MoW Register Nominations - The Swedish Freedom of the Press Ordinance of 1766: The world's first legislation guaranteeing free communication of information

1. Title / Titre

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The Swedish Freedom of the Press Ordinance of 1766: The world's first legislation guaranteeing free communication of information

2. Summary / Résumé

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On 2 December 1766, the world's first government-sponsored declaration of freedom of the press saw the light of day in Sweden, which at that time also comprised Finland. For the first time the importance of freedom of expression, its compass and confines, was acknowledged in constitutional law. The importance of the law is demonstrated in the flood of political pamphlets championing extended civil rights that were published in the years that followed.

This joint nomination from two national institutions includes two equally important parts: 1) the minutes and preparatory documents that explain the creation of the law, 2) the political pamphlets that illustrate its immediate and radical effect. Together they bear testimony to how defining moments in the coming of the open and democratic society can be the produce of quiet and diligent labour rather than of grand gestures. Sweden have no historical tradition of violent revolutions or treasured sacrosanct documents. Instead, laws have gained acceptance and respect through unglamorous bureaucratic processes, including careful preparation, compromise between contradictory opinions, and consensual decision making.
Today Sweden is recognized for its support of democracy and civil liberties on a global scale. This nomination illustrates the exemplary and prudent first implementation of the most fundamental of human rights.

3. Nominator contact details / Coordonnées de l'auteur

3.1 Name of nominator / Nom de l'auteur de la proposition

Riksarkivet / National Archives
Box 7223
SE-187 13 Täby
Sweden
Switchboard: +46-(0)10-476 70 00
E-mail: anna-karin.hermodsson@riksarkivet.se

Dr. Christopher Natzén
Kungliga biblioteket / The National Library of Sweden
P.O. Box 5039
SE-102 41 Stockholm
Sweden
Switchboard: +46-(0)10-709 30 00
E-mail: christopher.natzen@kb.se

3.2 Relationship to the nominated material / Relation avec l'élément considéré du patrimoine documentaire

The Swedish National Archives keeps official records from public administration in Sweden, stretching back to the early medieval period. Through careful record keeping and fortunate historical circumstances, the legislation process can be followed in close detail through the ages. The Swedish National Archives houses the original handwritten minutes recording the coming into being of the Freedom of the Press Ordinance of 1766.

The National Library of Sweden keeps a copy of all printed matters and other duplicated media intended for distribution in Sweden. The collections of printed matter reach back to the fifteenth century and contain many unique copies and collections, especially of ephemeral publications. It holds the only complete collection of the political pamphlets that could be published as a consequence of the Freedom of the Press Ordinance of 1766.

3.3 Address / Adresse

Riksarkivet / National Archives
Box 7223
SE-187 13 Täby
Sweden

Kungliga biblioteket / The National Library of Sweden
Box 5039

SE-102 41 Stockholm
Sweden

3.4 Telephone / Téléphone

Riksarkivet / National Archives
Switchboard: +46-(0)10-476 70 00

Kungliga biblioteket / The National Library of Sweden
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3.5 Email / Courriel

kungl.biblioteket@kb.se

riksarkivet@riksarkivet.se

3.6 Co-nominator(s), if any / Co-auteur(s), le cas échéant

4. Declaration of Authority / Déclaration sur l'honneur

I certify that I have the authority to nominate the item, or items, described in this document to the Memory of the World Register.
Je certifie sur l'honneur, proposer le patrimoine documentaire décrit dans ce document au Registre international de la Mémoire du monde

Declaration of authority / Déclaration sur l'honneur

Yes

Full name / Nom et prénom

Kari Gardelin, Swedish National Commission for UNESCO

Date

11/26/2021

5. Legal information / Informations juridiques

5.1 Name of owner / Nom du propriétaire

Riksarkivet / National Archives
Kungliga biblioteket / The National Library of Sweden

5.2 Address / Adresse

Riksarkivet
Box 7223
SE-187 13 Täby
Sweden

Kungliga biblioteket / The National Library of Sweden
Box 5039
SE-102 41 Stockholm
Sweden

5.3 Telephone / Téléphone

+46 (0)10-476 70 00

+46 (0)10-709 30 00

5.4 Email / Adresse électronique

kungl.biblioteket@kb.se
riksarkivet@riksarkivet.se

5.5 Name and contact details of custodian / Nom et coordonnées du dépositaire

5.6 Legal status / Statut juridique

The nominated collections are public property and their preservation for the future is protected by law.

