

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

Translated from the Swedish by Ian Giles & Peter Graves,
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His Majesty's Gracious Ordinance Regarding the Freedom of Writing and of the Press.

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

Cum Gratia & Privilegio S:ae R:ae Maj:tis

Printed at the Royal Press

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

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

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

If the writings blaspheme against God, they are to be judged according to statutory law. In order to so much the better prevent the infiltration of heretical doctrines, all manuscripts that in any way touch upon doctrine and our articles of Christian faith should be examined by the nearest consistory. Should any printer venture to print and distribute such works without the written consent of the consistory – which consent should also be printed – the fine is to be two hundred daler in silver coin.

2. The unalterable fundamental law of Sweden states that there shall be one king: that he and no one else shall govern his kingdom with – and not without, and certainly not against – the advice of the Council of the Realm: that he shall do so in accordance with the laws approved and ratified by the Estates: that after him this will also apply to his direct male heirs as stipulated by the Estates of the Realm in the Act of Succession 1743:

that no laws may be introduced or changed by any other authority than the legally convened Estates of the Realm in accordance with their authority as delegates to the Diet: that the privileges of any Estate may not be affected or changed without the unanimous agreement of all four Estates: that no new taxes or imposts may be laid upon the kingdom without the knowledge, free will and agreement of the Estates of the Realm: that without that same agreement no war may be started nor the coinage of the Realm be increased or reduced in terms of its proper weight and, additionally, that each individual member of the Council of the Realm is always accountable to the Estates for the advice he has given His Majesty, and officials are likewise accountable for their duties.

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

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

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

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

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

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

According to established custom the printer is obliged to deliver six copies of everything that is printed as soon as it has been printed with each of the following receiving one

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

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

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

6. Furthermore, this freedom of the press will also include all exchanges of notes, *species facti*, documents, protocols, judgments and awards, whether they arose in the past or will be initiated, continued, conducted and executed in the future, and whether they were produced before, during or after proceedings before Lower Courts, Appeal Courts, Higher Courts, government departments, senior officials, consistories or other public bodies. This will apply irrespective of the nature of the cases, whether they be civil, criminal, ecclesiastical or concern religious disputes to a greater or lesser extent; it will also hold for both older and more recent appeals, statements of evidence, declarations and counter declarations that have been or will be submitted to Our Chamber of Court and Council as well as for the records made in our office of the Chamber and for official missives and memorials which already have been – or may in the future be – issued from the office of the Chancellor of Justice. No one, however, will be burdened with having to obtain and print more of all this material – whether *in Extenso* or in summary as a *Species Facti* – than he requests or considers necessary for his purposes. When requested, such material should immediately be provided to any applicant under pain of the penalties stated in the next paragraph. In criminal cases that have been settled by amicable settlement between private persons, no one may make use of this freedom without the permission of the parties involved during their lifetimes. Should anything concerning serious and less familiar misdeeds and abominations, profanities against God and secular superiors, wicked and cunning tricks in these and other serious cases, superstitions and other things of that kind appear in court proceedings or judgments, they should be completely excluded.
7. A legally correct *votum* does not have to be concealed when the decision is nothing more or less than the vote of the judge: a just judge does not need to fear people when his conscience is clear – on the contrary, he will be pleased that his impartiality is recognised and his honour is consequently protected from suspicions and adverse opinions. Thus, in order to prevent the many kinds of hazardous consequence that result from thoughtless votes, We have graciously found it proper that they should no longer be concealed by an anonymity which is as unnecessary as it is damaging. For this reason when anyone, whether involved in the case or not, states he wishes to print old or recent voting records in cases where voting occurred, the records should immediately be released to him on payment of a fee as soon as a judgment or verdict has been pronounced: in this situation the whole name of the voting member should be clearly attached to each *votum*, whether in the Lower Courts, in the Appeal Courts or Higher Courts, government departments, executory bodies, consistories or other public bodies. Should anyone refuse to do this or obstruct it in any way, the penalty is dismissal from office. As a consequence of all this, the oath of secrecy is to be amended and adjusted hereafter.
8. With regard to the votes of the gentlemen of the Council of the Realm, the law shall be the same as in the foregoing paragraph for the same reasons and in the same manner, with the exception of cases that deal with secret ministerial business, as well as reports and statements concerning applications or appeals that have been or will be submitted to the Estates of the Realm.

