

Thoughts on Civil Liberty

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[PREFACE](#)

This publication has its origins during the conference “FOI: Towards Open Government in the New Democracies” held in Budapest on May 5 -7 1992.

It was organised, in the midst of the passage of the Hungarian Data Protection and Access to Data of Public Interest Bill, by Tom Riley, the Canadian inspiration behind the movement for freedom of information and Executive Secretary of the International Freedom of Information Institute.

Reacting to a question about what - or who - really lay behind Sweden’s Freedom of the Printing Press Act 1766 which I raised in my paper, “The Historical Basis of the Right to Freedom of Information in Europe”, Czech lawyer and delegate, Karl Koded, then working for Energotechnika, pointed me to the catalytic thoughts of Peter Forsskål contained in his “Thoughts on Civil Liberty” (Tankar om Borgerliga Friheten), printed by Lars Salvius of Stockholm, in November 1759.

My speculative letter to the Royal Library in Stockholm seeking a copy, brought a fulsome and informative response from Gunilla Jonsson, then Head, Reference Services and Historical Collections - including a photocopy of Forsskål’s work, of course, in the original Swedish.

Clearly, it cried out to be read in English. But, astoundingly, no English translation has ever been published.

This was first worked on during the 1990s by Theresa McGrane-Langvik (originally from Glasgow and Rolvsøy) and Maria Lindstedt (Löa). Maria’s grandmother, Agnes Jansson (Gammelbo) was involved too, being helpful in making sense of some of the eighteenth century words.

Simply using the photocopy of a mid-eighteenth publication in the Swedish of the day, their efforts cannot be too highly commended.

Realising that the 250th anniversary of the 1759 publication was imminent, I convened an expert group to revise the earlier translation, consisting of: Gunilla Jonsson; Thomas von Vegesack; Helena Jäderblom and Gunnar Persson. David Shaw (Canterbury) helped to polish the English text.

Importantly, the translation presented in this book are of Forsskål’s uncensored words. The group worked from the original m/s, located by Gunilla Jonsson in the National Archives. The salient differences between the original, uncensored version and the printed version are described fully in the book.

Finally then, the non-Swedish speaking world can now grasp the intellectual background to Sweden’s 1766 gift to the modern world: access to information, fostering an “enlightened general public”. This, though, is but part of Forsskal’s wider purpose - promoting the growth and sharing of general knowledge.

David Goldberg, Visby and Näs, July, 2009

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Gunilla Jonsson

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The following translation is based on a new and close reading of Peter Forsskål's original manuscript for Thoughts on Civil Liberty, 1759, without the cuts and changes of Oelreich, the Censor. We have chosen to work from the original simply because it is the complete text and it is better than the censored version which was published in 1759. In many instances where Forsskål makes a clear statement Oelreich forced him to insert a "maybe" or "perhaps", and Forsskål's radical demand for the freedom of the printing press which as a matter of fact corresponds well with our modern understanding of the concept was changed into phraseology which opens the door for a retained censorship system (§ 7). § 8 of the original, with Forsskål's plea for freedom of printing concerning religious questions, was cut out altogether, and the reference in § 10 to the beneficial effects of religious freedom in Pennsylvania also disappeared.

Forsskål's manuscript is preserved in the National archives of Sweden, call number Kanslikollegiet, Inkomna skrivelser, Serie EXII:18, universitetsärenden 1706-1785. The Censor's changes were inserted in the manuscript by Forsskål's hand but in a different ink than the original was written with. Oelreich's "imprimatur" on the last page seems to be made with the same ink, so one may assume that they worked together on the changes.

The printed version of 1759 has been published several times during the 20th century, the first time in Torsten Steinby's, Peter Forsskål och Tankar om borgerliga friheten, 1970, then in 1980 and 1984, the last time with a post script by Teddy Brunius. It was also published with parts of the original manuscript inserted in Gyllene äpplen, p. 2, 1991 (2.ed. 1995).

However, this is the first time the complete original text is presented in print - not only in Swedish but also in English.

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§.1.

The more a man may live according to his own inclinations, the more he is free. Therefore, next to life itself, nothing could be more dear to man than freedom. No rational being relinquishes or curtails it unless forced to do so by violence or fear of some greater evil.

§.2.

A benefit which is so beloved by man needs no limitation where everyone loves virtue. However, we often yield to vices and wrongdoing. Thus, boundaries should be set for us, freedom should lose its harmful part, and there should only remain such an amount that, according to one's innermost will, one may benefit others and oneself, but harm no one.

§.3.

