This article is an exploration of changes in the law, practices, and ideas about censorship in the Nordic countries during the eighteenth and nineteenth centuries. The period began with institutionalized prior censorship which was shaken up by limited abolition of censorship in Sweden in 1766 and complete abolition of censorship in Denmark-Norway in 1770. Then there was a reaction as various sorts of controls on the press were reasserted, followed by a «constitutionalization» of liberty of the press as prohibitions of censorship were written into constitutions in 1809, 1814, and 1849. The latter, of course, did not mean complete freedom for authors and the press, since libel, slander, blasphemy, and obscenity were still punishable, and public opinion could bring its heavy weight against expression of unpopular ideas.

Overall, there was a change in the sense of what the authorities could do and what they had the need and right to do. This might be characterized most generally as a change from protecting themselves and their power to protecting the public. They began by thinking that censorship could work to prevent the publication of a wide palette of threatening religious, political, moral, and philosophical materials and steadily gave up their ambitions to do so, moving toward a more limited concern by the latter decades of the nineteenth century with protecting the public from libel, slander, and obscene materials. This may have been partly a matter of more general acceptance of some of the once-radical philosophical and religious views; of a sense that they were not of significant danger to authority; and that it was both futile and dangerous to try to control opinion too closely. In all three countries, leaders realized that they were going to have to share power and govern by manipulating and steering public opinion rather than suppressing it.

One way of understanding the changes in press law is to suggest that at the beginning of this period, governments looked upon the control of communication...
by prior censorship as part of a larger overall right and responsibility to form and discipline subjects. By the end of the period, press law had become something like tort law, in which citizens could bring charges of libel and slander against writers, and the law of assault and battery, in which government officials could prosecute citizens who were thought to have harmed the body politic by publishing obscenity and blasphemy. The government limited itself to acting as a kind of referee who prevents citizens from harming each other, but does not otherwise take a stand on what they do in their private lives, including their reading lives.

Complicating matters, neither kings, legislators, and censors nor authors, printers, and the public were monolithic groups. Some of each category wanted more and some wanted less discipline of the press. And technology and social structures were constantly evolving. At the beginning of the period, there were not many presses, writers, or much of a reading public; by the end each of these categories had exploded. Shifting coalitions of all of these people and technologies changed the nature of censorship over time.

This essay is perhaps best understood as a sketch of some of the available material and the development of hypotheses for further testing than as any sort of definitive account of such transformations. This is partly because – a methodological disclaimer – I do not have access to the full range of censorship practices and ideas about them. That would, of course, require exhaustive police, court, and other official records; a full account of attitudes toward censorship in all sorts of printed material issued in this period; and a wide reading of all available memoirs, private correspondence, diaries, and other access to personal experiences with censorship.

I can marshall here only a few kinds of evidence. I shall review the law of censorship and the chief legal declarations of freedom of the press in Sweden and Denmark-Norway. I shall explore aspects of the flowering of newspapers and pamphlets after 1766 when Sweden became the first country in the world to declare a limited freedom of the press, and in Denmark-Norway after 1770 when the latter country became the first to declare unlimited freedom of the press. Both were short-lived experiments, but left a lasting legacy. I will also mention Swedish censorship records for the period 1720–1772 listed by Anders Burius and Danish court records collected by Harald Jørgensen for the period 1799–1848, and high-profile cases such as that of P. A. Heiberg in Denmark in 1799, Henrik Ibsen in Norway in the 1880’s, and August Strindberg in Sweden in 1884.

It is probably worth mentioning at the outset that the word «censorship» has been used to cover a wide variety of phenomena. The paradigm case in most people’s minds is probably that of presenting a text to a censor who crosses out some of the text and then permits publication. This is prior censorship, and it is one of the worst kinds from the point of view of authors. There is also post-publication censorship, in which books are burned after they have been published
and authors are punished, but some of them will have gotten into circulation. Then there is self-censorship, which prevents an author from even presenting a work for possible publication, perhaps for fear of punishment. And there is market censorship, when no one buys or reads the text, thus preventing its dissemination or effectiveness. There is legal censorship in accordance with duly enacted law, and illegal censorship at the hands of thugs. The law can call for censorship that is never in fact enforced, and censorship can be carried out by officials without legal warrant.

The variety of limits on publication is endless, and no survey can cover them all. But this article will survey significant laws, practice, and ideas about censorship in the Nordic countries in the eighteenth and nineteenth centuries.

