

Anders Chydenius and the Origins of World's First Freedom of Information Act

By Juha Manninen

Introduction

“Freedom of information” is the designation adopted around the world after its North American example as the freedom of human actors to access existing documents. In the United States such an act was passed in 1966, and became effective through improvements made to it in 1974. This can be said to have signalled the triumph of laws of freedom of information throughout the world.

Nevertheless, already 200 years before the Act was passed in the United States, and thus before the founding of the United States at all, such an Act had been passed in the Kingdom of Sweden, which at the time also included Finland. As was to be expected, various complications followed but the law proved to be a success in Scandinavia. It is partly due to the Act that the European North, which previously had had a very different image, has become the world's least corrupt area and, concurrently, exceptionally socially responsible and committed to democratic principles. The most informed writers know to give the Freedom of Information Act its Swedish name *offentlighetsprincipen*, “the principle of publicity”. It is in Sweden that a Freedom of Information Act, or FOIA as it is usually designated, was first put into practice, gaining a status in the country's constitution. Yet, the story of its origin is not generally known.

The work of the Diet in Sweden is well documented from different perspectives. Of course, a number of controversies remain among historians, but, concerning the world's first FOIA, a valuable analysis can be found in Professor Pentti Virrankoski's biography of Anders Chydenius, the central person involved in drafting the law. However, I will not here concentrate on details of biography or political history – my standpoint

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is the history of ideas – , but before going to the actual drafting of the Swedish FOIA, it is necessary to highlight the ideological backgrounds of the key actors in the process. I will look at how the first FOIA was composed, the steps and conditions that made it possible, and analyse its different elements on the human plane.

Of some of the phases of the story inferences can be based only on circumstantial evidence. But there are also preserved writings by Anders Chydenius, primarily those in which he made preparations for the Act, but also some short memoirs. Of additional interest is the fact that Chydenius came from a periphery of the Swedish Realm, from the northern and middle parts of Finland, and that he had an office in the service of the Church, though he was still undeniably a versatile Enlightenment philosopher, representing democratic thought, as we would say today. How could such a person, a priest from the countryside be active in making radical reforms?

In its original formulation the Swedish Freedom of the Press Act was short-lived, a mere six years, but its effect on the general consciousness

about rights was indelible. It was recurrently returned to in new forms. After various developments the way of thinking expressed by the Freedom of Press Act of the Swedish Realm has today become a cornerstone of the worldwide struggle for freedom of information. It is conceived as the prerequisite of the freedom of expression, widely seen as belonging to human rights, and it is just a matter of time when it will finally be acknowledged to be an integral part of them.

The principle of the freedom of information has been approved as part of legislation throughout the world in about 70 countries, and at its strongest within constitutions. 35 of the approving states of the FOIAs are due to the unprecedented worldwide revolution in openness of the 1990s. The number is growing every year. And yet even today there are drawbacks that threaten FOIAs in individual countries.

At present freedom of information is recognised as the most effective way to prevent corruption in developing countries, but Thomas S. Blanton, the Director of the National Security Archive of the George Washington University underlines its worth in promoting security in general. The consciousness of citizens and their ability to act on it is often a more important security factor than exaggerated secrecy measures. Perhaps the best confirmation of such a view can be found in the history of the Nordic Countries, where general and high education, social mobility and openness have been at the top of political agendas.

A few words about the history of Sweden/Finland in general are needed. The Swedish Diet of the so-called Age of Liberty (1719-1772) was an early experiment in parliamentarism, the only one of its kind aside from the English Parliament. The name given to the period refers to the shift of power from the Monarch to the Estates. In effect it meant the liberty of the Estates. The Swedish Diet was divided into four Estates: nobility, clergy, burghers and peasants. In Sweden, the peasants were free and Lutheran priests had in many cases good contacts with them.

When the Estates assembled they had all power, and the ruling Senate, Council of the Realm, was responsible to them. The King was little more than a representative figure. As happens in parliamentarism, there were parties but they did not have any powerful nation-wide organizations and they were concentrated mostly in Stockholm. The Hats dreamed of making Sweden again a great European power and were supported by France. The Caps thought that such times were past. They had the support of England and Russia. After losing Finland to Russia in the war of 1808, Sweden was never engaged in further wars.

Finland had the same rights as other ancient parts of Sweden, the main difference being the language and origin of the major part of the population. The country succeeded in defending its Swedish legal order when it was later transformed into part of the Russian Empire. However, the legal order of Finland in the 19th century was not that of the Age of Liberty but the following one, dating from Gustav III's era, one that was friendlier to the Emperor. Still, some of the old rights were sensitive from the Emperor's point of view, but the autonomous status given to Finland made possible a consolidation of this nation and state and, indeed, a number of modern reforms and a democratic development. The 19th century was for Finland one of peace and nation building, under the guiding device formulated by philosopher and statesman J.V. Snellman that the strength of a small nation lies not so much in its arms but in its level of education and culture, making it and its individual citizens capable of rational action and integrating the thus enlightened population into the network of global civilisation.

In 1906, the Finnish Diet, which was modelled on the Swedish one, could be turned into a single chamber parliament where all men and women could be represented and elected according to a general, unqualified right to vote – the first of its kind in the world. After gaining full sovereignty in 1917, Finland never lost its democracy. It was attacked by the Soviet Union in 1939 because of the Stalin-Hitler pact. It lost ten percent of its area in the Second World War, being the only democracy fighting against Stalin's aggression, but at a high cost it remained one of the few European countries not occupied by foreign powers. After the war it was busy building a democratic welfare state in the company of other, in many ways similar, Nordic Countries. As this is being written, it has for the second time the presidency of the European Union, which is, contrary to pessimistic voices, emerging as a global peace providing player.

Starting Points of Chydenius and Some Other Writers

On the basis of Anders Chydenius' (1729-1803) formulations the Swedish Diet passed in 1766 the Freedom of Press Act, *Tryckfrihetsordningen*, which was unprecedentedly radical, both in Sweden and in the world in general. Chydenius formulated during the Diet the thinking that proceeds from the idea of the indivisibility of freedom: "A divided freedom is no freedom and a divided constraint is an absolute constraint."

He developed this idea in conjunction with ever new issues, both during the historically revolutionary Diet of 1765-1766 and later. In his

memoirs he even claimed that “for nothing else did I work in the Diet as diligently as the freedom of writing and printing”.

All writing about the foundations of affairs of the state had so far been banned in Sweden, literally all writing, also with pen on paper, not just the publishing of ideas. If one was discovered in possession of forbidden materials, no explanations that it was written for oneself only or at the most in a letter to a friend were of any help. Therefore the act of the freedom of press would contain the curious double characterization: the freedom of both writing as such and of publishing it in the press and books, *skrif- och tryckfrihet*.

When Anders Chydenius, a young Church employee in the small county parish of Alaveteli, became politically active it was to become an important incentive to the development that led to the freedom of information in Sweden. This happened when he participated as a speaker in 1763 in the provincial meeting (in Chydenius' words, *en allmän landtdag*) that the deputy Governor of Ostrobothnia Johan Mathesius had summoned in Kokkola. The main incentive for Chydenius to set out to the assembly was the freedom of commerce of the Gulf of Bothnia that had long been aspired to. The political wind was changing after decades of rule by the Hats. The opposition party, the Caps, and its new radicals, including Chydenius, would soon attain prominent positions.

Chydenius was a priest who pondered many issues relevant to daily existence. He practiced agriculture and its reform according to the latest knowledge, herded merino-sheep, cultivated tobacco for sale, and participated in the cultivation of potatoes introduced to Finland by the war over Pomerania, better known as the Seven Years War. He was also an active medical practitioner, giving health advice, vaccinations and practicing surgery, and in addition he wrote a treatise on the causes of moss spreading in meadows and its prevention. Since there were no apothecaries nearby, he learned the making of medicines.

This makes you wonder what kind of education Anders Chydenius received when studying at the Academy of Turku and for a shorter time at the University of Uppsala. All was not due to Chydenius' exceptional initiative. The degree he took involved manifold studies in the most diverse subjects of the small but broadly oriented university of Finland, and not only concentrated on theology.

According to the project of the Enlightenment, human individual reason would form the basis for processes of progress in all fields of life.

The ideas of humanity, freedom, equality and happiness were not in themselves unique or new, whereas confidence in the possibility to combine them to the rationality expressed by modern science, technology and economy was a revolutionary idea.