When this is granted to each and every member of society, then there is true civil liberty. So, this means that no one is prevented from doing that which is proper and useful for the community, that every honest person may live in safety, obey his conscience, use his property, and contribute to the well-being of his society.

§.4.

To this liberty, the greatest danger is always posed by those who are the most powerful in the country by dint of their positions, estate, or wealth. Not only can they easily abuse the power they hold, but also constantly increase their rights and strength, so that the other inhabitants must fear them more and more.

§.5.

Because the total freedom of a society is not constituted by its subjects being safe from their Ruler's violence. It is a big step and the first towards general happiness. However, subjects can also be oppressed by each other. And, in many Republics, such as the Polish and Italian ones, which take pride in the hallowed name of freedom, there most people are bondsmen of the high ranking notwithstanding.

§.6.

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Were anyone to ask whose superior power would be most unfortunate for a country – the Ruler's or the citizens? I believe the latter is more insufferable, but the former more incurable, and therefore that one should avoid and shudder at the former the most. Because, if it is not removed, the other can never be removed. In the name of Autocrats, and by their authority, much power is often exercised by wicked subjects, who are unworthy of their superiors' grace, but safe by enjoying it. For several reasons, the violence of powerful Rulers is likewise more difficult to remedy. An excessive belief in the holiness of the crowned goes a long way to protect even the most unjust of sovereigns. Many imagine that never can there be too much granted a person who is so much raised above others, who is so close to Divinity. The kings of Barbary play unpunished with the lives of their subjects, being regarded as holy. The Non-Jurors in England make it a matter of conscience not to be faithful towards an unfaithful Royal Family. And, not looking far for examples, when Sweden, during the wars of King Karl the twelfth, was depleted in men, provisions and money, this tough Hero* was still believed not to ruin, but rather defend his country. Thus, subjects do not always perceive their Prince's injustice, and if they do know of it, yet they cannot easily free themselves from it. When necessary, alone the princes guard their privileges, alone they rule everything. The benefit and strength of the entire country are gathered in one single person. But, when some subjects are oppressed by the other subjects, everyone notices that unfairness; and when several misuse their power all at once, the larger crowd more easily overcomes their disparate aims and powers. Therefore, the reverence of the public and their own power do not grant them security enough. Their only protection is to hide the injustice they exercise. But it cannot be hidden for long if, in public writings, each and everyone is allowed to speak out about what is being done against the best interests of the public.

*See Enväldets skadeliga påföljder ("The detrimental consequences of absolutism"), Stockh. 1757.

§.7.

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.

§.8.

Divine revelations, wise fundamental laws and the honour of private individuals cannot suffer any dangerous damage by such freedom of expression. Because truth always wins when it is allowed to be denied and defended equally.

§.9.

On the contrary, Freedom of the written word develops knowledge most highly, removes all harmful statutes, restrains the injustices of all officials, and is the Government's surest defence in a free state. Because it makes the people in love with such a mode of government. In England, one does not often hear of dangerous designs against well established fundamental laws. There, however, public disorder can be prevented at an early stage merely through the freely expressed discontent of the public. On the other hand, in a not unknown country,* we have had a significant example of the fact that when an uneven distribution of freedom is defended by hatred and force, people easily resort to violence and desperate steps; that someone who has too little will rather lose everything than, without jealousy and revenge, see too much of society's and his own freedom ripped away by his peers and fellow citizens. Because he who has little to lose, will risk his at a small loss, when he can cause his enemy and his tormentor to lose a lot. This is not exactly admirable, but is common even so. Therefore, liberty must be preserved by liberty. Coercion and suppression of the discontented puts it in utter danger, regardless of whether they have reason for their discontent or not. A wise government will rather let the people express their discontent with pens than with other guns, which enlightens on the one hand, appeases and prevents uprising and disorder on the other.

*Denmark.

§.10.

It is mentioned earlier (§. 3) that Civil liberty results in every honest person being able to live in safety, obey his conscience, use his property, and contribute to the flourishing of his society. I will explain each of these points in brief. The law puts our life in much safety, as it states that no one may violate an honest person's body and health unpunished. However, one has, even so, to listen to accusers and implement verdicts of judges, even if the accused has not committed any crime. Because society cannot exist without courts of law, and judges are not always impartial.* The

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people's hate and unrestrained fervour has sometimes even snatched away the most innocent of citizens. No danger is greater than this, to life and reputation at once; and either it cannot be changed, or the freedom to defend oneself publicly might yet serve to calm the wrath of the people and to deter judges from manipulation. Even if that cannot be achieved, then at least the fairest compensation for such a great injustice is that a miserable convict be allowed, as in England, to show to his fellow countrymen that he dies innocent.