1. The Danish Law of 1683 and the Swedish Laws of 1719–1720

Denmark-Norway stands out in the eighteenth century for being the single most constitutionally absolute government in Europe. In 1660 King Frederick III took absolute authority which he consolidated under his secret King’s Law of 1665. But he and his successors did not rule arbitrarily. In 1683 Christian V published the famous Danish Law, which codified the law. Book 2, chapter 21, concerned censorship. No book may be printed, it provided, unless it has been approved in advance by the King’s university in Copenhagen. This was a clear establishment of prior censorship.

It is clear what the censorship law was trying to prevent. One provision held that no one could print anything «about the King’s highness, the government, or policies unless it has been approved by those whom the king has thereto directed». Books which «could seem to cause rebellion or go against the king’s superiority or cause inconvenience» were to be burned. There was a provision against importing books which might undermine the Augsburg Confession, and also a prohibition of prophecy almanacs because of their potentially incendiary nature.

Despite the rather harsh law, it was not often used, perhaps partly because people did not try to test it. Prominent writers like Ludvig Holberg (1684–1754) learned to get around censorship by indirect writing. Others remained underground, prudently censoring themselves by never bringing their work to the press. The large body of radical clandestine manuscripts that circulated around Europe...
also circulated through Scandinavia, where collectors of clandestina included highly placed figures such as Otto Thott.7

By the 1750’s the Danish authorities were even encouraging people to publish advice on how to improve the economy. Erik Pontoppidan’s Danmarks og Norges Oeconomiske Magazin [Economic Magazine of Denmark and Norway] (1757–1764) and other periodicals published these suggestions. Naturally, however, the authors of these suggestions knew that they could not call for fundamental changes in authority in print, and the more radical proposals probably remained in manuscript. Some evidence for that is the fact that when press freedom was finally declared in 1770, several long and carefully thought-out manuscripts were printed almost immediately. They must have been waiting in manuscript.8 The Danish Law of 1683 was the background for the press rescript of 1770.

In contrast, Sweden’s «revolution» of 1719–1720 inaugurated what was called the «Age of Liberty», a period of parliamentary rule that lasted until 1772. But parliamentary leaders were scarcely more friendly to freedom of the press than the Danish king. Section 17 of a Chancellery ordinance of 29 May 1719 and section 20 of an ordinance of 14 June 1720 provided that the censor should supervise the book trade and printing offices, reading all manuscripts before they were printed (academic treatises excepted) with the right to decline to put his imprimitur on anything he found objectionable in any way.9 The exception for academic treatises is probably best understood not in analogy to a modern university’s academic freedom for contending ideological sects, but as a small number of professors appointed and serving at the government’s will and thus not in need of censorship.

When Anders Nordencrantz argued for liberalization of the press laws in his dissertation of 1730, that chapter had to be omitted from the book before it was published.10 When he translated an article on freedom of the press from The Craftsman, publication was prohibited.11 Later provisions such as an ordinance of 12 August 1752 provided for regulation of printing offices, including the stipulation that the printer’s name, location, and year of printing were to appear on all printed work.12 Provocative literature such as Kortholt’s De tribus impostoribus and

8 This is a point made by H. Horstbøll in «Anybody may write anything»: An experiment in freedom of the press in Copenhagen in the 1770’s», in Copenhagen – Gateway to Europe, ed. J. T. Lauridsen and M. Mogensen (Copenhagen, 1996), 39–40.
9 H. Eek, Om Tryckfriheten (Stockholm, 1942). 158.
11 Ibid.
12 Eek, Tryckfriheten, 158.
Spinoza’s *Opera postuma* was regularly prohibited – these two in 1762. Full-fledged prior censorship was the background for Sweden’s Ordinance for the Liberty of Printing of 1766.

### 2. Sweden’s Ordinance for the Liberty of Printing of 1766

In 1766 Sweden became the first country in the world to declare freedom of the press as official policy. Other countries such as the Netherlands and the United Kingdom had had de facto freedom of the press for more than half a century, but had never declared it in legal or constitutional form. The 1766 Ordinance owes its origins to party politics. When the Cap party came to power in the 1765 session of the *Riksdag*, Cap member Anders Chydenius prepared a memorandum calling for a measure of freedom of the press. By the time the Ordinance for the Liberty of Printing was passed in 1766 it had become much more sweeping.

The 1766 Ordinance stated that it was expected that «unrestricted mutual information about useful topics will not only lead to development of the sciences and economic productivity [but] [...] ought to be considered one of the best means for improvement of morality and obedience to the law [...]». Therefore, «the earlier established censor’s office now should be completely abolished». It was one of three provisions considered so fundamental to the Swedish Constitution that it was protected by the requirement that any amendments would require the approval of two consecutive parliaments.