The archival sources fall under the responsibility of Riksarkivet / National Archives and the laws and instructions governing its activities. The printed sources fall under the responsibility of Kungliga biblioteket / The National Library of Sweden and the laws and instructions governing its activities.

5.7 Copyright status / Droits d'auteur

The nominated documentary heritage in its entirety is in the public domain and there is no known copyright.

5.8 Accessibility / Accessibilité

The documentary heritage at Riksarkivet / National Archives falls under the Swedish legislation concerning public access to official documents (*offentlighetsprincipen*), itself a part of the Freedom of the Press Ordinance since 1766 and thus the oldest freedom of information act in the world. According to this principle, public access to the present material must not be restricted.
Access to library collections is regulated in the Swedish Libray Law (Bibliotekslagen 2013: 801), which stipulates that public library activities must be conducted with the greatest possible openness and ease of access.
The nominated *archival* sources have been fully digitized and may be accessed through Riksarkivets/the National Archives' digital-collections portal, Nationell arkivdatabas, NAD: https: //sok.riksarkivet.se/nad
A small portion of the nominated *printed* sources have been digitized and may be accessed through the national union catalogue Libris: http: //libris.kb.se/form_extended.jsp?f=ext
Kungliga biblioteket/The National Library of Sweden is currently developing a new structure for access to its digital library collections. The nominated printed sources will be a part of this new structure in the future and thus easily accessed worldwide.

6. Identity and description of the documentary heritage / Identité et description de l'élément du patrimoine documentaire

6.1 Name and identification details / Nom et identification de l'élément proposé

Riksarkivet/National Archives
R 3404: Grand Deputation 1765–1766, minutes and appendices (no. 51)
R 3405: Third Committee 1765–1766, minutes and appendices
The Diet's Letter to His Majesty 15 October 1766 (Riksens ständers brev, 15/10 1766)

Kungliga biblioteket/The National Library of Sweden
His Majesty's Gracious Ordinance Regarding the Freedom of Writing and of the Press. Issued in the Council Chamber, Stockholm, on 2 December 1766
His Majesty's Gracious Renewed Ordinance and Decree Regarding the Freedom of Writing and of the Press. Issued at Stockholm Castle, on 26 April 1774
Swedish Collection 1700–1829, Politics, Sweden [December 1766 to April 1774]: 23 boxes
Swedish Collection 1700–1829, Political Economy, Sweden [December 1766 to April 1774]: 5 boxes

6.2 Type of document/ Type de document

The documents include handwritten records from The Swedish National Archives and printed pamphlet material from The National Library of Sweden.

6.3 Catalogue or registration details / Détails du catalogue ou de l'inscription

The minutes and preparatory documents at the National Archives are kept in two bound volumes that can be accessed digitally:
https: //sok.riksarkivet.se/nad?postid=Arkis+be05f04d-b530-434f-87f8-b000667205f8
https: //sok.riksarkivet.se/nad?&postid=Arkis+c5c8e19c-e794-4b4b-8f9a-db3f6968b251
The collections at the National Library are registered in the national union catalogue Libris: libris.kb.se. The political pamphlets of the eighteenth century have so far only been partly digitized, but a few examples may illustrate the collection's content:
http: //libris.kb.se/bib/19796141 ["Thoughts, on the Freedom of the Press, Its Use and Abuse; which were translated in 1730 from an English periodical, called Craftsman; but which have hitherto been inhibited from being printed, until the commendable Estates of the Realm paved the way thereto"]
http: //libris.kb.se/bib/14730507 ["Woe for Being a Citizen, Woe for Being Erudite"]
http: //libris.kb.se/bib/13482568 ["Free Questions to a Free and Self-governing People"]
http: //libris.kb.se/bib/19796142 ["On the Liberty of the Press, our Civic Freedom's Foundation, and the Safest Means to the Preservation of Society 'til the End of Time"]
An inclusion in the Memory of the World Register would give the stimulus to digitize and mark the whole collection in order to make it more accessible for research.