*See several publications about trials, judges, and a proper freedom and safety of the written word.

§.11.

Conscience may often be based on false opinions. Which in no way should be tolerated, if their sole objective is the destruction of society and people, like the Jesuits' deceitful rules. However, usually those who seem to be made dangerous by a failing conscience may become good citizens, if only society adapts a little to their delusions. The Mennonites shun oath-taking, but one can just as safely trust their yes and no. Many of them cannot be prevailed on to attack the enemy, but they willingly contribute money for supporting the troops. That differences between religions may exist without disturbing civil unity is amply demonstrated by the fortunate and, through liberty, rapidly populous Pennsylvania. Under liberty itself religious delusions will eventually give way to the power of truth and diminish, whereas they often, when incited to a foolish zeal through persecution, will spread more violently, like a fire under cover. Finally, as there is no place where everyone can be without delusion, it is of little importance whether they fail openly, as in England, or are hypocrites, as elsewhere.

§.12.

In a society people have property, partly as a member of the State, partly as an individual. Of the former kind is public income and that which has been purchased with it, together with the public services. Of the latter kind is that which every individual owns. The law should protect both against violence and keep them from being abused. Each and every inhabitant should have a reasonable share in public burdens and benefits. For society is common, as should liberty be also. The taxes of the country should therefore not be collected by too large expenditure by some, but, according to their own income, everyone should contribute to the public income. Furthermore, no one worthy of taking up public offices and positions of honour should ever be deprived of the hope of achieving them.

§.13.

If suitable tests were required prior to appointment to every public office; if those who had completed such a test were allowed to move up to the next higher office only according to the time they had served in their previous position; and if the first step would belong to the one who first had proved to be skilled for it; then offices would not be in unworthy hands, then family, money, and patrons would not be surer ways to promotion than one's own diligence and skill.

§.14.

No tests are easier or more reliable than the examination of the knowledge and the practice associated with the office. Such are used for Clergymen by us, and for all public officials in China. However, it is no great feat to dislike the best, if one is allowed to ask about anything one wants and judge in any way one chooses. It would, therefore, be necessary to stipulate for each and every office specific knowledge, specific books, specific training and tasks for which one should be publicly accountable.

§.15.

It is easily permitted to use one's own possessions for the benefit of oneself and society. However, all kinds of property cannot be so easily acquired by everyone, as would be beneficial for society. No-one can acquire land anywhere he wants, either by labour or payment, although many have more than they cultivate, much to the detriment of the public good. Laws, such as Moses' was among the Hebrews, about each family's modest and eternal piece of land, 3rd Book of Moses, 25:13-15, 23, 24, 40 and 41, or that of Licinius among the Romans about 500 jugera (257 1/7 tunnland¹) therefore serve fairly well both in promoting cultivation of the land and in balancing the rights of the inhabitants.

§.16.

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Nothing is more our own than the powers of our body and mind; nothing, therefore, would be more reasonable than to be allowed to make a living in a respectable way therewith, to be allowed to practice useful skills and employ knowledge. To freely make a living from agriculture and manufacture, from crafts, trade, and learning should be open to everyone, until the quantity becomes harmful to society.

§.17.

Useful labourers are chased from the countryside, as the laws do not permit those in villages and huts whom luck has not allotted any piece of land to enjoy protection, otherwise than by disabilities and old age, which makes them almost decrepit. Therefore, as soon as they want to follow the basic natural urge for freedom and become independent, they have to flee to the towns where they can easily live capriciously or be employed in an undemanding job. However, where, as is the custom in England and Germany, everyone even in the countryside can be master of his cabin, there many labourers remain in their native place, multiply, undertake useful trades, let themselves be hired on farms, and all this more preferable than by choosing city life, remain unmarried, be extravagant, indolent, in order to maintain the affluence of the wealthy, crowd the noble carriages, kill time with sleep and lechery and be a burden to themselves and their country.

§.18.

To the promotion of skills and their freedom, public schools in particular would serve, where one could be fully educated at the pace that one's own diligence and understanding would allow, in all kinds of arts and crafts, and immediately be recognised as a free master in the field one has understood. However, the number of every kind of occupation should be stipulated according to society's need and use.

§.19.

On the contrary, our closed guilds and the training of apprentices are great means to sustain idleness, constraint, shortage of people, lechery, poverty and time-wasting.

§.20.