The law of 1766 spawned an avalanche of publications. The first daily newspaper was founded in 1769, and eighty new periodicals saw the light between 1767 and 1772. An average of 434 political pamphlets were issued every year from 1769 to 1772, with 583 alone in 1771. By 1769, eight printers were in business in Stockholm. Admires of liberty of the press in principle might be sobered to learn that large numbers of these publications were financially subsidized by foreign powers: the French paid for Han propaganda and the Russians, English, and Danes paid for Cap publicity.

Nevertheless, there were significant limitations to the Swedish press law. Opinions that might undermine the Constitution and defame legislative and executive institutions could be punished after publication, even with the death...
penalty (Section 3). And prior censorship was retained with respect to religious issues: «so that the appearance of wrong doctrines can be better hindered, all manuscripts that in any way may concern the doctrines of Christianity should ahead of time be supervised by the closest consistory» (Section 1). This was no small exception: a wide variety of moral, economic, and political disputes turned on religious issues. Distribution of «prohibited or seductive books» would still be prevented by the chancellery and consistorys (Preamble). And Anders Burius lists 68 censorship cases in the years 1667–1772.

It is indubitable that the law provided authors with a large measure of freedom. It also included what amounted to a «Freedom of Information» provision. That meant that when writer Lars Anders Chierlin was prosecuted for insulting the nobility in a book, he could publish the proceedings as they came out. This allowed him to publish much more material than the offending book, and made the prosecution look bad. As long as that provision was in force, it would make any prosecutor think twice before bringing a case.

The Swedish experiment did not last. It collapsed in 1772 when Gustavus III carried out a bloodless coup against the parliament and assumed absolute power. Along with all other legislation from and after 1719–1720, the 1766 Ordinance was nullified. The king handed down a new Ordinance concerning Printing in 1774. It was not Draconian: the king considered a limited freedom of the press a valuable governing tool for absolute monarchy, allowing for expression of opinion and circulation of information. But prior censorship was reinstated in the form of holding printers strictly responsible for censoring, and controls on the press were tight at times during his reign.

3. The Danish-Norwegian Press Rescript of 1770

Meanwhile, in 1770 Denmark-Norway became the first country to declare unlimited freedom of the press, only to be followed by a narrowing of that law in 1771 and reassertion of post-publication police powers in 1773. By Cabinet Order or Rescript to his Danish Chancellery dated 4 (published 14) September 1770, King Christian VII asserted that:

We are fully convinced that it is as harmful to the impartial search for truth as it is to the discovery of obsolete errors and prejudices, if upright patriots, zealous for the common good and what is genuinely best for their fellow citizens, because they are frightened by reputation, orders, or preconceived opinions, are hindered from being free to write according to their insight, conscience, and conviction, attacking abuses and uncovering prejudices. And thus in this regard, after ripe considera-

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22 Burius, _Ömhet_, 345–346.
24 Hallberg, _Ages of Liberty_, 237.
tion, we have decided to permit in our kingdoms and lands in general an unlimited freedom of the press of such a form, that from now on no one shall be required and obliged to submit books and writings that he wants to bring to the press to the previously required censorship and approval, and thus to submit them to the control of those who have undertaken the business until now of inspecting them; so have we graciously revealed and made known this our will concerning our kingdoms [...].

This was a clear abolition of prior censorship concerning all topics.

It was not the king’s idea. The king was a schizophrenic, manipulated by the Royal Physician, Johann Friedrich Struensee, who was soon to become the king’s Prime Minister. The abolition of censorship was his brain-child, and he had personal reasons for ending censorship. In the early 1760’s while city physician in Danish-rulled Altona, he had tried to publish two periodicals, the *Monatsschrift zum Nutzen und Vergnügen* [Monthly for Usefulness and Pleasure] and *Zur Beförderung der Wissenschaft, der Künste, des Geschmacks und der Sitten* [For the Advancement of the Sciences, Arts, Taste, and Morals], both of which had been banned. When he came to power he ended censorship in righteous indignation. He also changed the terms in which censorship was understood from consideration of the negative results of print such as rebellion and irreligion to consideration of its positive effects in the advance of the arts and sciences and the exposure of abuse.

Struensee was a proponent of the Enlightenment. For example, he was one of the early promoters of the small-pox vaccination, and won the hearts of the king and queen by successfully vaccinating their son. But he was also a radical materialist and anti-religious Enlightener. The articles that earned censorship of his periodicals drew on modern medicine and the ancient cynical tradition to ridicule contemporary medical quacks and religious superstition. We shall see that the same sort of ideas were part of a poisoning of the atmosphere that led to Struensee’s downfall a year and a half later. But first let us see how the rescript was received.

