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An indispensable means in a free state

The Swedish Freedom of the Press Act of 1766

JONAS NORDIN

The freedom of the press is often described as the most fundamental human right without which none of the others would be possible. In many ways, the history of Europe contradicts this statement, since freedom of expression often developed late, usually long after the protection of property rights and the rule of law for example. However, one rule seems borne out by historical experience, namely that political systems with pluralism and peaceful changes of government require channels for people to express conflicting political opinions. Where freedom of expression has not created such systems (which is rarely the case), then representative political systems have of necessity given rise to a freer climate of debate, at least for those sections of the population who are considered active citizens. The forced or ideologically imposed consensus that prevails under autocratic regimes cannot survive in a system where several political wills coexist on equal terms. If these political wills in some way also include the public, the need to channel expressions of opinion becomes even greater.

Sweden's early modern history can be used to corroborate these observations. There the printing press went from being strictly controlled by the authorities and thus limited in its output in the sixteenth century; to expansion in a government-subsidised market under regulated forms in the seventeenth century; and so to a political liberalisation that called for the freedom of the press, which stimulated market expansion in the eighteenth century. The free book market was temporarily limited by renewed political control at the end of the eighteenth century, but both market forces and fresh political memories ensured it was a short-lived historical parenthesis before the freedom of the press was reintroduced in the early nineteenth century. The Swedish case is not only interesting as a curious empirical example, but also draws attention to what seem to be general features in the development of freedom of expression. The peripeteia, when it came, was the Freedom of the Press Act of 1766.

A book market under government control

Political development in Sweden in the sixteenth and seventeenth centuries followed the usual European trajectory. Hence the history of censorship regulations in the early years of printing was much as expected.

The first book was printed in Sweden in 1483, which was within the normal time frame of the spread of the new technology as it rippled out across Europe. However, the dictates of politics and religion meant the production of books was severely restricted in the sixteenth century. King Gustav I (r.1523–1560) encouraged an ecclesiastical

Reformation along Lutheran lines, which saw the closure of many schools and religious institutions and cut Sweden's traditional cultural ties to continental Europe. At the same time, the king licensed a royal printer, nipped competition in the bud, and made sure book imports were cut to a minimum. Despite a promising start, the production of books was limited in the sixteenth century, so that from the whole century fewer than 700 titles printed for the Swedish market survive. Even if we allow for the titles that are lost to us, the total output was unimpressive in both scope and content.¹

This sorry state of affairs began to improve at the turn of the seventeenth century, and especially under King Gustav II Adolf (r.1611–1632). Sweden had embarked on its first overseas expansion in the Baltic a couple of generations earlier, and in his reign continued into northern Germany. For the country's leaders, this military and political expansion had to be combined with corresponding cultural advances to make certain Sweden caught up with other nations.²

Thanks to the new policy there was a steep increase in both the number of active printers and their output. The upsurge in book production was thought to call for tighter controls. The book market had been monitored by officially licensing individual printers, but in 1661 the first general censorship regulation was issued. Following France's example, a Chancery Instruction was issued that introduced the legal deposit of all titles printed in the Swedish kingdom and its subordinate provinces. For financial reasons, the predistribution controls were modified the following year to a prepublication censoring of all manuscripts. This was to protect printers, who were vulnerable to financial losses were they to handle a text which the authorities later judged unsuitable for circulation.³

Sweden's military expansion was made possible by a successful state-building process in the sixteenth and seventeenth centuries.⁴ A prerequisite for this progression was the emergence of a centralised fiscal state, headed by a king with strong powers and supported by an efficient bureaucracy. Since Sweden was sparsely populated,

¹ Jonas NORDIN, *Building a Nation through Books. From Military to Cultural Armament in Seventeenth-Century Sweden*, in: idem – Gustavs Strenga – Peter Sjökvist (edd.), *The Baltic Battle of Books. Formation and Relocation of European Libraries in the Confessional Age (c.1500–1650) and Their Afterlife*, Leiden 2023, pp. 151–178, here pp. 151–158.

² *IBIDEM*, pp. 158–166, 174–178.

³ The Chancery Instruction 22 September 1661 is printed in Carl Gustaf STYFFE (ed.), *Samling af instructioner rörande den civila förvaltningen i Sverige och Finland*, vol. 1, Stockholm 1856, pp. 327–365. The Royal Letter of 15 July 1662 is printed in Gustaf Edvard KLEMMING – Johan Gabriel NORDIN, *Svensk boktryckeri-historia 1483–1883 med inledande allmän öfversigt*, Stockholm 1883, pp. 280–283.

⁴ The state-building versus state formation debate was especially lively in the 1990s and early 2000s. While beyond the scope of this article, I agree with those historians who see a conscious policy behind the state-building process, at least in the Swedish case. This interpretation is supported by the active cultural policy, which, though irrational from a strictly economic and military point of view, was eminently sensible if you wanted to strengthen a society and national community.

the state's expansion had to be implemented through negotiation with representatives of the people, which took place in the Riksdag, the Diet made up of the four Estates of the Nobles, Clergy, Burghers, and freeholder Peasants. Although the Riksdag was not formally a legislative body until the 1750s, it was an important deliberative assembly, safeguarding not least the fiscal immunities of the king's subjects throughout the early modern era.

Swedish kings had strong prerogatives, but from the Middle Ages they were counterbalanced by the Council of the Realm. As in many other countries, the equilibrium between these two state powers was under constant negotiation, but mostly it was a non-violent struggle where disagreements were settled by bargaining. Apart from the Riksdag none of this was exceptional by European standards. Sweden also followed a well-trodden path when it abandoned constitutional monarchy and embarked on royal absolutism in the 1680s. This put an end to many of the centrifugal tendencies created by the nobility's growing political and economic strength, and it enabled government to tighten its grip on many spheres of society, among them intellectual life.⁵

In 1684 King Charles XI (r.1672–1697) reinforced censorship by instituting the new office of *censor librorum*, an official whose job was to supervise the book trade and all printers and book imports.⁶ The censor was based in the capital, Stockholm, which was home to most of the printing and trade, but to oversee the book market in the provincial cities he also coordinated the checks conducted by the local magistrates and Church consistories. This strict but small organisation could maintain control only when two conditions were met: a limited market that only functioned because of extensive state subsidies, and a high degree of self-censorship. It should be added that theirs was a monolithic form of government that had little use and left little room for alternative views on policy.

Early proposals to abolish censorship

Swedish absolutism lasted for two generations. When Charles XI died, he was succeeded by his 15-year-old son Charles XII (r.1697–1718). Three years later Sweden was simultaneously attacked by Russia, Denmark, and Saxony. The war dragged on until 1721, fully three years after the king was killed in action. Charles XII's stubborn unwillingness to enter peace negotiations denuded royal absolutism of all its trust, and his death was followed by a constitutional revolution. The monarch's power was severely reduced and from 1719 power was exercised by the sixteen-strong Council of the Realm. The king

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⁵ Anthony F. UPTON, *Charles XI and Swedish Absolutism*, Cambridge 1998.

⁶ The censor's instruction is printed in G. E. KLEMMING – J. G. NORDIN, *Svensk boktryckeri-historia*, pp. 285–287. English translation: Jonas NORDIN, *Commentary on Renewed Swedish Censorship Laws (1684)*, in: Lionel Bently – Martin Kretschmer (edd.), *Primary Sources on Copyright (1450–1900)*, URL: www.copyrighthistory.org.

acted as chairman and had two votes and the casting vote in the event of a tie, but he was easily outvoted and could not rule against the advice of the majority. The Council, in turn, was accountable for its actions to the Riksdag, which was the kingdom's supreme political body.

With its new form of government Sweden essentially became a republic. A large and growing share of power was exercised by the Riksdag, where an emerging party system was added to the traditional culture of negotiation between the four Estates. Although it was not firmly established until well into the 1730s, strong factions had formed around foreign policy and economic issues as early as the 1720s parliamentary sessions.

To far-sighted observers, it was clear that the new political circumstances called for a more transparent approach to public discourse. In 1727, Anders Bachmanson, a member of the Estate of the Burghers, submitted a motion calling for the abolition of pre-censorship. To him, this was an absolute necessity to fully realise the potential of the new Constitution; without it, liberty remained a half measure: 'A free and unrestricted printing press [...] contains the artificial means and the noble light that are entirely indispensable for the enlightenment of natural reason; but since this has nevertheless been denied us, despite having now become a free people, it seems that we do not yet truly understand our freedom, nor can we fully taste the noble fruit that, according to all opinion, may be derived from it.'⁷

Bachmanson had spent 18 months in London, learning English and being inspired by British political life and opinion-making, which had flourished since the Glorious Revolution and the abolition of censorship in 1695. He envisioned something similar to the British system, where anyone (in theory) could print anything, but also had to be ready to accept legal responsibility afterwards.⁸

Due to the 'importance of the matter', Bachmanson soon submitted yet another, lengthier, motion, which was favourably received by the Burghers, who suggested it should be printed.⁹ However, this required the permission of the censor, who understandably felt unable to decide on the matter because it advocated the abolition of his own office, and he referred it to his superiors in the Chancery Board (*Kanslikollegium*). Having considered the matter, the Chancery declared that as long as you printed

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⁷ 'Et frit och oinskränkt Boktryckerij hyser fördenskull det artificielle medlet och det ädla liuset som till det naturliga förståndets upplysande helt oumgjengeligt är; Men oss sådant är, oacktat wi nu blifwit et frit folk, ännu likwäl betagit, så at wi tyckes ännu icke rätteligen kienna vår frihet, mindre kunna smaka den ädla fruchten, som efter allas mening deraf hämtas kan ...' ('Underdånigt Memorial'). Cf. Riksarkivet/Swedish National Archives (hereafter: RA), The Börstorp Collection, Anders Nordencrantz's Archive, Concepts (early), 69, E 3011.