The Enlightenment can be regarded as a universal European phenomenon that also reached beyond its borders. The philosophical, scientific, economic, political, cultural and religious contexts related to its birth differed from country to country. Its point of departure was the move towards peace, reconstruction, the restoration of economies and mutual interaction in Europe after the storms of the early Eighteenth Century. The possibility for a peaceful comparison of conditions in different countries gave birth to critical standpoints and the will to make reforms, which little by little were channelled into the programmes of the Enlightenment.

After its Glorious Revolution England became the general ideal for the early Enlightenment, especially in France through the works of Voltaire. The Netherlands which had realized the freedom of printing, gave an important contribution to making the Enlightenment possible in a wider European context. Hanover, which had a personal union with England, was to bring the Enlightenment to the German countries and to Scandinavia especially via the new University of Göttingen.

There was no one great Enlightenment movement in Sweden, though there were Enlightenment tendencies. There were also individual Enlightenment perpetrators, such as Peter Forsskål and Anders Chydenius. Both promoted the same goals, Forsskål ideating them, Chydenius actually realizing a number of them and fighting for more. There is no proof of a direct literal connection between the two men, despite the correspondences in their thinking. Politically, both belonged to the Caps, although not in any strong sense. Chydenius was a disciple of the Enlightenment-spirited professors of the Academy of Turku, but unlike his instructors who tended towards the Hats, he found himself siding with the Caps.

In Sweden there was no Enlightenment programme against the state as in France for the simple reason that Sweden had an early form of parliamentarism. When the Estates did not meet, the Senate had to follow their instructions. If the scrutiny of the records of the Senate by the Estates then showed this had not been the case, the Senate members responsible for "errors" could be dismissed. This is also what happened in practice. Different parties could gain governance in the country, though especially the Hats who had long had the lead, throughout Chydenius' youth, had been able to stay in power even after taking the country to

disastrous wars. The point is that under such a mode of governance it was possible to affect a change in society without taking recourse to violence against the state.

The precondition of being able to affect such change was to have free access to information of the state of affairs and to express one's opinions about them. The Caps, who most clearly felt the need for a change, especially the radical ones coming from peripheral parts of the realm, understood this best.

Anders Chydenius was not widely travelled in Europe at all. He travelled only within the realm, first to the universities of Turku and Uppsala and then to the Diet in Stockholm as one of the junior members of the Estate of Clergy. Nor did he become a courtier during his stay in the prosperous capital. He had only a limited circle of acquaintances, though his thinking was not limited, and by appealing to publicity, exploiting the possibility to publish political writings during the Diet, he made up for his lack of influence. He also clearly had a network of relations behind the scenes.

Most of the authors discussed here had a common background in the peripheral regions of the country, families that moved from one place to another, and a tortuous process of social rise. Such a background made it possible to perform comparisons and develop a critical stand. Anders Chydenius was born in Sotkamo, an absolute periphery of peripheral Finland. Johan Arckenholtz and Peter Forsskål were born in Helsinki which at that time was quite an unimportant centre, the most flourishing Finnish city being Turku. All three also came from peripheral parts of Finland, which however had their connections to the centres of state politics and academic life. Arckenholtz's father was the Secretary of Uusimaa and Häme county, Forsskål's and Chydenius' fathers were priests, thus in a position where it was necessary to know the vernacular and the conditions of local population. Having a background in periphery and experience of mobility brought together many critical voices, including the prolific political writer Anders Nordenkrantz, who came from Northern Sweden, but had been in England and knew Europe. Nordenkrantz was an author who was very important for Chydenius.

By contrast the powerful figures of the ancient families had from time immemorial been concentrated round the king in Stockholm, where they were able to keep themselves informed and gain influence. The *nouveau riche* of Stockholm was of course in the same position, even concerning the Diet.

Utility on the Agenda of the University of Turku

The earliest introduction to some aspects of enlightenment thought in Finland was presented by professor of rhetoric Henrik Hassel, born in Åland, the archipelago between Sweden and Finland. Instead of admiring the Classics as was the rule in his profession, which concentrated on the use of Latin, he paved the way to modernist thinking.

Hassel was the main representative of Humanism in Turku from 1728-1775. His course differed from those of his colleagues in other Swedish universities. Yet it did not reflect directly the alternative attitudes of the Royal Academy in Stockholm, founded to forward utility, natural sciences and economy.

Finland's occupation by the Russians during the Great Northern War caused great destruction and a hiatus in the work of the university, but this made it possible to recommence the functioning of the Turku Academy on a completely new basis, without dwelling overly on the past. Hassel took advantage of the situation, as can be seen by the theses he tutored.

Hassel regarded knowledge to be based on sensory experience and reason, and opposed metaphysical speculation. Knowledge should be of immediate service to human life. Francis Bacon was his paragon of virtue. According to Hassel, the world was as it was contingently and not by necessity, since God had created it freely. Absolute knowledge of the world was not possible. Divine reason was not within man's reach. The use of creatures of the world to certain ends, their utility, was ordained by God.

Though Hassel had no overall idea of progress, he regarded the sciences as progressing. Contemporary science was thus not about retrieving the Classics, but the achievement of Bacon and his followers. In the theses tutored by Hassel the significance of the vernacular as the language of science was surprisingly stressed in contrast to Latin, his own field. Hassel thought that such a change of language was one of the background factors behind the success of England and France. The mother tongue as the language of science was to be raised everywhere to the same level reached by the contemporary languages of those successful countries. The worth of the past was to be found in the fact that rhetoric and culture had flourished best under conditions of political freedom.

Furthermore, Hassel was convinced that the cause of almost all the misery in the realm during the existing and past century had been war. In

the spirit of Samuel Pufendorf's natural justice that stressed the significance of contracts, he gave a pacific tone to his treatment of relations between states and individuals. The theses rejected the rhetorical way of appealing to emotion. Instead one should address reason so that people could form their opinions themselves and not be driven hither and thither, slaves to another's will.

Hassel who appreciated empirical sciences was to have some colleagues who appreciated especially the utility of natural sciences. Johan Browallius had studied Bacon's empiristic utilitarian philosophy, and was a good friend of Carl Linné. Browallius published two booklets, one asserting the benefits of natural history in schools and the other its significance in universities. The works argued that speculation should be replaced by extensive observations and gathering them from all over the realm, including by using the educatory system. According to Browallius, the clergy was in an excellent position to teach natural science to the peasants, and set an example in their own agricultural activities. C. F. Mennander, another disciple of Linné, was more humanistic than his predecessor Browallius, applying even Pufendorf's natural law in his teachings.

The professorship of poetry in Turku was transformed into a professorship of economics, one of the first in the world. The position was given after much dispute to Linné's favourite disciple Pehr Kalm, who studied in Turku and in Uppsala, made expeditions to Russia and Ukraine, and, after receiving the professorship, a renowned journey to North America, documented in a book translated into several languages.

Economics was part of a project to have professorships in sciences of utility at the universities of Sweden. At Uppsala it was accomplished from without the university, in Turku there were sustainers already within the university. Whereas at Uppsala, the main university of the realm, economics concentrated on the affairs of the state and statistics needed by the governance, and on the doctrine of trade under mercantile ruling, Turku was the only place in Sweden to represent Linné's peculiar notion of economics: one was to learn it through agriculture and its reform, utilitarian plants and natural products and descriptions of regions and counties.

No Swedish university was so tied to utilitarian thinking as Turku. At no other Swedish university was there to be developed such a union of striving for utility and the humanism that directed it. At Turku the values of humanity, freedom and happiness were combined with a trust in the

rationality of science, economy and even technology. Instead of enhancing manufacture and technological skills it was however seen proper for Finland to advance agriculture.

Johan Arckenholtz and the Ideal Country of England

A precondition for the transformation of Sweden was the decision to end absolute monarchy and give highest power to the Estates, made by a state that was weary of the endless wars of Charles the XII and that had lost its status as a great power. Arvid Horn was then practically in the position of a prime minister, leading the Chancellery, and his realistic foreign policy opened for many the doors to England, which was practicing parliamentarism and was to be followed in this by Sweden. However, despite frequent commercial contacts with England, a great number of leading Swedes remained allied to France, unable to admit that the grandeur of Sweden as a great European power was a thing of the past.