4. Response to the Danish Press Rescript of 1770

As befits an issue of major concern to authors, editors, and publishers, the Rescript on Freedom of the Press of September 1770 was widely publicized in newspapers and journals. Few or none devoted sustained analysis to it, but brief summaries or remarks suggest the way in which it was received. Already on September 21, 1770, one of Copenhagen’s leading newspapers, the *Adresse-Contoir*, announced on page

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26 *Monatsschrift zum Nutzen und Vergnügen* (Hamburg, 1763, 6 issues).
1 that «His Royal Majesty has graciously by Rescript from Hirscholm Castle dated September 14, 1770, permitted in his kingdoms and lands a general and unlimited freedom for printing books, as follows: from now on no one shall be required or obliged to submit his books or writings that he wants to print to the existing Censorship or Approbation [...]». The September issue of the monthly *Kiøbenhavnske Maanedlige Stats-Tidender* [Copenhagen Monthly Government News] quoted the rescript in full. It was evidently still news on December 27, when *Kiøbenhavnske Efterretninger om lærde Sager* [Copenhagen Reports on Learned Matters] quoted the rescript without comment. Although the foregoing announcements did not editorialize, the *Adresse-Contoir* did provide a kind of indirect commentary on October 15, perhaps with a view to calming apprehensions, when it quoted the observation that «writing and printing freedom is seen in England as the surest formula for civil freedom». Eventually, press coverage began to provide more analysis, and it was not always wholly positive: here we see that the category of writers did not unequivocally welcome all aspects of the new freedom. The *Den Danske Mercurius* [Danish Mercury] devoted several lines of verse to the rescript, observing that «many a truth [...] which before lay hidden, now dares come into the light» but that «also monstrosities will freely be produced which, with the help of a censor, formerly were broken at birth». The author thought that attacks on religion would be prominent, and called «God's terror [...] upon every daring pen, that is now being sharpened freely to attack [the church]». When the *Danske Argus* [Danish Argus] quoted the rescript on November 21, 1770, it asked: «for what purpose? To destroy virtue and morals? To enrich the printers’ presses with more of that which should not see the light, and which dishonors humanity? No, you giddy and shameless writers!» The author went on to quote from the rescript about its high-minded purposes and charge recent pamphlets with undermining morality and courtesy, asserting that they provoke «the laughter of the silly and the tears of the rational». The *Adresse-Contoir’s Kritiske Journal for Aar 1770* [Adresse-Contoir’s Critical Journal for the Year 1770] took a larger perspective when it

29 *Kiøbenhavns Kongelig allene privilegerede Adresse-Contoir*, no. 142 (September 21, 1770), 1. A week later, the *Kiøbenhavnske Tidender* (later the *Berglinske Tidender*) repeated the *Adresse-Contoir’s* report almost word for word, see no. 78 (September 28, 1770), 4. The same day, the rescript was announced in Aalborg, Jutland in the *Nyttige og fornøjelige Jydske Efterretninger* 4, 39 (September 28, 1770), 3–4.

30 *Kiøbenhavnske Maanedlige Stats-Tidender* (September 1770), 2.

31 *Kiøbenhavnske Efterretninger om lærde Sager* II, 52 (December 27, 1770), 8.

32 *Kiøbenhavns Kongelig allene privilegerede Adresse-Contoir*, no. 155 (October 15, 1770), 1. This was a translation from *The Public Ledger* under the title, «Remarks on English Freedom of Book Publishing».

33 *Den Danske Mercurius* (September 1770), 68.

34 Ibid.


36 Ibid.
observed that «whether it was done for fine motives, or for the sake of its fine results, [the rescript] will remain remarkable in the history of government, and in the history of learning».

Nearby German-speaking lands also had the news quickly: on September 25, 1770, the *Staats- und Gelehrte Zeitung des Hamburgischen unpartheyischen Correspondenten* reported that by the king’s order «the existing customary book censorship was fully abolished, so that each and everyone could print here freely and unhindered». Either the Hamburg newspaper had better sources and more concern with timeliness, or the neighboring *Altonaer gelehrter Mercurius* in the German-speaking part of the Danish realm was more skeptical about the seriousness of the rescript. It did not report until October 4 that the king has «fully abolished [...] the existing book censorship».

