

## 'Catha edulis Forsk' and freedom of information: a short note on an early Fol pioneer

Pronounced chat, qat (variously chat, kat, khat, jaad, mirra, miaraa, marongi or miurungi) is a herbal remedy and/or an intoxicant. It is a plant, grown at high altitudes, traditionally in Hararge province of Ethiopia, the Taizz area of The Yemen and various parts of Kenya.<sup>1</sup>

The perennial shrub, *Catha edulis* Forsk, is named after the naturalist and botanist Peter Forsskål<sup>2</sup> who identified it in North Yemen in the mid-18th century during an expedition organised by King Frederick V of Denmark. 'The only survivor of the five members of the expedition, the Hanoverian geographer, Karsten Niebuhr, published the botanical papers in 1775, and in memory of his friend called *Catha edulis* — *Catha edulis* Forsk.'<sup>3</sup>

So far, so interesting — but, what does this all have to do with Fol? The story begins in 1992.

In that year, I presented a paper titled 'Historical Basis of the Right to Freedom of Information in Europe', at a conference in Budapest (Hungary had just enacted its Fol Act). As is customary, due obeisance was paid to the Swedish *Freedom of the Press Act 1766*, as the world's first Fol Act (though, apparently, it is better translated as Freedom of Printing Act, according to Erik Gothe, *The Swedish Tradition of Freedom of Press* <<http://www.fecl.org/circular/1507.htm>>).

Being ignorant at the time of the concept, no mention was made of the 15th century principle underlying the law, the so-called Offentlighetsprincip.<sup>4</sup> Less customarily, however, the rhetorical question was thrown out during the course of the presentation: how is it that this revolutionary legal event occurred in Sweden in the mid-18th century? Few commentators on Fol seem to be interested in the context and background to the passage of the Act.<sup>5</sup>

Usually, such questions are never picked up. However, not so on this occasion. A Czech lawyer attending the conference came up to me (before the lunch break!) and essayed that part of the answer might be found by following up the life and work of one Peter Forsskål.

This tip led to an ongoing research project into the life and work of a fascinating, Renaissance man, Peter Forsskål.

As well as posthumously publishing two volumes on the flora and fauna of aegyptiaco-arabica, Forsskål also authored *Tankar om borgerliga friheten* (1795), *Thoughts on Civic Liberty* (or Thoughts about Civil Freedom) which was published by Lars Salvius in Stockholm.

The pamphlet is an 'important plea for freedom of the press. Forsskål argues for complete freedom of expression and against preventive censorship and restraint. The pamphlet was in fact approved by Sweden's last censor librorum Niclas von Oelreich but was nonetheless condemned and copies confiscated. The pamphlet made Forsskål most objectionable to the government.'<sup>6</sup>

While clearly being more in the mould of conflating freedom of information with freedom of the press, the

claim of this Note is that this pamphlet contains an important seed of the idea of freedom of information and that Peter Forsskål deserves to be known as one of its true progenitors.

Furthermore, so far as is known, this important plea has never been translated into English. Now, through the efforts of Theresa McGrane-Langvik and Maria Lindstedt, a draft translation has been prepared, and will be published in due course.

Qat or *Catha edulis* Forsk is a herbal intoxicant. Peter Forsskål, whose name it bears, may have to be, henceforth, considered as one of the primary sources which has intoxicated the freedom of information idea.

**David Goldberg**

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### References

1. Paul Griffiths, A study of qat use among a sample of Somalis living in London <[www.homeoffice.gov.uk/dpas/cdpur26.pdf](http://www.homeoffice.gov.uk/dpas/cdpur26.pdf)>.
2. On the website of Project Runeberg — Nordic Literature on the Internet since 1992, the name appears as Forskal, Per.
3. ODCCP — Bulletin on Narcotics — 1956 Issue 4-003
4. <<http://www.users.wineasy.se/noname/offprncp.htm>>.
5. This note was written before the publication of Stephen Lamble, 'Freedom of Information, A Finnish Clergyman's Gift to Democracy,' (2002) 97 *Fol Review* 2-8.
6. Provocative Books and their Reception or Suppression, <[www.lowendahl.com/kat1008.pdf](http://www.lowendahl.com/kat1008.pdf)>.

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keen civil servants in the Lord Chancellor's Division in Whitehall thinking about how to implement Fol in the heartland of modern spin and governmental paternalism. In March it was with a dazzling array of activists, NGOs, parliamentarians, military officials, journalists and experts from several countries in Jakarta and Manila. In April and May it was with a group of senior Tasmanian law students where we examined Doty's riddles from a comparative perspective. In the last seven weeks it has been watching how 140 law students, after being introduced to the purity of the concept of open government, have struggled with their unrealistic expectations when they critically assess the delivery and performance of Australian Fol over the last 20 years.

**Rick Snell**

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