6.4 Visual documentation (if available and appropriate) / Documentation visuelle le cas échéant (si disponible et approprié)

MoW 00: Copies of the Freedom of the Press Ordinance 1766 from the collections of Kungliga biblioteket/ National Library of Sweden

(KB).
MoW 01: Capsules containing political pamphlets from the eighteenth century. Prints from the years sixty-five years 1700–1765, before freedom of print, is contained in eight such capsules. Prints from 1766–1774, the eight years of press freedom, are more than three times as many: 27 capsules. (KB)
MoW 02: Whereas a capsule from the time of censorship can hold pamphlets from several years, it takes several capsules to hold only one year from the period of press freedom. (KB)
MoW 03: Some examples of political pamphlets from the period of press freedom. They are typically between four and 32 pages, stored in modern protective covers or, occasionally, a contemporary wrapper. (KB)
MoW 04: The first page of the records from the Diet's Third Committee that prepared the freedom of print legislation in 1765–1766. The documents are kept at Riksarkivet/The National Archives (RA).
MoW 05: The initially clean and tidy minutes became more jumbled as the Committee reached the more complex issues. The scrawled minutes give a vivid account of the intense debates. (RA)
MoW 06: Copies of memorandums give a deeper insight into certain matters or express the personal viewpoint of particular members of the Committee. (RA)
MoW 07: A first draft of the Freedom of the Press Ordinance was prepared in July 1766, still with many corrections and amendments. Every detail was discussed and adjusted in several stages. (RA)

6.5 History/Provenance / Histoire/Provenance

The records from the legislative process have been kept at the Swedish National Archives almost from the time they were produced. Thanks to good record keeping and peaceful conditions, Swedish official records in general are remarkably well preserved. From the early seventeenth century onwards, the producing public bodies have continuously delivered their papers to the state archives.

The preservation of books and other printed matter also have a long tradition. The first legal deposit legislation was issued in 1661. By law, one copy of all printed matter had to be delivered to the Royal Library, the forerunner of today's National Library. Initially, preservation of the material was not a primary issue, but from the mid-eighteenth century, fixed routines for the handling also of lesser printed matter were being developed and everything was kept for future reference. From the early nineteenth century, it has been a constant endeavour of the library's personnel to keep the collections complete and to replace material that might have been lost. Therefore, the National Library has the only complete or nearly complete collection in Sweden even of ephemeral printed matter, including political pamphlets.

6.6 Bibliography / Bibliographie

Press Freedom 250 Years: Freedom of the Press and Public Access to Official Documents in Sweden and Finland – a living heritage from 1766, eds. Bertil Wennberg and Kristina Örtenhed (Stockholm: The Riksdag of Sweden, 2018): https: //www.riksdagen.se>tf-250-ar-eng-2018.pdf

6.7 Referees

7. Assessment against the selection criteria / Evaluation des critères de sélection

7.1 Primary criteria - significance value to the world. Comment on one or more of the following significance criteria / Critères principaux - valeur d'importance mondiale. Commentez sur un ou plusieurs des critères d'importance suivants
Not all the criteria will apply to your documentary heritage. Choose only those criteria that are relevant to your nomination.
Tous les critères ne s'appliqueront pas à votre patrimoine documentaire. Choisissez uniquement les critères pertinents pour votre candidature.

7.1.1 Historic significance / Signification historique

Freedom of expression is the most fundamental of human rights and almost a *sine qua non* for all others. The Swedish Freedom of the Press Ordinance of 1766 is the first legislation anywhere in the world declaring public access to official records and the freedom of expression to be basic rights protected by the constitution. Its historical importance is acknowledged, for instance, by the *Encyclopedia Britannica*:

"On December 2, 1766, the Swedish parliament passed legislation that is now recognized as the world's first law supporting the freedom of the press and freedom of information. Narrowly, the Freedom of the Press Act abolished the Swedish government's role as a censor of printed matter, and it allowed for the official activities of the government to be made public. More broadly, the law codified the principle—which has since become a cornerstone of democracies throughout the world—that individual citizens of a state should be able to express and disseminate information without fear of reprisal. [...] Twenty-five years after the Freedom of the Press Act came into force in Sweden, the framers of the U.S. Constitution enshrined the same principle in the document's First Amendment: 'Congress shall make no law... abridging the freedom of speech, or the press.'"

