

Ulla Carlsson and David Goldberg (Eds.), **The Legacy of Peter Forsskål: 250 Years of Freedom of Expression**, Göteborg, Sweden: University of Gothenburg and Nordicom, 2017, 149 pp., 200 Swedish krona/US\$22.22 (paperback), free (online PDF, <http://www.nordicom.gu.se/en/publikationer/legacy-peter-forsskal>).

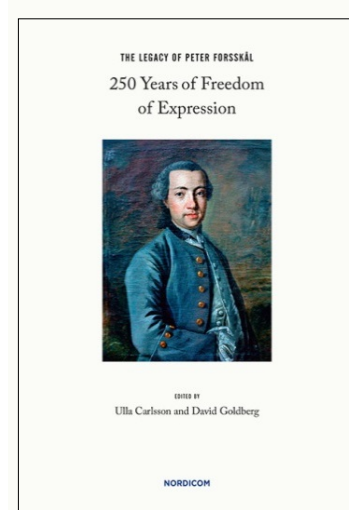
Reviewed by  
Andrei G. Richter  
Office of the OSCE Representative on Freedom of the Media  
Vienna, Austria

This publication, **The Legacy of Peter Forsskål: 250 Years of Freedom of Expression**, commemorates the sestercentennial adoption of *His Majesty's Gracious Ordinance Relating to Freedom of Writing and of the Press* in 1766 in Sweden (which, at that time, included Finland). The ordinance presents both a prohibition of prior censorship (with some exceptions) and categorizes official information that can be legally accessed by the public. As one of the book's authors puts it, "until the Ordinance took force, everything that was not explicitly made public was to be kept secret" (p. 45).

The Ordinance, in its turn, was apparently greatly influenced by the 1759 pamphlet *Thoughts on Civil Liberty* by the Finnish/Swedish scholar Peter Forsskål (1732–63). Forsskål's pamphlet and the follow-up law expressed these rights years before their proclamation in the American Declaration of Independence and the French Declaration of the Rights of the Man and of the Citizen.

While the Ordinance is widely heralded in the world as the first-ever freedom of information act, the pamphlet itself was first censored, then banned, and by recent times almost forgotten. This unjust semi-oblivion has been replaced with an intense international scholarly debate taking place only in the past 10 years or so. The driving force of the debate is David Goldberg from Scotland, who first convened an expert group to update, refine, comment upon, and promote a translation of the Forsskål pamphlet into English and modern Swedish. This group of experts consisted of Gunilla Jonsson, Thomas von Vegesack, Helena Jäderblom, and Gunnar Persson. As the group expanded into "Project Forsskål," its work has resulted in a monumental website<sup>1</sup> devoted to the pamphlet and its author. The website presents translations of *Thoughts on Civil Liberty*, which were recently made into some 20 world languages from Arabic to Ukrainian, as well as scholarly reviews, reports on dedicated seminars and other events, and Forsskål memorabilia.

The publication under review, *The Legacy of Peter Forsskål: 250 Years of Freedom of Expression*, is an outcome of the anniversary symposium on the role the Ordinance and the pamphlet held as part of UNESCO's World Press Freedom Day in Helsinki, May 3, 2016, that was co-organized by the National



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<sup>1</sup> <http://www.peterforsskal.com/index.html>

Archives of Finland, Project Forsskål, and the UNESCO Chair on Freedom of Expression, Media Development, and Global Policy at the University of Gothenburg.<sup>2</sup>

The main objective of the book seems to strengthen a bridge between the pamphlet and the act, as well as between the developments 250 years ago and the contemporary world of recognized access to information. The volume starts with an energetic introduction to Forsskål's life and work by Goldberg, followed by the text of *Thoughts on Civil Liberty*. The most important paragraphs of the pamphlet on freedom of information are widely cited by the book's authors. They are the arguments that "the life and strength of civil liberty consist in **limited Government** and **unlimited freedom of the written word**" (p. 31, emphasis in original) and that "it must be possible for society's state of affairs to become known to everyone, and it must be possible for everyone to speak his mind freely about it. Where this is lacking, liberty is not worth its name" (p. 35).

