

Freedom of Speech in Finland 1766-2016

A Byproduct of Political Struggles

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Abstract

Finland's history of freedom of speech and press is reviewed here from the same famous starting point as in Sweden: 1766. While Finland, at the time part of Sweden, contributed significantly to the world's first press freedom law passed by the Diet of the Kingdom of Sweden, the founding soon thereafter of the first newspapers in Finland was in no way a result of the legal framework, but rather of the prevailing cultural and economic circumstances. Legal and political regulation played a greater role after 1809, when Finland was ceded to the Russian empire. The century of Russian rule was first favourable to the cause of press freedom, as well as to the rise of civil society and nationalism, but after the 1890s, it became detrimental to press freedom, with harsh repression and censorship. Independent since 1917, Finland provides both positive and negative examples of press freedom. Overall, the 250-year history of Finland serves as a textbook case of how freedom of speech is dependent on the political balance of power rather than on formal laws as such.

Keywords: freedom of speech, press history, Finland, Sweden, Russia

This chapter marks both 250 years since the first Freedom of the Press Ordinance of 1766 in the Kingdom of Sweden, which at the time included Finland, and the centenary of Finland's independence being celebrated in 2017. It is based on a reader on past and present issues of freedom of speech in Finland, published in Finnish in 2015.¹ What follows is an outline of the history of the Finnish press, seen in the context of the country's political history. At the same time, this is a story of nation building amidst internal and external struggles. Freedom of speech is understood here as an umbrella concept covering both the constitutional right of individuals to freedom of expression and a political-legal frame-

work for press and other media. This chapter focuses on the latter aspect: the political history of Finland, its media and the relevant legislation.

Finland's history is typically divided into three stages: the period of Swedish rule from about 1150 to 1808, the period of Russian rule 1809-1917, and independence from 1917 onwards – first over six centuries as an eastern province of the Kingdom of Sweden, then a century as a Grand Duchy of Czarist Russia, and finally the past hundred years as an independent republic.² The same division into three serves as a natural framework for reviewing the history of freedom of speech in Finland.

Swedish rule (1766-1809)

King Adolf Fredrik issued *Förordning angående skrif- och tryckfriheten* [His Majesty's Gracious Ordinance relating to Freedom of Writing and of the Press]³ (hereafter the Act) on 2 December 1766, after it had been passed by the *Riksdag* [the Diet] of the Kingdom of Sweden (composed of the estates of nobility, clergy, burghers and farmers). The process in that body is a story in itself, with a significant role having been played by a Finnish representative of the clergy, Anders Chydenius⁴. While the preparation and the Ordinance, referred to below as the Act, have been covered in greater detail elsewhere (Wennberg & Örtenhed 2016, especially its chapter by Marie-Christine Skuncke), suffice it here to make three general points:

First, the Act was unprecedented as it introduced a fundamentally new approach not only to publishing (replacing censorship with freedom), but also to politics (replacing secrecy with transparency). Second, the Act resulted from a complicated struggle between political forces, whereby the conservatives ('Hats') were defeated by the rising liberals ('Caps'). It may be even claimed that the Act was a byproduct of circumstances – a happy coincidence rather than a project in its own right. Third, the ideas involved were not the invention of the *Riksdag* or of politicians such as Chydenius, but they emanated from a wider history of ideas pervading Europe at the time. And here the credit should chiefly be given to Peter Forsskål – another Finn, whose pamphlet *Tänkar om borgerliga friheten* [Thoughts on Civil Liberty] was published as early as 1759.⁵ This manifestation of pioneering liberal thought can be seen as an intellectual forerunner of the Act (see Nokkala's chapter in this volume).

The first newspapers

Five years after the 1766 Act, in 1771, the first newspaper was founded in Finland: *Tidningar Utgifne Af et Sällskap i Åbo* [News Issued by an Association in Åbo] – Åbo, in Finnish *Turku*, was the provincial capital on the south-western coast of Finland. The paper was published in Swedish, the language of administration and the elite, by the Aurora Society of learned men, including Henrik Gabriel Porthan⁶ and Bishop Carl Fredrik Mennander (who later became Archbishop of Uppsala). It contained news, information and literature and was addressed to a narrow elite, while the bulk of the populace remained illiterate with no access to sources other than the Lutheran Church and word-of-mouth information. However, only five years later, in 1776, the first newspaper was established in Finnish: *Suomenkieliset Tieto-Sanommat* [Finnish-language Knowledge Messenger] by the parish priest Anders Lizelius, offering news and educational information for rural people. Its content was very wide-ranging and its Finnish language perfect, but it only survived for one year.⁷

The faltering history of the Finnish press continued in 1782 when *Åbo Tidningar* [Turku News] revived the legacy of its predecessor, with Porthan still at the helm – by now a professor of the Royal Academy of Turku. The paper came out in Swedish once a week, with an emphasis on domestic news and information as well as history and geography. It survived for less than four years, but reappeared in 1789 as *Åbo Nya Tidningar* [Turku New News]. This was issued regularly for only a year and after another interval continued from 1797 as the only newspaper in Finland.

Note that during the first decades of the Finnish press, the 1766 Act was no longer in force; it was repealed in 1772, together with other constitutional laws, by the next King of Sweden, Gustav III, who in 1774 issued the decree *Förnyade förordning och påbud angående skrif- och tryckfriheten* [Revised Ordinance and Act relating to Freedom of Writing and of the Press], which not only curtailed the freedom granted by the original Act, but also deprived the Act of its constitutional status by transferring the power to legislate on press freedom from the *Riksdag* to the King.

Nevertheless, the slow and shaky beginning of the press in Finland was by no means a consequence of a lack of constitutional protection of

press freedom. The legal framework had no significant influence on the founding and operating of these provincial publications; they were the politically innocuous instruments of the elite. Finland was an idyllic eastern part of Sweden with no other real public sphere than the Church and a limited academic elite. Freedom of speech, or its absence, persisted mostly as oral culture in local communities. People in general were illiterate and led their everyday lives without immediate contact with the wider world.

