Gillberg's unfinished *Skådepenningar öfver de förnämsta händelser som tillhöra Konung Gustaf III:s historia* (Medals of the most significant events from the history of King Gustaf III; before 1793).

Gustav III was a man of power, but he was not a despot, which he skilfully tried to make clear. Shortly after the coup, he issued a new instrument of government that he had written himself.

It strengthened royal power significantly, and declared all constitutional laws issued after 1680 as invalid. The year 1680 was deliberately chosen because it was the year when King Charles XI had established himself as an absolute ruler; thus, Gustav III appeared as if he did not seek absolute power himself. However, this also meant that all measures that had been taken to strengthen popular governance were immediately repealed.

The heated climate of debate in the late Age of Liberty cooled down immediately after the coup. The people felt joy and relief, exhaustion and fear, depending on whom you asked. The previous political parties were immediately banned, and the king made it punishable to relate to and criticise them even in private conversations. The centuries-old Diet was not abolished, but it would only convene when the king saw fit. In this way, an artificial and temporary calm settled over Swedish politics.

In February 1774, one and a half years after the coup, the Svea Court of Appeal turned to the king for clarification regarding the Freedom of the Press Ordinance. As noted, it had been given the permanency 'provided by an unalterable Constitution'. Would it, therefore, be considered repealed according to the decree following the coup in 1772? In April, the question was discussed in the Council, which was now only an advisory body and no longer a government; of the fifteen members, all except one agreed that it was indeed repealed. Regarding the future of press freedom, opinions were more divided, but most believed that the law commission and the Chancellery should be tasked with drafting a new ordinance.

On 26 April 1774, Gustav III personally attended the Council and unexpectedly presented a newly written freedom of the press ordinance. At the same time, he read out a dictation that was attached to the minutes, explaining the purpose of the new ordinance.

Gustav III's dictation began by stating that there was no doubt that the 1766 Freedom of the Press Ordinance was repealed, but had it been useful or harmful? The answer was 'that press freedom is not harmful in general, but only dangerous through its abuse'. The new ordinance was intended to maintain the good aspects while curbing the bad ones. Gustav III continued to argue that if press freedom had existed during the previous century, King Charles XI could have been enlightened about the real needs of his subjects and not introduced the harmful autocracy that had bred so much aversion. This, in turn, would have saved Sweden from the succeeding chaotic party politics of the Age of Liberty. The king acknowledged that press freedom had been greeted with greater joy than any other statute since the abolition of absolutism. The reasoning thus ended in a proud declaration:

> Through press freedom, a king comes to know the truth that is carefully and – unfortunately! – often successfully concealed from him. Public servants enjoy the privilege of receiving well-deserved and unadulterated praise, or they have the opportunity to inform the public about false interpretations of their actions. The people, finally, have the certainty to present their grievances, the consolation to lament, and often to be convinced of the groundlessness of their complaints.

In all aspects, Gustav III presented himself as a true advocate of enlightenment and freedom of the press, stating that he did not find it necessary to make any major changes to the 1766 ordinance. The 'corrections' he made in a few paragraphs were merely adjustments required by the new form of government, and he assured that the only addition was that printers were now obliged to censor 'indecencies and invectives' exchanged between individuals. A civil tone should prevail in public discourse.

However, upon closer examination, the minor editing revealed a profound transformation of the entire essence of the freedom of the press ordinance. The second paragraph, which addressed writings against the constitution, was completely replaced. The maximum penalty had previously been a fine of 300 silver *daler*. This was changed to state that anyone who wrote anything against the constitution would be 'considered an enemy of ours and the state and without mercy be judged and punished as the law stipulates for high treason', which ultimately meant the death penalty.

The following paragraph underwent a similar change. Those who wrote derogatory remarks about the royal house would be punished 'according to common law', while those who offended the estates of the realm would either be 'punished with death or subjected to severe corporal punishment'. In practice, the penalties were the same in both cases, but with this wording, the statute appeared impartial and less vengeful.