⁸ For Bachmanson's travels in England and Ireland and his admiration for British politics: Sven RYDBERG, *Svenska studieresor till England under frihetstiden*, Uppsala 1951, pp. 103–104, 113–122.

⁹ The minutes of the Estate of the Burghers, 11 March 1727, in: Nils Staf (ed.), *Borgarståndets riksdagsprotokoll från frihetstidens början*, vol. 3. 1726–1727, Stockholm 1956, pp. 199–200.

nothing seditious, blasphemous, defamatory or immoral, you could publish whatever you wanted. In that sense Sweden already had freedom of the press, and hence Bachmanson's proposal was superfluous. That was the end of the matter for the time being. A few months later, Bachmanson was appointed consul in Lisbon and disappeared from Swedish politics for almost a decade. In his first book, *Arcana oeconomiae et commercii*, published 1730, he spelled out his creed in the preface: 'Those who [...] should be called the greatest enemies of the entire human race are those who forbid freedom of speech and response, who with force and oppression suppress and persecute humanity's only guide: reason.'¹⁰ Although Bachmanson produced several lengthy manuscripts on the question, they collected dust for many years.

If sanctioned public opinion-forming lay in the future, authors sought other ways to exert influence. From the 1720s until the abolition of censorship, handwritten political pamphlets were copied and circulated in sometimes astonishingly large numbers. Since the discussions in them often veered into the borderlands of the permissible, it is understandable that the authors were usually anonymous, the texts often veiled in their allusions, and the forms of distribution shrouded in secrecy. Despite this, it is apparent from the political debates of the time that this form of opinion-forming had a significant impact on public discourse.¹¹

The censorship authorities already had an uphill task in the 1720s and 1730s because of the influx of pietistic writings. In response, several laws were introduced that tightened the already stringent control of religion, chief among them the Conventicle Charter of 1726, which prohibited religious gatherings in private homes, and the new Statute on Religion of 1735, which imposed stricter controls on people's adherence to the true faith. In the Swedish Lutheran unitary culture, religion was certainly a matter for the state, but the tightening of ecclesiastical control can also be seen as a concession to the clergy as a political association. The corporative thinking of the era saw politics as balancing institutionalised special interests. Against that background, it was rational to give the Estate of the Clergy influence over religious policy, but in return the other

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¹⁰ 'De som [...] böra kallas hela menniskiosläktets största fiender, äro de, som förbiuda frihet i tal och swar/ at med wäld och twång trycka och förfölja menniskians enda wäglebare förnuftet ...' Anders BACHMANSON [NORDENCRANTZ], *Arcana oeconomiae et commercii, eller Handelens och hushållnings-wärkets hemligheter*, Stockholm 1730, unpaginated preface.

¹¹ For the production and distribution of handwritten pamphlets, see Erik BODENSTEN, *Politikens drivfjäder: Frihetstidens partiberättelser och den moralpolitiska logiken*, Lund 2016, pp. 123–153. This literature is surveyed in Ingemar CARLSSON, *Frihetstidens handskrivna politiska litteratur: En bibliografi*, Gothenburg 1967. For an attempt at quantification, see Jonas NORDIN, *En revolution i tryck: Tryckfrihet och tryckproduktion i Sverige 1766–1772 och däromkring*, in: Daniel Möller (ed.), *Vetenskaps societeten i Lund: Årsbok 2020*, Lund 2020, pp. 87–112, here pp. 98–100. For handwritten libels in the late eighteenth century, see Annie MATTSSON, *Komediant och riksförrädare: Handskriftscirkulerade smädeskrifter mot Gustaf III*, Uppsala 2010.

Estates expected greater leniency from the Clergy in political matters of a more worldly nature.¹²

In 1735 there was an opening in the restrictions on printing that would be key to the emergence of a public sphere, as in that year it became permissible to print documents and decisions from court proceedings. It became a way for members of the public to seek redress when denied justice in court. In the eighteenth century at least 818 court cases were published this way, amounting to some 1,900 publications of varying length where often both (or more) parties made their case. About 40 per cent were issued in the space of six years (1767–1772) – the period of the freedom of the press (Figure 1).¹³

In 1739 there was a renewed push in the Riksdag to abolish prepublication censorship, this time in the Nobles. It was the young Count Henning Gyllenborg who, on one of the last days of the session, submitted a motion on ‘the utility and necessity of allowing a free people a free press’; this would be ‘a powerful means both for the preservation of liberty and the banishment of ignorance’.¹⁴ Gyllenborg had trained as a lawyer, defended a thesis on political forecasting, and undertaken study trips to Denmark, Germany, and France. This time, though, his inspiration came mainly from Great Britain. From the age of 15, Gyllenborg had been brought up by his uncle Carl, who between 1703 and 1718 held various positions at the Swedish mission in London. Carl Gyllenborg was married to the well-to-do Sarah Derith (née Wright), a Tory sympathiser and Jacobite who with her Swedish husband hosted a political salon in London before the couple were expelled for promoting Stuart interests. In the early 1720s Carl Gyllenborg was already championing the idea that ‘in a free state, no one should be forbidden from public reasoning about matters of common concern, especially since the truth thereby emerges’.¹⁵ As British dissidents, Carl Gyllenborg and Sarah Derith understood the

¹² Ove NORDSTRANDH, *Den äldre svenska pietismens litteratur*, Lund 1951; Harry LENHAMMAR, *Sveriges kyrkohistoria*, vol. 5. *Individualismens och upplysningens tid*, Stockholm 2000, pp. 47–69.

¹³ Permission was granted by a royal letter, 20 March 1739. Subsequent regulations emphasised that case documents had to be published in their entirety and could not be redacted; see Reinhold Gustaf MODÉE (ed.), *Utdrag utur alle ifrån den 7. decemb. 1718[–1794] utkomne publice handlingar, placater, förordningar, resolutioner och publicationer, som riksens styrsel samt inwärtas hushållning och författningar i gemen, jämväl ock Stockholms stad i synnerhet, angå*, vol. 2, Stockholm 1746, pp. 1234–1235, 1350, 1354–1355. The figures are calculated from the bibliography compiled by Samuel E. BRING, *Svenskt boklexikon 1700–1829: Rätttegångshandlingar*, Uppsala 1958. For a discussion of the part this material played in creating a public sphere, see Maria ÅGREN, *Hemligt eller offentligt? Om kön, egendom och offentlighet i det sena 1700-talets Sverige*, Historisk tidskrift 126, 2006, pp. 23–45.

¹⁴ *Sveriges ridderskaps och adels riksdags-protokoll från och med år 1719*, vol. 11. 1738–1739 III, Stockholm 1889, p. 349, and appendix 20.

¹⁵ ‘... uti en fri stat bör ingen förbjudas, att uti allmänna saker, som angå alla få publice rasionera, helst som sanningen derigenom kommer fram ...’ Göran NILZÉN, *Carl Gyllenborg: En frihetstida*

importance of political opinion-forming: freedom of speech was the tool of the opposition rather than the authorities.

It probably explains why Henning Gyllenborg failed. Less than a week after his motion was tabled, Carl Gyllenborg was appointed Chancery President (Prime Minister) and the party that had been formed in opposition to the group that dominated the Riksdag for two decades now assumed power. That removed the incentive to pursue press freedom as a matter of principle.

Sharpening divisions

Countering the ruling faction was a party formed in the 1730s who labelled themselves 'the Hats', in opposition to 'the Caps', a pejorative moniker that was soon their accepted name. The 'parties' were loosely organised voting coalitions in the Riksdag, mainly grouped around foreign policy and economic matters. The Hats sought the support of France and favoured an active financial policy, while the Caps aspired to appeasement with Russia and valued greater caution with public spending. From the 1750s the party divisions became increasingly cemented around ideological matters, and in the 1760s the Caps turned progressively more into the commoners' preferred party, challenging the aristocratic Hats.