A provincial backwater

A more important factor than the legal status of publishing was the peripheral status of Finland under Swedish rule. As Sweden's eastern province, it had a well-established administration, a strong church and even a university – the Royal Academy of Turku being the third in the kingdom after Uppsala and Tartu, all founded in the 17th century. Still, Finland remained a backwater compared to mainland Sweden and its capital Stockholm, the site of all major events in the kingdom. In Stockholm there was also an influential press, where many Finns preferred to have their material published instead of the fledging papers in Turku. Moreover, the Stockholm papers found their way to Finland and were read not only in Turku, but also in other circles along Finland's western coast, by individual clergy and merchants.

Here we should keep in mind that the press was established in Sweden over a hundred years earlier than in Finland – already in the 17th century, when it typically emerged in other European capitals. The Swedish newspapers were first founded in Stockholm, and it was only during the last three decades of the 18th century that they began to be published in the provinces, beginning with Gothenburg and gradually reaching most provincial centres – including Turku.

Russian rule (1809-1917)

Sweden lost its eastern province to Russia in the war of 1808-09, and Finland was granted the status of an autonomous Grand Duchy of Russia.⁸ Finnish-born generals Gustaf Mauritz Armfelt⁹ and Georg Magnus Sprengtporten¹⁰, along with a growing number of the Finnish

military and cultural elite, were disillusioned with Sweden's role in the Napoleonic wars and are alleged to have defined the historical place of Finland in 1809: "We are no longer Swedes, we don't want to become Russians, so let's be Finns."

In March 1809, Czar Alexander I met the representatives of the Finnish estates in Porvoo – a small coastal town symbolically halfway between St. Petersburg and Turku – and promised that Finland could retain her laws and religion as they had been under Swedish rule. Accordingly, Finland was not totally annexed to another empire; she was even allowed her own Diet of four estates and her own of government, called the Senate, but still under the Czar and his Governor General. The currency was changed from the Swedish crown to the Russian ruble – a move that had practical consequences for the entire population. A more symbolic move was that Turku was promoted from a provincial centre to the capital city of an autonomous Grand Duchy.

More newspapers

Due to this move, Finland's only newspaper *Åbo Tidning* became the official paper of the country, now called *Åbo Allmänna Tidning* [Turku General News]. More papers were founded in Turku, inspired not only by the country's new status, but also by an awakening of nationalism and romanticism among the elites. Attention turned to folklore, national identity and Finnish as the grassroots language – all duly reflected in the press. However, the discourse and the papers continued to be mainly in Swedish and circulated only among limited cultivated circles.

While Turku, its Academy and the Finnish press were gaining momentum, the political atmosphere in Russia regressed after the defeat of Napoleon and the 1815 Congress of Vienna, followed by the "Holy Alliance" of Orthodox Russia, Catholic Austria and Protestant Prussia – all of them wary of liberal and revolutionary movements. Russia began to apply its censorship act of 1804, especially after Alexander I was succeeded by Nicholas I in 1825, and there were also reverberations in Finland. Sweden, on the other hand, moved in a liberal direction after a new freedom of speech act in 1809; together with Britain, she was among the freest countries in Europe.

The transfer of the Finnish capital from Turku to Helsinki in the 1810s was a major administrative and political innovation. Helsinki was a small town in the middle of Finland's southern coast. The move was intended to loosen the historical ties with Sweden and to integrate Finland into imperial Russia. Actually, Helsinki grew into an impressive capital with Empire-style architecture. It also initiated its own press, first and foremost a new official paper for the country *Finlands Allmänna Tidning* [Finland's General News]. However, Turku continued to be the stronghold of the Finnish press in the 1820s, when the second Finnish language paper *Turun Wiikko-Sanomat* [Turku Weekly News] was published there. Meanwhile, some newspapers were also published in the principal south-eastern city of Viborg – in German, reflecting the multicultural influence of nearby St. Petersburg.¹¹

Helsinki finally became the centre of Finland's intellectual life, including journalism, after 1828, with the transfer from Turku of the university, now called the Imperial Alexander University in Finland. Politically, the shift from Turku to Helsinki meant not only a severing of the old ties to Sweden and the formation of new ones to Russia, but also the construction of a Finnish national identity. Czarist Russia even encouraged such local awareness and civil society through economic policies, notably by helping merchants in St. Petersburg – beginning with the Scotsman Finlayson – to establish factories in Tampere, Finland's main inland town (founded in 1775 by the Swedish King Gustav III).

Thus a growing sense of nationhood was an inevitable, yet unintended consequence of the political move from Sweden to Russia, while economic integration with Russia gave rise to the gradual industrialisation of a hitherto completely agrarian country. Compared to the six hundred years of Swedish rule, the century of Russian rule witnessed unprecedented development, both materially and psychologically.

Institutionalisation of censorship

Paradoxically, all this happened under increasing political pressure from the Czarist regime. A sign of the tightening grip during the regime of Czar Nicholas I was the Censorship Decree of 1829, setting up a centralised system for the advance control of both the press and works of science

and art in Finland. The topics particularly covered by censorship were Czarism, religion, public decency and personal honour, but the Decree was fairly vague, leaving ample room for interpretation at the discretion of the Supreme Censorship Agency. In fact, for years the Decree served more as a potential threat than as a real curb, while the general atmosphere in the country was fairly peaceful and the common people downtrodden, as they had been for centuries.