The most subtle and, in terms of impact, significant change occurred in the fourth paragraph concerning the printers' handling of matters. The paragraph remained almost unchanged. As before, a printer could avoid responsibility for punishable writings if he disclosed and could prove the author's identity. However, a new sentence was added: if the offence concerned the type of political crimes defined in the second paragraph, the printer could not exonerate himself but would be penalised the same way as the author, meaning they both faced the death penalty. With this change, Gustav III had acquired an effective tool to suppress all oppositional expressions.

Regarding the principle of public access to information, Gustav III introduced capricious limitations. All protocols of the Chancellery regarding foreign policy were exempt from public access. The Council's protocols could be printed when they dealt with judicial matters. (Until 1789, when the Supreme Court was established, the Council was the highest legal appeals authority, and the king had two votes and the casting vote, just as during the Age of

Liberty.) In all other matters, 'we shall, as a special favour, decide each time', meaning it was up to the king to determine arbitrarily what could be made public.

With these and other changes, Gustav III had introduced a series of rubber paragraphs and completely reversed the fundamental principle of the freedom of the press legislation. In 1766, everything not explicitly prohibited was allowed to be printed; in 1774, it depended entirely on the king's interpretation what was permitted to be printed or not. The effect of the new law was immediately visible in the quantity of printed material, particularly in political matters, which dwindled to less than a trickle.

Satisfied with his work, Gustav III had his dictation and the new law published in a French reformist journal. He also drafted a letter to Voltaire full of praise for the recipient:

> It is primarily to you that we humans owe the ability to overcome and destroy the obstacles that ignorance, fanaticism, and misguided politics have placed in our path.

Without mentioning the existence of a previous freedom of the press ordinance, he emphasised the scope of his new law:

> Perhaps, thanks to this regulation, you will find that freedom of the press is more extensive in Sweden than in any other country, even more so than in England, as the Council's protocols, which we call 'Justitierevisionen', are printed.

It is possible that the king himself became embarrassed by this shameless distortion of the truth, and the letter seems to have never been sent.

Further reading

Peter Forsskål, *Thoughts on Civil Liberty* [1759], ed. Gunilla Jonsson. Preface by David Goldberg. Comments by Jonas Nordin & Thomas von Vegesack (Stockholm: [Atlantis], 2017), 39 pp. Available at litteraturbanken.se.

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Jacob Mchangama, *Free Speech: A History from Socrates to Social Media* (New York: Basic Books, 2022), 514 pp.

Ulrik Langen, Jonas Nordin & Frederik Stjernfelt, 'Implementing Freedom of the Press in Eighteenth-Century Scandinavia: Perspectives on a Surprising Lack of Transnationalism', in Ruth Hemstad et al. (eds), *Literary Citizenship in Scandinavia in the Long Eighteenth Century* (Woodbridge: Boydell & Brewer, 2023), pp. 90–116.

WI ADOLPH FRIEDRICH med GUDS Näde, Sweriges, Göthes och Wendes Konung ꝛc. ꝛc. ꝛc. Arfwinge til Norige samt Hertig til Schleßwig Hollstein, ꝛc. ꝛc. Gjöre witterligit, At tå Wi eftersinnat then stora båtnad Allmänheten af en rättskaffens Skrifwe- och Tryck-frihet tilfyter, i thet en obehindrad inbördes uplysning uti hwarjehanda nyttiga ämnen, icke allenast länder til Wettenskapers och goda slögders upodling och utspridande, utan ock gifwer en hwar af Wåre trogne undersåtare ömnigare tilfälle, at theß bättre känna och wärdera et wisligen inrättadt Regeringssätt; Äfwen som ock thenna frihet bör anses för ett af the bästa hjelpemedel til Sedernas förbättring och Laglydnadens befrämjande, tå mißbruk och olagligheter genom trycket blifwa för Allmänhetens ögon ådagalagde; Så hafwe Wi i Näder funnit the förre i thetta mål giorde författningar tarfwa then behörig rättelse och förbättring, at all twetydighet och ett sådant twång, som med thet påsyftade ändamålet ej bestå kan, måge utur wägen rödjas.