The 1740s saw the development of press freedom come to a complete standstill because of the never-ending hunt for pietists, a failed war against Russia with the subsequent frenzy of scapegoating, and a heated political battle about the influence of the electorate (the 'principals') on the mandate of delegates to the Riksdag. Among several new restrictions were the 1747 requirement that all printers submit complete type specimens to the authorities (to make it easier to track down illicit books), and a ban the following year on the printing of Swedish manuscripts abroad.¹⁶

Instead, it was in the 1750s that the Age of Liberty entered a new, more radical phase. In 1755–1756, Sweden's first political journal, *En Ärlig Swensk* ('An Honest Swede') was published by the ruling Hats. The main political medium had so far been pamphlets on individual issues. Now opinion-forming was taken up a notch by bringing the political discourse to the public with a periodical that made ideological statements without an immediate connection to the events of the day. The journal may even have coined the term the 'Age of Liberty' (*frihetstiden*).¹⁷

The Caps tried to return fire with their own publications, but because the Hats controlled the censor's office they had to be circulated in manuscript. When the king

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battpolitiker, Stockholm 2007, pp. 26–34, 94, quote p. 95. Svante NORRHEM, *Kvinnor vid maktens sida 1632–1772*, Lund 2010, pp. 139–140.

¹⁶ Sven WILSKMAN, *Swea rikets ecclesiastique verk, i alphabetisk ordning sammandragit utur lag och förordningar, privilegier och resolutioner, samt andra handlingar*, Örebro 1781–1782, pp. 71, 73.

¹⁷ *En Ärlig Swensk*, Stockholm 1755–1756, p. 269.

and supporters of his court opposed the publication of *En Ärlig Swensk*, the Chancery President Anders Johan von Höpken penned an eloquent and principled defence of the freedom of the press.¹⁸ Even if it was opined within the closed circle of the Council of the Realm, it is interesting because it indicated that press freedom was beginning to be accepted as a catchphrase, albeit not as a principle. Ironically, even though *En Ärlig Swensk* was intended to help the Hat party close ranks, it actually paved the way for a more open political climate.

It is also significant that *En Ärlig Swensk* strongly favoured the republican line of the Age of Liberty, which wanted to place all political decision-making in the hands of the Council and reduce the king to a symbolic figurehead. Or in Höpken's words: 'The very definition of a free government implies that the people and the communities possess certain rights upon which the royal power cannot infringe.'¹⁹ Such freedom also required application, and application required knowledge, which in turn required the freedom of the press. It was not enough that public law, *jure publico patriae*, was only studied by the young at universities, said Höpken: everyone needed to know the basics because 'the Instrument of Government and the fundamental law involve the learned and the unlearned'. He, too, referred to Great Britain. The English constitution was the one closest to the Swedish, and there, freedom of the press and political freedom were inseparable, Höpken maintained.

Höpken's statement was a powerful vindication of the fundamental importance of the freedom of the press. However, he was in a privileged position as the leader of the government, and in practice he was only concerned with his sympathisers' freedom of expression. This also drove a wedge between the Chancery Board, over which Höpken presided, and the censor's office subordinate to it, run by one Niclas von Oelreich. For unclear reasons, Oelreich from this point took an increasingly capricious approach to his official duties. In 1756, for example, he permitted Anders Bachmanson (Nordencrantz as of 1743) to publish a 24-page pamphlet *Oförgräpelige Tankar, Om Frihet i bruk af Förnuft, Pennor och Tryck, samt huru långt Friheten derutinnan i et fritt Samhälle sig sträcka bör, tillika med påfölgden deraf* ('Humble thoughts on freedom in the use of reason, pens, and the press, and how far such freedom should extend in a free society, along with its').

¹⁸ Anders BURIUS, *Ömbet om friheten: Studier i frihetstidens censurpolitik*, Uppsala 1984, pp. 217–219; Bengt ÅHLÉN, *Ord mot ordningen: Farliga skrifter, bokbål och kättarprocesser i svensk censurhistoria*, Stockholm 1986, pp. 88–89.

¹⁹ 'Sjelfva definition af en fri regering, utvisar, at folcket och menigheterna äga vissa rättigheter, på hvilka konunsliga magten icke kan göra intrång ...' Anders Johan von Höpken's Statement for the Council minutes, 3 June 1755, printed in Carl SILFVERSTOLPE (ed.), *Riksrådet Anders Johan von Höpkens skrifter*, vol. 2, Stockholm 1893, pp. 193–202, quote p. 195. For republicanism and monarchy during the Age of Liberty: Jonas NORDIN, *The Monarchy in the Swedish Age of Liberty (1719–1772)*, in: Pasi Ihalainen – Michael Bregnsbo – Karin Sennefelt – Patrik Winton (edd.), *Scandinavia in the Age of Revolution. Nordic Political Cultures, 1740–1820*, Farnham 2011, pp. 29–40.

consequences'). This 'humble' plead proved too much for the Chancery Board, the print run was stopped, and all copies were confiscated.²⁰ And that was just the start, as Höpken's unprincipled attitude was even more apparent in an infamous case a few years later.

Disintegration of censorship

In 1759, a young philosopher and economics don at Uppsala University called Peter Forsskål published a short pamphlet, *Tankar om borgerliga friheten* ('Thoughts on civil liberty').²¹ In eight pages and twenty short paragraphs, Forsskål presented a fully fledged, enlightened programme for the strengthening of civil rights in Sweden. Among other things, he advocated freedom of conscience, strengthened property rights, freedom of trade, appointments to public office based on merit, improved educational opportunities, and the rule of law. The goal was a state where citizens had strong protections against state interference. He summarised his key point in the seventh paragraph: 'So, the life and strength of civil liberty consist in *limited Government* and *unlimited freedom of the written word*; as long as all writing is prevented which is undisputedly indecent and blasphemes against God, attacks on the Government and individuals, and incitement to harmful vices.'²²

Forsskål's pamphlet had been duly reviewed and approved for printing by Oelreich. In fact, the published version was almost a joint effort by the two. The deletion of several remarks about specific cases in Forsskål's manuscript made the text more universal; and while some sensitive passages had been toned down, other became more liberal. In the

²⁰ Josef EDSTRÖM, *Tryckfrihetstanken i svensk politik 1755–1762*, Gothenburg 1953 [unpublished thesis], pp. 132–135; Thomas VON VEGESACK, *Smak för frihet: Opinionsbildningen i Sverige 1755–1830*, Stockholm 1995, pp. 18–19.

²¹ For the case, see Claes ANNERSTEDT, *Uppsala universitets historia*, vol. 3. 1719–1792 I, Uppsala–Stockholm 1913, pp. 343–351, with source extracts in the appendix; Henrik SCHÜCK, *Från Linnés tid: Petter Forsskål*, Stockholm 1923, pp. 114–232; Torsten STEINBY, *Peter Forsskål och Tankar om borgerliga friheten*, Helsingfors 1970, pp. 48–78; Carl Gustaf SPANGENBERG, *Tankar om den borgerliga friheten: Peter Forsskåls skrift om tryckfriheten 250 år*, in: Professorsinstallation vid Uppsala universitet höstterminen 2009, Uppsala 2009 (= *Acta universitatis Upsaliensis* 159, 2009), pp. 7–29; Jonas NORDIN, *Peter Forsskål 1732–1763: En Linnélärjunge i kamp för civila rättigheter*, Svenska Linnésällskapets årsskrift, 2013, pp. 39–52; Ere NOKKALA, *Peter Forsskål – the freedom to write and the Principle of Public Access to Official Documents*, in: Bertil Wennberg – Kristina Örtenhed (edd.), *Press Freedom 250 Years. Freedom of the Press and Public Access to Official Documents in Sweden and Finland – a living heritage from 1766*, Stockholm 2018, pp. 61–76.

²² 'Borgerliga frihetens lif och styrka består altså i synnerhet uti en inskränkt Regering, och en oinskränkt skrif-frihet, allenast alt skrifwande hindras, som utan gensjelsle är oanständigt, och innehåller hädelse emot GUD, förgripelser emot Regering och enskildta; och retelser til uppenbara laster...' [Peter FORSSKÅL], *Tankar om borgerliga friheten*, Stockholm 1759, pp. 4–5.

paragraph quoted above, Oelreich seems to have added ‘attacks on the Government’, but he also removed the demand for the ‘serious punishment’ of all unlawful writing.²³

Despite official approval, Forsskål, Oelreich, and the printer, Lars Salvius, were summoned one by one for questioning by the Chancery Court, presided over by none other than Höpken.²⁴ In the Chancery’s view, Forsskål’s plead for strengthened civil liberties could be understood as if these rights were not already sufficiently catered for in Sweden, which was perceived as an attack on the Constitution. Further, by expressing his thoughts in a short pamphlet written in Swedish, Forsskål had increased their potential public impact. The process was protracted, as the Chancery Court tried to convince Forsskål to repent, while he in vain tried to get an answer about which law he had violated. Forsskål argued that he had written nothing that had not already been published by other authors. The Chancery admitted that was true, but those authors had not ‘spoken out in pamphlets and single sheets that can be bought for a few pennies; nor in the mother tongue, but in works and volumes written for enlightened citizens and not for the general public’.²⁵ This argument was far removed from Höpken’s view stated only a few years earlier about the need for public education about Sweden’s form of government.