Thanks to careful administrative procedures and routines, every idea and every step in the creation of the Swedish law can be followed in detail. The large number of pamphlets makes it possible to see how new and visionary political ideas, such as equality before the law, were put into practice more than two decades before the French Revolution. The coup d'état of King Gustav III in 1772 and a revised Print Ordinance from 1774 curbed both political radicalism and the freedom of expression, which also shows how fragile these fundamental rights are.

7.1.2 Form and style / Forme et style

The most striking characteristic with this material is its unassuming nature. The legislative documents are remains of a bureaucratic legislative process whereas the printed pamphlets provide samples of normal eighteenth-century methods of mass communication. In their outer appearance these documents are inconspicuous; it is their content and the collection taken as a whole that reveal the truly revolutionary idea of acknowledging the people's right to self-governance, and also that legislation and the rule of law matters.

7.1.3 Social, community or spiritual significance / Importance sociale, spirituelle ou communautaire

The Freedom of the Press Ordinance of 1766 was only in force for eight years. In 1774, it was replaced by a new, more limited legislation (which, however, was still more liberal than legislation before 1766). Government papers were once again exempted from public scrutiny, whereas, e.g., the proceedings of the Diet remained accessible and began to be published in full for the first time. Following 1766 Sweden experienced four new Freedom of the Press Ordinances (1774, 1792, 1810, and 1812) until the present legislation was adopted in 1949. The law of 1766 has kept its role as a benchmark for well-reasoned solutions to delicate considerations. Several principles from 1766 are still present in today's legislation, e.g.:

- Separate constitutional law: Sweden's freedom of the press is not established in some paragraph of the constitution and then regulated in criminal law, as in most other countries. All details are prescribed in a separate constitutional law, which make them harder to change – and to restrict.
- Principle of public access to official records: The principle of public access to official records has been a foundation of Swedish administration from 1766. In 2016, there were 112 UN members with FOI laws or analogous regulations. The second country after Sweden to receive comparable legislation was Finland, in 1951, which goes to show the foresight of these eighteenth-century legislators.
- Exclusivity principle: The 1766 was formulated according to an exclusivity principle – *nulle crimen sine lege*, if an action is not explicitly prohibited by law, it cannot be prosecuted –, which has continued to be a fundamental rule in subsequent legislation.

- Single responsibility: Already in 1766, only one person could be convicted for violation of the press law. Normally, the author was answerable for his own writing, but if there was mutual, consent the printer could assume responsibility and did not have to reveal the identity of the author. This principle is still in force in Sweden, and is a safeguard against any deterrent measures being taken to silence oppositional groups.
- Legally responsible publisher: The idea of a publisher taking full legal responsibility for everything printed in, e.g., a newspaper was immanent although not fully developed in 1766. The idea was that the publisher should function as a recognized second opinion in relation to the author, and would only print and distribute texts that he or she could defend in a court of law and before the public. A vital principle in today's legislation is that the publisher takes full responsibility for the content of a newspaper, thereby releasing the individual journalist from the risk of pressure and prosecution for doing his or her work.

All these measures have a tradition stretching back more than 250 years, which have cemented their eminence and proven their worth. In the World Press Freedom Index, presented annually by Reporters Without Borders, Sweden always scores high points (third place, after Norway and Finland, in 2021).

7.2 Comparative criteria. Comment on one or more of the following comparative criteria / Critères comparatifs. Commentez sur un ou plusieurs des critères comparatifs suivants :

7.2.1 Comparative criteria: Rarity / Critères comparatifs: Rareté

The handwritten memorandums and minutes from committees and plenary discussions of the Diet are unique documents, but also typical remnants from the legislative process in eighteenth-century Sweden. The printed pamphlets were circulated in comparatively large numbers at the time, but their mostly topical substance have made them less interesting for libraries and private collectors. Single copies of certain pamphlets may still be acquired in second-hand bookstores, but it is only taken together that their historical importance is fully revealed. The collections at the National Archives and the National Library in concert give a unique notion of how a visionary idea was put into practice and what immediate consequences it had.

