

## "DEN ANDEN JUNI-GRUNDLOV" – CONSTITUTIONAL EVENTS IN DENMARK 100 YEARS AGO

*KÉPES György*  
associate professor

*Eötvös Loránd University, Budapest*

After almost 200 years of royal absolutism, Denmark became a constitutional monarchy in 1848–49.<sup>1</sup> The constitutional charter called *Grundloven* (The Basic Law) was adopted by the constituent assembly of the realm (*grundlovgivende rigsforsamling*) convened by the absolute ruler King Frederick VII (1848–1863) as a response to the “peaceful – indeed, almost amiable” revolutionary events in Copenhagen in March 1848.<sup>2</sup> This convention had an exceptionally wide democratic legitimacy in contemporary Europe, as it was elected in October 1848 by virtue of a royal decree that provided an almost universal suffrage for male citizens of at least 30 years of age.<sup>3</sup> The constitutional charter was signed by the king on the 5<sup>th</sup> of June 1849. Since the end of the 19<sup>th</sup> Century, the anniversary of this signature is known as the Constitution Day in Denmark.

### 1. The “June Constitution” of 1849

The draft that later served as the basis of the first Danish *Grundlov* had already been prepared in June 1848 by *Ditlev Gothard Monrad* (1811–1887),<sup>4</sup> one of the members of the new cabinet appointed by the king in March 1848, referred to as his “responsible government” without any legal basis (according to the absolutistic *Lex Regia* of 1665<sup>5</sup> still in force, and especially in lack of any parliamentary organ, governmental responsibility was completely

---

<sup>1</sup> Concerning the events of transition see e.g. Michael BREGNSBO: *Danmark 1848 – systemskifte og borgerkrig*. In: *Fortid og Nutid*, No. 4 (1998), 251–269.; Steen Bo FRANDSEN: *Denmark 1848. The Victory of Democracy and the Shattering of the Conglomerate State*. In: *Europe in 1848. Revolution and Reform*. Eds.: Dieter Dowe – Heinz-Gerhard Haupt – Dieter Langewiesche – Jonathan Sperber. New York – Oxford, 2001, 289–312.; KÉPES György: *Regeringsform, Grunnlov, Grundlov: Written Constitutions in Scandinavia in the 19<sup>th</sup> Century*. In: *Journal on European History of Law*, Vol. 4, No. 1 (2013), 137–152, 147–148.; Thomas RIIS: *Von Absolutismus zur konstitutionellen Monarchie in Dänemark und den Herzogtümern: März 1848 bis Juni 1849*. In: *Die Entstehung der Verfassungen der dänischen Monarchie (1848–1849)*. Eds.: Sönke Loebert – Okko Meiburg – Thomas Riis. Frankfurt am Main, 2012, 11–24.; Hans VAMMEN: *Die Casino-“Revolution” in Kopenhagen 1848*. In: *Zeitschrift der Gesellschaft für Schleswig-Holsteinische Geschichte*, Vol. 123 (1998), 57–90.

<sup>2</sup> Knud J.V. JESPERSEN: *A History of Denmark*. 3<sup>rd</sup> edition. London, 2019, 70.

<sup>3</sup> Peter NANNSTAD: *In the Cradle of a Party System: Voting Patterns and Voting Groups in the Danish Constitutional Convention, 1848–1849*. In: *Scandinavian Political Studies*, Vol. 7., No. 7 (1972), 119–135, 122.

<sup>4</sup> Ole FELDBÆK: *Danmarks historie*. København, 2010, 190.

<sup>5</sup> See: Ernst EKMÁN: *The Danish Royal Law of 1665*. In: *The Journal of Modern History*, Vol. 29., No. 2. (1957), 102–107.

unknown in the Danish monarchy of that time). Monrad intended to create a modern and well-founded constitution, and in order to achieve this he had studied (and then used in his preparatory work as examples of "good practice") the Constitution of the United States of America (1787), the French Declaration of the Rights of Man and of the Citizen (1789), the Norwegian Basic Law of 1814, and the most advanced monarchic constitution of its time, the Belgian Constitution of 1831.<sup>6</sup>

The Danish Constitution of 1849<sup>7</sup> consisted of a short Preamble and eight Articles (often translated to English as "parts") numbered with roman numerals, i.e. from I–VIII. According to § 1 of Article I, Denmark's form of government was defined as a "restricted monarchy",<sup>8</sup> and the royal power as "hereditary" (with contemporary Danish spelling: "*Regjeringsformen er indskrænket-monarkisk. Kongemagten er arvelig*").<sup>9</sup> Article I § 2 declared the concept of division of powers. The legislative power was vested in the king and the newly established parliament called *Rigsdag* (the law making itself was the monopoly of the latter, while the monarch was granted the right of absolute veto: without his signature no law could come into effect).<sup>10</sup>

The executive power was defined as a royal competence, however, similarly to other modern monarchic constitutions (from the French Constitution of 1791 to the above mentioned Belgian Constitution that, in many respects, served as a model for Denmark as well),<sup>11</sup> the king could only exercise it through his cabinet, and the countersignature of a minister was needed for the validity of his resolutions. The countersigning minister assumed this way the responsibility for the decisions from the king who thus could remain irresponsible. The Basic Law also declared the separation of the judiciary from the executive (§ 76), and that the judges were subordinated to the laws only (§ 78). Finally, the fundamental rights were also declared and guaranteed in a detailed manner, including some of the very modern economic and social rights as well.

From the point of view of the subject of this study, the regulation of the legislative body deserves special attention. The name *Rigsdag* was chosen on the proposal of Prime Minister *Adam Wilhelm Moltke* (1785–1864),<sup>12</sup> and it referred to the historical name of the medieval Danish diet that, by the way, had been far from being a significant institution in the constitutional history of the country (Herman Schück calls it a "sporadic royal assembly"

---

<sup>6</sup> Nils HERLITZ: *Elements of Nordic Public Law*. Stockholm, 1969, 34.; G. C. PETERSEN: *D. G. Monrad. Scholar, Statesman, Priest and New Zealand Pioneer*. Levin (N.Z.), 1965, 32.

<sup>7</sup> In German translation see: *Die Entstehung der Verfassungen*, 301–312.; in Danish original (a. o.): *Constitutions of the World from the late 18<sup>th</sup> Century to the Middle of the 19<sup>th</sup> Century. Sources on the Rise of Modern Constitutionalism. Europe: Volume 6*. Ed.: Horst Dippel. München, 2008, 57–64.

<sup>8</sup> JESPERSEN 2019, 71.

<sup>9</sup> *Constitutions of the World*, 57.

<sup>10</sup> Uffe JAKOBSEN – Jussi KURUNMÄKI: *The Formation of Parliamentarism in the Nordic Countries from the Napoleonic Wars to the First World War*. In: *Parliament and Parliamentarism. A Comparative History of a European Concept*. Eds.: Pasi Ihalainen – Cornelia Ilie – Kari Palonen. New York–Oxford, 2016, 97–114, 103.

<sup>11</sup> Agust Thor ARNÁSON: *The Good State or the Constitutional Innocents of the Nordic Societies*. In: *Constitutionalism: New Challenges. European Law from a Nordic Perspective*. Ed.: Joakim Nergelius. Leiden–Boston, 2008, 155–160, 156–157.

<sup>12</sup> JAKOBSEN–KURUNMÄKI 2016, 100.

in his entry in the encyclopaedia on Medieval Scandinavia).<sup>13</sup> As a compromise between the different political groups involved in the constitutional process, the *Rigsdag* became a bicameral parliament.<sup>14</sup> Its lower house was called *Folketing* (national assembly), while the second chamber received the name *Landsting* that had been the name of the traditional assemblies of the old provinces in the Middle Ages, primarily having judicial functions.

*Folketing* was a completely new designation, highlighting the democratic characteristics of the first chamber. The founding fathers were right to say this, because, at least concerning this house, the Basic Law of 1849 preserved the democratic franchise already applied during the election of the constituent assembly in 1848. By virtue of the new regulation, all irreproachable male citizens could vote for the members of the *Folketing*, who were not less than 30 years of age, except the servants, those who were in receipt of a welfare benefit, legally incapacitated, or did not have a permanent residence for at least one year. These conditions were very liberal in those times: about 14.5 per cent of the population was granted suffrage.<sup>15</sup> The Danish historian Ebbe Kühle calls this regulation “unusually democratic” (*usædvanligt demokratisk*), emphasising that 70 per cent of the Danish men of at least 30 years of age obtained franchise in 1849.<sup>16</sup>

The regulation relating to the upper house (*Landsting*) was less democratic. First of all, according to the provisions of §§ 39 and 41, the *Landsting* elections were indirect: the citizens voted for electors (called *valgmand*, a word with the same etymology as it was used in contemporary Prussia, *Wahlmann*). Secondly, only those male citizens could vote for the *Landsting* who were at least 40 years old, and who complied with one of the tax or net income qualifications, i.e. who were paying at least 200 *rigsdalers* of national or local tax, or who had a yearly net income of at least 1200 *rigsdalers* (§ 40).<sup>17</sup> According to the calculations of Bent Rying, while one-seventh of the Danish population were granted active voting rights for the lower house, only 0.3 per cent of them were eligible for the upper house of the newly established Danish parliament.<sup>18</sup> As in this way the membership of the *Landsting* consisted of the wealthiest groups of the society, the upper house became – in the words of Knud J.V. Jespersen – “a conservative check on the political decision-making process”.<sup>19</sup>

The two houses of the *Rigsdag* had equal powers in legislation, none of them could override the other. Except for the budget bill that, according to § 52 of the Basic Law had to be discussed first in the *Folketing*, any bill could be presented to any of the two chambers. A bill could be passed by the parliament if it was approved by both houses (§ 57). In the event of a disagreement between the *Folketing* and the *Landsting*, a conciliation

<sup>13</sup> Herman SCHÜCK: *Royal Assemblies (Parliaments, Estates)*. In: *Medieval Scandinavia. An Encyclopedia*. Eds.: Philip Pulsiano – Kirsten Wolf. New York, 1993, 544–545, 544.