Ere Nokkala, Finnish researcher at Göttingen University, explains why and how the latter provision was "foreshadowing the turn from a political culture dominated by secrecy to a political culture where publicity gained the upper hand" (p. 46) and where freedom of the press was a tool to realize access to documents and information. In their extensive commentaries on the text and context of the pamphlet, Nokkala and Johan Hirschfeldt (former president of the Svea Court of Appeal in Sweden) seem to agree that the history of the first-ever access to information act in the world is not necessarily just a history of great men and their ideas. The 1766 Ordinance was very much a result of political fights in the Parliament between the parties of the Hats and the Caps. But Forskall, along with Anders Chydenius (a Finnish clergyman and parliamentarian), also influenced political thought and debates with his writings. In those times scholars were in demand by political actors while the party struggle called for logic and scholarly arguments. In fact, philosophical arguments then were part of political life itself (p. 50).

Historical perspectives are helpful to discuss not just the history of press freedom but also where we stand today in terms of freedom of expression, the right to information, and media freedom.

Hirschfeldt and Kaarle Nordenstreng (professor emeritus of communication sciences at the University of Tampere in Finland) present and discuss freedom of expression, freedom of the media, and the right to information in Sweden and Finland, retrospectively and in the European context of today's situation. Nordenstreng in particular emphasizes that for the past 50 years or so, freedom of the press has no more been seen as mere absence of censorship, but rather as a broader paradigm in which this freedom is an integral part of democracy and other human rights (p. 88). In addition, Stefan Eklund, the editor of a newspaper in Sweden, describes some real-life examples of threats to the media freedom of local news outlets.

A section of the publication contains chapters in which the authors present their reflections on, and insights into, the legacy of Peter Forsskål's ideas. Of particular relevance are the pieces by Helena Jäderblom, a Swedish jurist and a judge and section president of the European Court of Human Rights, and Oluf

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<sup>2</sup> <https://en.unesco.org/news/unesco-event-initiates-book-exploring-250-years-history-freedom-information-law>

Jørgensen, a media law researcher from the Danish School of Media and Journalism. They reflect on the state of public access to information today from a European perspective. Jørgensen focuses on the state of affairs in the Nordic region, while Jäderblom describes the role of the international bodies. As Jäderblom puts it, today Forsskål “would be surprised and delighted to learn that the principle has not only gained ground in various other countries, but also within the context of international cooperation” (p. 100). She describes in this regard the regulations by the European Union, the case law of her court in Strasbourg, as well as the Council of Europe 2008 Convention on Access to Official Documents (which, alas, has yet to enter into force). It is also worth noting here the political commitments on transparency of the governments and the free flow of information taken by consensus within the OSCE (Organization for Security and Cooperation in Europe).<sup>3</sup> Indeed, if there is progress on matters of freedom of expression in Europe—or, for that matter, in the world—then it is progress with the legal and practical implementation of the ideas on access to information and official documents. This progress is even more surprising given that, for almost 200 years, the Swedish Ordinance of 1766 was unique, whereas today the presumption of openness of information is integrated in the law of almost all European countries.

The weaknesses of the book result from its nature of being a conference report converted into a stand-alone publication: Some of the presentations appear to be too short and superficial from a scholarly point of view, and there are a number of repetitions of facts and citations coming from different authors.

Its strength lies in being the most in-depth book, at least in English, on how and why the first-ever constitutional act on freedom of information came to be adopted and enforced. It also opens to the non-native-speaking scholars of Nordic media a first-hand analysis of the state of the press and information law and policy in this region, in particular, in Sweden and Finland.

“Truth always wins” (p. 31), wrote Forsskål in his 1759 pamphlet. Now, 260 years after being said, we still have to be convinced that dictum is true. The Nordicom publication appears to give us food for thought on this matter.

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<sup>3</sup> See <https://www.osce.org/representative-on-freedom-of-media/354081>