7.2.2 Integrity, completeness, condition / Intégrité, complétude, état

The archival sources have been kept together from the time they were produced and are bound in contemporary bindings. The pamphlets are partly preserved at the library from the time they were printed, partly collected in the nineteenth century to cover gaps in the collection. The National Library is the only place where the printed matter can be studied in its entirety. The material in general is in good condition.

7.3 Statement of significance / Déclaration d'importance

The nominated documentary heritage is a collection in the true sense that the whole is more important than its component parts. The bureaucratic records are not remarkable in themselves and the printed pamphlets usually had a short lifespan and were soon forgotten, but together they tell an important story about the development of human rights. The long-term implication of these ideas is evident when we study the history of the world in the last two centuries and in the proclamation of, e.g., the Universal Declaration of Human Rights of 1948, or the European Convention of Human Rights of 1953.
Free speech and a free press is not only important for maintaining these rights, but also for the preservation of humankind's cultural heritage at large. The 1766 Freedom of Print Ordinance is not only first, but also one of the most instructive examples of the impact and importance of this idea. It gives an exceptional view into the minds of reform-oriented politicians and writers of the eighteenth century who were not sure where they were going, but who knew the right direction.

8. Consultation with stakeholders / Consultation des partenaires

8.1 Details of consultation / Consultation des partenaires

In 2016, 250th anniversary of the 1766 Freedom of the Press Ordinance was the object of nationwide celebrations in both Sweden and Finland. The activities engaged the whole society in both countries, including the national parliaments, state and regional authorities, NGO's, associations, museums and libraries, artists and cultural workers, writers, journalists, researchers, and, not least, school children. Great interest was also shown from abroad, with conferences dedicated to the Swedish Freedom of the Press legislation, both historically and in the present, in, e.g., London, Los Angeles, and Strasbourg. The celebrations culminated with a televised seminar in the Swedish Parliament on 2 December, the day the ordinance was originally signed, and the release of a 700-page research anthology published in Swedish, Finnish, and English. (See link to online edition under 6.6.)
All these activities bears testimony to the continuing importance of this legislation for all parts of society, and it is a perfect example of an instance where knowledge of the historical background deepens our understanding and care for these precious human rights in the present.
In the course of these activities, the unique character of the nominated material became apparent, both in regard of its historical importance and of its documentary value, which makes it possible to follow the legislative process and its effects in full detail.

9. Risk assessment / Evaluation des risques

9.1 Nature and scope of threats / Evaluation des risques

There are no evident threats to this documentary heritage.

10. Preservation and access management plan / Plan de preservation et d'accessibilité

10.1 Existing plans or proposed conservation, storage and access strategies / Plans existants ou stratégies de conservation, de stockage et d'accès proposées

Both the National Archives and the National Library of Sweden keep their collections in modern climate-controlled underground stacks, which are being regularly monitored by conservationists. Before an object is being handed over to a student it is inspected by members of the staff and, if necessary, sent for preservation or other appropriate measures. The conservationists reflect in five hundred years cycles of preservation, since it is not credible to reason in terms of "eternity".

11. Additional information / Informations complémentaires

11.1 Additional information / Informations complémentaires

Submission / Soumission

Submit to UNESCO

Yes

12. Checklist / Liste de contrôle

Summary completed / Résumé terminé (section 2)

Yes

Nomination and contact details completed / Nomination et coordonnées complétées (section 3)

Yes

Declaration of Authority signed and dated / Déclaration sur l'honneur signée et datée (section 4)

Yes

If this is a joint nomination, section 4 is appropriately modified, and all Declarations of Authority obtained / S'il s'agit d'une proposition d'inscription conjointe, la section 4 est modifiée de manière appropriée et toutes les déclarations d'autorité s

No

Legal information / Informations légales (section 5)

Yes

Details of custodian if different from owner / Détails du dépositaire si différent du propriétaire (section 5)

No

Details of legal status completed / Détails du statut juridique complétés (section 5)