The English newspapers knew about it soon. *The London Evening Post* and *Bingley’s Weekly Journal* reported the identical news in late November under the heading: «Yesterday arrived a Mail from France.» It went: «Copenhagen Oct. 20. The King judging the Liberty of the Press to be one of the most effectual methods to improve the progress of the sciences, has introduced it into all the countries under his dominion. In consequence of which his majesty has published a rescript, dated the 14th instant, by which he exempts all books published in his dominions from any kind of censure.» *The Annual Register* [...] *For the Year 1770* reported that

The King however continues the same patriotic conduct towards his people, which has hitherto distinguished his reign; as a new proof of which, as well as of his disposition to the encouragement of arts, sciences, and learning, he has this year freed the press from all restraints, and by a rescript dated at the castle of Hirscholm, exempts all Books published in his dominions from any kind of censure.

The news also arrived in the Americas. The *Royal Danish American Gazette* began publishing at Christiansted, St. Croix, in the Danish Virgin Islands in 1770. Because of liberal residency policies, many planters and traders in this Danish colony were English, and the newspaper was mostly written in English, with a few items in Danish and even some in Dutch. In an issue dated January 30, 1771, at the bottom of a column titled «London, November 20», it announced that «The King of Denmark has given a striking proof of his good sense, in the forbidding any kind of censure to be passed on the contents of such books as may be published in his dominions». More detail was provided a few weeks later:

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38 Staats- und Gelehrte Zeitung des Hamburgischen unpartheyischen Correspondenten no. 153 (September 25, 1770), 4.
39 Altonaer gelehrter Mercurius, Stück 40 (1770), 8.
40 The London Evening-Post, no. 6710 (November 15–17, 1770), 3, col. 1; Bingley’s Weekly Journal: or,
41 The Universal Gazette, no. 25 (November 24, 1770), 1, col. 2.
42 The Annual Register, or a View of the History, Politics, and Literature, For the Year 1770 (1771), 44.
43 Royal Danish-American Gazette 1,60 (1771) 2. This was a twice-weekly newspaper covering estate settlements, rewards for the return of runaway slaves, announcements of plays such as *Othello*.
The king of Denmark looking on the liberty of the press as one of the most efficacious means to forward the progress of the sciences, has published a rescript, dated at the Chateau of Hirscholm, the 14th of Sept. in which he exempts from every kind of censure all books which shall be printed in his dominions.43

There does not seem to be any conventional wisdom about where the idea came from for including freedom of the press in George Mason's draft of the Virginia Declaration of Rights of 1776, which has been described as «apparently the first enactment, constitutional or statutory, to protect freedom of the press and thus the direct precursor of the freedom guaranteed in the First Amendment».44 This author must mean this in the limited sense that it was the first enactment in the American colonies, unless he was ignorant of the Swedish and Danish precursors, but it is by no means impossible that the Scandinavian examples were known to the Founders and served as precursors. Mason could have learned about the Danish example, directly or through others, from the English-language announcements of Danish freedom of the press, both in England and in the Danish islands. Alexander Hamilton grew up in the Danish Virgin Islands and was living there in 1770–1771; many other Founders knew Caribbean planters; the north-south coastal trade between New York and Philadelphia and the islands is well documented in the pages of the Gazette.

The final bit of reception history of the rescript that I will review here is the French-language response. This was surely dominated by Voltaire. He probably read about it in the *Journal Encyclopédique*, where it was announced in November, 1770.45 Voltaire responded by writing a 179-line *Épître au roi de Danemark* praising the king for the rescript. He sent copies of it to D'Alembert, Catherine the Great of Russia, and others, and it was published in both French and Danish in the Spring of 1771.46 In April, *The Scots Magazine* reported that «the King of Denmark has granted liberty of the press in his dominions; and that his Majesty has received a letter in consequence from M. de Voltaire, together with a poem, wherein he styles this liberty the greatest blessing which his Danish Majesty could have bestowed upon his subjects for the improvement of learning».47

43 Ibid., 1, 71 (March 9, 1771), 2, col. 3.
45 *Journal encyclopédique*, VIII, partie I (November 15, 1770), 154.
47 *The Scots Magazine* 33 (April 1771), 213.
The spread of news about the Danish rescript reminds us of the point that developments in northern Europe did not take place in a vacuum. They were carried out often with specific foreign models in mind, and changes in censorship in the northern countries were observed attentively abroad.

5. The Pamphlets

In addition to the reception of the rescript in the periodicals, it spawned an avalanche of pamphlets. The Royal Library in Copenhagen contains 45 bound volumes consisting of about 900 pamphlets published in the period 1770–1773 after the rescript freed the press. They covered a huge gamut of issues. They commented on agricultural reform, the high salaries of the clergy, the universities, the public debt, and misuse of freedom of the press, among many other matters. Their genre varied from pasquille and lampoon to serious economic tract; from verse to prophecy to travel report.