Even the so-called free arts themselves are not free in Sweden. Elsewhere, they more deserve the name. In Germany, each person is allowed to publicly teach others everything which he himself has learnt. Furthermore, either one should be prevented from the start from making book-learning one's principal route, or not subsequently be prevented from freely living off the most innocuous trade.

§.21.

Finally, it is also an important right in a free society to be freely allowed to contribute to society's well-being. However, if that is to occur, 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. Matters of war and some foreign negotiations need to be concealed for some time and not become known by many, but not on account of proper citizens however, but because of the enemies. Much less should peacetime matters and that which concerns domestic wellbeing be withheld from inhabitants' eyes. Otherwise, it might easily happen that only foreigners who wish harm find out all secrets through envoys and money, but the people of the country itself, who ideally would give useful advice, are ignorant of most things. On the other hand, when the whole country is known, at least the observant do see what benefits or harms, and disclose it to everybody, where there is freedom of the written word. Only then, can public deliberations be steered by truth and love for the fatherland, on whose common weal each and everyone depends.

God, the Supreme, who watches over the bliss of men, enhance our Swedish Freedom and preserve it for all eternity!

FORSSKÅL

[Commentary by Thomas von Vegesack](#)

When Linnaeus was going to name a plant after his pupil Peter Forsskål, he chose the stinging nettle (*Forskålea tenacissima*). He explained his choice by the fact that the species he planted in his garden in Uppsala originated from the seeds Forsskål had sent him from his expedition to Arabia.

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But there was also another reason. In a comment, Linnaeus wrote that coming into contact with a stinging nettle was as risky as getting into a quarrel with Forsskål, 'which his conduct in Uppsala had given clear evidence of'. Forsskål was a very gifted student whose knowledge Linnaeus knew how to exploit. But he had a stubborn character and was easily provoked. Those were qualities which predestined Forsskål to a turbulent life.

Considering the short course of his life, 1732 – 1763, it is extraordinary how much he accomplished. Originally, the intention was that he would become a clergyman. His father Johan Forsskåhl had been vicar to the Finnish congregation in Stockholm but returned to his homeland Finland a couple of years before Peter was born.

Peter Forsskål spent his childhood in Helsinki. He had two brothers Jonas and Johan Christian and one sister Johanna Catharina. The home was governed by a stepmother. Peter's mother had died when he was three years old, but everything indicates that his was a happy childhood.

By the time he was 10 years old, Peter Forsskål was registered at Uppsala University. Such an age was not surprising. More than 30 % of the students were under 15 years of age. However, Forsskål's first stay in Uppsala was brief. In the spring of 1751 he returned. He was now 18 years old. He studied theology but was soon attracted by the circle around Linnaeus. His studies were paid for by a scholarship comprising five years at the university and two years at a seat of learning abroad.

In those days the divisions between different disciplines were not as strict as today. Not until a century later was knowledge divided into separate compartments – each to be minutely watched over by its representatives.

The combination of theology and botany turned out to suit Forsskål's field of interest. One of his teachers, Olof Celsius, had become famous as the editor of a work on biblical flora *Hierobotanicon*. When Forsskål went to Arabia, the study of plants mentioned in the Bible became one of his most important assignments. Forsskål also devoted some of his time in Uppsala to the study of Arabic and Hebrew.

Forsskål stayed for just over two of the stipulated years in Uppsala. By the autumn of 1753 he had registered at the university in Göttingen. Göttingen was situated in the kingdom of Hanover, a state that was connected to the Kingdom of Great Britain by personal union since 1714. The university was founded in 1737 and was strongly characterised by British culture.

Even in Göttingen, Forsskål studied theology; but his studies turned increasingly towards philosophy. This did not mean that he had abandoned the natural sciences. He corresponded with Linnaeus and provided him with the seeds he had asked for. But in addition he gathered some of his fellow students to study the local insects: 'At times of leisure and fair weather I have tried to make a collection thereof and got three friends who also have begun to seek their joy therein', he writes in one of his letters home. A drawing in Forsskål's preserved *Liber amicorum* shows him hunting for butterflies. Philosophy, however, was his main preoccupation. In June 1756, he defended his doctoral thesis 'Doubts concerning the principles of recent philosophy', *Dubia de principiis philosophiae recentioris*. In the introduction to his thesis he writes: 'I am, according to my father's sound advice, accustomed to conduct my scientific studies so as to, as far as I am able, try to refute everything and so that I write down the reasons I have been able to find out. The result was that first I sought the doubts and later that they appeared by themselves.' His teachers were impressed by Forsskål's thoroughness but rather thought that he carried his attitude of doubt too far. It is evident that Forsskål considered his thesis important, as he published a new edition of it in Copenhagen, 1760, and provided it with a new preface.