I sådant afseende, och sedan Wi häröfwer inhämtat Riksens Ständers underdåniga utlåtande, hafwe Wi i Näder godt funnit, at thet tilförene inrättade Censors-Ämbetet, nu mera aldeles bör uphöra, samt ej eller Wårt och Riksens Cantzlie-Collegio hädanefter tilkomma, at öfwerse, gilla eller ogilla the til tryckning ärnade Skrifter, utan komma Authorerne sjelfwe, jemte Boktryckarne, för thet som i trycket utgifwes, efter thenna Wår Nådiga Förordning, hwarigenom the förra Stadgar om Censuren aldeles uphäfwas, at answarige wara; Dock hwad angår skadelige Böckers införande och försäljande på Boklådorne, förblifwer tilsynen theröfwer hädanefter hos Wårt Cantzlie-Collegium och wederbörande Consistorier, som äga theröfwer hand hålla, at ej några förbudne och förföriska Böcker, antingen uti Theologiska eller andre ämnen, måge få utspridas.

§. 1. Ingen ware tillåtit något skrifwa eller genom trycket utgifwa, som strider emot Wår rätta Tros bekännelse och then rena Evangeliska Läran; Hwar, som thermed beträdes, ware til tryhundrade Daler Silfwermynts böter förfallen.

Innehåller Skriften smädelse emot Gud, warde dömd efter Allmän Lag. Och på thet irrige läroſatsers insmygande theß bättre förekommas må, skola alla Manuscripter, som i någor måtto angå Läran och wåra Christendoms-stycken, förut af närmaste Consistorio öfwerses, och ingen Boktryckare, wid Twåhundrade Daler Silfwermynts wite sig fördrista, at utan Consistorii påskrifne tillåtelse, hwilken ock tillika tryckas bör, sådane skrifter genom trycket utgifwa.

§. 2.

Opening spread of the published 1766 Freedom of the Press Ordinance with the preamble and first four paragraphs.

§. 2. Swea Rikes oryggeliga Grundlag är, at en Konung skall wara: Han och ingen annan regera Riket sino med och icke utan, mindre emot Riksens Råds råde, efter the af Ständerne gillade och fastställte Lagar, samt efter Honom Theß Manlige Bröst-Arfwingar, på sätt, som Riksens Ständers Förening, angående Successionen af år 1743. förmär: At ingen annan Magt må äga Lag stifta eller förändra, än Riksens Lagligen församlade Ständer, likmätigt theras Riksdagsmanna Fullmagt: At ej något Ständs Privilegier, utan med alla fyra Ståndens enhällige samtycke kunna widröras eller förändras: Ej nya skatter och utlagor, utom Riksens Ständers wettskap, fria wilja och samtycke, Riket påläggas, samt thy förutan, hwarken Krig få begynnas, eller Riksens Mynt til Skrot och Korn, förhögning eller afslag undergå: såsom ock, Riksens Råd hwar för sig äro altid Ständer för sine inför Kongl. Maj:t gifne Rådslag, samt Embetsmän för theras förrättningar, til ansvar skyldige.

Theße Grundlagar, med flere, som Riksens Ständer för oryggelige fastställdt, eller fastställandes warda, må ingen sig fördrista genom skrifter eller tryck i någon mätto bestrida eller anfäkta, wid Tryhundrade Daler Silfwermynts böter.

§. 3. Djerfwes någon i utgifna skrifter bruka lastande eller förklenliga omdömmen, om Oß och Wårt Konunga-Hus, eller göra någon Konungens och Rikets Råd sådane tilwitelser, som å theras ära gå, eller eljest smädeliga äro, warde dömd efter Allmän Lag.

Förgriper sig ock någon på förberörde sätt emot Riksens Ständer, then skal, efter brottets större eller mindre grofhet, antingen til lifwet straffas, eller med annan swår kropps plikt beläggas.