Johan Arckenholtz, who had travelled widely in Europe as a guide to young noblemen and was deeply versed in its history and social conditions, was the first Finn to be impressed in 1731 by the society he had experienced in England. In England, unlike the rest of the Europe, according to Arckenholtz, the Estates were not kept apart. All followed the same statutes. All paid taxes, from the high to the low. Parliament, the House of Lords and the Court balanced one another's power, but the decisive power in the realm was held by Parliament. The English, who loved their freedom and increased their wealth, were the most efficient of all nations in enhancing common well-being and manifested in their actions a future "natural equality" between men, as Arckenholtz expressed it with Pufendorf's concept.

After having received an office in the Chancellery Arckenholtz wrote an extensive manuscript on the position and interests of Sweden in Europe, discussing the situation in the different European states and their prospects of development. In the chapter dealing with England he formulated the principles of his own social and political philosophy.

He came to the conclusion that there was no sense in revelling about an ideal state in the fashion of Plato, More or Campanella. Utopias had never proved to function. It was infinitely easier to look for faults in the existing state than to formulate the structure for a model one. Yet one needed an understanding of a mode of governance where "all disorder and imperfection may be avoided, and where every member or subject can be called happy, and where he indeed after his own manner may so be". The

happiness of a nation was to be estimated by the amount of population that could be regarded prosperous, or by the degree whereby the government at least strove for maximum well-being.

The mode of governance was a significant precondition for well-being. A good mode of governance was according to Arckenholtz one that bound together the fundamental parts of the state, so that movement could pass from one part to another. Everything should have a common ground that would enable the right functioning and movement to the whole mechanism.

Such a developed harmony was rare because the lawmakers could not create the whole organised state at once. Laws had to be made piecemeal, applying long-standing laws and customs. A lawmaker was thus in the same position as a master builder renovating an old house with new materials. The building could never be as beautiful as when beginning the work from the foundations. Parts of the pre-existing house would be preserved within the new.

Arckenholtz gave an interesting example. Even though it was possible to remove the absolute monarchy from governance, repressive relations could still be preserved, unnecessary secrecy concerning public issues could be observed, freedom of opinion could be restricted, freedom of writing and press banned. A free nation should abhor such remnants of despotism in its public life. According to Arckenholtz, the freedom of a nation presupposed also the freedom of public discussion of significant common issues, including freedom of the press. Arckenholtz did not name any such state where outdated secrecy had been preserved. But the description fits exactly his contemporary Sweden.

England possessed, according to Arckenholtz, a correct understanding of the freedom of personal liberty and liberty of property; it pertained to both the high and the low, and no privilege put one estate before another. The English did not talk as much about the common good as they furthered it in their actions in practice, but Arckenholtz could still maintain that "...common good is promoted in England more seriously and enthusiastically than anywhere else in the world". The whole nation was elevated with "public spirit".

In his treatment of foreign politics Arckenholtz thought the politics of peace and a neutrality of sorts to be in the interests of Sweden. His admiration for England and mistrust towards France did not go well with the opposition party of that time, afterwards named the Hats, which had

leanings towards France. The Hats were strengthening their positions. Together with another Finn, Johan Mathesius, who acted as the Finnish interpreter for the Chancellery, Arckenholtz opposed the Hats, obsessed with military power and demanding an attack on Russia. Arckenholtz was active in negotiations with the Finnish Diet members in the coffee houses and inns of Stockholm. Later, he apparently even sought to influence the election of Diet members from Finland and the counties on the other side of the Gulf of Bothnia.

Such outside influence was considered an interference with the freedom of the Estates. When the Hats gained power in government Arckenholtz would pay for his opinions first by losing his office, accused of endangering the relations with France, and when the war against Russia really broke out, by being imprisoned for its duration, along with Mathesius. Nothing would dishearten their stubborn opposition to the Hats, and finally he had to leave Sweden. Much later, both of these staunch Caps with rich memories of the political past would encounter the young Chydenius at crucial stages of his career.

Peter Forsskål and the Enlightenment

Peter Forsskål begun his studies in Uppsala at the age of 10, and joined the circle of eager natural scientists that was gathered around Linné. With the help of a grant he could study philosophy and Oriental languages at the best Enlightenment university of the time, Göttingen. It was there that he presented his dissertation in 1756, which defended the principles of empiricism. His tutors at Göttingen praised their student's free spirit and his trust in his own capacities.

The dissertation and the disputes that followed made Forsskål the first Finn to have defended the freedom of scientific research. In his view science should not be frozen into an inhuman, unchangeable system. The search for truth demanded infinite renewal. Truth could be also approached in diverse ways and therefore fundamental to science were both continuous critique and tolerance.

After returning to his fatherland Forsskål asked permission of the University of Uppsala to defend a doctoral thesis on the freedom of citizens, *De libertate civili*. Because of the sensitivity of his subject this was denied. Later, Forsskål managed to obtain permission from the Censor of the Realm to print a Swedish version of his treatise, *Tankar om borgerliga friheten*. He handed out the five hundred copies of the edition mainly to students in Uppsala in 1759. He had a docentship in economics at the

university, but earned his living under the protection of the Caps, as a private instructor in the family of Count Christer Horn, of Finnish origins and a likeminded thinker.

For the Hats freedom meant absolute power and untouchability for the Estates assembled to the Diet. Forsskål presented a radical alternative to this conception of freedom. He summed up the claims of Enlightenment in twenty theses. In defending his booklet Forsskål said his conclusion was that “freedom must be maintained through freedom, that is, the freedom of the realm through the freedom of writing, as is the case in England”. The answer to shortcomings and discontent could be given either “in blood” or “in ink”. According to Forsskål Sweden could only choose the latter, and this presupposed the creation of an “enlightened public”. The goal was general civic freedom.

Absolute monarchy was the gravest menace to civic freedom, but also in a state boasting of its freedom people could oppress each other. Concealing injustice made this possible. Everybody should have the right to express in public writing what he thought was an offence against the common good. The life and power of civic freedom resided according to Forsskål in a limited government and unlimited freedom of writing.

To this Forsskål added a reminder that blasphemy, libel and evident persuasion to misdemeanour should not be allowed. The censor demanded that he add also attacks against government to the list. One passage had to be removed completely: it stated that the freedom of writing could be no menace to divine revelation, rational constitution or individual honour, because “the truth will always conquer, when it can be questioned and defended through equal rights”.

Forsskål’s defence of religious tolerance was allowed in the printed version. Here, in his view, the English model was also the most momentous. Opposing heresies only made them stronger, whereas lenience towards people of different creeds enhanced their adaptation to society. Neither did England have to fear intrigues against the constitution. Through the freedom of writing shortcomings could be recognized in time and resolved.

The freedom of writing was a guarantee for the flourishing of sciences, supervision of public officials and ultimately the stability of the government. The citizens should be able to obtain pertinent information about social conditions and use the knowledge to enhance general well-being.

Civic freedom should be extended to the economy as well as the state.

Forsskål was against the guilds, which he deemed a slow and inefficient system, and demanded public schools that would prepare people for professions. Impediments to buying land should also be removed. Also the people without estate should be lords in their own homes after the fashion of England and Germany. Steps had been taken to have the principle of merit approved as the basis for nomination to an office or promotion to a higher one during the Diet of 1755-1756. Forsskål took it further. Instead of birth, money and relations, one's own capabilities and industriousness should be of decisive importance.

Forsskål thought that citizens should have the right to defend themselves publicly before an impartial court, but he was forced to see that this right was denied him. After the publication of his booklet the Council of the Realm ordered it to be confiscated. Rector Linné was given the task to collect the copies, although he managed to gather only a small part of the edition. A long and futile exchange of letters with different bodies of the opposing machinery ensued. With the help of professor J.D. Michaelis from Göttingen Forsskål was appointed as a natural scientist to the expedition to Arabia by the king of Denmark. After prolific gathering of observations and various mishaps Forsskål passed away in Jemen.

It is easy to agree with the Swedish writer Thomas von Vegesack: "The significance of Forsskål's theses can hardly be overrated. His book is a summary of those demands which in the Europe of Enlightenment could be put to society."

How a Priest Found Politics

The foremost Finnish social thinker of the Eighteenth Century was Anders Chydenius. However, as I will show, his thought had not only a local interest, although the discontent of the people of Chydenius' home county Ostrobothnia certainly forms a causal precondition for it. Because of the turn Chydenius' thought took, it must instead be judged as belonging to the most important social and political philosophies in the fascinating world of the Eighteenth Century in general. Like most of the early modern philosophers, Chydenius had no academic career, and he can be considered a "philosopher" only due to the general theoretical significance of his writings. His name does not appear in ordinary curricula around the world, but this can be explained by reference to the unhappy situation that the great bulk of Chydenius' writings has so far been available only in Swedish and Finnish.