One of Forsskål's influences was the Scottish philosopher David Hume, whom he also mentions in his thesis. Forsskål probably read him in German translation.

Among the things that united Forsskål and Hume was their practical attitude to philosophy. Both expressed disapproval of scholars burying themselves in their theories. 'Thinking has been monopolised by self-absorbed academics', Hume writes, 'who never consulted experience in any of their reasonings or who never searched for that experience, where alone it is to be found, in

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common life and conversation.' (On Essay Writing (1741).

Forsskål found himself much at home in the free research atmosphere of Göttingen, so different from the conditions in Uppsala. To him, the lack of liberty was the obvious reason. In a letter home he writes, with a critical sneer at Montesquieu's climate theory: 'if we in Sweden only had liberty to think and write as one has in England and Germany, it would for sure be evident that the cold climate would not be of any harm to reason'.

It was this suffocating atmosphere that enveloped him when he returned home in late autumn 1756. The scholarship had been spent and to support himself he had to take employment as a private tutor to Count Johan Gustaf Horn, then 13 years old. Besides his tutoring, he studied chemistry and took an interest in agriculture.

Forsskål was no theorist, in spite of his success as a philosopher (he was even appointed a member of the academy of science which had been founded in Göttingen after the model of the Royal Society in London).

When a landed proprietor claimed in a magazine that one kind of cereal could be changed into another through plant breeding and that the seed of oats under certain circumstances could produce a harvest of rye, Forsskål wrote no less than six contributions in the same magazine to demonstrate the absurdity of that assertion. To make sure, he also performed a trial cultivation.

In a letter to his teacher in Göttingen, professor J.D. Michaelis, he wrote that he would prefer to study economy, 'a free and useful science for which there is use everywhere'. However, his attempt to be appointed to a recently established post as a lecturer in economy failed. The professor of the subject, Anders Berch, did not consider Forsskål qualified. In his report, Berch wrote that Forsskål basically was more interested in botany. When Berch and Linnaeus gave lectures simultaneously, Forsskål chose to listen to Linnaeus.

In April 1759, Forsskål requested permission to defend a thesis in economy, *De pratis conserendis* (On cultivating meadows). His request was not granted, however, and Forsskål decided to leave the subject. Once more he was prepared to change over to a new subject; this time it was legal science that tempted him.

In May 1759, Forsskål's thesis *De libertate civili* was announced in the faculty of philosophy. The thesis was written in both Swedish and Latin, which was against the norm.

In his earlier thesis about the principles of philosophy, he had an important passage that dealt with the issue of the origin of human rights. To Forsskål, the autonomy of every individual implied the right to have one's individual rights guaranteed.

Even if that line of argument was theoretical, it was highly sensitive. Forsskål touched on one of the most important issues of discord of the Age of Liberty, 1719 - 1772: the question of privileges. When Sweden, after the death of Karl XII (1718), elaborated its new constitution, the hereditary nobility had its privileges renewed. The three other estates constituting the Riksdag (the clergy, the burghers and the peasantry) protested. This issue was to be kept alive during the whole of the so-called Age of Liberty. As late as 1770, a proposition that a letter of privileges should be put together even for the three commoner estates, was put forward in the Riksdag.

Privileges for some entail diminished rights for others. They stood in the way of the ideas about human rights that were starting to grow during the late-18th century. 'Each and every inhabitant should have a reasonable share in public burdens and benefits', Forsskål writes, and the demand for human rights runs all through his text, even if he does not use the expression.²

Forsskål's application to print the thesis was denied by the faculty. Forsskål did not acquiesce in the decision but turned to the government of the state through its authority, the Kanslikollegium, but even there his request was denied.

Now Forsskål took a decision that bears witness to a great deal of moral courage. He decided to

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disregard the academic audience and instead turn to the general reading public. However, before a printer could accept the assignment, the Censor librorum of the realm had to give his permission.

Forsskål was certainly aware that the censor reported to the Kanslikollegium and consequently could hardly be expected to take a different stand. But he also knew that the position of the Kanslikollegium was not particularly strong, that, basically, it had to submit to the opinion expressed by the estates. And that the Riksdag, when it was due to gather some months later, could very well declare the decisions of the College null and void. In his letter to the Kanslikollegium, Forsskål also had the audacity to refer to the College's dependence on the Riksdag. He wrote that he was convinced that he 'in the land of freedom not even between the diets would have to live without the most tender part of freedom: to be allowed to speak and write about the flaws and benefits of the country' (author's italics).