Skrifwer någor smädeskrift, eller thet eljest skymfeligt och förklenligt är, mot Rikets Ämbetsmän, eller någon annan Medborgare, plikte efter Allmän Lag. Så ware ock ingen tillåtit, at i allmänna skrifter sig betjena af smädeliga utlåtelser om Krönta Hufwuden eller theras närmaste Blodsförwanter och samtida Regerande Magter; icke eller at skrifwa och i trycket utföra något, hwarigenom en uppenbar last främjas eller förswaras, och således med ärbarhet, en rättskaffens naturlig och Christelig Sedolära, samt theß grunder, icke öfwerensstämmer; Hwar som häremot bryter, ware til Trehundrade Daler Silfwermynts böter förfallen.

§. 4. Boktryckaren utsätter på Titulbladet Författarens namn, så framt thenne ej åstundar wara onämnd, hwilket icke förnekas bör, och tage Boktryckare i sådan händelse til sin säkerhet, hans skrifteliga bewis, at han skriften författat; Dock bör altid, ehwad skriften är utan namn, eller icke, therå sättas Boktryckarens egit och Stadens namn, ther tryckningen skedt, jemte Åratalet: Försummar Boktryckare thet, böte Tuhundrade Daler Silfwermynt.

His Gracious Majesty's Ordinance Regarding the Freedom of Writing and of the Press.

Issued in the Council Chamber, Stockholm, on 2 December 1766

Cum Gratia & Privilegio S:ae R:ae Maj:tis. Printed at the Royal Press.

Translated by Ian Giles & Peter Graves, DELC: Scandinavian Studies, University of Edinburgh (Oct. 2016)

We, Adolf Fredrik, by the Grace of God King of Sweden and of the Goths and the Wends etc, etc, etc, heir to Norway and Duke of Schleswig-Holstein etc, etc, proclaim that we have given consideration to the great benefits a legal freedom of writing and of the press will bring to the public. Unrestricted mutual information on all kinds of useful subjects not only promotes the development and spread of knowledge and practical crafts but also provides more numerous opportunities for all of Our loyal subjects better to know and appreciate a wise system of government. And since the press brings abuse and illegality to the notice of the public, its freedom may well be considered one of the best ways of improving moral behaviour and promoting obedience of the law. We have also found that earlier regulations on this topic are in need of correction and improvement in order to clear away ambiguity and the elements of coercion that are incompatible with the aims of this ordinance.

Thus, the Estates of the Realm having given a humble statement of their views on this matter, We have graciously decided that the existing office of Censor will now be completely abolished and, hereafter, the Chancellery will no longer have the duty of overseeing, approving or disapproving of written material intended for printing: subsequent to this gracious ordinance, which rescinds all earlier regulations on censorship, it is the authors themselves and the printers who will be responsible. With regard, however, to the import and sale of harmful books, it will be for Chancellery and the appropriate Consistory Courts to ensure that no forbidden and corrupting books are distributed, whether they be on theological matters or otherwise.

§. 1. No one is permitted to write or distribute by printing anything that conflicts with the confession of Our true faith and pure evangelical doctrine. Anyone convicted of such a deed is liable to a fine of three hundred daler in silver coin.

If the writings blaspheme against God, they are to be judged according to Common Law. In order to be a more effective deterrent to the infiltration of heretical doctrines, all manuscripts that in any way touch upon doctrine and our articles of Christian faith should be examined by the nearest Consistory Court. Should any printer venture to print and distribute such works without the written consent of the Consistory Court – which consent should also be printed – the fine is to be two hundred daler in silver coin.

§. 2. The unalterable fundamental law of Sweden states that there shall be one king: that he and no one else shall govern his kingdom with – and not without, and certainly not against – the advice of the Council of the Realm: that he shall do so in accordance with the laws approved and ratified by the Estates: that after him his direct male heirs [shall rule] as stipulated by the Estates of the Realm in the Act of Succession 1743: that no laws may be introduced or changed by any other authority than the legally convened Estates of the Realm in accordance with their authority as delegates to Parliament: that the privileges of any Estate may not be affected or changed without the unanimous agreement of all four Estates: that no new taxes or imposts may be laid upon the kingdom without the knowledge, free will and agreement of the Estates of the Realm: that without that same agreement no war may be started nor the coinage of the Realm be increased or reduced in terms of its true old value: and additionally, that each individual member of the Council of the Realm is always accountable to the Estates for the advice he has given His Majesty, and officials are likewise accountable for their duties.