Beside the ideological disagreements, the whole affair is an interesting insight into the functioning of censorship. Forsskål’s and Oelreich’s astute exploitation of the gap in authority between the various bodies of government showed the system was ineffectual when it was not supported by the authors’ self-censorship. Normally, authors and printers alike were aware of the limits for what was acceptable from the authorities’ point of view. In the rare cases where those limits were violated, a simple warning was enough to make the author repent. When this did not happen, as in Forsskål’s case, the judicial system was utterly impotent.

The Chancery discussed various penalties but realised, as Forsskål had worked out, that there was no applicable law in such a case if one wanted to avoid a blatant miscarriage of justice. Forsskål had printed 500 copies at his own expense and immediately distributed them to his friends and acquaintances. A search ended with a mere 79 confiscated copies. The Chancery Board considered issuing a ban on the pamphlet, but hesitated since they realised it would only make it more interesting. However, having

²³ For an English translation, see David GOLDBERG et al. (edd.), *Peter Forsskål, Thoughts on Civil Liberty. Translation of the Original Manuscript with Background*, Stockholm 2009, available at URL: litteraturbanken.se.

²⁴ The Chancery Court was a branch of the Chancery Board, which, among other things, dealt with misconduct by public officials.

²⁵ ‘... men de hafwa det gjort icke uti broschyrer och löpande ark, som för några ören kunna köpas, icke på modernålet, utan i wärk och volumer, skrifne för uplyste medborgare, men icke för allmänheten ...’, quoted from H. SCHÜCK, *Från Linnés tid*, p. 191.

pondered the matter for several months a ban was finally issued.²⁶ Anyone caught owning, selling, or distributing the pamphlet would be fined 1,000 silver daler, which was a huge sum, corresponding to eighteen months' wages for a ship's captain. The idea was that people might be curious about the contents of the pamphlet, but not to the extent that they would risk personal bankruptcy to read it.

There is no record that the penalty for owning Forsskål's pamphlet was ever applied, but the ban was then extended to any discussion of the Constitution. This provoked Oelreich to pester his superiors with ironic questions about the texts he had to censor. The German cameralist Johann Heinrich Gottlob von Justi, for example, had published a critical review of the German translation of *En Ärlig Swensk*. 'This ignoramus does not even know that we actually possess a respectable freedom of the press, as long as the law is obeyed', wrote Oelreich caustically, and asked whether he should refute Justi with a counter-publication.²⁷

The Chancery Board ignored Oelreich's sarcastic remarks, but soon found itself cornered by its own strategy: the prohibition on discussing the Constitution could not be effectively enforced, but it prevented the ruling party from publishing its own thoughts on the matter. Also, when the Riksdag was in session the government's authority was subordinate to that of the Estates, which could overrule the Council's decisions. In the early autumn of 1760, the Chancery Board had wanted to prevent the publication of a 700-page treatise *Til Rikdens Höglofl. Ständer*, written anonymously by Anders Bachmanson Nordencrantz. The full title said it all: 'To the Most Honourable Estates of the Realm assembled at the Diet of 1760: A respectful representation in a detailed response to the impartial remarks, which were announced in *Stockholm Post-Tidningar* on 25 September 1758, as having been published in print, regarding the three writings submitted to the Most Honourable Estates of the Realm in the last Diet concerning the reduction of legal proceedings, law, judges and the people, as well as a just freedom and security.'²⁸

When Nordencrantz informed the Riksdag that the Chancery was trying to prevent him communicating with the Estates, they ordered that the book be released. At the same time, Nordencrantz was told he could arrange to retrieve his previously

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²⁶ *Kongl. Maj:ts Nådiga Förbud Emot En af Trycket utkommen skrift, under titül: Tankar om Borgerliga Friheten &c. Gifwit Stockholm i Råd-Cammaren then 28. Februarii 1760, Stockholm [1760].*

²⁷ 'Denne ignoranten vet ej heller att vi verkligen äga en rättmätig tryckfrihet, när lagarna efterföljas.' Oelreich's memorandum to the Chancery Board 6 February 1760, quoted from J. EDSTRÖM, *Tryckfrihetstanken*, p. 124.

²⁸ [Anders NORDENCRA NTZ], *Til rikdens höglofl. ständer församlade wid riksdagen år 1760. En wördsam föreställning uti et omständeligt swar på de oförgripeliga påminnelser, som uti Stockholms Post-tidningar, den 25 september 1758, kundgjorde blifwit, wara af trycket utkomne, wid de under sidstledne riksdag til rikdens höglofliga ständer aflemnade trenne skrifter om rätttegångers förminskning, lag, domare och folk, samt en rättskaffens fri- och säkerhet. Af en deras ledamot och ödmjukaste tjenare, Stockholm 1759.*

confiscated pamphlet *Oförgripelige Tankar*. The Hat party's attempt at quiet opposition was thwarted.²⁹

Forsskål, for his part, essentially escaped reprisals. He could not be convicted for having done anything illegal, but the Chancery Court wanted to reprimand him for his perceived disobedience. But since the Chancery Board did not dare confront him again, they instead instructed the Uppsala University Consistory to issue a warning. The whole affair was thus reduced to an academic disciplinary matter, but even this was too much for Forsskål, who protested. He would probably have continued to quarrel, but soon after he embarked on a Danish research trip to the Arabian Peninsula, where he succumbed to a feverish illness two years later.

Freedom of the press in the making

In October 1761, Forsskål wrote from Alexandria to his old teacher Carl Linnaeus to ask: 'How are the Diet and freedom of writing in Sweden going?'³⁰ The Diet had convened exactly a year earlier, and in April 1761 press freedom was put on the agenda. The immediate cause was a desire to identify the culprits and investigate the causes of Sweden's ill-fated part in the Seven Years War. A special deputation was appointed, and it soon formed a ten-man-strong subcommittee composed of representatives from all four Estates and both parties in order to investigate the question of the freedom of the press. We do not have a detailed understanding of the subcommittee's work since no minutes were kept, but draft reports show the proposals were fairly moderate. Political and economic issues should be allowed to be debated and a cautious principle of access to public records was suggested: people should be allowed to print a wide range of documents from the courts and government agencies, but not the minutes of the Diet or the Council. The office of censor should be retained, and the censor would have to approve all public documents before they were released for publication. The committee was in session for less than two months, which naturally did not allow for the matter to be properly prepared.³¹ The literary historian Marie-Christine Skuncke, who has studied the subcommittee's work, has pointed out that censorship, as practised by Oelreich, was not very strict, and the important issue was rather access to public records,

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²⁹ J. EDSTRÖM, *Tryckfrihetstanken*, pp. 124–131.

³⁰ 'Huru aflöper riksdagen och skriffriheten i Sverige?' Forsskål to Linnaeus, 20 October 1761, Linnean Society, London, electronic copy URL: <http://urn.kb.se/resolve?urn=urn:nbn:se:alvin:portal:record-231345>.

³¹ Gunnar KJELLIN, *Rikshistoriografen Anders Schönberg: Studier i riksdagarnas och de politiska tänkesättens historia 1760–1809*, Lund 1952, pp. 40–51; A. BURIUS, *Ömbet om friheten*, pp. 258–262.

which was seen as a weapon against the Hat-led agencies' abuse of power and arbitrary exercise of authority.³²

The freedom of the press and other civil liberties were subject to a lengthy debate in the Nobles in July 1761. As so often before, England was at the centre of the debate, but this time not only as model, but also as a warning. Talking about Anders Nordencrantz's *Til Rikens Höglofl. Ständer*, the ironworks owner John Jennings said: 'I have noticed that he [Nordencrantz] strongly advocates the freedom of the press in this matter and has particularly cited England as an example; but I wish he had not excluded England's caution regarding those aspects that concern the most delicate parts of its government. For such writings, the authors are pilloried, and if anyone were to recklessly attack the House of Lords or attempt to merge the Upper and Lower Houses of Parliament in England, he would surely be hanged.'³³

The question of the freedom of the press was not settled before the end of the Riksdag session in June 1762, and it remained prominent in public discourse in expectation of the next gathering of the Estates, which would take place in 1765. By that stage everyone was better prepared – and it became apparent that Great Britain could no longer serve as an example.

The making of the Freedom of the Press Act

In the Riksdag election in 1765, the Caps won a majority for the first time in a quarter of a century and took command of the Council. There was a wide range of grievances the Caps intended to address and they were armed with a comprehensive agenda of reform that they intended to translate into practical policies. For this purpose, a Grand Deputation was set up, and among its various subcommittees the Third Committee had the task of preparing 'a reasonable freedom of the press'.

The Third Committee had fifteen members: six from the Nobles and three each from the Clergy, Burghers, and Peasantry. Oelreich, the *censor librorum*, was co-opted as an expert but did not have a vote. The committee took its work seriously and convened no less than 21 times between August 1765 and July 1766. Already at its first meeting, on 29 August, Anders Chydenius, a chaplain who was to become one of the driving forces in

³² Marie-Christine SKUNCKE, *Press Freedom in the Riksdag 1760–62 and 1765–66*, in: B. Wennberg – K. Örtengren (edd.), *Press Freedom 250 Years*, pp. 109–144, here pp. 113–116.