To get permission to print, Forsskål had to agree to a number of changes and cuts to the text. These concerned the most radical demands for freedom of the printing press as well as certain references to the current political situation. In several instances, it meant that Forsskål's original statements were rendered softer and more vague, e.g., his criticism of the guild system.

The censor's decision to give Forsskål permission to print is still surprising. To make the situation comprehensible, a few words must be said about the conditions of the freedom of the printing press during the period of Swedish history which has been named the 'Age of Liberty'.

A suitable point of departure is a meeting held in the Kanslikollegium in January 1722, shortly after the adoption of the new constitution. This constitution stipulated that the censor, as earlier, should read everything that was submitted to the printing press within the realm, 'and where he finds nothing offensive or inappropriate therein' give his written permission. However, this should happen only 'after he had informed the Kanslikollegium thereof and acquired their approval'.

The statement is strange as it opens up competition between the two authorities. Technically, the new regulation concerning the College did not signify any change as compared to the rules that had governed the censor's task during the preceding period of absolutism. However, while the supervision had been rigorous earlier, it now gave increased freedom to the individual decision-making bodies. The reason for the discussion in January 1722 was an application from Emanuel Swedenborg - at that time deputy judge at the Bergskollegium (the mining authority) - to be allowed to print a pamphlet about the economic crisis which had befallen the country after the long war (the great Nordic war, 1700-1718). Swedenborg obtained his permission, but now wanted to go further and be allowed to print an invitation in the Swedish newspaper *Stockholmske post-tidender* to the general public to give their views on his text. His request gave rise to a lively debate and the acting censor, Johan Rosenadler, as well as his predecessor Johan Brauner, who had held the office during the reigns of Karl XI and Karl XII, took part in it. Whereas Brauner forcefully argued against the suggestion 'that private individuals should be allowed to deliver opinions in a matter of such general importance', Rosenadler maintained that it was important to hear the general public, especially on issues that concerned all 'from beggars to the rich'. He meant that it would be easier to settle the question at the next Riksdag, if there had been a general discussion.

Now, Swedenborg did not get his permission, but the dispute shows that the idea of an extension of freedom of speech had strong supporters. The chancellor of court himself, Karl Gyllenborg, later to become one of the most important statesmen of the Age of Liberty, stood by Rosenadler. I share your view, he declared: 'In a free state no one should be prevented from public discussion of matters that concern all, especially as the truth thereby comes out and everyone becomes better informed as to the nature of the issue'. And then he referred to England, whose freedom he had been acquainted with when he had earlier resided there as a diplomat. The Censorship Office was to remain during the best part of the Age of Liberty, but the question of introducing freedom of the printing press was always a burning one. The Danish author Ludvig Holberg records in an epistle from 1749 that a Swedish visitor to Copenhagen said that there was a notion to introduce freedom of the printing press in Sweden, as in England and Holland, but that its supporters were still in the minority.

Censorship was liberally exercised by Rosenadler and his immediate successor Gustaf Benzelstierna.

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With the third censor of the period, Niklas Oelreich, however, the situation became different. As compared with his predecessors, Oelreich was deeply involved in the political battles of the time. A few years earlier, he had published a magazine which may be mainly considered as a mouthpiece for one of the two parties of the time. When the opposition wanted to publish a magazine as well, he used his position as censor to forbid it.

Oelreich did not want to abolish censorship. Instead, he argued in his magazine for increased power for the censor. Instead of having to report to the Kanslikollegium, he wanted to have the Riksdag as his controlling authority. That way he would get an unlimited right to decide, at least when the Riksdag was not in session.

This politically deeply involved person was to give Forsskål his permission to print. Forsskål was well aware that the distribution of the booklet would be rapidly prevented. When the book was printed, he immediately collected the whole edition of 500 copies from the printer Lars Salvius and hurried to spread them among his friends.

It is an intriguing question to what extent Salvius was engaged in the publication of the text. He had himself touched on several of the issues that Forsskål dealt with in a book he had published some years earlier. Both men are counted in the group of radical innovators that came from the Finnish part of the realm. Some scholars have argued that the Finnish contribution to the Swedish Enlightenment had the same significance as did the Scottish one to the Anglo-Saxon.

On the very day when *Thoughts on Civil Liberty* was printed, the Kanslikollegium called a meeting to discuss the situation. Salvius was summoned to account for what had happened. He produced the manuscript showing Oelreich's permission and said that the author had picked up the whole edition.