In this situation, more papers were established with the Senate's permission in the 1830s, and printing shops were also licenced to operate in the provincial towns, producing newspapers, books and commercial leaflets. At this time, Helsinki got several papers (in Swedish), including *Helsingfors Morgonblad* [Helsinki Morning Paper], which followed the same concept as Finland's first newspaper in Turku 60 years earlier: based on a literary circle around the university and mainly run by one influential person, in this case Johan Ludvig Runeberg (later to become Finland's national poet) and his wife Frederika. Its content was predominantly cultural, including translations of German and English literature, but reports from abroad also became frequent. Another new paper, *Helsingfors Tidningar* [Helsinki News], focused more on local news and announcements as well as advertisements serving commerce. Foreign news was mostly concentrated in the official *Finland's Allmänna Tidning*, which covered world events with a very wide scope.

Consequently, the press in Finland – as a many-voiced institution of the public sphere – can be seen to have really come into being during the first decades of Russian rule. Thanks to the press, Finland was fairly well connected to the rest of the world and no longer a backwater on the north-eastern periphery of Europe. At this time, more papers were also launched in Finnish: *Oulun Viikko-Sanomat* [Oulu Weekly News] in the northern-most town of Oulu, and *Sanan Saattaja Wiipurista* [Messenger from Viborg] in the south-eastern mini-metropolis, where one of its German-language papers was replaced by this one in Finnish.

However, the main language of the press in Finland was still Swedish, which was used for administration and culture until the end of the 19th century. Moreover, the public sphere surrounding the press, culture and politics was quite restricted – mainly including city dwellers, who accounted for seven per cent of the population in the middle of the cen-

ture. The potential readers in 1815 were estimated to number no more than about 20,000 – civil servants, clergymen, wealthy merchants and landowners. In the 1830s, just five per cent of rural-dwelling adult males could read and write. Only the Lutheran Church was truly in touch with the majority of the population, maintaining its own peculiar semi-public sphere.

Nationalism on the rise

A new chapter was written in the history of the Finnish freedom of speech in the 1840s through the ideas and activities of Johan Vilhelm Snellman¹², a philosopher who followed the wave of contemporary reformist ideas about society, politics and the press coming from continental Europe and Britain. He combined the Hegelian philosophy of the spirit of a nation with the libertarian understanding of the rights of the individual and free competition. For Snellman, the press was an ideal platform for both representing the national spirit and promoting freedom of thought and expression. This required that the press be an independent institution and that it monitor the state and society in the public interest; in other words, the press was to operate as the “fourth estate”. This also meant that the press was assigned a very important role in society – not only as a passive channel for information, entertainment and commercial objectives, but also as an instrument with which to fight for higher objectives.

For Snellman, the press in its contemporary form was mostly too passive and acquiescent to the political and cultural status quo; he wanted the press to become an eloquent advocate of Finnish nationalism, an ideology based on Finnish culture and language. He became a leading “Fennoman” by founding in 1844 the weekly paper *Saima* – paradoxically in Swedish – in Kuopio, a provincial town in eastern Finland from which he called vociferously for a national awakening until 1846, when the paper was closed down by the Russian Governor General Aleksandr Mensjikov. The grip of censorship tightened, while the Fennoman-led opposition gained strength, with its Finnish-language flagship *Suometar* launched in 1847. In 1850, a decree was issued forbidding the publication in Finnish of anything other than commercial or religious material. The Language Decree was not just a response to rising unrest in Finland, but also part

of a broader strategy on the part of Czar Nicholas I to isolate Russia from the revolutionary movement sweeping across Europe in the late 1840s.

Freedom of speech at issue

The political atmosphere became more open and liberal in 1855, when Alexander II succeeded as Czar, followed by the end of the Crimean War, which had fomented tension throughout Russia, but had also demonstrated the value of news reporting by means of the new telegraph technology. Restrictions on publishing in Finnish were lifted, and in 1866 the Censorship Decree was replaced by the Decree on Press Freedom. This meant a return to the spirit of the 1766 Act, whereby publishing of any materials should be free from prior control and only subject to post-publication scrutiny regarding possible infringements of the law. The new list of forbidden topics was long, but still in accordance with the criminal law, and in any case freedom of speech was proclaimed a human right for the first time in Finland, in line with the ideas of liberalism gaining ground across Europe. However, a peculiar feature of the new Finnish decree was an economic requirement derived from the Russian censorship practices: Every periodical publication was required to deposit a sum of money in the state treasury as a surety against potential subsequent fines due to infringements of the law. The sum was quite high, corresponding to the annual salary of the editor.

The Press Freedom Decree was prepared for debate in the Finnish Diet, which was convened in 1863, after half a century of the estates being overridden by the Czarist administration. Although pursued by advocates such as Snellman – now Senator and Director of the Bank of Finland (since 1865 the guardian of the national currency, the Finnish mark) – the Decree did not assume a form acceptable to both the Diet and the Czar. Therefore it was issued by the Czar alone, yet in accordance with his constitutional powers. The temporary Decree remained in force for less than two years and, no consensus having been reached by the Diet and the ultimate authority, the Czar issued a new Printing Decree in 1867, more or less reverting to the earlier modality with censorship. History seemed to be repeating itself: The liberal legislation was short-lived and was repealed by a ruler with a fairly liberal reputation.

In practice, however, the new printing decree did not drastically change the situation – for the time being. The press and literature were expanding from the 1860s onwards, especially in the Finnish language, following a decree which gave Finnish the same status as that traditionally enjoyed by Swedish. At this stage, the Finnish-language papers already accounted for half of the total press circulation. However, tension persisted between the Czarist authorities and the Finnish press, and the Diet continued to push for press freedom legislation until the 1890s – without success. The 1867 Decree including censorship remained in force until the end of Russian rule, but the reality of press freedom and public debate continued to be fairly favourable until the last decade of the 19th century. Yet the assassination of Czar Alexander II in 1881 was a reminder of the empire's instability, encouraging his successor Alexander III to maintain a firm grip on press freedom and censorship throughout Russia, including Finland, while he was otherwise fairly supportive of Finland's autonomous status.