On pain of a fine of three hundred daler in silver coin no one shall in any way challenge or assail these fundamental laws, along with others irrevocably established or to be established by the Estates of the Realm, whether in writings or in printed publications.

§. 3. Should anyone dare voice defamatory or disparaging opinions about Our Royal Selves and Our Royal House in published writings, or make charges imputing the honour of any of the King's and the Realm's councillors, or defame them in other ways, he shall be judged according to common law.

Furthermore, should anyone insult the Estates of the Realm in the aforesaid manner, depending on the greater or lesser seriousness of his crime he shall either forfeit his life or suffer some other severe physical punishment.

Should anyone write a libellous pamphlet or anything else that is insulting or disparaging about any officials of the Realm or any other citizen, he shall be liable to a penalty according to common law. Nor is anyone permitted to make abusive statements in public writings about Crowned Heads or their closest Blood Relatives or current Ruling Powers; nor to write and publish anything in print that promotes or justifies manifest vice and is thus contrary to a just, natural and Christian morality and its principles. Anyone who commits these offences shall be liable to a fine of three hundred daler in silver coin.

§. 4. The printer shall put the name of the author on the title page unless the latter desires to be anonymous; this request should not be refused but, for his own protection in such a case, the publisher should obtain written proof that he was the author of the publication. Whether the publication is anonymous or otherwise, however, the name of the printer and of the town and year of publication must always be given. If the printer omits to do this, he shall be liable to a fine of two hundred daler in silver coin.

If the publication bears no name and the printer is demonstrably unwilling to provide one when the publication is prosecuted, he himself must assume all the responsibility that should be taken by the author. If, however, he is willing to name the author, he is absolved from all responsibility.

According to established custom the printer is obliged to deliver six copies of everything that is printed as soon as it has been printed with each of the following receiving one copy: Our and the Realm's Chancellery, the Archive of the Realm, Our library, and all three academies in the Realm. If the printer neglects to do this, the fine is one hundred daler in silver coin. So that offences against this gracious ordinance may be duly prosecuted, careful supervision of the matter and the bringing of miscreants to their lawful punishment will not only be the duty of Our Chancellor of Justice but also of the appropriate ombudsmen and fiscals. However, We also wish to permit each and every one of Our loyal subjects to have the right to bring a case in matters concerning offences against this ordinance: this should always be done in the proper manner at an appropriate court after the execution of a legal summons, and the parties on both sides of the case must have the benefit of their full, legal procedural rights. At the start of the trial it is for the judge to assess whether there may be grounds for impounding all available copies of the publication being prosecuted and putting them in safe keeping until the end of the case. Should the publication eventually be considered to be harmful and therefore be prohibited, all copies are to be confiscated and destroyed. If, however, the plaintiff is found to have brought the case without due cause, he should suffer the same punishment as the accused would have undergone if he had been guilty, and he shall also reimburse all losses.

§. 5. That which has been specifically decreed in the first three paragraphs above concerning what is forbidden in writing and in print may not be extended or interpreted beyond its literal wording. On the other hand, it is regarded as lawful to write and print anything that clearly does not conflict with it, irrespective of the language or written form in which it is composed: this includes theological topics, ethics, history, any of the learned disciplines dealing with public or private economy, the activities of government departments and officials, societies and associations, commerce, trades, handicrafts and arts, information and inventions of all kinds as well as anything which may promote public utility and enlightenment. Furthermore, no one is to be denied the right to publish treatises on the subject of the common law of the Realm and related matters: so long as the publication does not in any way offend against the unalterable foundations of the constitutional law referred to in Paragraph 2 above, everyone shall have the unrestricted right to express his thoughts on all matters that touch upon the rights and duties of the citizen and which may lead to some improvement or the prevention of harmful consequences. This freedom shall also extend generally to all laws and regulations that have already been passed or which may be promulgated hereafter.