<sup>14</sup> Peter NANNSTAD: *Das politische System Dänemarks*. In: *Die politischen Systeme Westeuropas*. Ed.: Wolfgang Ismayr. Wiesbaden, 2013, 55–92, 56.

<sup>15</sup> Bent RYING: *Danish in the South and the North. Vol. II. Denmark History*. København, 1988, 278.

<sup>16</sup> Ebbe KÜHLE: *Danmarks historie i et globalt perspektiv*. København, 2008, 173.; NANNSTAD 2013, 56.

<sup>17</sup> Christian FÖRSTER – Josef SCHMID – Nicolas TRICK: *Die nordischen Länder. Politik in Dänemark, Finnland, Norwegen und Schweden*. Wiesbaden, 2014, 24.

<sup>18</sup> RYING 1988, 278.

<sup>19</sup> JESPERSEN 2019, 71. See also: Tove Lise SCHOU: *Denmark*. In: *Cabinets in Western Europe*. Eds.: Jean Blondel – Ferdinand Müller-Rommel. London, 1997, 192–209, 196.

committee could be established, however, even in this case it was indispensable that both houses should vote and adopt the bill separately. Furthermore, concerning the topic of this study, it is important to mention, that § 30 of the *Grundlov* made it possible for the king (obviously through its cabinet) to issue provisional laws (*foreløbige love*)<sup>20</sup> in periods when the *Rigsdag* had no sessions. However these regulations should not conflict with the Basic Law, and at the first subsequent meeting of the parliament they should be presented to the *Rigsdag* in order to be confirmed.

The evaluation of the Danish Constitution of 1849 is generally positive. Compared to the other constitutional charters of the 1848 revolutionary wave, maybe its speciality is less pronounced, however in a wider comparison with the European constitutions of the middle of the 19<sup>th</sup> century, we may establish that the Danish "constituent fathers"<sup>21</sup> have no reasons for any embarrassment. The Basic Law of the Danish Realm was not just compliant with the spirit of its times, but in many aspects (especially the extension of the suffrage, parliamentary rights, guarantees of the division of powers and fundamental rights) it was ahead of its times.<sup>22</sup> Just to mention some comments from the historiography: Henning K. Friis refers to it as "a very radical one for its time";<sup>23</sup> Knud J.V. Jespersen also describes it as "very democratic" "compared to the constitutions of many other countries";<sup>24</sup> and even the (that-time) Soviet historian Aleksandr Sergeevich Kan calls it in his famous book first published in 1971 on the history of the Nordic countries as "one of the most advanced of its times".<sup>25</sup>

According to the opinion of many historians, the unusually democratic (male) suffrage guaranteed by the Basic Law of 1849 was far from being the result of any revolutionary event, like for example the suffrage of the French revolution of February 1848, the franchise regulation of the German Confederation, or even the low age limit (20 years) expected by the famous Hungarian Act V of 1848 "on the Election of Parliamentary Deputies on the Basis of Popular Representation".<sup>26</sup> The reason of this relatively high level of democracy in Denmark was the obligation of universal (male) military service that was also declared in the Constitution. With the words of Knud J.V. Jespersen, "if the state could use the constitution to oblige its citizens to lay down their lives for their country, then it was not unreasonable to grant them a certain political influence".<sup>27</sup>

---

<sup>20</sup> *Constitutions of the World*, 59.

<sup>21</sup> Founding fathers or literally „fathers of the Constitution” (*forfatningsfædre*) is an accepted name used for the members of the constituent assembly of 1848–49 in Danish historiography. See e.g. Palle SVENSSON: *Var vore forfatningsfædre demokrater?* In: *Temp – tidsskrift for historie*, Vol. 5 (2012), 5–27, 7.

<sup>22</sup> KÜHLE 2008, 173.; Lester B. ORFIELD: *The Growth of Scandinavian Law*. Philadelphia, 1953, 24.; RYING 1988, 278.

<sup>23</sup> Henning K. FRIIS: *Scandinavian Democracy*. In: *Scandinavia, between East and West*. Ed.: Henning K. Friis, Ithaca, 1950, 1–22, 4.

<sup>24</sup> JESPERSEN 2019, 72.

<sup>25</sup> "Июньская конституция была одной из самых прогрессивных в тогдашнем мире". See Aleksandr Sergeevich KAN [КАН, Александр Сергеевич]: *История скандинавских стран (Дания, Норвегия, Швеция)*. [A History of the Scandinavian Countries (Denmark, Norway, Sweden)]. 2<sup>nd</sup> Edition. Москва [Moscow], 1980, 122.

<sup>26</sup> Source of the Hungarian translation of the title of this law: KOMÁROMI László: *Milestones in the History of Direct Democracy in Hungary*. In: *Iustum Aequum Salutare* Vol. 9, No. 4 (2013), 41–57, 43.

<sup>27</sup> JESPERSEN 2019, 72. For a more detailed analysis of this co-relation see: Lars Bo KASPERSEN: *How Denmark Became Democratic: The Impact of Warfare and Military Reforms*. In: *Acta Sociologica*, Vol. 47., No. 1. (2004), 71–89, especially from 84.

## 2. The Schleswig-Holstein conflict, and its effects on the Danish constitutional history

In parallel to the adoption of the Constitution, a shadow was cast by the Schleswig-Holstein conflict in Denmark. The Schleswig-Holsteiners interpreted the change of cabinet in 1848 as an “open declaration of war”,<sup>28</sup> because Moltke’s government made clear that Schleswig (in Danish: *Slesvig*), the whole historical territory of Southern Jutland down to the river Eider (where the frontier between Denmark and the Frankish Empire had been established in 811), would remain together with the Kingdom of Denmark under the same constitutional rules as a unitary state, and only Holstein and Lauenburg would be granted their own separate constitution. Therefore, on 24 March 1848, in less than two days from the appointment of the Moltke-government, the Schleswig-Holsteiners formed a temporary government in Kiel, led by Duke *Christian August of Augustenburg* (1798–1869), the heir to the Danish throne according to the German rules of succession,<sup>29</sup> referring to the “forever separable” union of Schleswig and Holstein.<sup>30</sup>

By this, the first Schleswig-Holstein war broke out, in which the Schleswig separatists were initially supported by Prussia (as the protector of the interests of the German Confederation). It is interesting to cite what Friedrich Engels wrote about this conflict in February 1848, in his essay “Three New Constitutions” published in the *Deutsche-Brüsseler-Zeitung*: “it is too absurd that they [the Schleswig-Holsteiners] should appeal to the police of the German Confederation against a constitution”.<sup>31</sup> Indeed, the Schleswig-Holsteiners were liberals, they followed the same constitutional principles as the Danish liberals in Copenhagen, but they were also nationalists, and this latter sentiment prevailed.

Until the end of April 1848, the Prussian army led by the experienced *Count Friedrich von Wrangel* (1784–1877) did not just drive the Danish troops out of Schleswig, but invaded the Northern part of the Jutland peninsula as well. Seeing this quick and dangerous advancement, Russia declared to take sides with Denmark, and managed to force – with the consent of England and Sweden – an armistice between the parties in July. The clashes started again in April 1849, but the Prussians decided to retreat from the armed conflict. On 9 July 1849, the Danes won a decisive victory at Fredericia, and on 2 July 1850 (also with the help of the Russian Empire) a peace treaty was entered into between Denmark and the German Confederation (the document was signed by Prussia in their own name, and the other on behalf of the Confederation). After some sporadic fights against the Schleswig-

<sup>28</sup> JESPERSEN 2019, 71.

<sup>29</sup> KAN 1980, 121.

<sup>30</sup> The declaration of the “forever inseparable” union derived from the famous “ewich tosamende ungedelt” (in later sources: “up ewig ungedelt”) clause of the *Freiheitsbrief* of Ribe of 1460. In this document, the newly crowned Danish king, Christian I of Oldenburg undertook to protect and preserve the eternal union of Schleswig and Holstein. For more information see Thomas RÜS: “Up ewig ungedelt” – ein Schlagwort und sein Hintergrund. In: *Geschichtsbilder. Festschrift für Michael Salewski zum 65. Geburtstag*. Eds.: Thomas Stamm-Kuhlmann – Jürgen Elvert – Birgit Aschmann – Jens Hohensee. Stuttgart, 2003, 158–167.

<sup>31</sup> Friedrich ENGELS: *Three New Constitutions*. In: *Marx and Engels Collected Works*. Volume 6: Marx and Engels, 1845–48. Eds.: Eric J. Hobsbawm et. al. Lawrence & Wishart Electric Book, 2010, 540–544, 543.