³³ 'Jag har sedt, at han deri mycket yrkar tryckfriheten och dervid i synnerhet åberopat Englands exempel; men jag önskar, [att han] ej dervid hade uteslutit Englands försigtighet i anseende til sådane piecer, som röra det ömaste af dess regeringssätt. För sådane skrifter blifva uphofsmännerne chavotterade, och vågade sig likaså någon at oförsynt angripa Öfverhuset eller at sammanstöka Öfre och Nedre Parlamentshusen i Engeland, blefve han säkerligen hängd ...' The minutes of the Nobility, 3 July 1761. *Sveriges ridderskaps*, vol. 21. 1760–1762 II, Stockholm 1938, p. 214.

the committee, stressed that a law on press freedom had to be devised in such a way that it was difficult to repeal with a change of government.³⁴

In the following months the committee enquired about the censor's duties, studied the history of Swedish censorship, and examined foreign legislation in search of good and bad examples. Great Britain was still the closest model, but it was once again stressed that abolishing censorship left authors without protection and that its press legislation was arbitrarily applied. Through these investigations, the principles were formulated that would lay a more solid foundation for the freedom of the press in Sweden.

The fundamentals were adopted piecemeal. On 20 November 1765, the committee asserted that the freedom of the press would not be without regulation, and all arbitrariness should be eliminated with well-thought-out and clearly defined limits. Only those forms of expression expressly prohibited by the law would be prosecutable. On 9 December, the principle of public access to official records was discussed, which would permit citizens to read the minutes and other documents of the work and deliberations of the Riksdag, the Council of the Realm, and all the central authorities as long as they did not have secret clauses. The controversial issue was discussed at several subsequent meetings before it was finally accepted on 24 February 1766.

In the event, public access to official records was both the most central and the most remarkable feature of the Freedom of the Press Act. It can be argued that public transparency and insight into the central administration was the actual purpose of the new legislation, while the freedom of the press was the means to the end. Parallel with the Third Committee's investigation into press freedom, another subcommittee of the Grand Deputation was drafting improvements to the efficiency of the state apparatus. The resulting law, Ordinance for the Better Execution of the Laws, passed in November 1766 and ruled that constitutional amendments and major legislative changes could only be made after decisions at two consecutive sessions of the Riksdag with intervening elections.³⁵ This was a formal recognition of the electorate's influence on important national policies, and a realisation of Höpken's declaration a decade earlier that the application of freedom required knowledge. Ideology was now turning into actual practice.

On 21 April 1766, the Third Committee proposed the abolition of prepublication censorship across the board. The proposal was narrowly approved in the drafting process, but the decision was changed later in its legislative journey.

At the final meeting of the Third Committee on 18 July 1766 another important principle was established: the sole responsibility of the author or the printer. In future, if a publication was subject to legal action, the printer would not be prosecuted if he could

³⁴ RA, R 3405: The Third Committee 1765–66, minutes and appendices, fol. 346^v. The Third Committee's work has been mapped in detail in M.-C. SKUNCKE, *Press Freedom in the Riksdag*, pp. 116–132.

³⁵ 'Ordinance for the Better Execution of the Laws among Officials and other Subjects of the Realm', 12 November 1766, in: R. G. Modée (ed.), *Utdrag*, vol. 8, Stockholm 1795², pp. 274–290.

name the author, who alone would be liable for any legal consequences. If the printer was unable or unwilling to disclose the identity of the author, he had to take the legal responsibility on himself. To protect anonymous writing, the printer kept a note with the author's name in a sealed envelope, which could only be opened during a legal investigation. This ruling was essential to prevent printers from becoming the gatekeepers of free speech for fear of getting into trouble themselves. At the same time, the committee proposed that book imports should continue to be regulated. Along with the principle of public access to official records, their position showed that the ordinance, more than anything else, was intended to revitalise Sweden's political discourse.

When the Third Committee had finished work, it handed over its draft proposal to the Grand Deputation for further discussion and editing. The committee had reached, if not full consensus, at least a mutual understanding of the complexities but also of the solutions to the central disputes. In the Grand Deputation opinions were more divided, and the original proposal underwent significant changes in the ensuing legislative process. The most important change was the ruling that prepublication censorship was to be retained for theological matters. This was a concession to necessity. If allowances had not been made, the Clergy would not have accepted it and the entire bill would have failed, since there was a growing realisation that the Nobles would vote against the law.

At any Riksdag the four Estates voted separately and resolutions were decided by a majority; however, constitutional matters demanded full agreement. When the voting took place in October 1766, the Burghers and the Peasants supported the law without reservations. The Clergy voted in favour with the caveat that censorship should be kept in theological matters. The Nobles voted against, primarily with the argument that public access to official records was at odds with the Instrument of Government. At the Third Committee's very first meeting, Anders Chydenius had argued for strong legal protections for the Freedom of the Press Act. Further, the committee had always intended that the ordinance be adopted as constitutional law. Without the support of the Nobles this objective failed. Instead, there was a peculiar formulation in the second-to-last paragraph (all laws were in the king's name): '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.'³⁶

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³⁶ 'Och på thet Wäre trogne undersåtare framgent må om thenne utstakade Skrif- och Tryckfrihets oswikeliga bestånd äga all then fullkomliga trygghet som en oryggelig Grundlag medförer, finne Wi godt härmde förklara, thet ingen eho han vara må, wid Wår Konungsliga Onåde skal sig understå, någon then ringaste förtydning eller inskränkning af thetta Wårt Nådiga Förordnande tilstyrka ...' Ian GILES – Peter GRAVES (trans.), *His Gracious Majesty's Ordinance Regarding the Freedom of Writing and of the Press*, in: Jonas Nordin, *The Swedish Freedom of the Press Ordinance of 1766*.

The ordinance was to have the same force as an ‘unalterable Constitution’, but without being one. This was an attempt to place the Freedom of the Press Act above ordinary statute law, and in that respect it signalled a qualitative shift in attitudes to freedom of expression. The ruling Cap party had given their political opponents a handy tool for influencing public opinion, but even so they committed to defending the principle. The press historian Lars-Folke Landgrén instead underlines the ordinance’s usefulness in combatting bureaucratic rule.³⁷ Either way, it was a significant departure from the opportunistic arrogance displayed by the Hats a decade earlier.

The Freedom of the Press Act was passed by the Riksdag in October, but due to the crown prince’s wedding it was not signed by the king until 2 December 1766.³⁸ To gain legal force it also had to be announced to the population at large, which in Sweden was done by proclamation in church. Church attendance was compulsory and after the sermon the priest had to read aloud all new laws and latest proclamations; the printed versions were then kept in the church or other public place in the parish for future reference.³⁹ Public distribution meant that sufficient copies of all new laws had to be printed, normally in print runs of 5,000 by the end of the eighteenth century.⁴⁰ Periodically, it meant work backed up at the royal printers, especially towards the end of a Riksdag session when there was a great deal of official business to be published. That was the fate of the Freedom of the Press Act, which was therefore not publicly announced until mid-February 1767.⁴¹

Effects of the Freedom of the Press Act

A law is never stronger than its application. The key question, then, is whether the Freedom of the Press Act had any effect. This is best gauged in three areas: first, whether people used the newly acquired right to gain access to public records; second, in the

Background and Significance, Stockholm 2023, pp. 28–33, here p. 33, emphasis added; URL: <https://urn.kb.se/resolve?urn=urn:nbn:se:kb:publ-716>.

³⁷ Lars-Folke LANDGRÉN, *1766 års tryckfrihetsförordning och dess omedelbara betydelse för den svenska pressen och dess opinionsbildning*, Historisk tidskrift för Finland 87, 2002, pp. 509–537, here pp. 519–520.

³⁸ For a discussion of the content of the law, see Jonas NORDIN – John Christian LAURSEN, *Northern Declarations of Freedom of the Press. The Relative Importance of Philosophical Ideas and of Local Politics*, Journal of the History of Ideas 81, 2020, pp. 217–237, esp. pp. 223–226.

³⁹ Elisabeth REUTERSWÄRD, *Ett massmedium för folket: Studier i de allmänna kungörelsernas funktion i 1700-talets samhälle*, Lund 2001, esp. chapter 2.

⁴⁰ Anna Maria RIMM, *Elsa Fougt, Kungl. boktryckare: Aktör i det litterära systemet ca 1780–1810*, Uppsala 2009, pp. 30–32.

⁴¹ RA, Council of the Realm minutes in fair copy, main series, Domestic Civilian Expedition, A1a:81, 22 December 1766, fol. 590^v–592^r. The Freedom of the Press Act was announced as recently published in *Stockholms Wēkoblād*, which was issued by the same printer, on 14 February 1767.

influence on print output; and third, in a possible impact on public discourse. Further research needs to be done in all three areas, but there is enough to venture some preliminary observations.

The first request to access a public document was discussed in the Council of the Realm on 27 February 1767, only a couple of weeks after the publication of the law. It came from the provincial governor of Dalarna, Daniel Tilas, who wanted to study the Council's decisions about three official appointments. The request raised several formal issues. What form should a request take? To whom should it be addressed? Would it involve any costs?