Progress on all fronts

In general, the 1860-80s was a period of rapid development in Finland, both economically and politically. Finland even established its own army based on conscription, replacing selective compulsory service in the imperial army. Industrialisation surged ahead, giving rise to the emergence of an industrial working class, and politicisation was expedited by the continuing rise of nationalism. Basic education was organised, with municipal schools gradually spreading throughout the country. A lively (Finnish-speaking) civil society sprang up alongside the older (Swedish-speaking) elite, with the press playing a decisive role. The literacy rate was 12 per cent in the 1880s and by 1900 it had reached 40 per cent. By the turn of the century, there were over 70 papers throughout the country, most of them published in Finnish and reaching practically all households.

This was a time when the civil society began to generate political parties and most papers were involved in this process. Accordingly, the press was grouped around the main political orientations: the traditional Swedish-speaking elite, the Finnish nationalist movement divided into

conservative ‘Old Finns’ and radical ‘Young Finns’, and the working-class socialist movement. The flagship of Old Finns was *Suometar* [Newborn], the Young Finns had their *Päivälehti* [Paper of the Day] and socialists their *Työmies* [The Working Man]. The latter was published in Helsinki and, together with emerging labour papers in other industrial towns, its circulation gradually surpassed that of the other political groups. In general, press and politics were inseparable and most of the political parties’ founding fathers were also newspaper editors.

Czarist repression

The politicisation process in Finland was galvanised in the 1890s by a new Czarist policy of repression, beginning with the new Printing Decree of 1891, with ever-stricter controls. Once again, for Czarism it was not just a Finnish issue, but part of a broader strategy to contain the rising discontent in Russia – especially the left-wing movement, which in 1898 was organised as the Russian Social-Democratic Workers’ Party. A landmark blow to Finland was the Manifesto issued by Czar Nicolas II in February 1899, transferring all legislative power to the Czar and reducing the Diet to a talking shop. Followed by a decree disbanding the Finnish army, the February Manifesto started a five-year-long period of Russification in Finland and of crisis with the Czar and his hard-line Governor General Nikolai Bobrikov.

The Repression Period, as these years are known in Finland’s history, was hard for the press. Censorship was harsh and tens of papers were banned, among others *Päivälehti*, which, however, was continued as *Helsingin Sanomat* [News of Helsinki]. Repression of papers included both preventive censorship and post-publication control – involving not only fines, but also dismissal, detention and even deportation of editors. Nevertheless, politics and press survived and were even strengthened. In this struggle, the gap in Finland’s internal politics widened between the anti-Russian constitutional ‘radicals’ and the ‘realists’, who preferred a policy of appeasement under Czarist pressure so as to safeguard Finland’s fundamental autonomy.

Breakthrough in the political struggle

The Repression Period ended after Bobrikov was assassinated by a Finnish activist in 1904 and after Russia herself was drawn into a crisis due to the lost war with Japan (1904-05), followed by a general strike in October 1905. This was a 'quasi-revolution', whereby imperial Czarism yielded and transformed itself into a constitutional monarchy with a greater legislative role assigned to the *Duma*. The general strike spread to Finland, where its core was among the working class, calling for the restoration of civil rights and freedoms and for a constitutional reform. The first manifesto of the Finnish demands was a declaration during the general strike in Tampere on 1 November 1905, calling for the abolition of all forms of repression, the formation of an interim government, the convening of a people's assembly and universal suffrage to be established.¹³

Here, too, the Czar was forced to yield: The strike ended in November with the Czar's declaration revoking censorship, authorising the preparation of a constitutional Act to guarantee basic political rights and promising to implement a parliamentary reform.

Immediately after the general strike, the Senate set about preparing legislation with the same constitutional status as the 1766 Act to safeguard freedom of expression, assembly and association. The constitutional Act to this effect was passed in August 1906. Its first article reads as follows:

A citizen of Finland shall enjoy freedom of speech and the right to print written and visual matter, which right shall not be denied in advance.

A separate law on freedom to print was intended to elaborate this, and also the other articles on freedom of assembly and freedom of association. However, the Senate failed to pass a law acceptable to the Czar, and the freedom of speech legislation remained somewhat open to interpretation until the end of Russian rule.

Nevertheless, a parliamentary reform was speedily implemented: The last session of the four-chamber Diet approved a new constitutional order in June 1906 and the Czar confirmed it a month later, replacing the old Diet with a one-chamber Parliament to be elected through universal

suffrage. After workers, landless people and women got the right to vote, the size of the electorate grew tenfold. The first election of the world's most modern Parliament was held in March 1907 – with a free press as a vital part of the electoral process.

Czarism's last stand

This breakthrough of democracy lasted only a little over a year until a new Repression Period began in the middle of 1908: The powers of the new Parliament and old Senate were drastically reduced in the Grand Duchy of Finland – formally still autonomous but in reality taken over by the Czarist administration. The second Repression Period lasted until 1917, when Czarism was abolished by the February Revolution and the October Revolution led to the end of imperial Russia. While Russia was weakened by mounting internal unrest at the turn of the century and after 1914 by World War I, the Czarist repression in Finland remained unrelenting, trying to hang on to control over politics and press with a comprehensive policy of Russification. Yet, as in the first Repression Period, it only served to strengthen resistance, the sense of nationhood and the politicisation of Finnish society. And again, press was a vital part of this process.

Finnish rule (1917-2016)

Finland became independent in 1917, *de facto* in November and *de jure* in December.¹⁴ For 108 years, Russia had been the scene of Finland's evolution into a nation with its own economy, political system and a press upholding a growing sense of national identity – through both the supportive and repressive measures of Czarism. Although the country was ripe for independence, it would hardly have materialised without the Bolshevik Revolution – and Lenin's personal support.

Upon independence, Finland had over a hundred newspapers more or less following the party political lines already established at the turn of the century, now with the agrarian movement gaining ground in the provinces. In addition, there were many other periodicals, and book publishing had been well established since the last decades of Russian rule.