Holsteiners they were left alone in their fight by their former German allies, the hostilities concluded with the Treaty of London in May 1852.<sup>32</sup>

The treaty restored the integrity of the Danish monarchy that actually meant the maintenance of the *status quo*: Schleswig–Holstein should be given back to the Danish Crown, however with two important restrictions. On the one hand, Holstein (and Lauenburg) should remain members of the German Confederation, while on the other Denmark should undertake not to link Schleswig to itself more than to Holstein, i.e. Schleswig could not be annexed by the Kingdom of Denmark.<sup>33</sup> From a constitutional law point of view, the effect of the Treaty of London was that, while Denmark was already a constitutional monarchy, the old, absolutist constitution remained in force in Schleswig that would be governed as a royal province. Knud J.V. Jespersen emphasises that "this extremely complicated situation would give rise to endless problems which heralded the national catastrophe in 1864".<sup>34</sup>

On 31 July 1853 a new Act of Succession came into effect in Denmark, providing that, for the case of extinction of the male line of the Oldenburg dynasty (ruling since 1448), Prince Christian of Glücksburg would become the heir to the Danish throne. This change resulted in (previously approved by the international powers in the Treaty of London of May 1852), not only the Augustenburgs but the Hesse–Kassel (female) line of the dynasty being circumvented as well.<sup>35</sup> As we have already mentioned, the Augustenburgs would have been the rightful successors to the throne of Denmark by virtue of Salic law of succession recognised in the German states, while the Hesse–Kassel branch (descendants of Christian VIII's sister Princess Louise Charlotte and her husband, Prince William of Hesse–Kassel)<sup>36</sup> would have come according to the Danish rules of succession laid down in the old absolutist constitution, the Royal Law (*Kongeloven*) of 1665. On 30 December 1852 six million Crowns were paid to Duke Christian August of Augustenburg as a compensation for his abdication from the throne.<sup>37</sup>

By virtue of the Treaty of London, it was expressly prohibited to establish a common nation state between Denmark and Schleswig by the extension of the territorial effect of the Basic Law of 1849, as it had originally been planned by the Danish National Liberals in 1848. In the 1850s, the public law links between Denmark and the Duchies somehow had to be regulated. The king already promised in January 1852 that a common constitution would be granted to the Duchies.<sup>38</sup> Based on this promise, a constitutional decree on the "common affairs" of the Danish monarchy was issued in July 1854 (*Forordning om det*

---

<sup>32</sup> JESPERSEN 2019, 71.; in Danish see: <http://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/londontraktaten-8-maj-1852/> (Access date: 01/08/2019)

<sup>33</sup> Claus BJØRN: *Modern Denmark: A Synthesis of Converging Developments*. In: *Scandinavian Journal of History*, Vol. 25., No. 1–2. (2000), 119–130, 120.; Palle LAURING: *A History of the Kingdom of Denmark*. København, 1968, 217.

<sup>34</sup> JESPERSEN 2019, 71.

<sup>35</sup> Carl GOOS – Henrik LARSEN: *Das Staatsrecht des Königreichs Dänemark*. Tübingen, 1913, 5.; LAURING 1968, 217.; Vagn SKOVGAARD-PETERSEN: *Denmark: the Emergence of the Nation State*. In: *The Cambridge History of Scandinavia*. Vol. 2: 1520–1870. Eds.: Erkki I. Kouri – Jens E. Olesen. Cambridge, 2016, 946–961, 955.

<sup>36</sup> GOOS–LARSEN 1913, 3.

<sup>37</sup> GOOS–LARSEN 1913, 5.

<sup>38</sup> GOOS–LARSEN 1913, 4.



*Danske Monarchies Forfatning for dets Fælledsanliggender*).<sup>39</sup> This relatively short (and short-lived) document consisting of 28 paragraphs confirmed the new succession rules, and established an organ called the “Secret Council of the State” (*Gehejme Statsråd*) in order to deal with the common affairs of Denmark, Slesvig, Holstein and Lauenburg. For the supervision of these affairs, a common Council of the Realm (*Rigsråd*)<sup>40</sup> was set up, in the beginning only consisting of members appointed by the king. The Danish kingdom had dominance in the *Rigsråd* because 30 of its 50 members were appointed from Denmark, and the seat of the council was in Copenhagen as well.

On 29 August 1855 a document called “Restriction of the Basic Law of 5 June 1849” (*Indskrænkning af Grundloven af 5te Juni 1849*)<sup>41</sup> listed the internal affairs of Denmark (§ 2) and made clear that all the matters not listed therein should be considered as common affairs of Denmark and the Duchies, and therefore the 1849 Constitution should not apply to them. Finally, the decree of July 1854 was replaced with a German–Danish bilingual “Constitutional Law for the Common Affairs of the Danish Monarchy” on 2 October 1855 (*Forfatningslov for det Danske Monarchies Fælledsanliggender*).<sup>42</sup>

This document preserved the existence of the *Rigsråd*, however in a way that only one quarter of its members (20) were appointed by the king, the remaining three quarters were elected, half of them (30) by the Danish *Rigsdag* (18) and the assemblies of the provinces (5 from Schleswig, 6 from Holstein and 1 from Lauenburg), and the other half (30) by the citizens enfranchised with a quite antidemocratic system of tax and property qualifications (the same criteria as those of eligibility for the *Landsting* set out in the 1849 Constitution) – according to the opinion of Torkel Jansson, practically by no more people than the 6,000 wealthiest citizens.<sup>43</sup> However, it is still worth mentioning that the *Rigsråd* election of 1856 was the first parliamentary election in the world held in line with the principle of proportional representation.<sup>44</sup> The exact system was worked out by the Danish mathematician and Minister of Finance *Carl C.G. Andræ* (1812–1893) mainly on the basis of the methods recommended by *Sir Thomas Hare* (1806–1891).<sup>45</sup>

<sup>39</sup> GOOS–LARSEN 1913, 6.; ORFIELD 1953, 24. In Danish see: <http://thomasthorsen.dk/pol/1854-constitutional-order.php> (Access date: 01/08/2019)

<sup>40</sup> It is interesting to mention that *Rigsråd* was the name of the old aristocratic Council of the Realm abolished in autumn 1660 when the king was declared the absolute and hereditary king of Denmark. Before this system change, the Council of the Realm controlled the affairs of the state together with the monarch; no tax could be imposed and no war could be declared without its approval; and it was the council to establish the conditions of the royal oath, i.e. the legal limitations of the royal power. Obviously, the new *Rigsråd* of Denmark and the Duchies had nothing to do with this old body of the aristocratic constitution of Denmark ruling the country in co-operation with the king between 1536 and 1660.

<sup>41</sup> In Danish see: <http://thomasthorsen.dk/dk-co-lim-1855.html> (Access date: 01/08/2019)

<sup>42</sup> In Danish see: <http://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/helstatsforfatningen-1855-faellesforfatningen/> (Access date: 01/08/2019)

<sup>43</sup> Torkel JANSSON: *The Constitutional Situation*. In: *The Cambridge History of Scandinavia*. Vol. 2: 1520–1870. Eds.: Erkki I. Kouri – Jens E. Olesen. Cambridge, 2016, 907–927, 915.

<sup>44</sup> GOOS–LARSEN 1913, 7. and 75.; ORFIELD 1953, 24.

<sup>45</sup> For a detailed description of this method known as the system of “single transferable vote” (even with a mathematical example on page 76) see: GOOS–LARSEN 1913, 75–76.

The Constitutional Law of 1855 was not acceptable for the German speaking population of the Duchies, mainly because of the unequal distribution of places in the *Rigsråd*.<sup>46</sup> Therefore, the Schleswig–Holsteiners immediately asked the German Confederation for an intervention. At Prussian demand, the application of the common constitution was suspended in Holstein and Lauenburg by a royal patent, however thereafter the negotiations stalled and the conflict remained unresolved. At the beginning of the 1860s, the Danish national liberal movement regained its ground in the Danish politics, and they went back to the old "Eider-Danish" principle, proposing the cession of Holstein and Lauenburg to the German Federation on the one hand, and a full integration of Schleswig (down to the historic border established in 811 between Denmark and the Frankish Empire at river Eider) to the Kingdom of Denmark on the other. This political concept meant a serious threat for the German speaking (southern) part of Schleswig, and at the same time it could be easily interpreted by the great powers as a violation of the Berlin (1850) and London (1852) peace treaties.

Anyway, the leader of the Danish government, *Carl Christian Hall* (1812–1888) presented a proposal for a common constitution to the *Rigsråd* in this "Eider-Danish" spirit in September 1863, and the *Rigsråd* – where Holstein and Lauenburg were not represented because of the suspension of the applicability of the common constitution – adopted the text on 13 November 1863. King Frederick VII died two days later, thus the constitutional bill could not be signed by him.<sup>47</sup> Therefore the signature became the first royal instruction of Christian IX (Christian of Glücksburg, 1863–1906), the new king of Denmark according to the London Protocol.<sup>48</sup> He signed the document called "Basic Law for the Common Affairs of the Kingdom of Denmark and the Duchy of Schleswig" (*Grundlov for Kongeriget Danmarks of Hertugdømmet Slesvigs Fælledsanliggender*)<sup>49</sup> on 18 November 1863, probably being aware that this decision could lead to a repeated war against the Germans, because Denmark had already received a warning from the Prussians that they would consider the adoption of the new common constitution as the breach of the Treaties of Berlin and London.<sup>50</sup>

However, the "November Constitution" (*Novemberforfatningen*) was not an open violation of the prohibition of setting up a unitary state between Denmark and Schleswig. It just linked the constitutional relationships of these two parts of the empire more strongly to each other by the establishment of a new bicameral common parliament still called *Rigsråd*. The lower house (called *Folketing*, similarly to its counterpart in Denmark) consisted of 130 members, 101 of which were elected in Denmark, while 52 of the 83 members of the upper house (called *Landsting*) were elected in Denmark, 13 in Schleswig, and the remaining 18 members were appointed by the king. Anyway, this stronger union between Denmark and Schleswig established by the "November Constitution" became the cause

---

<sup>46</sup> GOOS–LARSEN 1913, 7.; KAN 1980, 124.

<sup>47</sup> LAURING 1968, 222.

<sup>48</sup> KAN 1980, 124.

<sup>49</sup> In Danish see: <http://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/novemberforfatningen-1863/> (Access date: 01/08/2019)

<sup>50</sup> BJØRN 2000, 120.; Kenneth E. MILLER: *Government and Politics in Denmark*. Boston, 1968, 34.; SKOVGAARD-PETERSEN 2016, 956.



of the second Schleswig–Holstein war, leading to the national disaster of 1864 referred to by Knud J.V. Jespersen: the loss of whole Schleswig.