The pamphlets revealed knowledge of wider European connections. One pamphlet reprinted Voltaire’s poem along with two other pieces by that French philosopher, and a translation of David Hume’s essay, *On Liberty of the Press*.48 In some circles, of course, both Voltaire and Hume would have been *personae non gratae*, since they were known as anti-religious. But surely the worst offender in religious circles was Spinoza. Many of the pamphlets accused him of atheism, materialism, deism, irreligion, and immorality.49 And many implied that the Prime Minister, Struensee, was a fellow traveler.

The pamphlets also discussed freedom of the press, sometimes praising it and sometimes ironizing about how it meant that all kinds of nonsense could be published.50 Even under freedom of the press, however, there was no outright pro-Spinoza pamphlet. It is hard to believe there were no Spinozists, considering that many famous philosophers and scientists from Locke to Boerhaave, Montesquieu, and Lessing were suspected of Spinozism, and thus any of their followers could be Spinozists. And we know that other intellectuals kept their political philosophy in their desk drawers. P. F. Suhm wrote sophisticated critiques of the Danish constitution in this period, but most of them remained in manuscript until 1799.51 None of the pamphlets called for overthrowing the government; there was nothing like a Communist Manifesto.

There are at least three possible reasons why freedom of the press was not pushed to its limits. One is that no one had any radical thoughts to express. A second is that people did not really believe that the freedom of the press was for real, and that they would be punished if they printed something too objectionable to the religious or government authorities. This possibility was certainly reinforced by the coup d’état against Struensee. And a third is that partisan political debate and action was probably not yet conceivable in Danish political culture. Even the radical Struensee was doing Enlightenment from above, not from below, and not in debate with anyone.

6. The Danish Rescript of 1771

Not long after the Rescript of 1770, Struensee became the target of published criticism, including scurrilous personal slander. He may have thought writers would be grateful to him for freeing the press, but he should have realized that, as the man in power, he would be a natural target for writers’ pens. So, on 7 October 1771 he issued a further rescript. Some of the same newspapers reported the new law. On October 9, 1771 the Adresse-Contoir printed the rescript of October 7 word for word:

1) In order that the freedom to write and print granted on 14 September 1770 may not be misused to thereby transgress other civilian laws, all libel, lampoon, and rebellious publications shall in the future, as before, be subject to the established punishment.

2) Although all censorship is abolished, nevertheless every author who writes something shall be responsible that it is not contrary to existing laws and ordinances.

3) Printers cannot be allowed to print any book or publication if he [sic] does not know who the author is, as he is to be responsible if he cannot name the author, to which end no book may be printed that does not contain the author’s or printer’s name.53

Observe that prior censorship was not restored, although the ability of officials and courts to prosecute offending materials was strengthened.

The Jydske Efterretninger [Jutland Reports] quoted the rescript on October 11, the Kiøbenhavnske Maanedlige Stats-Tidender [Monthly Government News] reported it in the October issue, and Kiøbenhavnske Efterretninger om lærde Sager [Copenhagen Reports on Learned Matters] quoted it on December 26, 1771, all without

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52 This is unlikely. See J. Grebe Møller, Vi fornægter Gud og foragter øvrigheden. Studier i den tidligere oplysning (Copenhagen, 2004).

53 Kiøbenhavns Kongelig allene privilegerede Adresse-Contoir, no. 165 (October 9, 1771), 1.
For German-speakers, the *Staats- und Gelehrte Zeitung des Hamburgischen unpartheyschen Correspondenten* reported it on October 18, and the *Schleswig-Holsteinische Anzeigen* reported it on November 4, 1771.

The 1771 rescript may have come too late. Struensee had already been so discredited in many quarters that a small group of conspirators came to believe, rightly, that it would not meet much opposition from public opinion if it arrested the Prime Minister and the Queen during the night of 17 January 1772, condemned Struensee to death for lèse majesté, and sent the Queen into exile. The 1770 rescript had not abolished the King’s Law of 1665, so anything that could be construed as an attempt to overthrow the king could be punished with the death penalty.

Afterward, on 20 October 1773, the new government established substantial police controls over the press, although it did not reestablish prior censorship. Notes in the archives indicate that the officials of the new government were divided over the necessity and benefits of stricter laws. This last point reflects a general trend: expansions of freedom of the press often led to reaction and curtailment, but rarely to a complete return to the previous limits.