Moreover, moving pictures had entered Finland in the first decade of the 20th century as elementary film productions and cinema theatres also showing foreign films. Even radio arrived early in Finland, first through wireless telegraphy used already in 1900 for communication with a Russian battleship that ran aground in the Gulf of Finland.¹⁵

Constitutional freedom regained

A new Constitution was prepared in 1917 and formally adopted in 1919. It included the same Article on freedom of expression, assembly and association as already passed in the Act of 1906, retaining the wording quoted above. A separate Freedom of the Press Act, as required by the Constitution, followed in 1919. It specified the banning of censorship and stipulated the freedom to print without prior permission as well as the right to disseminate printed matter. It also determined how to identify those responsible for publishing, as all printed material was subject to criminal and other laws after publication. The 1919 Act focused on the press, leaving broadcasting and moving pictures to be regulated separately. However, its spirit was extended to other emerging media and hence the production of moving pictures was free, while their distribution was placed under a specific censorship board.

Accordingly, the 1766 Act of the Kingdom of Sweden was confirmed by the highest legal instance in independent Finland over 150 years later. However, one element of the original Act was lost over the course of history: free access to public documents and in general the people's right to know. This was implicitly included in the idea of press freedom, but there was no specific constitutional clause guaranteeing it. The administrative culture in Finland, inherited from Swedish rule and strengthened during Russian rule, supported the authorities – notwithstanding the opposition to Czarist oppression – and did not fundamentally challenge a secretive administration.

A guiding principle of the 1919 Freedom of the Press Act was to prevent the government from interfering in the press and other forms of publishing. Yet there were extensive provisions for the authorities to limit publications under exceptional conditions, notably in time of war. Actually these provisions were already invoked in 1918 after the bloody

Civil War into which the country descended immediately after gaining independence.¹⁶

Democracy curtailed

The 'reds' being defeated by the 'whites' in the Civil War led to a situation in which nearly half of the members of Parliament elected on the eve of independence in 1917 were absent – the socialist members who had either defected to Russia, where they founded the Communist Party, or were arrested for treason and put behind bars. The press of the political left was also largely disbanded and outlawed; the previously flourishing working-class press was reduced to a few organs of the divided movement. Although in 1919, in the first elections after independence, the socialists were voted back into Parliament as the largest political group, the extreme left and its press were excluded from political life, and Finland continued to be an imperfect democracy until after World War II.

In the first two decades after independence, the politics and the press in Finland drifted to the right, yet within the legal framework of a constitutional republic. Radio entered this arena after private radio amateurs started public transmissions in Turku and Tampere in the early 1920s and the national broadcasting company (YLE) was founded in 1926.¹⁷ YLE operated under a charter granted by the government and closely followed the prevailing right-wing orientation in the country, with its anti-communist and anti-Soviet policies.

By the end of the 1930s, radio had reached practically the whole population and, together with the press, constituted technically a firm media infrastructure for shaping public opinion. At this time, there were over 120 newspapers with a total circulation of one million – the same as the number of households in the country. Half of the papers were affiliated with various bourgeois parties, 10 per cent with socialist parties (excluding the illegal Communists), while the rest were independent commercial papers. In addition to politically oriented newspapers and radio, starting in the 1920s an expanding branch of popular culture was introduced through magazines, books, films and records.

In late 1939, Finland was drawn into the "Winter War" against the Soviet Union.¹⁸ This lasted for three months, after which Finland retained

her independence, but lost 11 per cent of her territory in the province of Karelia bordering the Soviet Union, and its population of over 400,000 Finns – mainly farmers – was quickly resettled all around Finland.¹⁹ During the war, censorship was in force, but despite intensive propaganda, the news, especially in the press, remained fairly informative. The peace treaty signed in Moscow in March 1940 required that Finland renounce anti-Soviet policies on all fronts, including the media. However, a U-turn during an interim peace had not been fully implemented until hostilities, known as the “Continuation War”, were resumed: In mid-1941, Finland became embroiled in World War II, again fighting against the Soviet Union – now as an ally of Nazi Germany.²⁰

The Continuation War lasted for three years, again with censorship in force, and resulted – after the fall of Germany – in the same outcome as the Winter War, except for further loss of territory (the north-eastern strip of Petsamo) and three times as many soldiers killed (1939-45 altogether 90,000) as well as considerable war reparations. The war ended with the signing of the peace treaty in Moscow in September 1944, and Finland’s situation was finally determined in the Paris Peace Treaties of 1947 between the Allied powers (USSR, USA, UK and France) – which came victorious out of World War II – and the Axis powers (Italy, Romania, Bulgaria, Hungary and Finland) – which had sided with Nazi Germany.²¹

Democracy restored – within limits

Soon after the war ended, parliamentary elections were held in March 1945. Surprisingly, half of the seats went to the socialist parties: 25 per cent to the moderate Social Democrats and 25 per cent to the left-wing socialists, including the Communists, who now entered politics for the first time since the Civil War. The political power suddenly shifted from the right to the left, as seen in the appointment of a new Director General for YLE – a left-wing socialist just released from prison.²² Political life, including debate in the media, was quite lively and democracy duly restored.

However, the associations and publications of the extreme right – a homemade fascist movement – were banned by the Moscow peace treaty.

Likewise, the national guard, established throughout the country by the 'white' side after the Civil War, were banned and their numerous papers discontinued. Moreover, thousands of books were removed from the shelves of public libraries because they were considered to be war propaganda hostile to the Soviet Union. A similar line was also adopted in the control of film distribution.