The German Confederation reacted very quickly. On 7 December 1863, within less than one month from the proclamation of the “November Constitution”, the *Bundesversammlung* (the Federal Convention of the German Confederation) decided to enforce its right of intervention in favour of the Holstein and Lauenburg as guaranteed in the London Protocol, and some weeks later German troops arriving from Saxony and Hannover invaded these two territories. Four days later, the two most important German powers, the Kingdom of Prussia and the Austrian Empire of *Francis Joseph* (r. 1848–1916) jointly declared that the army of the Confederation should occupy Schleswig as well, keeping it under German occupation until the withdrawal of the “November Constitution” and the complete restoration of the constitutional conditions to conformity with the London Treaty.

As soon as Denmark had rejected the Austrian–Prussian ultimatum, the Austrian and Prussian troops invaded Schleswig (in February 1864), and then, within less than three months, they occupied the whole peninsula of Jutland, posing a direct threat to the Danish islands as well. Denmark suffered a total military defeat in less than half a year.<sup>51</sup> As a result of this disastrous war, on 30 October 1864, the Danish party had to sign a very unfavourable peace treaty in Vienna, the conditions of which can only be compared to the infamous Peace of Roskilde of 1658 by virtue of which all Danish territories east of Øresund (including Scania) had to be ceded to the Kingdom of Sweden. According to the provisions of the Treaty of Vienna, Denmark not only had to renounce Holstein and the German speaking southern part of Schleswig, but the whole territory of the latter had to be ceded to Austria and Prussia.<sup>52</sup> (According to the almost unbelievable result of a very recent Danish historical research in the Royal Archive, Christian IX was so desperate that he secretly offered Bismarck that Denmark would even join the German Confederation if it could remain in union with the Duchies.)<sup>53</sup>

The new Dano-German border was set at the river Kongeå (in German: *Königsau*), by which the territory of the Kingdom of Denmark became the smallest ever in Danish history, and some 200,000 people of Danish origin and language (mostly in Northern Schleswig) had to continue their lives as Prussian subjects (after the Prussian–Austrian war of 1866, by virtue of the Peace of Prague the Duchies remained under the sole control of Prussia).<sup>54</sup> Moreover, the execution of the Treaty of Vienna made all constitutional changes adopted after 1849 unreasonable, including the “restriction” of the Basic Law of 1849 to the Danish internal affairs, and any kind of “common constitution” between the Kingdom of Denmark and the Duchies (now purely German territories) as well.

---

<sup>51</sup> See: LAURING 1968, 223–231.

<sup>52</sup> BJØRN 2000, 120.; GOOS–LARSEN 1913, 11.; SKOVGAARD–PETERSEN 2016, 956.

<sup>53</sup> See: TOM BUK-SWIENY: *Dommedag Als, 29. juni 1864*. [Doomsday in Als.] København, 2010. A brief summary of the story in Danish: <https://politiken.dk/kultur/art5606634/Hemmeligt-arkiv-Kongen-tilb%C3%B8d-Danmark-til-tyskerne-efter-1864> (Access date: 01/08/2019)

<sup>54</sup> KAN 1980, 125.; SKOVGAARD–PETERSEN 2016, 956.

### 3. The Basic Law of 1866 and the turnaround called "Landsting Parliamentarism"

The *Juni-Grundlov* of 1849 was – again with the words of Knud J.V. Jespersen – “essentially the work of the National Liberals”.<sup>55</sup> However, the “extensive concept of democracy” mirrored in the dimensions of franchise regarding the *Folketing*, was too radical for them as well. Even their prominent leader, Minister of the first Danish “responsible government” *Orla Lehmann* (1810–1870) said once that the political power should be exercised by “the intelligent, the educated and the rich”.<sup>56</sup> On the other hand, the old landowner elite interpreted the wide representation of the *Rigsdag* (and especially of the lower house) as a great political mistake. The humiliating defeat against the Prussians in 1864 resulted in the collapse of the National Liberal government. On 6 November 1865 King Christian IX appointed one of the biggest landowners of the country, Count *Christian Emil Krag-Juel-Vind-Frijs til Frijsenborg* (1817–1896) as the new Prime Minister. The Conservatives remained in power until 1901.<sup>57</sup>

Count Frijs was a clever politician who knew very well how to deal with the representatives of the small farmers, who still had a solid majority in the *Folketing*, thanks to the democratic suffrage. After long discussions with their leader *Jens Andersen Hansen* (1806–1877) he convinced them, among others with the promise of providing them with greater influence in the government, that the Basic Law 1849 should be reinstated after a thorough revision.<sup>58</sup> The relating proposal of the cabinet was ready as soon as 17 November 1865, then adopted by the parliament through the complicated process of amending the constitution as provided by the Basic Law of 1849 itself, and finally signed by Christian IX on 28 July 1866<sup>59</sup> as “the Revised Basic Law of the Danish Realm” (with contemporary Danish spelling: *Danmarks Riges Gjennemsete Grundlov*).<sup>60</sup>

Among other, less important amendments to the original constitution (1849), the most important modification to the Danish constitutional and political system was the transformation of the upper house (*Landsting*) to an aristocratic and “genuinely conservative” body, in line with the political preferences with the landowners. According to the provisions of Chapter IV of the “Revised Constitution”, the reformed *Landsting* still had 66 members (§ 34), but 12 of them were not elected but appointed by the king for a lifetime (*på Livstid*, § 39), similarly to the *Rigsråd* established by the “common constitutions”. One further member was delegated by the assembly of Bornholm, another one by the *Lagting* of the Faroe Islands. And maybe an even more serious change was that 27 of the remaining members (indirectly elected for an eight-year term), altogether the half of the members

---

<sup>55</sup> JESPERSEN 2019, 75.

<sup>56</sup> JESPERSEN 2019, 72.

<sup>57</sup> JESPERSEN 2019, 75–76.

<sup>58</sup> JESPERSEN 2019, 76.

<sup>59</sup> JESPERSEN 2019, 76.

<sup>60</sup> In Danish see: <http://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/den-gennemsete-grundlov-af-1866/> (Access date: 01/08/2019)

not appointed by the king, would be chosen by the largest taxpayers (*Højstbeskattede*) of their constituencies (principle of “virilism”).<sup>61</sup>

As taxation, at least concerning the rural constituencies, was based on the value of the agricultural lands and other real properties, the introduction of these new rules meant that the landowners’ social class was significantly over-represented in the Danish parliament.<sup>62</sup> Jenő Szekeres, a Hungarian author who published a study in 1914 in Hungary on the democratic reform of the Danish constitution already in progress, emphasised that half of the elected members of the upper house, twenty seven *Landsting* members were elected by “no more than twice or three times as many Counts and Barons” (Szekeres refers to this system in the same study as an “unbelievably obscene form of plural franchise”).<sup>63</sup> All in all, by this constitutional revision, the landowners could easily guarantee an unquestionable dominance for themselves in the upper house for the rest of the 19<sup>th</sup> century, and as no law could be enacted without the approval of the second chamber, they could “effectively block any progressive proposals” arriving from the democratically elected lower house.<sup>64</sup> Furthermore, the *Gennemsete Grundlov* reaffirmed the king’s veto as well (§ 24).<sup>65</sup>

Logically, this conservative revision of the June Constitution in 1866 resulted in a complete restructuring of the Danish political scene. While the winners, the landowners remained in power for as much as three and a half decades, the smallholders were rightfully disappointed. None of the promises they had received from Count Frijs came true. Instead of involving them in the reconstruction of Denmark after the horrible defeat in the second Schleswig–Holstein war, the aristocrats rather formed an alliance with the urban National Liberals, and left the farmers completely out of the decision making. As a political reaction, in 1870 the farmers established an opposition party called “The United Left” (*Det Forenede Venstre*, commonly referred to as the Liberals) that won the *Folketing* elections two years later with an absolute majority. However, the government remained unchanged.<sup>66</sup> In 1873 the *Venstre* unsuccessfully urged the king in a memorandum to appoint a government in conformity with the political majority in the lower house as “the chamber based on general suffrage”.<sup>67</sup>

On 11 June 1875, the new leader of the Conservatives, another big landowner, the 50 year old *Jacob Brønnum Scavenius Estrup* (1825–1913) was appointed by the king to the Prime Minister’s position, who remained in office for 19 years.<sup>68</sup> For us Hungarians, Estrup can be easily compared to his contemporary colleague, *Kálmán Tisza* (1830–1902), the leader of the hegemonic government party and Prime Minister of Hungary between 1875 and 1890. In a broader European comparison, he was undoubtedly the Danish equivalent

<sup>61</sup> JESPERSEN 2019, 76.; KÜHLE 2008, 183.; NANNSTAD 2013, 56.; SZEKERES Jenő: *A dán alkotmányreform*. [The Danish constitutional reform.]. In: *Huszadik Század*, No. 1 (1914), 489–498, 491.

<sup>62</sup> FRIIS 1950, 3.; NANNSTAD 2013, 56.; SCHOU 1997, 196.

<sup>63</sup> SZEKERES 1914, 491.

<sup>64</sup> JESPERSEN 2019, 76.

<sup>65</sup> However, it is important to note that the Danish kings have never exercised their veto since 1865. See: ORFIELD 1953, 30.

<sup>66</sup> JESPERSEN 2019, 76.; KÜHLE 2008, 185–186.

<sup>67</sup> JAKOBSEN–KURUNMÄKI 2016, 105. (Referred source: *Rigsdagstidende*, 1872–73, 1853ff.); JESPERSEN 2019, 77.; SKOVGAARD–PETERSEN 2016, 961.