To a similar degree it will also be permissible to write and allow to be printed material concerning the relations of the Realm with other powers or statements about them, and this may include the advantages of or harm done by both older and more recent alliances. Similarly, all agreements made with foreign powers may also be printed, with the exception, however, of any part that ought to remain secret. There is even less reason to deny anyone the right to discuss and have printed material about the civil constitutions of other nations, their advantages, aims, commerce and economy, strengths and weaknesses, disposition and customs, achievements and mistakes, whether it be for specific purposes or for purposes of comparison.

§. 6. Furthermore, this freedom of the press will also include all exchanges of notes, *species facti*, documents, protocols, judgments and awards, whether they arose in the past or will be initiated, continued, conducted and executed in the future, and whether they were produced before, during or after proceedings before Lower Courts, Appeal Courts, Higher Courts, government departments, senior officials, Consistory Courts or other public bodies. This will apply irrespective of the nature of the cases, whether they be civil, criminal, ecclesiastical or concern religious disputes to a greater or lesser extent; it will also hold for both older and more recent appeals, statements of evidence, declarations and counter declarations that have been or will be submitted to the Supreme court as well as for the records made in our Lower Courts and for official missives and memorials which already have been – or may in the future be – issued from the office of the Chancellor of Justice. No one, however, will be burdened with having to obtain and print more of all this material – whether in Extenso or in summary as a *species facti* – than he requests or considers necessary for his purposes. When requested, such material should immediately be provided to any applicant under pain of the penalties stated in the next paragraph. In criminal cases that have been settled by amicable settlement between private persons, no one may make use of this freedom without the permission of the parties involved during their lifetimes. Should anything concerning serious and less familiar misdeeds and abominations, profanities against God and secular superiors, wicked and cunning tricks in these and other serious cases, superstitions and other things of that kind appear in court proceedings or judgments, they should be completely excluded.

§. 7. A legally correct votum does not have to be concealed when the decision is nothing more or less than the vote of the judge: a just judge does not need to fear people when his conscience is clear – on the contrary, he will be pleased that his impartiality is recognised and his honour is consequently protected from suspicions and adverse opinions. Thus, in order to prevent the many kinds of hazardous consequence that result from thoughtless votes, We have graciously found it proper that they should no longer be concealed by an anonymity which is as unnecessary as it is damaging. For this reason when anyone, whether involved in the case or not, states he wishes to print old or recent voting records in cases where voting occurred, the records should immediately be released to him on payment of a fee as soon as a judgment or verdict has been pronounced: in this situation the whole name of the voting member should be clearly attached to each votum, whether in the Lower Courts, in the Appeal Courts or Higher Courts, government departments, executory bodies, Consistory Courts or other public bodies. Should anyone refuse to do this or obstruct it in any way, the penalty is dismissal from office. As a consequence of all this, the oath of secrecy is to be amended and adjusted hereafter.

§. 8. With regard to the votes of the gentlemen of the Council of the Realm, the law shall be the same as in the foregoing paragraph for the same reasons and in the same manner, with the exception of cases that deal with secret ministerial business and/or reports and statements concerning applications or appeals that have been or will be submitted to the Estates of the Realm.

§. 9. As well as the records of trials and other matters mentioned above, every party who has a case or any other issue touching upon his rights is free – irrespective of which court or public body it is in or if it is coming before Ourselves, the Estates of the Realm or its deputations and committees – to have an account of it or a so-called *species facti* printed, together with any documents pertaining to the matter that he considers to be necessary. In this matter he shall, however, be truthful if he wishes to avoid the penalties the law has at its disposal.