The next one to be heard was Oelreich. He brazenly declared that he had no idea that the book would be identical to a forbidden thesis and that Forsskål would have been audacious enough to leave him a forbidden text.

Then, it was Forsskål's turn. He claimed that he, with the help of the censor, had removed all politically sensitive points and that, consequently, the book was to be regarded as a completely different text than the one examined earlier.

The Kanslikollegium decided to be content with a warning to the author; but it ordered all copies of the book to be confiscated. The only criticism of the author expressed was that he had accepted a Danish professorship without securing the permission of the College. That Forsskål was so mildly treated was most probably due to the fact that he, meanwhile, had been appointed to take part in a Danish expedition to Arabia. The minutes of the College say that they had 'not wanted to completely stifle the gifts that may be found in him' and that it was necessary to consider 'his engagement in the service of the King of Denmark'.

The ban on the book was only made public in February the following year, but the collection of the copies started immediately. The person in charge of the collection was the rector of the university in Uppsala, Linnaeus. Forsskål was summoned and said that he had distributed 49 copies and left 53 to the book shop in the city to be sold. Linnaeus had a search of Forsskål's house performed but found no more copies. He wrote in his letter to the College that many copies probably had been sent off by mail and asked what to do to get them back.

Out of the 500 printed copies of *Thoughts on Civil Liberty* only 79 were confiscated and destroyed. The other copies circulated amongst those interested and many manuscript copies are known to have been made. The ban had only contributed in making the book more sought after.

To the censor, Oelreich, no consideration was granted. The College decided to dismiss him. A minority wanted to take him to court. They considered it contrary to the constitution to dismiss a public official without a legal examination and conviction. Oelreich chose to leave the city and go to his countryside residence. Anders Wilde, who had been Oelreich's assistant, took over the censorship duties. Autumn arrived and the Riksdag went into session. Oelreich came back from the countryside and sent his valet to the College to announce that he had resumed his office. There then followed a

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period when both Oelreich and Wilde acted as censors and simultaneously bombarded the Riksdag with complaints about the conflict.

No decision on the future of censorship was taken during that Riksdag. A new censor, Magnus von Celse, was appointed but never took up office. The question of how and by whom the censorship would be handled was left open.

This confusion most probably contributed to the fact that the Riksdag decided to abolish the censorship office when it met again in 1766. The supervision of the book market was made more difficult by the ambiguous situation regarding decision making. There were other and better methods than censorship.

The unique feature of the law on the freedom of the printing press of 1766 was not primarily the abolition of prior censorship. That had already been done in England in 1695. However, contrary to all previous laws, it did not only consist of a list of the restrictions an author must observe but also constituted a wall of protection against the authorities' inclination to impose new obstacles. The most important part of the new law, which also is given the most space, is the principle of public access to official records, that is the right for citizens to obtain, inter alia, decisions of courts of law and of the minutes of the government and the Riksdag.

The new law had important shortcomings in two respects. Censorship was maintained for theological publications. And the spoken word was not protected. In that respect, further progress was attained in the USA when the famous First Amendment to the Constitution was adopted in 1791.

Only a few months after having issued its freedom of the printing press act, the Government published a warning to its citizens against 'in larger or smaller companies [...] through the spread of suspicions and the dissemination of conspired lies to achieve complaints, discord and a detrimental dissension between the citizens of the realm'. In this statute, citizens were requested, in return for a reward of 2000 daler silver coins, to inform against those who committed themselves to criminal expressions.

I have quoted this statute of March 2nd 1767 to demonstrate that it was hardly a strong belief in the importance of freedom of speech that drove the decision of the Swedish Riksdag. The freedom of the printing press act was probably more the result of existing political controversies than of any deeply rooted conviction.

However, that does not diminish its importance. In the years 1767 through 1772, when Gustav III took power back from the Riksdag, no fewer than around 80 periodical publications and almost 2000 political publications were issued. During a single year, 1769, no less than 138 economic pamphlets were published. In the same period, Sweden also got its first two daily newspapers. There was hardly any political issue that was not now explored.

The 1760s is a decade of upheaval in Swedish history. Many Swedish scholars do not rate it highly. A English historian, Michael Roberts (1908-1997), on the other hand, writes about a unique experiment in parliamentary government and compares the period with the situation in France during the years preceding the Revolution.

Forsskål was well aware of the political forces in play. In one of his many letters in its defence, he states that the object of free debate was to prevent an exchange of the 'unbearable domination of lords' for 'an incurable absolutism'. The form of government which was agreed after the death of Karl XII aimed at a distribution of power. With the passage of time, however, more and more power became concentrated in the Riksdag and its central body, the Secret Committee, where only three of the four Estates were represented. During the 1760s, new forces worked to re-establish the parliamentary balance in the form prescribed by the fundamental law. The privileges and the power of the nobility as well as the royalists, who wanted to restore the king to power, were opposed. The latter group was to win the battle.