<sup>68</sup> JESPERSEN 2019, 77.; KAN 1980, 138.

of *Otto von Bismarck* (1815–1898),<sup>69</sup> who served as the Prime Minister of Prussia and, since 1871, the first Imperial Chancellor of the second German Empire (and, ironically, in 1890 was granted the title of Duke of Lauenburg, one of the territories acquired from Denmark in 1864).

The *Venstre* tried to block Estrup's government first by refusing to accept the new state budget in the lower house, after the previous one had expired on 1 April 1877. Estrup and King Christian IX responded with the prorogation of the session of the parliament that made constitutionally possible to the government to issue a "provisional law" on the new budget on the basis of § 25 of the Revised Basic Law (as we have mentioned earlier in this study, the government was already allowed to do this by § 30 of the 1849 Constitution as well).<sup>70</sup> After this, the opposition – or with other words, in order to highlight the absurdity of this situation, the party having absolute majority in the lower house – started an obstruction, rejecting any proposal of the government. The Danish parliamentary politics of the whole decade of the 1880s can be characterised by the word obstruction, again somewhat similar to Hungary or Prussia. Notwithstanding the high political tension, Estrup successfully managed the state affairs against the clear political will of the lower house.

Did he have any constitutional basis to behave like this, or was it rather an unconstitutional way of governing, something like a dictatorship? If we do not approach this question based on a modern, 20–21<sup>st</sup> century interpretation of parliamentarism, we may respond that it was not contrary to the norms of the constitution. First, the monarchic constitutions of contemporary Europe defined the government as the king's cabinet. Consequently, the kings were free to decide whom they wanted to appoint as "their" Prime Minister, as a person of royal confidence. On the other hand, it is important to mention that Estrup, thanks to the aristocratic rules related to the *Landsting* elections, had a comfortable majority in the upper house. In May 1873, at the beginning of the political fight between the landowners and the disappointed farmers (now Liberals), *Henning Matzen* (1840–1910), a conservative lawyer had published a series of studies on this topic in the *Dagbladet* under the title *Grundloven og Parlamentarismen* („The Basic Law and the Parliamentarism").<sup>71</sup> Based on Matzen's conclusions, the era of the Estrup-government (and thereafter, until the parliamentary system change in 1901) is called "*Landsting* parliamentarism".<sup>72</sup>

Between 1885 and 1894, Denmark had no budget approved by the parliament at all. However, the provisional laws were not the only weapon Estrup used against the *Venstre*. The other one was the national sentiment. After the defeat of 1864, the threat of the German Empire could be easily used in order to obtain a stronger popular support for the conservative (and nationalist) government. The *Venstre* was aware that an obstruction against the defence of the country would be immediately interpreted (and communicated) by the governing party as something like treason, and so they could even lose their majority in the lower house in the following elections. Therefore, regarding the subject matter of defence works and expenses, they had to suspend the obstruction, at least when these topics

---

<sup>69</sup> JESPERSEN 2019, 77.

<sup>70</sup> KÜHLE 2008, 188.

<sup>71</sup> JAKOBSEN–KURUNMÄKI 2016, 105. For the source in Danish, see: <https://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/henning-matzen-om-grundloven-og-parlamentarismen-maj-1873/> (Access date: 02/08/2019)

<sup>72</sup> BYRON J. NORDSTROM: *Scandinavia since 1500*. Minneapolis, 2000, 215.

were under discussion.<sup>73</sup> (For a contemporary comparison in the 2010s, see the question of migration and the “protection of Europe” as a blatant example, especially in some East European countries.)

#### 4. The *Systemskifte* of 1901: victory of the real parliamentary democracy

It is more than obvious that this kind of manoeuvring, series of games of political tactics and communication can be maintained for some years or decades, but not forever. The use of the legal possibility of governing without such important laws enacted by the parliament as the law on state budget,<sup>74</sup> an instrument originally provided by the constitution in order to handle extraordinary situations for short periods, cannot be interpreted otherwise after so many years than a constitutional abuse.<sup>75</sup> Furthermore, after 1884, the Venstre had sixty-nine seats in the lower house, while the Conservatives only had nineteen,<sup>76</sup> and this fact clearly demonstrated that the popular support behind the opposition remained constant. At the same time, a much more radical political group appeared on the scene as well, the movement of “Socialist Workers” (the predecessors of the Social Democrats), that was ready to use new means in the political struggle like strikes or other mass demonstrations. They also had their seats in the *Folketing*.<sup>77</sup>

In such circumstances, in the beginning of the 1890s, a group of moderate Conservatives began moving in the direction of a political compromise with the moderate wing of the Liberals (*Venstre*). The agreement was done already in March 1894: the Liberals accepted the necessity of state investments especially with regard to the defence of Copenhagen, while the Conservatives (the party called *Højre*, the “Right”, since 1881) agreed to stop using the measure of provisional laws instead of the normal legislation in the parliament,<sup>78</sup> and Estrup had to promise to step down “in favour of a more moderate Conservative whom the Liberals could trust”.<sup>79</sup> This way, *Højre* could keep its position in political power, and that was important for the king as well, who still trusted in them more than in any other political formation.

In 1895, shortly after the above mentioned compromise, a new, reformed liberal party was established by a schoolteacher from West Jutland, *Jens Christian Christensen* (1856–1930).<sup>80</sup> This formation, usually referred to as the *Venstrereformparti* (or simply “the

---

<sup>73</sup> JESPERSEN 2019, 77.

<sup>74</sup> The yearly average of laws enacted by the Parliament fell back from 42 to 30. See: Erik DAMGAARD: *The Function of Parliament in the Danish Political System: Results of Recent Research*. In: Legislative Studies Quarterly, Vol. 5, No. 1 (1980), 101–121, 103.

<sup>75</sup> Nils ANDRÉN: *Five roads to parliamentary democracy*. In: Nordic Democracy. Ideas, Issues, and Institutions in Politics, Economy, Education, Social and Cultural Affairs of Denmark, Finland, Iceland, Norway, and Sweden. Eds.: Erik Allardt – Nils Andrén – Erik J. Friis – Gylfi Gislason – Sten Sparre Nilson – Henry Valen – Franz Went – Folmer Wisti. København, 1981, 44–52, 46.; Peter SKADHAUGE: *Denmark*. In: Journal of the Society of Comparative Legislation. New Series, Vol. 17 (1917), 196–198, 196.

<sup>76</sup> ORFIELD 1953, 27.

<sup>77</sup> JESPERSEN 2019, 79.

<sup>78</sup> NORDSTROM 2000, 216.

<sup>79</sup> JESPERSEN 2019, 78. See also: KÜHLE 2008, 189.; NANNESTAD 2013, 56.

<sup>80</sup> JESPERSEN 2019, 79.

Reform Party", *Reformpartiet*) won the elections of 1901 with a surprisingly good result, winning 75 seats, while the other faction of the old *Venstre*, the moderate Liberals could only keep 16 mandates. The Social Democratic Workers' Party (*Det Socialdemokratiske Arbejderparti*) became the third strongest party with 14 mandates, and the Højre received as few as eight seats (out of 114). In this situation the appointment of a Conservative Prime Minister would have been a dangerous step, and Christian IX appeared to be aware of this.

On 24 July 1901, the king finally decided to appoint "the first *Venstre* government in the history of Denmark".<sup>81</sup> This is the event called *systemskiftet* in Danish historiography: change of system from the aristocratic *Landsting* parliamentarism to a true parliamentary democracy and responsible government, based on the principle of popular representation.<sup>82</sup> According to Uffe Jakobsen and Jussi Kurunmäki, by this victory of „*Folketing* parliamentarism" a bitter political struggle of the *Venstre* of more than two decades, characterised by the slogan of "none above and none next to the *Folketing*", came to a happy end.<sup>83</sup> Erik Damgaard adds that the modern Danish political system of "inter-party bargaining and coalition formation" also began with this system change.<sup>84</sup> Finally, let us quote the contemporary Hungarian author, Jenő Szekeres as well, who enthusiastically called this event as "the political renaissance of Denmark".<sup>85</sup>

The appointment of the first (reformed) *Venstre* government was not an easy step for the aging king who still had a general feeling of aversion towards the Liberals. He had absolutely no intention to entrust Christensen to form the cabinet. The man he finally chose was a professor of law and board member of *Det Østasiatiske Kompagni* (The East Asiatic Company), *Johan Henrik Deuntzer* (1845–1918). According to the legend, Christian IX asked Deuntzer if he was a left-winger, who replied after some hesitation: "To some extent, Your Majesty".<sup>86</sup> Christensen, the real leader of the governing party had been satisfied with the position of Minister for Church Affairs and Education.<sup>87</sup> That is why Byron J. Nordstrom says that *systemskiftet* was completed only when Christensen could finally take over the government: "In 1905 a more genuine parliamentary government was founded when Christensen became Prime Minister. The events of 1901 and 1905 are called 'the system change' in Danish political history".<sup>88</sup>

*Reformpartiet* really proved to be the party of reforms. During their eight years in government, several economic and social reform programs were carried out. One of the most important achievements was the introduction of the progressive taxation of personal income and capital revenues instead of the old property based tax system,<sup>89</sup> but from a constitutional point of view the democratic reform of the municipalities (*kommunalreformen*)

---

<sup>81</sup> JESPERSEN 2019, 79.

<sup>82</sup> ANDRÉN 1981, 46.; Erik DAMGAARD: *Denmark: Experiments in Parliamentary Government*. In: Erik Damgaard: *Parliamentary Change in the Nordic Countries*. Oslo, 1992, 19–51, 24.; JESPERSEN 2019, 79.; NANNSTAD 2013, 56.; ORFIELD 1953, 27.

<sup>83</sup> JAKOBSEN–KURUNMÄKI 2016, 106.

<sup>84</sup> DAMGAARD 1980, 112.

<sup>85</sup> SZEKERES 1914, 490.