§. 10. Furthermore, the printing of all judgments and decisions, resolutions, rescripts, instructions, constitutions, rules and privileges will be permissible, with more of the same – of whatever kind it may be – that has been issued or in future will be issued by Our Council Chamber and Chancellery, departments or offices, as well as by the Appeal and Higher courts and Boards of the Realm, and this is to include the official correspondence of their officials and other state officials. Also to be included here – along with the decisions and responses to them – are all the memorials, applications, projects, proposals, reports and appeals made by societies and public bodies and by private individuals. Also to be included are the documented activities and official duties, both legitimate and illegitimate, of all officials, together with [an account of] what then ensued, whether useful or harmful. To that end, free access to all archives shall be permitted, so that documents of this kind may be copied *in loco* or certified copies be obtained. The duty of seeing that such provision is made is subject to the penalty stated in Paragraph 7 of this ordinance.

§. 11. It is also permissible for anyone who applies to do so to print all parliamentary proceedings from whichever place they were formerly issued, with the exception that anything in them that refers to matters or negotiations with foreign territories that requires secrecy may not be released and published. With regard to the parliamentary proceedings that will be produced in the future, however, We shall graciously ensure that they, likewise, will be published in print in such good time before the start of each subsequent Parliament that everyone has the opportunity not only to make himself as fully informed as possible about the situation in the Realm, but also to contribute more easily to the common weal by means of necessary cautions and useful proposals and reports. In addition to this, those memorials and *dictamina ad protocollum* submitted to the Estates of the Realm may also be freely printed by anyone who applies to do so. It is also permissible to print the deliberations of select committees along with their minutes and voting records in the manner prescribed in Paragraph 7, but not before the deliberations have been submitted to the plenary assembly. And since the form of government demands that all decisions are made lawfully, and that all Our loyal subjects may be convinced of the honourable conduct of their delegates at meetings of Parliament, it is permissible to print all the minutes and voting records of the Estates in the aforesaid manner. This shall also apply to everything submitted to the plenary assembly by the security committee and also to Our own gracious bills submitted to the Estates of the Realm in so far as they do not include anything that should remain secret.

§. 12. Both in older and more recent times a true history of former kings and regents and their ministers has, in most nations, been highly regarded as directly bringing important matters such as valuable judgments about wise and praiseworthy achievements to the attention of the ruling lords and commoners while also, on the other hand, offering very necessary warnings against hasty, imprudent, malicious and even cruel and ignominious plans and deeds. Thus the events of earlier reigns enable the subjects better to obey, know, understand, value and defend the obligations, freedoms and rights they possess, as well as common and individual security. Now, so that there should be no lack of anything that might serve to guarantee the completeness of such historical works, We wish to extend to them the freedom of the pen and of the press to the extent that all specific events or known incidents, both secret and more familiar, that have taken place under former governments both in this Realm and elsewhere may be made public along with political reflections on the said matters.

§. 13. Furthermore – in Our Grace – We also wish to state at this juncture that since it would be too long-winded to carefully list all possible subjects, cases and topics, it is Our gracious will and command that all Our loyal subjects may possess and make use of the complete and unlimited freedom to publish for the general public everything that is not expressly forbidden in the first three paragraphs or elsewhere in this Our gracious ordinance. Nor, still less, should anything that might be published by way of comment, remark or reflection on all the aforementioned permissible cases and topics ever be rejected or banned from being printed on the excuse that it contains censure, blame or criticism.

§. 14. And in order that Our loyal subjects may enjoy full confidence in the future in respect of the guaranteed continuance of the freedom of writing and of the press described here and provided by an unalterable Constitution, we think it fit to declare herewith that no one, whoever it may be, on pain of Our royal disfavour, shall undertake to advocate even the slightest distortion or limitation of this Our gracious ordinance. Much less shall anyone try to effect such a limitation, whether major or minor, on his own authority; even We Ourselves will not permit anyone to make the slightest alteration, modification or interpretation that might lead to a limitation of the freedom of writing and of the press.

§. 15. The fines listed in this gracious ordinance will be distributed three ways.

All those whom this concerns must obediently abide by it. In further confirmation We have signed this in Our own hand and had it confirmed with Our royal seal. The Council Chamber, Stockholm, 2 December 1766.

ADOLPH FRIEDRICH

(Locus sigilli)

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