Forsskål knew the risks he was taking when he published his work. One of the professors in Uppsala, Johan Ihre, had been sentenced to lose one year's salary for allowing a couple of theses in Latin with

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political content. The topic of those theses was civil government. On this occasion too Salvius had tried to publish the text in Swedish but been stopped. The censor had consented but the government had stepped in and forbidden it. Ten years had passed since then and Forsskål had reason to believe that the scope for the free formation of opinions would have increased.

The reforms Forsskål wanted to carry out were not insignificant. He demanded the right of appeal against doubtful sentences. He wanted fairer taxation. The nobility's reserved rights to higher offices should be abolished; the guild system reformed; schools for the children of the common citizens established; and he wanted to increase freedom of speech and public transparency. Nothing concerning the 'domestic welfare' should be withheld from 'the eyes of the inhabitants'.

It is an impressive list and it comprises almost all the rights that 30 years later were to be found in the French Déclaration des droits de l'homme et du citoyen. The only right in the French Declaration which is missing in Forsskål's text is the right of individuals to freely choose and practice their religious beliefs. Among those passages that the censor forced Forsskål to cut out was a paragraph where he maintained that 'divine revelations' cannot be harmed by being questioned. Political absolutism had ended in Sweden, but not the religious one.

The most challenging passage in Thoughts on Civil Liberty is in paragraph nine (eight in the printed version of 1759), where he states that the only alternative to violence is freedom of the printing press. 'A wise government would rather let its subjects express their displeasure with pens than with other weapons', it says. In his letter of defence to the king he is still more outspoken: 'it is obvious, Your Majesty, that there are discontented people in every realm. That those are not few in Sweden is shewn by oft contemplated and actual rebellions. It is equally well known that there are only two ways of avoiding harmful consequences of discontent, one requires ink, the other blood. If the discontented are allowed to speak freely, they can be refuted, informed and transformed into an enlightened general public. Those who lose their arguments, lose their discontent and their inclination to rebellion as well. However, if these amenable means [...] are repudiated then a government has no resort but to meet violence with power, and with the destruction of several lives perhaps not eradicate but merely hide and sometimes increase the discontent, so that at a new occasion it may burst out anew'.

And then Forsskål adds something which must have been very provocative. He writes: 'in Sweden this hard way would probably be less reliable still, as the majority of the militia is not supported by the government, but is brought up by the bread and thinking of the peasantry'.

It turned out that Forsskål had misjudged the situation. No 'hard ways' were required to stop the development towards a parliamentary system and popular government that was under way in Sweden during the Age of Liberty. Gustav III did not have to resort to violence when he resumed royal power in 1772.

Forsskål's belief in the power of the free word may seem naïve and unrealistic. It was also opposed to what others within the Enlightenment thought. Voltaire probably had a more realistic view when he stated that the sword, not the word, decided the development of states.

In the short-term perspective Voltaire is of course correct. Not so, however, in a longer-term perspective. Development of societies and freedom of speech are connected and affect each other. The development takes time, though.

Perhaps this was Forsskål's very point, when he wrote that the object of freedom of speech is to create an 'enlightened general public'. The formation of what we call public opinion was the fundamental goal of the Enlightenment; and, in this respect, Forsskål was a representative of that movement, one of the most prominent ones in Sweden.

In his letters home from the expedition to Arabia, Forsskål commented on the political situation in his native country. For sure, he had expected that freedom of the printing press would finally be established during the Riksdag that commenced as he departed. It was a disappointment that the issue was postponed for the future. He would certainly have continued the battle had he remained at home. 'If Forsskål returns home the war is likely to be started afresh with the utmost eagerness', a

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letter exchanged between some of his fellow students states.

However, when the Riksdag met some years later and the Freedom of the Printing Press Act finally was passed, Forsskål was no longer alive. Of the four participants of the expedition only one returned. And that one was not Forsskål. He had died from a fever.

Forsskål was not to experience how Sweden got its freedom of the printing press protected by a fundamental law, the first country in the world to do so. But he was also spared the experience of how, some years later, this freedom was first limited, to be later on gradually eliminated and a new absolutism established in the country. And no one dared publish the book about civil liberty in spite of the new fundamental law. Those who were discovered to have a copy in their libraries paid a heavy fine.

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