<sup>86</sup> JESPERSEN 2019, 80–81.

<sup>87</sup> JESPERSEN 2019, 80.; KÜHLE 2008, 189.

<sup>88</sup> NORDSTROM 2000, 217.

<sup>89</sup> Robert BOHN: *Dänische Geschichte*. München, 2001, 106.



has even greater significance. On 20 April 1908, universal suffrage was introduced in the municipal elections, and women were granted voting rights as well, the first time in Danish history.<sup>90</sup> Another interesting event of the times of the Reform Party was the first motion of no confidence in the history of Denmark that was asked by Prime Minister *Ludvig Holstein-Ledreborg* (1839–1912) against himself and his government on 28 October 1909, leading to his abdication after two months in power.<sup>91</sup>

In the meantime, the Danish party structure also went through a transformation. A group disagreeing with Christensen's compromise policy had already left the Reform Party in 1905, and established a new party called *Det Radikale Venstre* (the "Radical Left", usually referred to in English as the Social Liberals).<sup>92</sup> Five years later, the moderate faction of the old *Venstre*, which had previously collaborated with the Conservatives, joined the Reform Party. This is how the new *Venstre*, that still exists, was formed.<sup>93</sup> Another five years later, already after the constitutional reform of 1915, the old Right (*Højre*) changed its name to *Det Konservative Folkeparti* (The Conservative People's Party).<sup>94</sup> By this, the 20<sup>th</sup> century four-party system of Denmark was ready: KF and *Venstre* on the one side, *Det Radikale Venstre* and the Social Democrats (until 1965 called the Social Democratic Workers) on the other. This party structure remained intact until the first great crisis of the post-war welfare state, the so-called "landslide elections" of 1973.<sup>95</sup>

## 5. The democratic reform of the constitution in 1915

The most important demand of the "old" *Venstre* party after the constitutional amendments of 1866 was the return to the democratism of the original Basic Law of 1849.<sup>96</sup> After the compromise between the moderate Liberals with the Conservatives in 1894, the constitutional thought was embraced by the new, reformed *Venstre*. The party lost its majority in the *Folketing* at the 1909 elections. Thereinafter, the issue was dealt by them again as a matter of priority, especially concerning the need for democratic electoral reform. The leader of their progressive wing, Prime Minister *Klaus Berntsen* (1844–1927) presented a constitutional bill to the lower house in the winter of 1912. The proposal was supported by the Radical Liberals and the Social Democrats as well, but it finally failed, due to the resistance of the *Landsting*.<sup>97</sup>

In 1913, the Radical Liberals won the election and were able to form a government with the support of the Social Democratic party. The new Prime Minister, *Carl Theodor*

---

<sup>90</sup> BOHN 2001, 106.; GOOS-LARSEN 1913, 175. and 177.; ORFIELD 1953, 50.; Birte SIIM – Christina FIIG: *Democratisation of Denmark - the Inclusion of Women in Political Citizenship*. Freia's Tekstserie 66. Aalborg, 2007, 4–5. In Sweden, women had already been enfranchised since 1862 at the municipal elections. See the table of comparison at NORDSTROM 2000, 253.

<sup>91</sup> ORFIELD 1953, 27.

<sup>92</sup> JESPERSEN 2019, 81.

<sup>93</sup> DAMGAARD 1992, 24.

<sup>94</sup> BOHN 2001, 105.; JESPERSEN 2019, 82.; MILLER 1968, 37.

<sup>95</sup> JESPERSEN 2019, 90.

<sup>96</sup> LAURING 1968, 231.

<sup>97</sup> KAN 1980, 155.; SZEKERES 1914, 490.

Zahle (1866–1946), who had already been the leader of the Danish government once in 1909–10, took office setting the democratic reform of the constitution as his most important political aim.<sup>98</sup> Interestingly, by virtue of § 22 of the Revised Basic Law, the king had the option to dissolve only one of the chambers instead of enforcing this right against the whole legislative body. Taking advantage of this rule, Zahle convinced the new king, Christian X (r. 1912–1947), grandson of Christian IX, to only dissolve the upper house. At the new *Landsting* election of 1914, the Conservatives lost their majority in the second chamber.<sup>99</sup> With this important change, the obstacle to the adoption of the democratic reform of the constitution was finally overcome. The new Basic Law was accepted by both houses in 1914, and the king signed it on the Day of the Constitution, 5 June 1915.<sup>100</sup> That is why it is popularly called "*Den Anden Juni-Grundlov*" (the Second June Constitution).<sup>101</sup>

As Nils Arne Sørensen underlines, in contrast to several other European countries going through similar constitutional reforms in the 1910s, in Denmark no causal link between the outbreak of the world war and the democratic political reforms can be observed.<sup>102</sup> Thanks to the clever diplomacy of the Radical Liberals, and especially the qualified career diplomat then serving as Foreign Minister, *Erik J.C. Scavenius* (1877–1962), Denmark could manoeuvre between its two principal economic partners, Germany and England, in such a successful manner that the country could preserve its neutrality until the end of the war.<sup>103</sup> Therefore, the social shock could be avoided. However, in one aspect the war was still a catalyst of the constitutional reform: after the outbreak of the war, the internal political situation became much quieter and more peaceful than it had ever been before.<sup>104</sup> As W. Glyn Jones highlights, in such circumstances "a new willingness to compromise was evident and the Right ceased to block the progress of the constitutional reform in return for certain concessions on voting procedures".<sup>105</sup>

The new *Grundlov* is in many aspects, and also in its structure, almost identical to the original one of 1849. The most important difference between the two constitutions was evidently the regulation of suffrage. According to § 30, the citizens were granted the right to vote irrespective of their gender ("*enhver Mand og Kvinde*").<sup>106</sup> The voting age was also lowered from 30 to 25 years (according to the preliminary rules, this happened in stages, first to 29 only),<sup>107</sup> however the enfranchisement of women (with exactly the same conditions as in the case of men) was the emblematic achievement that has made the new Basic Law of 1915 really famous in Danish (and European) constitutional history. By these

---

<sup>98</sup> Nils Arne SØRENSEN: *Denmark*. In: 1914–1918 Online. International Encyclopedia of the First World War. <https://encyclopedia.1914-1918-online.net/article/denmark> (Access date: 19/07/2019), PDF version, 4.

<sup>99</sup> KAN 1980, 155.

<sup>100</sup> ORFIELD 1953, 25.

<sup>101</sup> See e.g. *Den Store Danske*. [http://denstoredanske.dk/Danmarkshistorien/Klassesamfundet\\_organiseres/Borgfred\\_og\\_klassekamp/Borgfredens\\_resultater/Den\\_anden\\_junigrundlov](http://denstoredanske.dk/Danmarkshistorien/Klassesamfundet_organiseres/Borgfred_og_klassekamp/Borgfredens_resultater/Den_anden_junigrundlov) (Access date: 06/08/2019)

<sup>102</sup> SØRENSEN, 14. and 17.

<sup>103</sup> Bent BLUDNIKOV: *Denmark during the First World War*. In: *Journal of Contemporary History*, Vol. 24., No. 4. (1989), 683–703, 683–684.; Bjørn 2000, 121.

<sup>104</sup> SØRENSEN, 4.

<sup>105</sup> W. Glyn JONES: *Denmark. A Modern History*. London, 1986, 105–106.

<sup>106</sup> FRIIS 1950, 3.; LAURING 1968, 236.; SKADHAUGE 1917, 196.

<sup>107</sup> JONES 1986, 106.; SIIM-FIIG 2007, 7.

changes, the representation of the *Folketing* (and of the *Rigsdag*, altogether) grew from 15 to 40 per cent.<sup>108</sup> As W. Glyn Jones remarks: “The new constitution gave Denmark, true to her predominant democratic sentiments, a much more progressive form of government based on universal suffrage”.<sup>109</sup>

The demand of granting franchise to female citizens was raised in the *Folketing* first by the “old” *Venstre* already in the 1880s, and women’s suffrage was first introduced by the reformed *Venstre* after the *systemsifte* of 1901, in 1907 at the Social Help Board (a self-governing social security authority) elections and, one year later, as we have already mentioned, at the municipal elections as well.<sup>110</sup> In 1905, the Social Democrats proposed a thorough reform of the constitution regarding the parliamentary institutions, including not only the introduction of the universal suffrage for all men and women above 21 years of age, but the abolishment of the upper house as well. This idea was too radical for the two liberal parties, and obviously unacceptable for the Conservatives, however it was good enough to put the necessity of the reform of parliamentary franchise on the agenda.<sup>111</sup> After the establishment of the second Zahle-government in 1913, the compromise of the Social Democrats, Radical Liberals and the Liberals (*Venstre*) was reached, and after a repeated election the new constitution providing women’s suffrage could be finally adopted.<sup>112</sup>

Further to the enfranchisement of women, some other important amendments were made as well in order to strengthen the institutions of parliamentarism. Concerning the electoral system, the principle of proportionality (already applied to the *Rigsråd* in the “common constitution” of 1855 for Denmark and the Duchies) was introduced regarding the Danish parliament. This was demanded by the Conservatives, because they were afraid of losing many of their seats in both houses due the extension of suffrage.<sup>113</sup> Finally, a fully proportional electoral system was introduced in Copenhagen, and 23 supplementary seats were established in order to balance the votes lost in the rural single-seat constituencies.<sup>114</sup>

Furthermore, the fundamental right of the parliament to approve the state budget was considerably strengthened. The sessions of the *Rigsdag* could not be closed before the adoption of the budget bill (§ 19), and the rules concerning the provisional laws (*foreløbige love*) were modified as well. The possibility itself was maintained for such extraordinary cases of necessity when the parliament would not be in session, however, having learned the lesson of the years of *Landsting* parliamentarism (especially 1885–94), by virtue of § 25 of the new Basic Law such provisional laws issued by the government would immediately expire when the *Rigsdag* meets again. Finally, according to the amended provision of § 48, tax could be levied only on the basis of a budget approved by the parliament, i.e. the provisional laws could not serve as the basis of taxation for the government any more (as they had done in the period of the Estrup-government). In Lester B. Orfield’s opinion, the

<sup>108</sup> SIIM–FIIG 2007, 7.