Councillor Gustaf Adolf Hiärne declared his position by saying things should be made as easy and unbureaucratic as possible: '[It] cannot have been the intention of the Estates of the Realm to make this access to documents and records difficult, when a general freedom of writing and printing has been authorised, and His Excellency [Hiärne] could not agree to make the actual application procedure in any way burdensome, when someone, with reference to the ordinance on the disclosure of documents, has stated his business; rather His Excellency thought that such access should be granted, even to a merely verbal request, after it had, however, first been notified to the Council.'⁴²

Councillor Fredrik von Friesendorff maintained these matters should not be handled as 'applications', which required either refusal or approval, but rather as 'requests', since the ordinance clearly stated that a person who demanded access to minutes and other records could not be denied.

Against these ultra-liberal voices were most of the councillors, who thought that the difference between an application and a request was hair-splitting and that a proper request, as previously, should be written on stamped paper. Such a handling fee was anticipated in the ordinance.⁴³ Along with provisions for the arrangement and authentication of the copies, this became the Council's decision. On these conditions, Tilas's application was allowed, and he received the copies he had requested. To avoid any

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⁴² '... som Riksens Ständers mening ej kunnat wara, att göra denna tillgång till handlingar och Protocoller swår, då en allmän skrif- och tryckfrihet blifwit tillåten, så kunde Hans Excellence ej tillstyrka, att i någor måtto göra sielfwa ansökningssättet onereust, då någon enligt förordningen om handlingars utbekommande sig anmält; utan förmente Hans Excellence sådant böra bewiljas, efwen på en blott muntlig begäran, sedan det dock likwäl förut i Rådet blifwit anmält ...' RA, Council of the Realm minutes in fair copy 27 February 1767, main series, Domestic Civilian Expedition, A1a:82, fol. 841.

⁴³ In Sweden as elsewhere, stamp duty is or was a tax or handling fee levied on official documents. In early modern Sweden stamp duty had to be paid in order for almost all official business to be processed. See the Freedom of the Press Act, § 7, on court records: '... when anyone [...] 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.'

negative consequences, the Council also issued a proclamation with a reminder that both statute law and the Freedom of the Press Act had provisions about lese-majesty offences and spreading unfounded rumours.⁴⁴

From this first request in February 1767 to 30 July 1772 there were 86 applications for the delivery (or 'extradition', which was the technical term used) of documents to the Council of the Realm alone.⁴⁵ That was slightly more than one request (1.3) a month on average. Of the 86, 72 were granted, 6 were granted in part, and 8 were refused; however, it should be noted that 5 of the 8 refusals came in March and April 1767, when the new procedures were still under discussion and routines had yet to be established. Another rejection was announced in March 1768 but was cancelled the following month. After that, only two petitions, which actually concerned the same issue, were rejected – and Parliament later reversed the Council's rejection, and the requested minutes were published in that case too. Thus after some initial confusion in the spring of 1767, the new principle of public access came to function according to the intentions of the legislator: to give the public insight into the doings of central government.

Even so, many of the cases gave rise to lengthy discussions of principle. If public transparency was the goal and freedom of the press was the means, as I have argued above, then the documents also had to enter the public sphere. It was an issue that was taken seriously. From the start it was decided to keep records of all the documents delivered up. Soon the lists were being used to check whether the documents in question had actually been printed or not. Access to official records was not intended to satisfy private curiosity, but to stimulate public discourse. If a printer failed to publish a document within a reasonable time, he was called in for questioning by the Council.⁴⁶

If we look at print production, it too showed a sharp increase as an effect of the Freedom of the Press Act (Figure 2).⁴⁷ Available bibliographic records are, as always, insufficient and cannot give a full picture of print output. However, they are consistent enough to give us a reliable estimate of relative changes. The average of recorded titles of the Swedish National Bibliography in six-year periods shows they almost doubled in

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⁴⁴ 'Kongl. Maj:ts Kungörelse och Warning, til förekommande af sanningslösa ryktens utspridande, samt otidigt tal och obehöriga omdömen öfwer widtagne allmänna författningar' [His Royal Majesty's proclamation and warning against the spreading of groundless rumours, and against undue criticism and unauthorised judgements concerning public regulations], 2 March 1767, in: R. G. Modée (ed.), *Utdrag*, vol. 8, pp. 582–584. Anders Burius calls it an 'ordinance', which is not correct, because the Council had only issued a reminder of existing legislation; A. BURIUS, *Ömhet om friheten*, pp. 284–285.

⁴⁵ RA, Council of the Realm minutes in fair copy, main series, Domestic Civilian Expedition, vol. A1a:82–98. I have studied the complete series from January 1767 to December 1772.

⁴⁶ For example, RA, Council of the Realm minutes in fair copy 27 June 1768, main series, Domestic Civilian Expedition, A1a:86, fol. 997–1000.

⁴⁷ For the following, see J. NORDIN, *En revolution i tryck*.

the six years from 1767 to 1772, from about 450 to over 850 titles a year. The exceptional increase was confirmed by the immediate drop to previous figures following Gustav III's coup d'état in August 1772 (of which more below).

In 1760 there were 11 newspapers or journals published in Stockholm, a figure that rose to 28 in 1770, while in Sweden as a whole it went from 15 to 35 in the same period.⁴⁸ If we concentrate on political pamphlets, the jump was even greater. As noted, pamphleteering was the most important way to shape opinion in the eighteenth century. Pamphlets of 4, 8, 16, 32 pages, sometimes more, circulated both in manuscript and in print, especially at times when the Riksdag was in session. In the twenty years between 1760 and 1779 there were 749 political pamphlets, judging by the collections of the National Library of Sweden. Of these, nearly 600 (80 per cent) were published between 1767 and 1772. For the whole period the average was 37.3 titles a year, but for the six years of press freedom it almost tripled to 99.3.⁴⁹

The freedom of the press also drove the expansion of the letterpress industry. In 1766 there were printers in 18 Swedish cities. The most commercial, and hence viable, part of the industry was concentrated in Stockholm, where there were seven printers when the Freedom of the Press Act came into force. That was only one more than at the beginning of the century. In 1771, however, after five years of press freedom it had risen to ten. In all probability, the capacity of the individual printers grew even more by acquiring additional printing presses, but this issue is yet to be investigated further. Likewise, the number of booksellers in Stockholm went up from two in 1760 to six in 1770, of whom three had acquired their permits to conduct business in 1766.⁵⁰

However distinct the expansion was, it is worth putting it into perspective. Before the outbreak of the War of Independence in 1776, the thirteen British colonies that were to form the United States of America had a population of roughly 2.4 million (including 500,000 enslaved people), compared to Sweden's 3 million. But while Sweden had 28 printers in 1775, British North America had four times as many.⁵¹ Although the North American book market was only a pale shade of the mother country's, it far outshone Sweden, thanks to the fact that the long-standing liberal British legislation also extended to the colonies. The British printing industry at the time was too large to assess properly, but England alone had perhaps 700 printing offices in 28 major towns

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⁴⁸ L.-F. LANDGRÉN, *1766 års tryckfrihetsförordning*, p. 524. See also J. NORDIN, *En revolution i tryck*, p. 103.

⁴⁹ J. NORDIN, *En revolution i tryck*, p. 95, diagram 3.

⁵⁰ *IBIDEM*, pp. 100–102.

⁵¹ Joseph M. ADELMAN, *Revolutionary Networks. The Business and Politics of Printing the News, 1763–1789*, Baltimore 2019, p. 140.

in 1775.⁵² Thus, even if the British printing legislation was regarded as sub-par by some Swedish politicians, it had nevertheless fostered a printing industry without parallel in the eighteenth century.

Ideological impact

The concluding years of the Age of Liberty were very much a *Sattelzeit*, a phase of transition between the old and the new, as is evident when looking at the ideological content of the material published in this period. Several studies have analysed individual aspects of the pamphlet debates, but a comprehensive overview has yet to be attempted. Here I shall only briefly discuss its most dramatic consequence: the attempt to dismantle the privileges of the nobility.

The Ordinance for the Better Execution of the Laws of 1766 had abolished the official ranking, which had divided public offices into 40 classes and reserved the 11 top-ranking offices for nobles.⁵³ This set in motion a series of changes aimed at abolishing noble privileges. Since this could not be done without the consent of the Estate of the Nobles at the Riksdag, the commoner Estates instead set out to make the privileges redundant by extending them to all citizens. A privilege shared by everyone is no longer a privilege but a common right.

After privileges for the Burghers and the Peasants had been discussed in public for a few years, three extensive bills were presented at the Riksdag in 1771.⁵⁴ The bills aimed to strengthen civil rights and representation based on property rather than on corporative legal status. Although arguing for general civil liberties the bills expressed the commoner Estates' strongly negative stance against the nobility. That was even more apparent in the pamphlets in which outspoken egalitarian views were presented. One of

⁵² Maureen BELL – John HINKS, *The English Provincial Book Trade: Evidence from the British Book Trade Index*, in: Michael F. Suarez – Michael L. Turner (edd.), *The Cambridge History of the Book in Britain*, vol. 5. 1695–1830, Cambridge 2009, pp. 335–351. The estimated total population of England, Scotland, and Wales was 8–9 million at the time.