The implementation of these limitations was monitored by a Control Commission of the Allied Powers – in practice represented by the Soviet military. Although all went in accordance with the law of the country and wartime censorship was lifted, there was a rising fear of too much interference in Finnish life – including unfair Soviet support for the Communists. Yet little political space was left for an organised opposition to the Soviets, because the terms of reference were determined by the winner of the war. The new policy towards Finland's mighty eastern neighbour was sealed with the Agreement of Friendship, Co-operation and Mutual Assistance between Finland and the Soviet Union, adopted by Parliament in 1948.²³

On this basis, Finland adopted a policy of neutrality in international relations, holding itself aloof from military alliances and trying to build bridges in the Cold War between East and West.²⁴ This led to a certain reticence in political behaviour and media coverage regarding the Soviet Union and its allies in Central-Eastern Europe, dubbed "Finlandisation" by its detractors. However, this policy was not stipulated by law, but instead maintained by a widely supported consensus culture and self-regulation in journalism, called by its opponents "self-censorship". Such a soft approach was confirmed by Finland's entry into international organisations (UN, UNESCO, Council of Europe, etc.) and their recommendations.

In general, freedom of speech enjoyed an increasingly favourable environment in post-war Finland, especially after the 1960s. The media landscape was quite abundant and fairly diverse, although the share of politically affiliated newspapers was decreasing and the ownership of non-affiliated press was concentrating.²⁵ The growth of television since the late 1950s afforded yet another outlet for both popular culture and political communication.²⁶ While post-war Finland did not make it easy for its media and culture to promote outspoken Cold War campaigns,

especially against the Soviet Union, the mainstream media and popular culture maintained a pluralistic climate of opinion, with an overwhelming flow of material from the West, not least the US.

After the collapse of the Soviet Union, Finland joined the European Union in 1995. This was a step back from complete non-alignment, but did not radically change the geopolitical position: Like Sweden, Finland did not join NATO. The media landscape in the country also continued to evolve without radical changes, but with an increasing role played by radio, television and the new options afforded by the Internet. Along with the technological and political changes, the legislation on electronic media was updated, retaining the public service YLE as a central actor.

Reverting to 1766

While the media landscape retained its basic structure beyond the turn of the millennium, a gradual change has taken place in how freedom of speech is understood. Ever since the 1960s, the traditional idea of press freedom as mere absence of censorship has been challenged by a broader paradigm whereby freedom of speech is an integral part of democracy and human rights.²⁷ The paradigm shift was caused by a trend of democratisation in society, whereby all groups in the population should have equal access to the media and the media should be accountable to society.

An important source of inspiration for the paradigm shift was the Universal Declaration of Human Rights, with the famous Article 19 stating that the right to freedom of opinion and expression includes the “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.²⁸ Hence the right does not only mean freedom to publish, but also to receive and moreover to seek information – the seeking aspect lending support to investigative journalism and to demands for transparency.

This approach is confirmed in Finland’s new Constitution of 2000.²⁹ Its Chapter 2 on “Basic Rights and Liberties” includes Section 12 entitled “Freedom of Expression and Right of Access to Information”. It reiterates the concept of freedom of speech from the original 1919 Constitution – derived from the 1906 Act – and it additionally stipulates: “Everyone has the right of access to public documents and recordings”.

Like the original Constitution, it was followed by a separate Act on the Exercise of Freedom of Expression in Mass Media.³⁰ The right of access to information was elaborated in a particular Act on the Openness of Government Activities.³¹

Thus Finland's current legislation has reverted to the 1766 Act with its guiding principles of free speech and open government. Peter Forsskål is not only a chapter in the history of freedom of speech, but his spirit is also embedded in the current Constitution of his native Finland.

Conclusion

Finland's 250-year history is inseparable from that of Sweden and Russia, and indeed the rest of Europe. For the past two centuries, it has been a journey quite different from that of Sweden – Finland's being a nerve-shattering rollercoaster compared to Sweden's peaceful playground. As a part of imperial Russia, Finland served as a test-bed in the struggle between Czarism and its opponents – for containing liberalism by repression, containment and accommodation. The last century of independent Finland has been a test-bed in the struggle for democracy – in overcoming wars and class divisions.

Finland is a prime example of how the media, as a platform for culture and politics, have gained an ever-greater role in society – not only a vehicle for politics but politics itself. Moreover, the story of Finland shows how different turns in the struggle for freedom of speech have been a byproduct of more general socio-political power struggles rather than particular media developments per se.

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Notes

- ¹ See Nordenstreng 2015. This is a revised and updated edition of *Sananvapaus* [Freedom of Speech], published in 1996 (Helsinki: WSOY). The concluding chapter of the latter appeared in English as Nordenstreng 1997. For the contents of the 2015 reader, see http://www.nordicom.gu.se/sites/default/files/Dokument/Medieforskning/fi_litteratur_2015.pdf
- ² For a brief outline, see <https://finland.fi/life-society/main-outlines-of-finnish-history/> For books, see e.g. Klinge 1981 and Meinander 2011.
- ³ For the whole Act in English, see <http://www.peterforsskal.info/documents/1766-translation.pdf>
- ⁴ See <http://www.painovapaus250.fi/en/anders-chydenius> and <http://www.painovapaus250.fi/en/press-freedom-250-years>
- ⁵ <http://www.peterforsskal.info/> Actually Forsskål was a Finn only by birth, as he lived most of his short life in Sweden.
- ⁶ <http://375humanistia.helsinki.fi/en/humanists/henrik-gabriel-porthan>
- ⁷ The main source for Finland's press history here and below is, in addition to the 2015 reader (see note 1 above), the first part of the 10-volume *Suomen lehdistön historia* [History of Finland's Press], Tommila, Landgren & Leino-Kaukiainen 1988.
- ⁸ https://en.wikipedia.org/wiki/Grand_Duchy_of_Finland
- ⁹ https://en.wikipedia.org/wiki/Gustaf_Mauritz_Armfelt
- ¹⁰ https://en.wikipedia.org/wiki/Georg_Magnus_Sprengtporten
- ¹¹ Viborg was part of the eastern territory of Finland, which in fact had been annexed to imperial Russia already in 1721 after Sweden lost it to Russia in the "Great Northern War" (1700-21), see https://en.wikipedia.org/wiki/Great_Northern_War. This territory of so-called "Old Finland" later became part of autonomous Finland under Russian rule as the Province of Viborg, which benefitted from the economic and cultural influence of St. Petersburg – one of Europe's most international metropolises, see https://en.wikipedia.org/wiki/Old_Finland
- ¹² https://en.wikipedia.org/wiki/Johan_Vilhelm_Snellman
- ¹³ The working class movement in Finland was in the vanguard of the forces against Czarist oppression, including censorship. After all, censorship in 1904 had prevented the printing of the Finnish translation of *The Communist Manifesto* by Marx and Engels. It is also worth remembering that the Russian Social-Democratic Workers' Party held two clandestine meetings in Tampere in 1905 and 1906, see https://en.wikipedia.org/wiki/Tampere_Lenin_Museum
- ¹⁴ Finland's official Independence Day is 6 December, the day when Parliament issued the Declaration of Independence. However, the acknowledgement from Finland's