<sup>109</sup> JONES 1986, 106.

<sup>110</sup> For more details, see: SIIM–FIIG 2007, especially 4–6.

<sup>111</sup> SIIM–FIIG 2007, 6.

<sup>112</sup> JONES 1986, 106.; SIIM–FIIG 2007, 6.

<sup>113</sup> NANNSTAD 2013, 56–57.

<sup>114</sup> JONES 1986, 106.; ORFIELD 1953, 25.

meaning of this modification is that finance laws "may not be the subject of provisional laws".<sup>115</sup>

It is important to mention that the second *Juni-Grundlov* modified the rules regarding the composition of the *Landsting* as well. The second chamber of the parliament was not abolished (as proposed by the Social Democrats some years before), but no members appointed by the king remained therein. The upper house was changed to a fully elected legislative body again (as it had originally been, based on the Basic Law of 1849), but with slightly different rules. By virtue of § 36, the number of its members was established in 72, 54 of which were elected by the people invariably through indirect elections.<sup>116</sup> The remaining one-quarter of the members, 18 persons were, instead of being royal appointees, elected by the previous *Landsting*. By this very special rule, a certain continuity could be guaranteed between the "old" (before-elections) and "new" (after-elections) second chamber. This was also a concession to the Conservatives in return for their support of the constitutional bill.<sup>117</sup>

The final, and rather unfortunate change made by the new constitution compared to the old rules was the re-regulation of the procedure of constitutional amendments. According to § 93, the constitution could be amended by two consecutive *Rigsdags* (as it had been before), however, after the confirmation of the constitutional bill by the newly elected parliament, a third step was inserted before the royal signature: a mandatory referendum (*folkeafstemning*). It meant that any amendment to the constitution should be directly approved by the people, and the approval was considered given only if not just the majority of the votes were in favour of the bill, but also at least 45 per cent of the whole population having voting rights (irrespective of their participation at the referendum) voted in its favour.<sup>118</sup> As Peter Nannestad remarks, this rule was again a concession to the Conservatives, in return for their support of the constitutional reform otherwise unfavourable to them.<sup>119</sup>

As already mentioned, the old *Højre* (together with some moderate Liberals) was renamed as *Det Konservative Folkeparti* shortly after the adoption of the Basic Law of 1915, as a direct consequence of the more democratic electoral rules, responding with a symbolic change to the needs of a more popular political campaign, especially focusing on representing the interests of the middle classes instead of the old aristocracy.<sup>120</sup> According to its enacting terms, the new constitution could not enter into effect before one year from the royal signature (i.e. the first on 5 June 1916), but at the request of the Conservative Party, the date was postponed for further two years. Therefore, the second *Juni-Grundlov* could finally enter into force on 21 April 1918. In the meantime, the first referendum of Danish history was held in December 1916, based on a separate law adopted by the parliament some months before. The subject thereof was the sale of the Danish West Indies (*De*

---

<sup>115</sup> ORFIELD 1953, 30.

<sup>116</sup> ORFIELD 1953, 27.

<sup>117</sup> JONES 1986, 106.

<sup>118</sup> JONES 1986, 106.

<sup>119</sup> NANNESTAD 2013, 57.

<sup>120</sup> JONES 1986, 106–107.

*Dansk-Vestindiske Øer*) to the United States. The participation was relatively low (only 37.4% of the electorate), but 64% voted in favour of selling.<sup>121</sup>

## 6. Outlook: Denmark after 1918

The first elections based on the new, democratic franchise, were held on 22 April 1918, because the three-year term of the *Folketing* would have expired in May. The new Basic Law entered into force one day before the *Folketing* election, so that the new electoral rules would be applicable. The two left-wing parties, *Det Radikale Venstre* and the Social Democrats entered into an election pact concerning the rural constituencies, because they were afraid of losing votes because of the proportionality if they had competed alone. The other parties did not conclude any similar agreement. As a result of the elections, the two allied parties got 70 mandates out of 139, which was a very fragile majority. The *Venstre*, having received the most votes, got 45 mandates, while the Conservatives 22.<sup>122</sup> At the end, the Zahle-government remained in office with an external support of the Social Democrats.<sup>123</sup>

The elections of 1918 were the first parliamentary voting in Danish history, where women could exercise their right to vote and to be elected. The electors for the indirect *Landsting* elections were chosen on 30 April, while the *Landsting* elections were held on 11 May 1918.<sup>124</sup> According to the officially published statistical data, by virtue of the new rules of suffrage, there were 585,000 male and 641,000 female voters registered for the elections, altogether cca 1.22 million voters compared to the cca 500,000 voters of the last parliamentary elections in 1915.<sup>125</sup> Three quarters of them, cca 925,000 citizens exercised their rights at the elections – 53% out of them were men and 47% were women. 37 out of the 140 candidates in the capital (26.4%) were women; while in the rural constituencies this proportion was only 4 out of 262 (1.5%).<sup>126</sup> Finally, no more than 3% of the parliamentary seats were won by female candidates.<sup>127</sup> It is interesting to mention that *Nina Bang* (1866–1928), who in 1924 would become the first female minister in Europe (outside the Soviet Union), was elected in 1918 to the *Landsting*.<sup>128</sup>

The third important event of the last year of the First World War was the establishment of a personal union between Iceland and Denmark, replacing the much closer relationship that had been between these two countries before, throughout many centuries. Iceland, this relatively large island in the Atlantic Ocean, was settled by Norwegian Vikings in the 9<sup>th</sup> century, and remained an independent commonwealth until 1262, the end of a six-decade

<sup>121</sup> FELDBÆK 2010, 250.; FÖRSTER–SCHMID–TRICK 2014, 25.; Sven JOCHEM: *Die politischen Systeme Skandinaviens*. Wiesbaden, 2012, 70.; MILLER 1968, 34.

<sup>122</sup> Folketingsvalget 1918. <https://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/folketingsvalget-1918/> (Access date: 06/08/2019)

<sup>123</sup> JONES 1986, 110.

<sup>124</sup> *Rigsdagsvalgene, April–Maj 1918. Med Suppleringsvalg i Tiden 1915–18*. København, 1918, 3.

<sup>125</sup> See *Rigsdagsvalgene*, 23–26.

<sup>126</sup> See *Rigsdagsvalgene*, 29–30. (for voters) and 35–36. (for candidates)

<sup>127</sup> SIIM–FIIG 2007, 7.

<sup>128</sup> Drude DAHLERUP: *Denmark: High Representation of Women without Gender Quotas*. In: *Breaking Male Dominance in Old Democracies*. Eds.: Drude Dahlerup – Monique Leyenaar. Oxford, 2013, 146–171, 151.

long civil war. In 1262, the Icelanders recognised the Norwegian king as their sovereign, and agreed to be taxed by him.<sup>129</sup> However, from 1380, a personal union was formed between Norway and Denmark, which turned into a stronger connection under Danish supremacy in 1450, when the "perpetual union" of these two countries was declared in the Bergen treaty that basically guaranteed the hereditary kingship of the Oldenburgs in Norway (the Norwegian Council of the Realm undertook to choose "the ablest" of Christian I's sons as the next king of Norway).<sup>130</sup>

After 1536, when the Norwegian Council of the Realm was dissolved, the Danish supremacy was changed to a direct Danish rule – according to Paul D. Lockhart, in practice it meant Norway's "incorporation within the Oldenburg state as a mere province".<sup>131</sup> By virtue of these changes the relationship between Norway and Denmark, Iceland became a territory controlled from Copenhagen. When the Danish delegation was negotiating in 1814 in Kiel about the consequences of the defeat of Denmark (as one of Napoleon's allies) in the Napoleonic Wars, one of the negotiators, the West Indies-born *Edmund Bourke* (1761–1821) successfully referred to this fact as a (false) proof of the historical right of Denmark on Iceland (together with two further territories originally belonging to Norway, Greenland and the Faroe Islands).<sup>132</sup> Thus, according to the Kiel peace treaty of January 1814, Iceland, Greenland and the Faroes remained under the control of the Danish absolute monarchy.

In 1831, Iceland was granted by King Frederick VI (r. 1808–1839, as a regent already from 1784) a limited autonomy, similarly to the Danish provinces and the Duchies. The next important step towards the sovereignty of Iceland was the symbolic decision of King Christian VIII (r. 1839–1848) by which the *Alþingi*, the traditional assembly of Iceland was reinstated, however still with consultative and not decisive (and far from legislative) powers, again similarly to the consultative assemblies established by Frederick VI in 1831. In line with Christian VIII's relating decree of 1843, the *Alþingi* had its first session in 1845.<sup>133</sup> The Basic Law of 1849 did not bring any relevant change in the constitutional situation of the country. In 1851 the *Alþingi* rejected the bill introduced by the Danish authority regarding the entry into force of the Danish constitution in Iceland, because the proposal treated Iceland "as a large Danish rural commune".<sup>134</sup>

This conflict between the doctrine of the Danish *helstaten* (composite state) and the Icelandic demand for autonomy was only partially solved in 1874, at the millennium of the traditional year of settlement of Iceland, when a limited constitution was presented (*octroyed*) by Christian IX to the country, called the *Forfatningslov for Islands saerlige Anliggender* ("Constitutional Law for the Special Affairs of Iceland"), and in 1904, when Iceland was

---

<sup>129</sup> ORFIELD 1953, 83.