⁵³ R. G. MODÉE (ed.), *Utdrag*, vol. 8, pp. 280–281; Per Jönsson EDLER, *Om börd och befordran under frihetstiden*, Stockholm 1915, pp. 60–61; Tom SÖDERBERG, *Den namnlösa medelklassen: Socialgrupp två i det gamla svenska samhället intill 1770-talet*, Stockholm 1956, p. 234; Michael ROBERTS, *The Age of Liberty. Sweden 1719–1772*, Cambridge 1986, pp. 168–169.

⁵⁴ Despite its title, *Project til bonde-ståndets privilegier, wid riksdagen 1771* ('Project for the Estate of the Peasants' privileges') (Stockholm 1771) proposed privileges to be common to all three commoner Estates. It is printed in Sten LANDAHL (ed.), *Bondeståndets riksdagsprotokoll*, vol. 12. 1771–1772, Stockholm 1978, pp. 592–603. [Henrik Albrekt BRANDENBURG], *Swenska odal-folkets rätt, sammandragen i project til et dem gemensamt tilbörigt privilegium, wid riksdagen år 1771*, Stockholm 1771; *Borgmästaren och riksdagsmannen Johan Sundblads memorial til wällofl. borgare-ståndet, angående enskilte privilegier för samma stånd*, Stockholm 1771. For these projects and the ensuing debates, see Jonas NORDIN, *Ett fattigt men fritt folk: Nationell och politisk självbild i Sverige från sen stormaktstid till slutet av frihetstiden*, Eslöv 2000, pp. 394–418.

the most talked about was *En adelsmans tankar, om frälse- och ofrälse-ståndens rättigheter, i befordringsmål* ('A nobleman's thoughts about the rights of the noble and non-noble estates in promotions'). The anonymous author, who pretended to be a nobleman, expressed pride in the noble status his father had acquired for the family by displaying valour in the field, 'but this, my good fortune, has not led me to believe that I am born a superhuman, or to believe that all commoners were fashioned to be despised and share the fate of slaves'. On the contrary, he believed that equal opportunities for improvement and a career were not only a civil right, but also beneficial for society.⁵⁵

The ever-more radical pamphlets were counterbalanced by conservatives appalled by the tone of the public debate. Lars-Folke Landgrén, who has mainly studied newspapers and journals, emphasises that press freedom was not unlimited after 1766. He also talks of *enlightened* rather than *public* opinion.⁵⁶ Both observations are correct, but considering the short time the Freedom of the Press Act was in force it is striking how much it changed both the character of what was being published and the public discourse.

The most notorious, widely debated agitprop publication was *Den ofrälse soldaten* ('The Commoner Soldier'), probably written by a former naval officer Lars Anders Chierlin. The pamphlet gave examples of the physical abuse and injustices committed by noble officers against soldiers of humble birth. The noble officers were described as cowards who abandoned their soldiers at the moment of danger; instead the common soldier was hailed as the real guardian of the realm. There was also an aside about the real purpose of the Constitution, which was to realise the will of the people expressed by the three commoner Estates. Press freedom was heralded as safeguarding the previously all-too-modest commoner Estates against oppression.

Den ofrälse soldaten, of which two editions were produced and a total of 3,000 copies, was taken to court and gave rise to a long series of follow-up papers that set out either to prove or to disprove its claims. By publishing a series of authentic documents, Chierlin substantiated his accusations, and he was first acquitted by the Svea Court of Appeal, though the decision was appealed to the king. In May 1773, the publication was finally confiscated by the government, but that was under very different political conditions.⁵⁷

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⁵⁵ '... men ändå har denne min lycka ej kunnat inbilla mig, at jag wore född öfweränniskja, och at alle Ofrälse-män woro danade at föraktas och dela Slafwars öden ...' *En adelsmans tankar, om frälse- och ofrälse-ståndens rättigheter, i befordringsmål*, Stockholm 1770.

⁵⁶ L.-F. LANDGRÉN, *1766 års tryckfrihetsförordning*, pp. 520–522, 526–527.

⁵⁷ [Lars Anders CHIERLIN], *Den ofrälse soldaten, eller En gammal under-officerares swar, til sin brors-son, om soldate-lefnaden*, Stockholm 1771, esp. pp. 8–9, 13. For the many pamphlets about this publication, see S. E. BRING, *Svenskt boklexikon*, nos. 390:1–11. For the nobility's reactions, see *Sveriges ridderskaps*, vol. 29. 1771–1772 I, Stockholm 1969, pp. 347–358. See also Clas Theodor ODHNER, *Sveriges politiska historia under konung Gustaf III:s regering*, vol. 1. 1771–1778, Stockholm 1885, pp. 35–36; Carl Gustaf MALMSTRÖM, *Sveriges politiska historia från konung Karl XII:s död till statsvälföringen 1772*, vol. 6, Stockholm 1901, pp. 236–239; P. J. EDLER, *Om börd och befordran*, pp. 152–157;

The end of liberty

On 19 August 1772, King Gustav III staged a coup d'état that spelled the end of the Age of Liberty and the restoration of royal power. Two days after the coup, the king appeared in the Riksdag to dictate a new Instrument of Government which he himself had drafted. Armed soldiers were stationed outside the assembly hall and the Estates had to accept the new Constitution by acclamation, having only heard it read aloud once. The king's first proclamation, having resumed the reins of power, was a ban on using the old party names in public speech and writing. This was presented as a way to put an end to the disunity and party divisions in society, but more than anything it was a strong signal to the public to avoid sensitive political topics.

There was almost no open protest against the royal coup, which is to be expected considering the imminent threat of violence. Even so, there were undoubtedly many who welcomed the regime change. The king had always been popular among common people, especially the peasantry.⁵⁸ In the Age of Liberty, meanwhile, the aristocracy had been the monarch's staunchest opponents, but the attacks on their privileges and the new egalitarian tendencies changed their minds for them. Their acquiescence was a necessary condition and probably the most important reason for the success of the royal coup. Had the king not had the nobility's support the overthrow of the form of government would most definitely have failed. The king also rewarded them by abolishing all constitutional rulings adopted after 1680, the year King Charles XI made himself absolute. The year was strategically chosen to demonstrate that Gustav III did not aspire absolute power for himself but would rule as a constitutional monarch. Which was far from his real intentions.

The end of press freedom

In the immediate period following the coup d'état, political opinion-making ground to a halt. Politicians anxiously followed development and did not dare test the limits of public discourse. Eventually, however, both the Chancellor of Justice and the Council (which had been reduced from a governing to a counselling body) wanted clarity on the exact status of the Freedom of the Press Act. After all, it had been declared to have the same force as a constitution without actually being one. The question, then, was whether it had been abolished with the other constitutional laws or not. The Svea Court of Appeal, which was also seeking clarity on the matter, expressed the view that freedom of expression was incompatible with the new form of government, where officials answered to

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A. BURIUS, *Ömbet om friheten*, pp. 321, 323–324, 340; M. ROBERTS, *The Age of Liberty*, p. 203; J. NORDIN, *Ett fattigt men fritt folk*, pp. 416–417.

⁵⁸ Jonas NORDIN, *Monarchy in the Age of Liberty. Royal power and public life in eighteenth-century Sweden*, Manchester (forthcoming).

the king rather than to the people. This declaration, which reached the public ear, led to newspaper debates with statements both in favour and against press freedom.

Most of the councillors considered the Freedom of the Press Act to have been suspended, but they thought it desirable that a legislative commission draft a revised ordinance. However, a couple of weeks later the king turned up in the Council carrying a new Freedom of the Press Act, which he had drafted on his own and which he announced to the Council, together with a high-minded declaration about the benefits of the freedom of the press: it fuelled the nation's ingenuity, the sovereign learned of abuses in the kingdom, and so on.⁵⁹

Most of the text of the new law was identical to the previous ordinance, but through cunning almost unnoticeable redactions he had reversed its nature. The previous ordinance followed the legal principle *nullum crimen sine lege* ('no crime without law'); Gustav III's Freedom of the Press Act, on the contrary, made everything that was not expressly allowed potentially subject to indictment. Further, he reinstated the death penalty for seditious writing, and in such cases the printer shared responsibility with the author.⁶⁰ Without restoring prepublication censorship, the king had still brought the printing press under strict royal control – and this under the nominal banner of press freedom. The king even entertained the idea of writing to Voltaire to vaunt his liberal credentials. A draft of the letter survives, but it seems it was never sent.⁶¹

Conclusion

Although Gustav III prided himself of having improved the freedom of the press in Sweden, he continued to impose further restrictions on printers and publishers until virtually all types of opinion-forming were under royal control. Gustav III was assassinated in 1792 and after a brief period of renewed freedom of the press the restrictions were once again enforced. As in many other countries, these constraints were prompted by political unrest following the French Revolution and the ensuing wars. In 1809, Gustav III's son and successor Gustav IV Adolf was deposed and exiled. The new Instrument of Government, which was adopted in the same year and remained in force until 1974, finally made the freedom of the press into a right enshrined in the Constitution (§ 86).