Chydenius acted in Ostrobothnia first as the curate of Alaveteli, then

as the pastor of Kokkola. Compared to Peter Forsskål he became more an Enlightenment influence at the level of national Swedish politics. He was also a comparable phenomenon to Adam Smith as a formulator of economic liberalism, albeit independently of Smith. Economic freedom was important for the Finns for exactly the same reason as for the Scots in the period of their unification with England. Abandoning the barriers of trade was a common goal and so it was no wonder that there was a congruence of thought. The political career of Chydenius was made possible by the Swedish Diet, through which the periphery might also try to make its voice heard. In the centres of the realm direct and secretive links to the cores of power could function well enough, but for the peripheries it was important to expand freedom, publicity and the accessibility of information, and thus improve the possibilities of independent action.

The provincial meeting held in Kokkola proved to be a turning point for Chydenius. The meeting was a dramatic happening, recapitulating the long-standing struggle of the people from Ostrobothnia for their rights to engage in commerce. The issue dates back to the 1617 sailing code and its restrictions. The code gave the right to sail from the region to just two staple cities, Stockholm and Turku. Merchants from these cities transported the products from Ostrobothnia abroad. The export of tar was the monopoly of the great merchants from Stockholm, likewise all import of products. The burghers and peasants of Ostrobothnia saw this as an affront to their rights and an unjust privilege for the capital. All proposals to change the situation had been repeatedly rejected.

The lack of rights of commerce was felt in the regions surrounding the Gulf of Bothnia, and especially in Ostrobothnia. There was ongoing anger at the regulation of commerce and initiatives to have it cancelled. The Diet that opened in 1760 turned into a real confrontation. The peasants of Ostrobothnia tabled a motion to have three staple cities, while the peasants of Norrland demanded two. Petter Stenhagen, the magistrate of Kokkola wrote several accounts to prove what an injustice it was that Stockholm profited from foreign trade at the expense of the province.

Stenhagen had found also more general arguments to support his standpoint, references to the profits of the freedom of trade and even of a general freedom of occupation to the realm. The motion for new staple cities had strong support among the peasant estate, and also the nobility and the clergy tended towards it. The burghers of Stockholm however opposed it strongly, and turned it into a question regarding the privileges of all the Estates, which presupposed it would have to be approved by all.

A systematic and deep corruption had been a notorious habit of the country, with support bought by corrupting the Diet members. France, England and Russia had traditionally used large sums with varying degrees of success to direct the Swedish Diet, which had no system of wages or reimbursements. Vaasa, Kokkola and Oulu made use of this traditional means. Unsurprisingly, Stockholm could muster more wealth. The peasant estate began to waver in its stand.

The issue was adjourned. It was passed to the Council of the Realm to be cleared up, which passed it to the Councils of Chancellery and Commerce, which in turn requested a statement from the Governors of Ostrobothnia and Norrland.

At this stage the long-standing Cap an acting Governor Johan Mathesius decided to convene a special assembly in Kokkola. Chydenius says in his memoirs that the purpose of the meeting was to unite “the cities of Ostrobothnia to the countryside surrounding them”. This was done so that during the next Diet it would be possible to work together “for the already demanded freedom of sailing and to be prepared for the opposition that might come from the merchants of Stockholm and Turku”.

The provincial meeting was held in February 1763. Chydenius was asked to produce a text on the subject for the purpose mentioned above. This was the real beginning of his political career. But it was also an interesting sign of the times that such a meeting was held at all. From the time of the meeting on Chydenius was an undeniable Cap politician.

Chydenius recalls the outcome of his participation thus: “The text was courageous, and I wished to remain unknown, but there was no-one brave enough to present it; therefore I had to step forward myself and read it to the whole congregation, while the public applauded most enthusiastically...” The only version of the speech that survived is the one published by the city of Kokkola two years later, when preparations for the Diet began. Chydenius studied the material produced during the previous Diet and discussed with people versed in the subject.

Chydenius recalled later that due to envy caused by the speech he was in danger of being imprisoned, had not some of his protectors intervened without his knowledge. The truth may never be known, but the menacing situation recalled by Chydenius cannot be considered impossible. The Diet had decided to impose severe restrictions in the towns on meetings of this kind.

Johan Mathesius had well over twenty years since paid bitterly for his

political activity with Johan Arckenholtz of recruiting people against the Hats. After that the condemnatory attitudes towards such activity had only become sterner. The principle that Diet members would be answerable to their electors had been condemned as contrary to the Swedish Constitution. In its strictest form the feared imperative mandate meant that the electors could withdraw their Diet member, if he acted against their will.

Chydenius seems to have had in mind the scrutiny of the Diet members by the nation, a conception that at least came close to that of the forbidden imperative mandate, as can be seen from the sketch on freedom of the press by Chydenius found in his papers: "The freedom of a nation does not consist in the sovereign estates acting as they will, but in that the light of the nation binds their hands so that they cannot act in a biased manner." In a later version, presented to the Committee of the Freedom of Press, the passage has been moderated to the statement: "The freedom of a nation cannot be upheld by laws alone, but also by the light of the nation and knowledge of their use."

Chydenius had apparently been told that to demand that the nation needs to control the estates gathered in the Diet would lead to contestations. A safer way to express the idea would be to use the metaphor of light. The constitution did not recognize the ancient assemblies of the county, called to represent local interests. In Kokkola there were gathered representatives of different cities of Ostrobothnia, of the clergy, peasants, commanding officers of the local regiment, and even some representatives from the eastern part of the country, in all many former and future Diet members. Such a meeting was a significant "local parliament", which defied the decision of the sovereign Diet.

The imperative mandate would have been a means to control the representatives and counteract the bribes. Soon Chydenius would find out that there was also another, less harsh method: free public opinion.

There is no mention of Chydenius' speech in the records of the assembly Johan Mathesius made for the Councils, and thus it has been possible to conclude that Mathesius intentionally kept secret the demand of freedom of commerce for the Gulf of Bothnia presented by the assembly. Nevertheless the result of the meeting was the goal to have three new staple cities and to ease the conditions of four others in other ways, while also ensuring the right of sailing by peasants. Not surprisingly it was precisely the experienced opposition man Mathesius who organised such a meeting fully conscious of the dangers that went with it, and gave it the

most innocent form possible, protecting Chydenius, whose speech was not officially recorded.

Formulating General Principles

Soon after the events in Kokkola, Chydenius wrote an essay for the competition announced by the Royal Academy of Science on the causes of Swedish emigration and the means to prevent it. Trying to find the causes and formulate general explanatory principles was characteristic of Chydenius' activity, not only in this one essay but also later on.

The script was in fact a broad and grim political pamphlet, where Chydenius already discussed how the light of knowledge should enlighten a free-thinking citizen elected to represent his estate in the Diet. Chydenius summed up the lessons of history as an ongoing struggle between constraint and freedom. Fatherland was where one was happy, and happiness depended always on liberty. "Everybody strives after the freedom to which one is born." Chydenius elaborated his ideas further:

"Freedom is the true opposite of constraint, but as a word its meanings are much too numerous, it is most prone to be used and abused and must therefore be used most cautiously, so that it causes not more harm than good. For the freedom of certain persons has led to devastation in all states, and could prove to be such also for us, unless we oppose it in time.

We don't have to dwell on the freedom of governance itself here. It is a precious accomplishment that we never want to lose, not as long as we and our descendants will be called Swedes.

I am addressing that freedom, by which I mean the privilege of every citizen given to him by the laws and constitutions of the realm to promote his own happiness to the degree that he will not impair the happiness of his fellow citizens or of the whole society."

This was an English-type, individualistic conception of freedom in a general sense, not just limited to a few individuals or to a form of state. For Chydenius people seek help and shelter from each other and have thus left behind a natural state, where everybody is responsible only for himself. All have from their free will sworn an oath of loyalty to the Swedish Crown. Love towards it rested on the foundation of freedom:

"Therefore no-one must be another's lord, no-one's slave; all have the same right, all the same interest. When this happens, the citizen has all

that he can reasonably wish for and in some well organized society attain; then no reason remains for him to emigrate...”

The Lord had, according to Chydenius, made nature perfect and man sociable, and also men’s abilities thus that the more they enjoyed freedom, the more they procured strength and comfort for the society and for each individual. Nor did freedom disturb occupations. It invested them with more vigour and movement.