<sup>130</sup> Oliver AUGE: *Ein Integrationsmodell des Nordens? Das Beispiel der Kalmarer Union*. In: *Fragen der politischen Integration im mittelalterlichen Europa*. Ed.: Werner Maleczek. Ostfildern, 2005, 509–542, 526.

<sup>131</sup> Paul D. LOCKHART: *Frederik II and the Protestant Cause: Denmark's Role in the Wars of Religion*. Leiden–Boston, 2004, 22.

<sup>132</sup> FELDBÆK 2010, 100.

<sup>133</sup> Anna AGNARSDÓTTIR: *Iceland: the Emergence of the Nation State*. In: *The Cambridge History of Scandinavia*. Vol. 2: 1520–1870. Eds.: Erkki I. Kouri – Jens E. Olesen, Cambridge, 2016, 992–1008, 1001.; JANSSON 2016, 916.

<sup>134</sup> Guðmundur HÁLFÐANARSON: *Severing the Ties – Iceland's Journey from a Union with Denmark to a Nation-State*. In: *Scandinavian Journal of History*, Vol. 31., No. 3–4. (2006), 237–254, 244.



granted home rule (an own government responsible for the internal affairs).<sup>135</sup> Both laws provided important self-governing rights, but no constitutional independence. However, at the end of the First World War it became clear that Icelanders would intend to form an independent country, in line with the principle of self-determination of peoples promoted by the victorious powers. Thus, the Danish government had to start negotiations with the Icelandic political leaders in order to find a compromise, based on which a referendum would be held about the independence of the country from Denmark, within the framework of a personal union.

According to the agreement, the common heads of state would be the Danish king, and a special committee would be established in order to deal with common matters, in which both parties would have equal representation. The third important point was that Iceland would be entitled to decide after 25 years on the future of the personal union.<sup>136</sup> On 19 October 1918, the referendum was held in Iceland, and 92.6 per cent of the participants voted in favour of this solution. Consequently, with effect from 1 December, Iceland was granted independence by the Danish parliament by having passed the Act of Union at the end of November 1918.<sup>137</sup> The personal union with Denmark lasted until the Nazi invasion of the latter in 1940, when Iceland unilaterally proclaimed its neutrality. In 1944, when Denmark was still under the occupation of the Third Reich, a referendum on the Icelandic independence was held, and on 17 June 1944 Iceland became an independent republic.

In 1920, a further referendum was held as well, this time in Schleswig, and this time clearly in favour of the interests of Denmark as a neutral country against Germany, one of the major losers of the war. This plebiscite was ordered by the Treaty of Versailles of 28 June 1919. The non-German part of Schleswig was divided to two zones, and the referenda were held separately. On 10 February, the people of Zone I (Northern Schleswig) voted in favour of re-joining Denmark with a considerable majority, by 75,431 votes against 25,329.<sup>138</sup> However, on 14 March, Zone II (the successfully Germanized central part of Schleswig, including the city of Flensburg) voted in favour of staying with Germany.<sup>139</sup> This latter result calmed the euphoric feelings in Denmark, because it meant that Flensburg would remain on the German side, and the border between the two countries would be marked not just far from the river Eider, but also a little north to the historical line of the Viking age fortifications called *Danevirke*.<sup>140</sup>

Because of the result of the second plebiscite, a political scandal broke out. Prime Minister Zahle wanted to respect the outcome of the voting, in line with the provisions of the Treaty of Versailles, but the opposition did not accept this approach, and demanded new elections.<sup>141</sup> In this heated atmosphere, King Christian X decided to take an unexpected measure, and on 29 March 1920 he dismissed the government. This step was manifestly

---

<sup>135</sup> AGNARSDÓTTIR 2016, 1004–1005.; ARNÁSON 2008, 157.; JANSSON 2016, 916.

<sup>136</sup> JONES 1986, 110.

<sup>137</sup> HÁLFÐANARSON 2006, 247.

<sup>138</sup> LAURING 1968, 238.; ORFIELD 1953, 13. Source of the data: *Afstemningen i Sønderjylland (I og II Zone), 10. februar og 14. marts 1920*. København, 1920.

<sup>139</sup> BJØRN 2000, 121.

<sup>140</sup> LAURING 1968, 224.

<sup>141</sup> BOHN 2001, 108–109.; FELDBÆK 2010, 243.; SCHOU 1997, 197.

contrary to the customs and principles of parliamentarism adopted in 1901.<sup>142</sup> As it happened on Good Friday, the *Folketing* was not in session, and thus a vote of no confidence could not be held, but it is likely that such voting would have been unsuccessful, because the government still enjoyed the support of the Radical Liberals and the Social Democrats, altogether having the majority in the lower house.<sup>143</sup> Because of the date, the political events triggered by the King's decision are called "the Easter Crisis" (*Påskekrisen*) in Danish historiography.<sup>144</sup>

This last attempt of the king in Danish history for an active intervention into the political life, and the appointment of a non-party government provoked desperate protests. Two left-wing parties (the Social Democrats and the newly established Communist Party together) called for a general strike for 6 April 1920, and even a republican demonstration was held in front of the royal residence at the Amalienborg palace.<sup>145</sup> Consequently, the king had to dismiss the *Otto Liebe*-cabinet as well, and a new interim government was appointed by him that had the support of all parliamentary parties, and the date of the new election was fixed for 26 April.<sup>146</sup> According to Peter Nannestad, the Easter Crisis made it clear to everyone that the failure to respect the principle of parliamentarism would create such a deep constitutional crisis that it would even call into question the legitimacy of the monarchy.<sup>147</sup>

The winner of the elections of April 1920 was the *Venstre* that, although having won only one-third of the seats in the *Folketing*, could form a government under the leadership of the well-known and respected political historian *Niels Neergaard* (1854–1936)<sup>148</sup> with the support of the Conservatives the first time since 1913.<sup>149</sup> The two right-wing parties could increase their representation in the lower house altogether by nine mandates (76 instead of 67). The Social Democrats were also successful, remaining the second biggest party in the parliament with their 42 mandates, by 3 mandates more than they had had in the previous *Folketing*. The Radical Liberals were the greatest losers: they could hardly retain the half of their seats in the *Folketing* (17 mandates instead of 31).<sup>150</sup>

Finally, Neergaard's government naturally respected the result of the two plebiscites in Schleswig, and only the northern parts were returned to Denmark. This territorial change made a small revision of the Second June Constitution which was necessary, that already happened in September 1920, confirmed on 6 September at a referendum in line with the relating provisions of § 93 of the Basic Law of 1915 (where almost 97% of the participants

---

<sup>142</sup> JESPERSEN 2019, 79–80.

<sup>143</sup> BOHN 2001, 109.

<sup>144</sup> JESPERSEN 2019, 79.; KÜHLE 2008, 257.; SCHOU 1997, 197.; Alastair H. THOMAS: *Historical Dictionary of Denmark*. London, 2016, 148.

<sup>145</sup> BOHN 2001, 109.; FELDBÆK 2010, 244.; JESPERSEN 2019, 80. and 177.; KÜHLE 2008, 257.; THOMAS 2016, 148.

<sup>146</sup> KÜHLE 2008, 258.

<sup>147</sup> NANNESTAD 2013, 57.

<sup>148</sup> Among other publications, author of the famous book of two volumes on the political history of Denmark in the period between 1848 and 1866. (Niels NEERGAARD: *Under Junigrundloven. En Fremstilling af det danske Folks politiske Historie fra 1848 til 1866. Bind 1–2*. København, 1892–1916)

<sup>149</sup> BOHN 2001, 109.

<sup>150</sup> Source of the data: Folketingsvalget april 1920 at *Danmarkshistorien*. <https://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/folketingsvalget-april-1920/> (Access date: 07/08/2019)

and 47.5% of the whole population voted in favour of the amendment),<sup>151</sup> and signed by Christian X on 10 September. In the meantime, in April, two further *Folketing* elections were held in 1920, one in July and another in September, but none of them necessitated the resignation of the government (Neergaard kept his office until 1924).

Some of the amendments to the Basic Law were merely technical.<sup>152</sup> In connection with the incorporation of Northern Schleswig (or, from the Danish point of view, Southern Jutland) into Denmark, the maximum number of members of the *Folketing* was increased from 140 to 152, and that of the *Landsting* from 72 to 78. Based on this constitutional authorisation, the parliament adopted a new electoral law establishing the membership of the first chamber in 151 and that of the second chamber in 76.<sup>153</sup> Another technical (but not unimportant) modification was that the word oath (*ed*) was replaced with “solemn promise” (*højtidelig forsikring*) in several articles (§§ 7, 17, 54), thus guaranteeing the freedom of conscience for the non-religious officials.

The position of the parliament against the executive was strengthened with regard to international treaties and in cases of war and peace, providing that the king (with the government) should make such decisions in the future only with the approval of the *Rigsdag*. In return for this, the king was given back the right of amnesty in addition to the right of pardon (as it had been regulated in the original text of § 26 of the Basic Law of 1915). Finally, the clause on the freedom of property (§ 80) was supplemented with an interesting rule providing guarantee against unjust expropriations: if an expropriation law would be adopted, on the initiative of at least one-third of the members of the *Folketing*, new elections should be held, and the expropriation law would enter into force only if confirmed by the new parliament.

The constitutional reform of 1915 became complete with these amendments in 1920. In these eventful years, Denmark fought its battles and made important steps in the direction of an advanced parliamentary democracy. There is still a long way to go, there will be difficulties, but we, the posterity, already know that it will be successful.

---

<sup>151</sup> JOCHEM 2012, 70.; for the precise data see: *Folkeafsteminger. Tal og fakta*. København, 2007, 3.

<sup>152</sup> ORFIELD 1953, 25.

<sup>153</sup> ORFIELD 1953, 26–27.