### 7. Denmark 1799–1849

After 1786, the 1773 police powers were almost never enforced in Denmark-Norway. In 1790 the power to punish was transferred from the police to the independent courts, which gave writers a larger measure of security. However, the French Revolution and the wars of the 1790’s made the government nervous, and under British and Russian pressure a new press law was issued on 27 September 1799. Attacks on the constitution, the royal house, government officials, private persons, or the Christian religion were punishable by exile, imprisonment, or fine. Prior censorship was restored for writers who had been found guilty in press cases. Showing that the government was serious, several writers were exiled, and P. A. Heiberg, in exile in Paris, became a symbol of Danish censorship. The law was further tightened during the Napoleonic wars in order to maintain Denmark’s neutrality.

Censorship issues were not very important for the first decades after peace was restored. Harald Jørgensen’s collection of press cases includes only about one case per year in the years 1814–1830. But from that point on, they multiply. More than

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54 Nyttige og fornøyelige Jydske Efterretninger 5, 39 (October 11, 1771), 362–363; Kjøbenhavnske Maanedlige Stats-Tidender (October 1771), 2; Kjøbenhavnske Efterretninger om lærede Sager III., 52 (December 26, 1771), 8–9.
55 Staats- und Gelehrte Zeitung des Hamburgischen unpartheyschen Correspondenten, no. 167 (October 18, 1771), 3; Schleswig-Holsteinische Anzeigen (November 4, 1771), 749–752.
220 cases came from the years 1831–1847, and they concerned newspapers much more often than books and pamphlets as before.\footnote{Ibid., 349–435.} This period saw the rise of party politics, beginning with a Society for the Proper Use of Freedom of the Press (1835), with its own newspaper, the Danske Folkebladet [Danish People’s Paper], and culminating in a Society of the Friends of the Peasants (1846). Even religious pietists began to demand «from below» the right to use the catechism of their choice, against the church establishment which had tried to require a more liberal one.\footnote{H. Horstbøll, «Pietism and the Politics of Catechisms», Scandinavian Journal of History 29 (2004), 143 –160.} In this atmosphere of clashing groups and ideals, many parties were seeking to influence public opinion, often at the price of slandering their rivals. Fining and imprisoning writers and printers failed to stem the tide, and turned public opinion against censorship.

Very few of Jørgensen’s cases are what we would call political suppression of opposition by the state, as envisioned in the Danish Law. Rather, most were brought by the Procurator on behalf of individuals who felt they had been libeled or slandered, in analogy to tort law. They were not instigated in the first instance by the government. Others were brought to protect the public and the government from what were perceived as attacks, almost on analogy to the law of assault and battery.

After trying to stem the tide for a long time, Christian VIII finally had to cave in, and press censorship was again abolished on 28 January 1848. When the June Constitution of 1849 was adopted, it prohibited prior censorship. This did not mean, of course, that the government paid no more attention to the press. The censor kept his salary for many years, and his role evolved into providing intelligence to the authorities about what was being published. But after that, the focus of efforts to limit the press was directed toward slander and obscenity rather than religion, philosophy, or political opposition.

8. Sweden 1809–1887

As we have mentioned, after 1772 censorship in Sweden was the prerogative of the king. After the assassination of Gustavus III in 1792, his son, Gustav IV Adolf, subjected the press to even more control than his «Enlightened» father. In 1809 a military coup put an end to his reign, and a new constitution was introduced. Article 86 granted freedom of expression. A Freedom of the Press Act was passed in 1810 and declared a part of fundamental law. Nevertheless, it was almost immediately replaced by the new king, Jean-Baptiste Bernadotte, with a new law in 1812 which survived, with amendments, until 1949.\footnote{Holmberg and Stjernquist, eds., Constitutional Documents of Sweden, 56.} His version allowed the
royal chancellor to suppress periodicals without explanation, and to prohibit guilty editors from practicing their profession. That led to contortions such as the liberal newspaper Aftonbladet being published under 26 names and by 28 editors during the period from 1812 to 1844. The new law was soon amended to provide for judgment by a jury rather than by a judge.62

But even if juries acquitted writers, public opinion could bring heavy weight to bear against them. August Strindberg was acquitted in 1884 of a charge of blasphemy for writing Getting Married, but no one dared republish the offending text. In 1887 a publishers’ association even agreed to expel any members who had been attacked publicly because of the content of their books.63

9. Norway, 1814–1885

Norway was one of the two kingdoms ruled by the Danish king since 1380. It was always the little sister of the two kingdoms, ruled from Copenhagen. During the flourishing of freedom of the press in the Struensee era, Norwegian nationalism was expressed in pamphlets urging the founding of a university in Norway, along with economic reforms that would give Norwegians more independence.64 Nationalism continued to grow. In 1814, after Denmark had sided with Napoleon and he had been defeated, the Norwegians saw an opportunity to gain their freedom. A constituent assembly met at Eidsvoll and drew up a constitution. The Norwegian experiment in political independence was short-lived, since almost immediately, Sweden took control of the country. But it agreed to govern the country under the terms of the Eidsvoll Constitution. Only after nearly a century of smoldering nationalism was Norway granted its independence from Sweden in 1905.