Chydenius emphasized that society must protect all productive members as the apple of its eye. His views clashed completely with those of the professor of economics at Uppsala University, Anders Berch. Berch considered the existence of poverty necessary for the ruling of society, because without it people would grow lazy and stop working. Chydenius instead believed industriousness to be a natural property of men, and civic freedom would enhance and not diminish it. All that was needed to unleash it were equal rights and privileges.

Carl von Linné’s peculiar tenet about natural economy was combined in Chydenius’ thinking with ideas about natural justice coming from Pufendorf, and seemingly also from a conception stemming from John Locke. Chydenius did not dream of a return to a natural state preceding the organized society, but instead of a society where everybody would “be well”. Such a state, Chydenius believed, was connected precisely to freedom.

The prevailing contemporary economic tenet called Mercantilism relied on rules, subsidies and input from above, strict regulation and the control of occupations and industries by the state. Linné’s economical thinking instead gave a central role to an “economy of nature” stemming from God. This line of thinking had become established at the University of Turku. According to it the order and balance created by God prevailed in nature. All things had their place and meaning in the Great Chain of Being, the highest of all being man, whose utility the rest of the creation served.

From this perspective economics was based on the knowledge of nature and the utility it offered. The proper order of nature was to be followed, not disturbed. This conception of nature led to questioning political the regulation of economics and thus paved the way for liberalism. In his treatise on menial servants and later in his other writings Chydenius opposed forced measures. Like Pufendorf he departed from the natural equality between people and like Locke he thought that all people own

themselves and their labour-power, which they ought to be able to sell to the highest bidder. He defended the freedom of contracts for menial servants instead of the law on menial service.

When the Caps won the elections Chydenius became a representative of the Diet in 1765-1766, defending the freedom of trade of the cities of the Gulf of Bothnia against the privileges enjoyed by Stockholm. To advance his cause he studied the history of existing statutes and wrote pamphlets appealing to the Diet members and greater public. From practical interests he progressed to making a general theoretical presentation of his view in his booklet about "the national gain", as he said, *Den nationale Vinsten* (1765), where he formulated a comprehensive program of economic freedom.

Never in his thought did he simply defend his compatriots in Ostrobothnia. He sought universal solutions to the problems encountered. On the other hand, Chydenius was not a lone genius, without preconditions and popping up from nothing. For a great part, his ideas were anchored in the teachings of the University of Turku. When he came to Stockholm, he had an open mind, but in a scholarly sense his reading remained limited, although he obviously profited from his publisher Lars Salvius who also ran a bookshop.

In Chydenius' view knowledge of the natural order created by God was necessarily incomplete, as it had been to Henrik Hassel and his followers in Turku. A lawmaker could not have sufficient grounds for favouring some occupations, regulating labour or offering privileges to certain groups. Consequently, the best regulation was natural. It was formed by demand. Occupations attained a balance after being freed: "In this mankind is entirely like the sea, where one pillar of water affects another with an infinite pressure, but an equal respective pressure causes the surface of the water to remain level and horizontal. No enclosing of each pillar of water or other complicated measures will be needed."

This was Chydenius' defence for a free market economy, not unlike Adam Smith's "invisible hand", presented only later in print.

Already in his essay on the causes of emigration Chydenius emphasized that in a free state wide learning and knowledge is needed because the majority must settle matters. A free people could not entrust its matters to the few. The more numerous the subjects participating in the deliberations are, in some way or other, thought Chydenius, the better shall they represent society, and the less possible is it to silence them with threats, the less possible it is to bribe them.

From this he reasoned: “That it could happen, the nation must itself be enlightened, but this requires reason; this is best exercised when we write our thoughts down on paper. But for this there is no great incentive, unless printing makes it common.”

Where would a Diet member learn reason? Chydenius answered: “From all pamphlets published for and against concerning the success and misfortune of our fatherland, for thus is the truth best discovered. Therefore the legitimacy of the freedom of writing and printing is one of the strongest defences of our freedom. But if only biased arguments and corrections ever see the light, the high representatives themselves will remain in darkness. The highest power must therefore with tender and caring eyes also regard this facet of our freedom.”

Such a “tender and caring eye” could also mean the Censor representing the highest power. The contemporary Censor Niklas von Oelreich saw himself as a promoter of the freedom of the press. The term for the Swedish era of the sovereign Estates as “the Age of Liberty” comes from one of his writings.

During the Diet Chydenius concluded that political censorship was not needed at all. In England, censorship had been abolished in 1695, but it had not been replaced by a new law formulated with positive concepts, wherefore control could seek new forms. The radical Swedish *Tryckfrihetsordningen* would thus be the first nationwide liberating freedom of information act. Its founding idea can be considered to have been formulated by Chydenius: the freedom of a nation presupposes an enlightened publicity, which will tie the hands of the Estates and impede them from using absolute power. This moved the focus from the sovereign Estates to the nation in general.

Sources and Mentors in Stockholm

In his memoirs speaking of his indebtedness regarding the idea of the Freedom of the Press Anders Chydenius mentions only two names. Neither was an author of the memorial on Freedom of the Press presented to the Diet. Both were Caps well ahead in their years: the tempestuous writer on issues of the day Anders Nordencrantz; and Johan Arckenholtz, who had already served in the Chancellery under Arvid Horn, and who had later been suspended by the Hats because of his anti-French leanings.

Nordencrantz’s writings meant a lot to Chydenius. In his memoirs Chydenius explained: “When becoming a priest there was no subject I

knew less about than politics, but the Diet Journals published during the 1756 Diet opened my eyes for the first time to ideas about the Swedish form of government and our political constitutions, and when Councilor of Commerce Nordenkrantz at the 1761 Diet presented his detailed memorial to the Estates of the Realm, and this came to my possession like his other writings on the rate of exchange, it incited me to go further into such matters.”

The *Riksdagstidningar* of 1756 Chydenius first referred to was merely a bulletin containing information on the decisions of the Diet. As such it contained no political analysis and still less a critique, but its significance was in telling what the Diet was and what happened during it.

Already during the last Diet Nordenkrantz had been given permission to publish two previously written books of his, in which he strictly criticised the Hats and defended the radical freedom of the press. Nordenkrantz did not present England as a model of freedom of the press, however, because he did not approve of the Whigs who were in power. Instead he set up as a model China, widely admired in those days, about which he gathered information through citations in French from the Jesuit Jean-Baptiste Du Halde’s work in four volumes *Description géographique et historique de l’empire de la Chine et de la Tartarie chinoise* (1735), the basic work on China in the Eighteenth Century.

Even though Nordenkrantz spoke a lot about freedom of the press and opposed secrecy, he did not demand the abolition of censorship. He would have allowed even rebellious writings, which he thought ought to be publicly corrected, not punished. He would have maintained religious censorship. He would have moved political censorship from the Censor and Chancellery to the Estates.

In connection with the freedom of printing Chydenius writes of Nordenkrantz in his memoirs only that: “Nordenkrantz’s writings had opened my eyes so that I now considered it [freedom of the press] the apple of the eye of a free realm.” This frequent Chydenian metaphor of the freedom of press as the “apple of the eye” of a free nation and its constitution was in fact derived from Nordenkrantz.

It has not been possible to establish with certainty how Chydenius arrived at a conception much more radical than the one held by Nordenkrantz: the demand to abolish political censorship in general. But there is even some contemporary printed evidence enlightening the development of his thoughts.

In his memoirs Chydenius does not mention the small pamphlet published in the Spring of 1766, translated from Danish by Chydenius, including a foreword written by him and dedicated to the Crown Prince Gustav, the future Gustav the III. The Danish economics writer F.C. Lütken, versed in physiocracy, had published a chapter from Du Halde's book on the censorship during the Chinese Tang dynasty (618-907 AD). Chydenius translated this passage, following the admiration held by Nordencrantz towards China, and it forms the main content of the pamphlet.

Du Halde's text in the pamphlet begins with a reference to the ancient custom of hanging on the palace walls canvases, where the subjects could write their opinions. The author then tells of numerous wise emperors who had set themselves censors to remind them of their duties, warn them of mistakes and relate of all things concerning the government of the realm. Nothing they brought up would cause the emperor to take offence, thus they could do it openly and without fear. The wise emperors were receptive to all remarks and corrected their actions. This explained the success and endurance of China.