- formal 'overlord' Russia was received only on 31 December, when the government of the new Communist state confirmed it in a letter signed by Lenin, Stalin, Trotsky and other members of the People's Commissariat. See https://en.wikipedia.org/wiki/Finnish_Declaration_of_Independence
- 15 https://en.wikipedia.org/wiki/Alexander_Stepanovich_Popov
- 16 https://en.wikipedia.org/wiki/Finnish_Civil_War
- 17 <http://www.radioheritage.net/europe/countries-finland.htm>
- 18 https://en.wikipedia.org/wiki/Winter_War
- 19 https://en.wikipedia.org/wiki/Karelian_question
- 20 https://en.wikipedia.org/wiki/Continuation_War
- 21 https://en.wikipedia.org/wiki/Paris_Peace_Treaties,_1947
- 22 https://en.wikipedia.org/wiki/Hella_Wuolijoki
- 23 https://en.wikipedia.org/wiki/Finno-Soviet_Treaty_of_1948
- 24 This policy is inseparable from the longest-serving President of Finland, Urho Kekkonen, see https://en.wikipedia.org/wiki/Urho_Kekkonen He was the initiator of the Conference on Security and Co-operation in Europe, ending with the Helsinki Accords in 1975, see https://en.wikipedia.org/wiki/Helsinki_Accords
- 25 For an overview, see http://ejc.net/media_landscapes/finland
- 26 Finland was the first Nordic country to introduce commercial TV alongside the public service system. In the late 1960s, YLE adopted an extraordinary policy of "informational mass communication"; see Nordenstreng 1973.
- 27 A closer analysis of this paradigm shift is presented in Nordenstreng 1997.
- 28 <http://www.un.org/en/universal-declaration-human-rights/> This unanimous opinion of the international community in 1948 was legally confirmed in 1966 by the International Covenant on Civil and Political Rights, with a more elaborate definition in its Article 19, see <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> The European Convention of Human Rights of 1950 is a parallel legal instrument, but its Article 10 on freedom of expression is more limited as it does not include the aspect of seeking information, see http://www.echr.coe.int/Documents/Convention_ENG.pdf
- 29 This Constitution is a completely revised version of the original Constitution of 1919. Its section on freedom of expression and right of access to information was written as part of the revision of basic rights and liberties, approved in 1995. The new Constitution was approved in 1999 and entered into force in 2000. For an English translation, see <http://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>
- 30 <http://www.finlex.fi/en/laki/kaannokset/2003/en20030460.pdf>
- 31 <http://www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf>

THE LEGACY OF PETER FORSSKÅL
250 Years of Freedom
of Expression



EDITED BY

Ulla Carlsson and David Goldberg

NORDICOM

The Legacy of Peter Forsskål 250 Years of Freedom of Expression

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The picture on the cover was painted in 1760 by Paul Dahlman shortly before Peter Forsskål left Sweden for Copenhagen and the Arabian Journey. The portrait is private property and preserved at Salnecke Manor, Uppland, Sweden. Photo: Julia Gyllenadler.

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Contents

Foreword <i>Ulla Carlsson and David Goldberg</i>	7
INTRODUCTION	
Who Was Peter Forsskål? <i>David Goldberg</i>	13
Thoughts on Civil Liberty <i>Peter Forsskål</i>	27
THE HISTORY 1766-2016	
World's First <i>Freedom of Writing and of the Press Ordinance</i> as History of Political Thought <i>Ere Nokkala</i>	39
Freedom of Speech, Expression and Information in Sweden A Legacy from 1766 <i>Johan Hirschfeldt</i>	53
Freedom of Speech in Finland 1766-2016 A Byproduct of Political Struggles <i>Kaarle Nordenstreng</i>	71
TODAY... GLOBAL, EUROPEAN and NATIONAL PERSPECTIVES	
Peter Forsskål – A Forefather of Freedom of Expression <i>Frank La Rue</i>	95
Public Access to Information in Today's Europe What Would Peter Forsskål Say? <i>Helena Jäderblom</i>	99
Freedom of Speech is under Threat Internationally, Nationally and Locally <i>Stefan Eklund</i>	103
NORDIC OVERVIEW: RULES	
Public Access or Secrecy Comparison between the Rules in Sweden, Finland, Denmark, Norway and Iceland as well as International Rules <i>Oluf Jørgensen</i>	113
The Authors	137
Appendix Peter Forsskål: <i>Tankar om borgerliga friheten</i>	141

Foreword

Ulla Carlsson and David Goldberg

In 2016, the world commemorated the sestercentennial adoption of *His Majesty's Gracious Ordinance Relating to Freedom of Writing and of the Press*. The passage of the *Ordinance* in 1766 in Sweden – which at the time comprised today's Sweden and Finland – was preceded by intense political and scholarly debate. Peter Forsskål put himself at the centre of that debate, when he in 1759 published the pamphlet *Tankar om borgerliga friheten* [Thoughts on Civil Liberty], consisting of 21 paragraphs – paragraphs setting out his thoughts advocating against oppression and tyranny and championing civil rights for everyone.