Article 100 of the Eidsvoll Constitution provided, in the official translation of 1814, that «An entire liberty of the press shall take place».65 It went on to assert that «It is allowed everybody freely to deliver his opinions of government or any other subject».66 If the authors had stopped with these provisions, there would be unambiguous freedom of the press. But a sentence that was inserted between the foregoing sentences provided that

Nobody must be punished for any writing [...] unless he has either willingly and evidently shown himself disobedient to the law or animated others to disobedience against the same, to contempt against religion, morality or the constitutive powers, to resistance against orders, or uttered false and injurious accusations against anybody.67

63 von Vegesack, «Sweden», 2355.
66 Ibid.
67 Ibid.
This would not justify prior censorship, but depending on how broadly it is interpreted, it could be used to punish the authors or publishers of a great deal of printed matter. As two commentators have observed, «if every printed writing could lead to penal measures on the part of the State, the freedom of the press would not be worth much».

There were at least two other sources of what may be understood as censorship in a broader sense in nineteenth century Norway. One was another provision of the Eidsvoll Constitution, which explicitly excluded some kinds of people from the country. Article 2 provided that

The Evangelical-Lutheran Religion shall [...] constitute the established Church of the Kingdom. The inhabitants who profess the said religion are bound to educate their children in the same. Jesuits and Monastic orders shall not be tolerated. Jews are furthermore excluded from the Kingdom.

If you are expelled from a country, your ideas are effectively censored there for most purposes. The ban against the Jews was repealed in 1851, the ban against the monastic orders in 1897, and the ban against the Jesuits was only repealed in 1956.

A further source of censorship throughout much of the nineteenth century was what we may variously call a high sense of moral standards, a self-conscious national commitment to Christian values, or a sensitivity to scandal that would prevent authors, publishers, and theater-owners from bringing out controversial works. For example, Henrik Ibsen’s play *Ghosts* (1881) was so controversial that its world premier had to be held in Chicago in 1882, and it did not play in Norway until 1883. Hans Jaeger’s *Fra Kristiania-Boheme* (1885) was banned for obscenity and the author fled the country. Smallish, tight-knit communities where everyone knows everyone and everyone values social solidarity can sometimes censor as well or better than government officials.

10. Conclusion

During the first half of the eighteenth century, prior censorship was the established rule in Sweden and Denmark-Norway. By the latter half of the nineteenth century, prior censorship had been prohibited in the constitutions of all three countries. Partly as a result of a changed idea of what governments were

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68 Ibid., 123. The authors point out that over the past two centuries interpretation has permitted a higher degree of freedom concerning religious and moral questions, but that also there has been increasing penalization of expression that can be interpreted as discrimination based on race, creed, and sex (124).

69 Ibid., 141.

70 Ibid., 18.

supposed to be doing; partly as a result of a huge growth in the numbers of presses, writers, and readers; and partly as a result of changing ideas of what could be harmed and who could be damaged by the free expression of ideas in print, governments were no longer dedicating a great deal of energy to controlling the press. Rather, they seem to have reconceived their role as having the limited purpose of protecting the public from libel, slander, blasphemy, and obscenity, and then only when public opinion pushed them to take action. Press law seems to have converged on the models of tort and assault and battery law, in which the government’s role is to prevent citizens from harming each other and redress matters if they do.

Zensur in den Ländern Nordeuropas von ca. 1750–1890: Wandlungsprozesse in Recht, Theorie und Praxis

La censure dans les pays nordiques entre 1750 et 1890.
Transformations juridiques, théoriques et pratiques

La censure dans les pays nordiques changea substantiellement pendant la période 1750–1890. L’institution de la censure préalable fut ébranlée par l’abolition limitée de la censure en Suède en 1766 et son abolition complète au Danemark en 1770. L’explosion subséquente de pamphlets et de journaux permit l’exploration d’une large variété de problèmes religieux, politiques et économiques, avant que des contrôles ne soient réintroduits. La répression de la presse, en particulier pendant la Révolution française et les guerres napoléoniennes, fut suivie par la reconnaissance constitutionnelle de la liberté de la presse en Suède en 1809, en Norvège en 1814 et au Danemark en 1849. Les gouvernements renoncèrent progressivement à l’idée de contrôler l’esprit de leurs sujets et se limitèrent à prévenir les scandales.

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