In his foreword Chydenius agreed with this. The same practices would lead to same results everywhere, thus also in Europe. The practice had originated already under absolute monarchy, but it could be fitted to a Swedish guise, "under the protection of the sweet name of Freedom". Light and truth should lead people, but nobody had them from their birth. Those responsible for the nation must procure them. Often the light giving splendour to the throne blinded the rulers from seeing "the destinies of their distant subjects". Behind these metaphors one can detect Chydenius' critique of those near the ruler. But, he emphasized, there were such rulers whose heart was filled with compassion, when they "stepped down to the abodes of the smallest and heard the voice of the Nation". They performed with the blessing of people deeds of everlasting glory.

"Distant subjects", "the abodes of the smallest" and "the voice of the Nation" were examples of true Chydenius in the eloquent foreword. In fact, when the pamphlet came out Chydenius had already been working for a much more radical solution than could be gathered from that publication.

In his memoirs Chydenius said of the times of the Diet begun in 1765 that the cause he was promoting "was exactly to the taste of the party that had long been underfoot and now for the first time sat at the reins,

willing to open those recesses of knowledge created by the former party, and under whose power they had so long been suppressed”.

According to preserved records, one gets the impression that Chydenius was somewhat smoothing the description of the situation. “Opening the recesses of knowledge”, freedom of information as the right to publicise official records was not even mentioned in the oldest extant version of the memorial he wrote. He may have heard such demands, but he had not adopted them initially. The passage on China might indeed reflect his earliest feelings. It presented the idea about the king and the people, and contained a gibe against the nobility.

Chydenius continues in his memoirs, here manifestly reliably: “Therefore I made a memorial of it [the freedom of the press], which I gave to the late Bishop Serenius for his use, who introduced me to the acquaintance of the late Counsellor of the Court Arckenholtz, newly arrived in Stockholm, and invited me to consult with him about the memorial. After various discussions and reflections I rewrote my memorial...”

According to his account Chydenius thus had “various discussions” over his first, extinct version of the memorial on Freedom of the Press precisely with Johan Arckenholtz. These lead to a new, but not yet final version of the memorial. We may ask why the earliest version of the memorial has not been preserved. One possibility is that it underwent so many changes that it was not worth preserving.

Jakob Serenius, an old fox and a Cap who had seen from within different stages of Swedish politics, proved a disappointment to Chydenius in this matter. Serenius did read the memorial and even shortened it, “but at the end of the draft he retorted that it was not permitted to write anything concerning the state, which shocked me greatly, since with these few words already had been allowed all that the friends of constriction and secrecy could demand, and I dissociated myself from anything like it. He complained it was a most delicate matter and had been contested, but asked me then to write in my own name as it pleased me, which I did...”

Serenius did not dare to be the one to make public the ideas expressed in the edited version of Chydenius’ memorial, but lector Anders Kraftman from Porvoo consented to do it, and the memorial was presented in his name, though according to Chydenius he was unaware of who had written it. If this statement is true, then some kind of group was in action behind the scenes. The less known Chydenius hid or was hidden behind

a more experienced member of Diet. Serenius had been quite correct in saying that it was forbidden to write about the nature of the state; the constitution just had to be followed.

In addition to the middle version the final version of the memorial has been preserved. It was slightly shortened compared to the interim version. This can be explained through Chydenius' reference to passages removed by Serenius. From the final version has been removed for example – in the words of Pertti Virrankoski – “all poisonous references to absolute power of the Estates and their high-handed behaviour and the rights of the citizens trampled by the magnates”. It certainly had not been wise to speak in such a way about the powerful.

One can ask whether Johan Arckenholtz could be the one that caused Chydenius' thought to radicalize still further. Arckenholtz stayed in Stockholm during the spring of 1765 from mid-February to the end of May. The discussions between him and Chydenius must have taken place during that period. Arckenholtz was exceedingly interested in matters of state. In his memoirs Chydenius does not associate Arckenholtz with a similar confrontation as Serenius, but neither does he specify his potential impact.

We may assume that Arckenholtz presented suggestions regarding the state in principle based on his knowledge of Europe and especially of England, and likewise considerations based on his personal experiences of suppression during the power of the Hats. As we saw, Arckenholtz, an admirer of the political conditions in England, had already in his manuscript on the interests of Sweden among the states of Europe concluded that secrecy was a left-over from the times of absolute monarchy. There is nothing to suggest that Arckenholtz who abided firmly by his stances changed his mind about this.

In the preparations for the Freedom of the Press Act England was repeatedly posited as a model. It was undoubtedly an idealized paradigm, yet not without reason, if one compared the conditions in different countries. Similar references occurred in numerous places in Europe.

A clear image of the exemplary character of Britain, certainly corresponding to Arckenholtz' thinking, is presented in the interim report of the Committee on the Freedom of the Press: “All states have experienced the fundamental benefit of such freedom, and England, that has shed blood to guarantee it, counts it among the most precious bulwarks of its constitution.” Arckenholtz was exactly the kind of person, who was quali-

fied and had a motive to convince Chydenius that instead of China he should look to England.

He could also give advice where significant documents could be found. He had in his time been responsible for the documents of the Chancery, and had spent the major part of his later life seeking, gathering, organizing and publishing historical documents. Since no documents about foreign policy of Sweden could be published in Sweden, Arckenholtz had, under the name of one of his likeminded friends, published them in the promised land of forbidden books during Enlightenment, the Netherlands.

Arckenholtz was bitter at having had to be the first to suffer an attack from those opposing the moderate foreign policy of Arvid Horn, had lost his office and later finally became a political exile to Kassel, even if as a librarian to the Duke, who at that time was the King of Sweden. He was seeking recompense, in practice a retirement allowance, of which the downfall of the power of the Hats gave him hope. He was oppressed by his "misfortunes", as it was said, to the extent that it is impossible to imagine that he would not have unburdened his mind about them to the young Chydenius even under the new situation. Talk of the behaviour of the Estates and oppression of civil rights sounds very much like the agony of Arckenholtz.

But it is hardly justifiable to claim that Arckenholtz is the source for the most important emphasis of the memorial by Chydenius, the vision of the free competition between differently minded writers as a method for reaching the truth. Chydenius believed such a method had been in existence in China, and he thought it efficient under all conditions, forgetting China's absolute monarchy. Emphasis on this critical method of finding the truth was what most clearly separated Chydenius from the previous conception of political publicity as information meant to firmly establish the power of the Estates, propaganda for the Diet. The solution advocated by Nordencrantz would only have strengthened the power of the estates.

This fundamental idea in Chydenius' memorial has been ignored in various later commentaries. It has been discussed who would be held responsible in the case of an offence of the Freedom of the Press Act, the publisher or the author. During the discussion Chydenius shifted his stand from the responsibility of the former to the latter, but from the beginning he regarded both options. Chydenius thought that in England the responsibility was the printer's, and therefore supported such a solution at the outset.

However, the crucial issue, the main goal of the freedom of the press was according to Chydenius something else. He formulated it by saying that freedom in these matters gave birth to “the competition of the pens”. This had to be encouraged. Its impact was most precious:

“No fortress can be praised more than the one that has endured the hardest sieges. If the goal is unclear, then truth must be sought through the exchange of writings. [...] False writings shame their authors but profit the nation in that truth is argued for and embedded more deeply.”

Chydenius defended the seeking of truth through statements of different standpoints, through “the exchange of writings”. The statements that had endured the hardest critique would be the strongest. This reminds us of the spokesman for an Open Society in the Twentieth Century, Karl Popper, and his doctrine of the strengthening of scientific hypotheses caused by the attempts to prove them false, “corroboration” as he said.

Chydenius’ argument was a remarkable insight. Though today we may understand that politics cannot be reduced to knowledge, but presupposes various values and goals, the value of critically evaluated knowledge for politics will in no way lose its weight.

Three Memorials by Different Authors

While writing detailed pamphlets about the freedom of trade Chydenius had, because of his position at the Diet, been given permission to study old documents, often containing surprises and significant for formulations of standpoints. Probably this manner of working had a part in paving the way to a demand of publicity of official documents.

Three memorials were presented to the Estates as the freedom of press was taken into scrutiny in the spring of 1765. The first two were made by Historian of the Realm Anders Schönberg and Ensign of Artillery Gustaf Cederström, both the middle of May. The third and last a month later was Chydenius’ presentation. Of these three only Chydenius would participate directly in the preparation of the Freedom of Press Act.