Peter Forsskål (1732-1763), born in Helsinki, is widely known as one of Carl Linnæus's most promising disciples. He collected botanical and zoological specimens as the naturalist on an expedition (commissioned by the King of Denmark) to Egypt and 'Felix Arabia', modern-day Yemen. He was brilliant – and stubborn.

Forsskål thought that civil rights are best defended by the institutions of 'limited Government' and almost 'unlimited freedom of the written word'. However, the intellectual catalyst for the 1766 law can be found in paragraph 21, where he sets out the conditions for the important right of freedom to *contribute to society's well-being*: it must be possible for society's state of affairs to become known to everyone – access to information of public interest – and it must be possible for everyone to speak his mind freely.

The *Ordinance* is an amalgam of these two rights. On the one hand, it prohibits prior censorship, although it does detail several matters that are unlawful to express. On the other hand, it sets out the categories of official information that can be legally accessed. It is this latter aspect that constitutes the truly radical dimension of the *Ordinance* – leading it to be considered the world's first right to information law.

The pamphlet was privately printed by Lars Salvius in Stockholm on 23 November 1759 after Uppsala University refused to publish it. On the same day, it was ordered to be withdrawn from circulation by the Registry College [Kanslikollegium] because it espoused ‘dangerous principles’: advocating the benefits of religious freedom and publicly questioning religious beliefs, as well as urging the abolition of privileges. Ironically, Linnaeus, then the Vice-Chancellor of Uppsala University, was ordered to retrieve the copies Forsskål had distributed around town and to the bookshop. Of around 500 copies, only 79 were retrieved, suggesting that Linnaeus didn’t try too hard. A few months later, it was officially banned.

Forsskål’s pamphlet had an impact on society; it expressed rights decades before their inclusion in the American Declaration of Independence (1776) and the French “Déclaration des droits de l’homme et du citoyen” (1789).

The pamphlet, entitled *Tankar om borgerliga friheten*, was translated for the first time ever into English – *Thoughts on Civil Liberty* – from the uncensored manuscript by Project Forsskal and published in 2009. Forsskål’s pamphlet is republished in this book both in English and Swedish (page 27 and 141). The text of the pamphlet is accessible in nineteen languages and dialects in addition to the original Swedish (see www.peterforsskal.com).

Historical perspectives are fruitful in many respects – and this is why Forsskål’s words still resonate. They are a reminder of how the *Ordinance* was adopted – through the link between freedom of expression and press freedom and the desire by the political Opposition to know what Government knows. They also recall the early tradition of civil rights in the Finnish and Swedish political debate.

But we must be careful not to use the tracks of history to create myths about today. When pessimism about the future prevails, it is tempting to use history to say something about the present. So, let anniversaries like the one concerning the *Ordinance* be used as a starting point for debate – to discuss our history and where we stand now in terms of freedom of expression, the right to information and freedom of the press.

A seminar and a publication

It was against such a backdrop that a seminar was arranged focusing on Peter Forsskål, his work and legacy, entitled *The Legacy of Peter Forsskål. 250 Years of Freedom of Information*. The seminar was organised as a side event, part of UNESCO's World Press Freedom Day in Helsinki 3 May 2016, and co-organised by the National Archives of Finland, Project Forsskal and the UNESCO Chair on Freedom of Expression, Media Development and Global Policy at the University of Gothenburg. A panel discussed Forsskål's legacy, as well as its impact on contemporary press freedom and right to information legislation in Forsskål's home country, regionally and globally.

During the seminar, the idea of a publication based on the proceedings was born – proposed by the UNESCO Chair at the University of Gothenburg. Fortunately, the contributors were willing to take the time to revise their manuscripts for publication. In order to make it an even more comprehensive book, new authors have been added during the process leading up to publication.

In the first section of the book, David Goldberg, Project Forsskal founder and Director, gives an introduction to Forsskål's life and work, followed by the English translation of Forsskål's text, *Thoughts on Civil Liberty*.

Three key chapters are presented in the second section of the book. In the first chapter, Ere Nokkala, Finnish researcher at Göttingen University – the same university where Forsskål studied from 1753 to 1756 – argues that political theory and not only daily politics played a significant role in the making of the world's first fundamental law regarding the right to information. In the following two chapters, Johan Hirschfeldt, former President of the Svea Court of Appeal in Sweden, and Kaarle Nordenstreng, Professor Emeritus, Faculty of Communication Sciences, University of Tampere, Finland, present and discuss the history and today's situation concerning freedom of expression, freedom of the press and the right to information in Sweden and Finland, respectively.

The third section of the publication contains short chapters where the authors present their reflections on and insights into the legacy of Peter Forsskål's ideas. A global perspective is provided by Frank La Rue, Assis-

tant Director-General of Communication and Information at UNESCO; he concludes that the call of Peter Forsskål is still alive and more necessary now than ever. Helena Jäderblom, Judge and Section President of the European Court of Human Rights in Strasbourg, reflects on the state of public access to information today from a European perspective. The Editor-in-Chief Stefan Eklund at the regional newspaper, *Borås Tidning*, in Sweden, discusses how newspapers can best preserve their freedom of expression when this freedom is being threatened in both old and new guises in the digital era.

The book also contains an overview of the legislation on access to information in the Nordic countries – Sweden, Finland, Denmark, Norway and Iceland – as well as European and international rules.

We hope that this work will contribute to knowledge development, and perhaps also stimulate national, regional and global discussions about freedom of expression, freedom of information and freedom of the press – even in this era of globalisation and digitisation. The fundamental issue remains the same regardless of time: violence against people who exercise their right to freedom of expression and information constitutes a serious assault on freedom of expression and, as such, the ultimate act of censorship.

Finally, our thanks to all of the authors who made this book possible and the officials at UNESCO and the National Archives of Finland for facilitating the May 2016 seminar.