9. As well as the records of trials and other matters mentioned above, every party who has a case or any other issue touching upon his rights is free – irrespective of which court or public body it is in or if it is coming before Ourselves, the Estates of the Realm or its deputations and committees – to have an account of it or a so-called *species facti* printed, together with any documents pertaining to the matter that he considers to be necessary. In this matter he shall, however, be truthful if he wishes to avoid the penalties the law has at its disposal.
10. Furthermore, the printing of all judgments and decisions, resolutions, rescripts, instructions, constitutions, rules and privileges will be permissible, with more of the same – of whatever kind it may be – that has been issued or in future will be issued by Our Council Chamber and Chancellery, departments or offices, as well as by the Appeal and Higher courts and Boards of the Realm, and this is to include the official correspondence of their officials and other state officials. Also to be included here – along with the decisions and responses to them – are all the memorials, applications, projects, proposals, reports and appeals made by societies and public bodies and by private individuals. Also to be included are the documented activities and official duties, both legitimate and illegitimate, of all officials, together with [an account of] what then ensued, whether useful or harmful. To that end, free access to all archives shall be permitted, so that documents of this kind may be copied *in loco* or certified copies be obtained. The duty of seeing that such provision is made is subject to the penalty stated in Paragraph 7 of this ordinance.
11. It is also permissible for anyone who applies to do so to print all parliamentary proceedings from whichever place they were formerly issued, with the exception that anything in them that refers to ongoing matters or negotiations with foreign powers that requires secrecy may not be released and published. With regard to the parliamentary reports that will be produced in the future, however, We shall graciously ensure that they, likewise, will be published in print in such good time before the start of each subsequent Diet that everyone has the opportunity not only to make himself as fully informed as possible about the situation in the Realm, but also to contribute more easily to the common weal by means of necessary cautions and useful proposals and reports. In addition to this, those memorials and *dictamina ad protocollum* submitted to the Estates of the Realm may also be freely printed by anyone who applies to do so. It is also permissible to print the deliberations of committees along with their minutes and voting records in the manner prescribed in Paragraph 7, but not before the deliberations have been submitted to the plenary assembly. And since the form of government demands that all decisions are made lawfully, and that all Our loyal subjects may be convinced of the honourable conduct of their delegates at meetings of the Diet, it is permissible to print all the minutes and voting records of the Estates in the aforesaid manner. This shall also apply to everything submitted to the plenary assembly by the secret committee and also to Our own gracious bills submitted to the Estates of the Realm in so far as they do not include anything that should remain undisclosed.

12. Both in older and more recent times a truthful history of former kings and regents and their ministers has, in most nations, been highly regarded as directly bringing important matters such as valuable judgments about wise and praiseworthy achievements to the attention of the ruling lords and commoners while also, on the other hand, offering very necessary warnings against hasty, imprudent, malicious and even cruel and ignominious plans and deeds. Thus the events of earlier reigns enable the subjects better to obey, know, understand, value and defend the obligations, freedoms and rights they possess, as well as common and individual security. Now, so that there should be no lack of anything that might serve to guarantee the completeness of such historical works, We wish to extend to them the freedom of the pen and of the press to the extent that all specific events or known incidents, both secret and more familiar, that have taken place under former governments both in this Realm and elsewhere may be made public along with political reflections on the said matters.
13. Furthermore – in Our Grace – We also wish to state at this juncture that since it would be too long-winded to carefully list all possible subjects, cases and topics, it is Our gracious will and command that all Our loyal subjects may possess and make use of a complete and unlimited freedom to publish for the general public everything that is not expressly forbidden in the first three paragraphs or elsewhere in this Our gracious ordinance. Nor, still less, should anything that might be published by way of comment, remark or reflection on all the aforementioned permissible cases and topics ever be rejected or banned from being printed on the excuse that it contains censure, blame or criticism.
14. And in order that Our loyal subjects may enjoy full confidence in the future in respect of the guaranteed continuance of the freedom of writing and of the press described here and provided by an unalterable Constitution, we think it fit to declare herewith that no one, whoever it may be, on pain of Our royal disfavour, shall undertake to advocate even the slightest distortion or limitation of this Our gracious ordinance. Much less shall anyone try to effect such a limitation, whether major or minor, on his own authority; even We Ourselves will not permit anyone to make the slightest alteration, modification or interpretation that might lead to a limitation of the freedom of writing and of the press.
15. The fines listed in this gracious ordinance will be distributed three ways.

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

ADOLPH FRIEDRICH

(Locus sigilli)

Johan von Heland