Schönberg gave detailed arguments about everything that should be banned, but this was not the main point. Schönberg’s memorial repeated the one he had presented to the previous Diet. It dealt with the publication of official documents widely and in a positive tone. Already the Hats had begun publishing the documents of the Diet, although restrictedly. Their aim was not to forward freedom of opinion and critical debate, but

to spread knowledge about the fruits of their power and thus strengthen their position. This practice did also not originate in the Freedom of the Press Act, but it was in contrary a part of the development leading to it. Despite the seemingly liberal stand of his memorial Schönberg spoke for censorship.

Cederström for his part suggested a whole new idea, a kind of voluntary advisory censorship. Like Schönberg he too presented a long list of documents that should be allowed to be published.

Chydenius was the only one to demand the complete abolition of political censorship in general. It was Chydenius' programme that would be realized in the famous Freedom of the Press Act of 1766.

It must be said that the programme was not presented in full in the memorial to the Estates by Chydenius. It was significantly completed in the later work of the Committee, which made it so uniquely all-encompassing. It is evident that other people and not just one person had an impact on the final formulation of the law and in general on its birth, as is customary to a Diet.

The preceding discussion from the previous Diet to the present one had dealt only with the right to publish more freely, and not with the complete abolition of political censorship. A substantial and exceptional new idea was called for. Chydenius had precisely one that would serve: the competition of pens. It was a method that would bring out the truth by itself. Nobody could stand above it to regulate its course.

A unique feature of the Swedish Act, in addition to the freedom of writing and printing, was the freedom of access to public documents, the citizens' right to have information about documents the public officials had in their keeping. Highly significant too was the positioning of this right as primary and leaving of the necessary restrictions to a secondary position. Such an order of importance is proper to all subsequent laws on freedom of information. It is still a valid principle.

Originally this idea did not come from Chydenius. When the Caps gained central positions several people suggested publishing the documents concerning the Diet. It was considered necessary for gaining general confidence and deflecting suspicions. The general motives did not much differ from those that the Hats had had previously. Such motives of course would differ according to who felt or thought their policies have been successful or could at least trust in their success. It had become the

habit that during the Diet information about it was published and censorship was more moderate than at other times.

It was debated whether the records making public all discussions ought to be published, or just the specific memorials produced over different issues. One argument against the publishing of the records was for instance that the Diet members had greater freedom of expressing their opinions, if it were known that the records would not be made public.

In his speech concerning the issue in the Great Committee Chydenius had on 3 April 1765 declared unequivocally that both records and memorials ought to be freely published. He defended this view on several instances. It was in accordance with his view about the necessity to regulate the Diet, which he did not see as a body of absolute power. However, the result was then, contrary to Chydenius' view, that only the memorials would be published, not the records. This early speech proves that quite soon after the Diet had commenced Chydenius sustained an extensive publicity of official documents, at least as concerned the Diet, but at that date he apparently did not yet connect the issue with the freedom of printing in general.

Anders Schönberg Gives a Formulation for the Freedom of Information

The memorial by Anders Schönberg, a Hat, had been prepared during the previous Diet of 1760-1762 in a committee set by the Great Committee of the Estates. Despite approving of retaining censorship and listing prohibitions, the memorial defended an extensive publicity of official documents. From the perspective of the history of ideas it is a significant document, because it presents the principle of the freedom of information in a clear cut form.

Another matter is that during the previous Diet governed by the Hats the delicate matter of freedom of press was altogether abandoned, including the principle of publicity that had been drafted.

What did Schönberg's memorial, the basis for what came later, contain? Firstly it dealt with publishing documents of trials:

“Once any documents, judgments or records of any description have been issued, whether in earlier or more recent times, by any courts of law, government departments, consistories or other public bodies, the Committee finds no reason to ban their printing as they stand, with no

other examination beyond their being reported to the censor, who is then obliged to subscribe his name to them, in so far as no censorship can alter a legally issued document. It should be possible to remove only what relates to serious, less familiar crimes or anything else that is not entirely consistent with decency". It would not be necessary to print everything that had been brought up during a process. From an exchange of submissions however, the submissions of both parties to the court of law should be printed.

Contrary to the royal letter from 1735 that had been the foundation for the former practice, the memorial proposed that it would be useful "if all votes are disclosed together with the names of the voters, both when votes are reported to the Crown by the court of appeal and the major government departments in accordance with chapter 30, § 3 of the Code of Judicial Procedure and when one party, or whoever it may be, in any court of law, government departments or any public body, requests the release of the voting record or of reports by public officials concerning rights of individuals, which the Committee believes may then safely be printed;" A restriction as in previous times would regard only the highest power: "... it does, however, make an exception for the votes in the Council of the Realm, which are scrutinised only by the Estates of the Realm..."

The memorial thought that publicity would promote the attention of the public officials and judges making their decisions, likewise the education of public officials: "...that hereby the inestimable benefit will be obtained that none but mature and competent men would apply for such offices in which the rights of a citizen are put to the test, when it will not be so easy to fell under the influence of an ill-considered voice as it might be when it is concealed under an injurious silence..."

Anders Schönberg's memorial went even further: "The Committee further considers it to be necessary to allow the printing of all the official correspondence, judgments and verdicts, resolutions, edicts, instructions, statutes, regulations and privileges, of whatever kind or nature they may be, from the Crown, appeal courts, government departments and public officials; likewise all the memorials, applications, projects, proposals and the like submitted by private persons or individual societies and public bodies to the Crown or the Estates of the Realm, to the appeal court, government departments and state officials, as well as all reports, projects, official proposals, appeals against and responses to these, as also all accounts of parliamentary proceedings submitted by the officials to the Crown or the Estates of the Realm and all the verifiable activities of and duties

performed by officials, lawful as well as unlawful, with what occurred in connection with them, beneficial or deleterious. In short, whatever is not contrary to the basic rules outlined above for the censorship should be allowed to be printed subject to the appropriate censorship.”

The breathtaking list continues about printing the documents of the Diet: "...the Committee has not, however, felt able to recommend a ban on the printing of the resolutions issued by the respective Estates and of the protocols and reports of the committees; nor does the Committee find that there is any obstacle to the printing of parliamentary memorials, once the secretary of the Estate has certified by his signature that they have been read to the Estate and that the author of the memorial has either received the permission of his Estate to present the memorial to the other Estates, or that the memorial has been approved outright or referred to some committee.”

However, an important restriction ensued: “The Committee likewise recommends that all documents and papers that are produced during sessions of Diet and that provide useful information may be printed, as they should not be kept secret and concealed, although the signature of the Censor is required in all such cases...” Even though a document concerning the Diet would not be defined a secret one, it had to provide “useful information” and have the approval of the Censor. In other words, it remained the task of the Censor to decide on the basis of directions received what was useful. In practice this left the censor unlimited possibilities of political power. The memorial did not take the stand that publishing opposing standpoints could be useful.

Schönberg’s memorial saw no contradiction between publicity of official documents and preserving the Office of the Censor. The silent precondition seems to have been that the persons who prepared the memorial who had long been accustomed to the power of the Hats could not imagine a situation where radically different and contradictory standpoints would struggle for the favour of public opinion. They could not comprehend it as a method of seeking the truth.

If openness, on the contrary, were to be realized as a method of “seeking the truth”, what would there be left to do for censorship? Chydenius’ answer was unequivocal: nothing. The specific Office of the Censor and censorship by political officials in general should be abolished, as Chydenius claimed had been done in England.

Neither freedom of the press nor the principle of publicity were as such invented by Chydenius, but it was his action during the Diet that

was central to having these reforms realized and to giving them their final form. It was all about much more than presenting good arguments and the approval they received. A factor in the approval was that the Chancellery had long had problems keeping up censorship. The outcome of course presupposed a change in the political relations of power, the Caps winning the elections, new modes of thinking and new coalitions of people within the Caps. There were also some incidental happenings that proved lucky for Chydenius and affected the result.

The heritage concerning the publicity of official documents could be termed as a tight knot, which Chydenius opened with one stroke directed at censorship. His conclusion was namely that the publicity of official documents that depended on political censorship would be no publicity at all. Freedom and constraint could not be united.

The Final Decisions: Freedom of Information without Censorship

Chydenius believed that the people ought to be able to regulate the Diet and its representatives in it. Therefore a free state required a wide foundation of knowledge. The majority of the nation should be able to settle matters in light of its enlightenment. It was not just a question of the freedom of an assembly of the Estates, but a deeper issue of civic freedom and the enlightenment it presupposed. These could be brought about by publicity, not by a censor's judgement.