Even though that first period of press freedom was of short duration it had long-term consequences. Knowing Gustav III's views, it is safe to assume he had not, on his

⁵⁹ Stig BOBERG, *Gustav III och tryckfriheten 1774–1787*, Stockholm 1951, pp. 25–33; L.-F. LANDGRÉN, *1766 års tryckfrihetsförordning*, pp. 533–536. Gustav III's dictation for the record 26 April 1774, and the 'renewed' Freedom of the Press Act of the same date, printed in G. E. KLEMMING – J. G. NORDIN, *Svensk boktryckeri-historia*, pp. 316–322.

⁶⁰ S. BOBERG, *Gustav III och tryckfriheten*, pp. 34–76.

⁶¹ The king's undated draft printed in Gunnar VON PROSCHWITZ (ed.), *Gustave III par ses lettres*, Stockholm-Paris 1986, pp. 151–152.

own, initiated even the limited freedom of the press he felt obliged to maintain after 1774. This nominal freedom of the press, in turn, was important to keep the memory of a burgeoning public sphere alive even in the 'iron years' under Gustav IV Adolf. When constitutional monarchy was restored – this time as a compromise between the forms of government of the Age of Liberty and the Gustavian era – freedom of the press was a natural part of the civic state that the authors of the Constitution strived to create. The new Freedom of the Press Act adopted in 1810 (and revised in 1812) also revived important elements from the 1766 ordinance. Among them were the principle of access to public documents, the sole responsibility of the author, the legality principle, and, not least, the very fact that the freedom of the press was regulated in a separate ordinance. All of these distinctive features survive to this day.⁶²

The Swedish experience also bears out what seems to be a general principle: when a society reaches a certain level of political porosity, there need to be channels for letting different opinions out in the open. Once released, freedom of opinion gains its own kinetic energy which makes it hard to restrain again. In Sweden there was a pressure from below, evident in many areas, to widen the public sphere. In that sense, freedom of the press was the answer to a need and followed as a natural consequence of earlier developments. Nevertheless, it is obvious that the Freedom of the Press Act was no mere formality but had a huge impact on the growth of the public sphere and the radicalisation of politics. This development was certainly not universally welcome, but even so Gustav III needed to hide his countermeasures behind a rhetorical façade influenced by the civic language that had developed in the Age of Liberty.⁶³

A similar pattern of pressure from below leading to a widened public sphere can be seen in early modern mixed-government states like the Netherlands and Great Britain. It was also apparent in the revolutionary states of the late eighteenth century such as the United States and France, or Poland under the short-lived 1791 Constitution.⁶⁴ Denmark was the odd one out that proved the rule: on paper its monolithic absolutist monarchy was not fertile ground for press freedom, but by historical chance the kingdom came, for a short while, to be headed by the royal physician Johann Friedrich Struensee, a man imbued with Enlightenment ideas who turned his regime into a playground for

⁶² For the adoption of the renewed freedom of the press, see Elmar NYMAN, *Indragningsmakt och tryckfrihet 1785–1810*, Stockholm 1963, and Stig BOBERG, *Carl XIV Johan och tryckfriheten 1810–1844*, Gothenburg 1989. The 1812 Freedom of the Press Act was in force until 1949, when it was replaced by the current Act and in 1991 the additional Freedom of Expression Act (*Yttrandefrihetsgrundlagen*), that protects 'sound broadcasting, television and certain similar transmissions, public performances from a database, films, videograms, sound recordings and other technical recordings'.

⁶³ Mikael ALM, *Kungsord i elfte timmen: Språk och självbild i det gustavianska enväldets legitimitetskamp 1772–1809*, Stockholm 2002.

⁶⁴ See Jacob MCHANGAMA, *Free Speech. A History from Socrates to Social Media*, New York 2022, for example pp. 95–116, 171–204.

radical experiments. Denmark's period of press freedom was even shorter than Sweden's, but once the idea was out in the open, it was hard to put it back in the box for both political and economic reasons.⁶⁵

In Sweden, the freedom of the press was a necessity in the Age of Liberty but became an anomaly in the Gustavian era. Fredrik Axel von Fersen, councillor (and critic) of Gustav III, later wrote of the change in 1774 that freedom of the press was 'contrary to the principles of a monarchical form of government'.⁶⁶ This judgement was borne out by Sweden's turbulent constitutional history in the late eighteenth and early nineteenth century, when the freedom of the press was introduced under a republican form of government, abolished under monarchical rule, only to return with another constitutional regime.

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⁶⁵ 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. (edd.), *Literary Citizenship in Scandinavia in the Long Eighteenth Century*, Woodbridge 2023, pp. 90–116.

⁶⁶ Rudolf Mauritz KLINCKOWSTRÖM (ed.), *Riksrådet och fältmarskalken m. m. greve Fredrik Axel von Fersens historiska skrifter*, vol. 4, Stockholm 1869, p. 409.

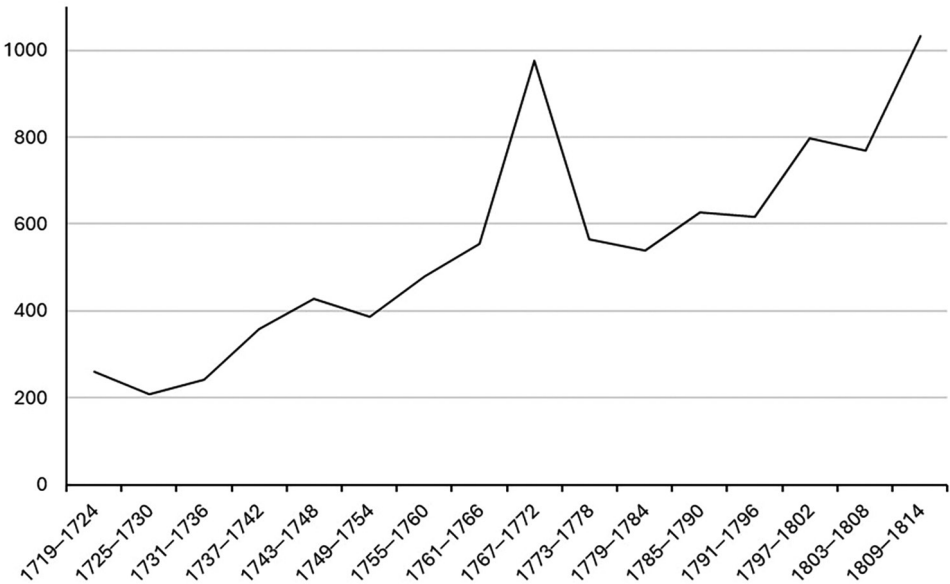
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Figure 1. Court documents, number of publications for various periods in the eighteenth century (yearly average)

1701–1734	1735–1766	1767–1772	1773–1799
29 (0.9)	522 (17)	746 (124)	602 (23)

Source: Samuel E. BRING, *Svenskt boklexikon 1700–1829: Rättegångshandlingar*, Uppsala 1958.

Figure 2. Pamphlet and book printing, 1719–1814 (average number of titles in six-year intervals)



Source: Swedish National Bibliography, Libris, subdatabase: Swedish Hand Press Publications.

Jonas Nordin

An indispensable means in a free state

The Swedish Freedom of the Press Act of 1766

Abstract

The eighteenth century marks a watershed in European intellectual history. It witnessed the development of many civil rights ideas that were prerequisites for the emergence of modern political systems. One principle that appears to be supported by numerous empirical examples is that evolving political pluralism fostered the right to express one's views with a certain degree of freedom. This article examines one such case: Sweden during the Age of Liberty (1718–1772), which saw the birth of the world's first statutory freedom of the press.

The newly invented printing press reached Sweden relatively early, but due to political restrictions, its impact remained limited throughout the fifteenth century. The seventeenth century witnessed a rapid and deliberate cultural revitalisation in Sweden, which went hand in hand with the country's emergence as a major northern European power. Domestic book production expanded swiftly, but as in many other places, the autocratic political system left little room for dissenting views.

After 1718, royal autocracy was abolished, and Sweden developed into a de facto parliamentary system, with two political parties competing for power. As a natural consequence, demands arose for relaxed censorship to further the formation of political opinion. The enactment of the Freedom of the Press Act in 1766 granted citizens access to official documents and enshrined their right to written expression without fear of reprisals.

The impact of the Freedom of the Press Act was immediate and can be observed in three key areas: a demand for access to public records, a rapid expansion of the book market, and a swift radicalisation of political discourse.

Although the Act was replaced as early as 1774 by a more restrictive law, its legacy endured and has continued to shape Swedish legislation on freedom of expression to this day. In this way, the Swedish experience is not merely a historical curiosity, but also contributes to broader conclusions about the importance of press freedom and freedom of expression.

KEY WORDS:

freedom of the press; freedom of expression; freedom of information; censorship; early modern Sweden; Age of Liberty