On 26 August 1765 the Great Committee set up a specific Committee to look into the Freedom of the Press, and Chydenius was appointed one of its members. The Committee acquired all memorials on the freedom of the press and investigated its history. If not before, then at this stage the whole range of the freedom of information must have become clear to Chydenius. It corresponded fully with the ways of thinking he had already adopted, wherefore he became its most consistent speaker and writer. Having discussed the restrictions necessary for freedom of press the Committee made a declaration at the end of the same year, 9 December 1765, about the publicity of official documents, or as Pentti Virrankoski has summarized it:

“All decisions, proposals and edicts by Committees and High Courts, not to mention the lower instances, could be published freely, and citizens ought to have an access to archives and copy them if they wanted. Likewise, records by all offices, even the Council of the Realm itself, and furthermore all documents presented at courts of law, though regarding

these some privacy of individual persons was to be respected. It was even proposed that public officials ought to hand over the documents for publication or they could be dismissed.

“It ought to be possible to make comments and proposals concerning all laws and other statutes, whether these had been passed or were just being drafted. It should also be permitted to write about foreign policy, and all treaties made with foreign powers ought to be public, unless they had specifically been declared secret. It should be possible to freely publish and comment on the history of the state, both national and in general.”

It was clear that publicity should be primary, and that what remained secret was to be a secondary exception. That is what the principle of publicity is all about. Not even the Council of the Realm, that is the government, was left outside the general principle of publicity. Even though many demands were the same that had been presented during the previous Diet but left unrealized, the policy had become more resolute. Prohibiting secrecy at the peril of dismissal was an unheard of means, and unheard of was also interfering with the world of secrecy that had covered diplomacy through the ages.

At the next meetings, held during December, Chydenius acted as the Committee’s secretary. The Committee proposed, again in the summarization by Virrankoski:

“...that the memorials presented to the Diets could be published by the permission of the respective estate and the responsibility of the one who drafted the memorial. The Committee furthermore wanted to make public the reports of the Committees and the records of the Committees and meetings of the Estates.”

The example of England proved also that publishing the documents of the Diet was an efficient way to instruct those who attended the Diet for the first time. Furthermore, publicity was the only means to check whether Diet members were promoting the well-being of their electors and the Realm, because – in the words of Chydenius – “there is no other way to make responsible those who have the highest power.”

The grand debate processed the interim report of the Committee of the Freedom of Press, which contained the proposals, much later the next spring, on 7 March 1766. As was to be expected, there were doubts about the proposal leading to control of the members of the Diet by their electors against constitution. Chydenius managed to defend the interim report skilfully, and it was accepted with a few reservations. The struggle

Chydenius went through to get political censorship abolished was complex and extremely close. The report Chydenius finally drew up and dated 21 March 1766, ended up as the stand taken by the Committee of the Freedom of Press.

Censor Niklas von Oelreich who was heard as an expert during the drafting did present a vision to preserve censorship on a new basis. He admitted it was necessary to correct some failings and drafted a plan for a whole new office with several officials who would control and regulate political writings towards useful subjects, helping the authors in various questions beginning even from problems with language. Chydenius responded politely, that giving up the office of Censor von Oelreich would have even greater glory than Gilbert Mabbott who resigned from a corresponding one in England in 1649 and declared it detrimental.

The proposal of such a new office had patently a contrary effect on the Committee of the Freedom of the Press than von Oelreich had assumed. The arguments with which he opposed the responsibility given to uneducated printers, the stand previously taken by Chydenius, however must be considered significant. Chydenius then changed his view so that if a work was found to contain criminal material in a normal court of law, the responsibility was the author's.

At the final presentation to the Great Committee on 7 August 1766 something surprising came up. Baron Gustaf Reuterholm presented a tedious two and half hour defence of political censorship. He managed to infuriate his audience so that they turned against him, and the estate of the burghers could decide over the subsequent procedure. When the proposal for an extensive freedom of press was passed on in the name of the Great Committee to be processed further, the assemblies of the Estates accepted it without objections. That was all that the Swedish Parliament Act required. Even though Chydenius was dismissed from the Diet because of presenting opinions concerning monetary politics against the views of the Caps – the Freedom of the Press Act not yet being effective – the stands he had drafted were presented to the Great Committee and were inscribed into the Freedom of the Press Act which ensued on 2 December 1766. It is probable that the real reasons for the end of Chydenius' first career in the Diet had to do with the Freedom of the Press Act, which actually was against the will of the leading Caps.

The freedom of information must be regarded as a heritage of the earlier Diets, indeed from the Hats, although unrealized and contradictory, combining the fire of openness and the water of censorship, but

now it was given a new approach. The principle could become efficient only when combined with the abolition of political censorship. Anders Chydenius' work combines the two. It would seem that no single ingredient of the Act was especially invented by Chydenius, but his mode and zeal in combining the different ingredients produced something unprecedented. The same can be said of his work for these principles during the Diet, which resulted in the first Freedom of Information Act in history.

In the last instance the Act was given the firm protection of the constitution. In his foreword to the China pamphlet Chydenius had spoken about freedom of expression as the "apple of the eye of a constitution", but it is not known who made the last minute additions. This ascension in worth proved in fact fatal after some years, when King Gustav III as a consequence of his 1772 coup abolished the old Constitution. Despite the later, less strict versions of the Act, the Act of 1766 was to become an ineradicable part of development of consciousness of justice and practices of publicity. Its place of honour in the constitutions both of Sweden and later of independent Finland the Act regained through time.

A Global World Needs Openness

The Freedom of the Press Act of 1766 was not a radical upheaval in practice. The writers were cautious, as the responsibility was now theirs. There began to appear a lot of writing under pseudonyms, though more serious academic writers were slow to come out. But the printers profited. Journals and political pamphlets flourished. Political newspapers were born. The first Swedish daily newspapers began their careers. Chydenius' Act was opening a new political publicity.

Restrictions were soon added to the Act. The first three articles defined what could not be criticized: religious dogmas and constitution, the Royal family, the Council of the Realm and the Estates. In practice the threat of a suite of law was imminent for instance because of the following prohibition: "Let no one use public writing to make debasing statements about the crowned heads or their closest relatives nor yet of the reigning foreign powers." This was not what Chydenius had in mind, however much he may have appreciated the Crown Prince.

The impact of the law was also weakened. Some months after the Act took effect there ensued a royal declaration and caution about "spreading untruthful rumours". Chydenius and various others had considered the freedom of spoken word unlimited. For this reason, they had paid no attention to it. But the situation was changing. As early as March 1767

the Council of the Realm ruled by the Caps issued a ban not to write too freely about matters concerning government.

Restriction of spoken statements revealed a problem of the law. Attention had only been paid to text, either handwritten or printed. The Constitution of the United States would not have this restriction, combining directly the two issues: “the freedom of speech or of the press”. What was ignored by the Constitution of the United States was instead the Swedish speciality, the freedom of information, the openness of official documents.

England had been an example for Chydenius of the abolition the office of the censor. In reality England developed a masterful censorship of mail independent of the law. A Freedom of Information Act took effect in law in the UK England as late as the beginning of 2005.

The threads woven together by Chydenius have experienced a series of reformations and restorations. Only the openness revolution of the 1990s has made it globally irreversible, even if setbacks are a reality too. It seems to be a historical process, which in a restricted sense can be said to have a direction, growing openness – though not as a definite goal, which evolution in general does not have. The starting point is comprehensive secrecy, which little by little begins to open disparate targets of democratic processes. “Full openness” is nevertheless neither the goal of the process nor possible. Openness always has its opponents. Privacy, for instance, needs to be protected. Openness is a matter of ongoing struggle.

In a global world everybody begins to be in the same position as the curate from Alaveteli. Power is somewhere far and its cores are shadowed by secrecy. More and more people realize that they need the kind of information that Chydenius already had in his mind. The possibility to get it freely, consider it and express one’s thoughts without fear were, according to Anders Chydenius, the preconditions for the wealth, stability and well-being of nations.

References to the literature concerning Anders Chydenius are to be found on the home pages of the Anders Chydenius Foundation, www.chydenius.net. Unfortunately, the most extensive studies are not available in English. A critical edition of Chydenius’ writings is in the process of being edited, together with an English translation of his main works. Thanks are due to Taina Rajanti, Mark Waller and Peter Hogg for the English of the present study.