

Denmark, a limited monarchy

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Denmark acquired her Constitution in 1849 after bloodless revolution. Since then Denmark has been ruled by a constitutional monarchy.

For the Danes a war was imminent in 1848. The King of Denmark ruled as Duke of Holstein with a purely German population, and Schleswig with a mixed Danish-German population. The German inhabitants of the two Duchies rebelled, demanding a Schleswig-Holstein independent of the Danish King and a free Constitution, Denmark never succeeded in integrating the Duchies into the Danish Constitution, and the problem was not solved until Bismarck, after two wars, incorporated both Duchies into Prussia in 1864. After a referendum half of Schleswig was given back to Denmark in 1920.

For some time before 1848 far-sighted men had been preparing a Danish Constitution. But the draft was considered too moderate. However, Ludvig Holberg, the Danish Molière, has stated: "This nation always takes the middle course and never falls into extremities". Consequently not one shot was fired during our "revolution". The aldermen of the City of Copenhagen marched solemnly across the bridge to the Royal Palace, where they were met by the King who said: "If you want a free Constitution, you may have it." That was the end of Absolutism in Denmark.

The draft Constitution was scrutinized for months at an elected convention, passed almost unanimously and signed by the King on June 5 1849, Danish Constitution Day. The Constitution was amended in 1866, 1915, 1920 and 1953, but in principle it is still the same.

Usually it is maintained, that the Danish Constitution is composed of articles of purely Danish origin mixed with loans from the Norwegian Constitution of 1814 and particularly from the Belgian (1831). This is true, but via Norway and Belgium we have adopted a number of articles from the American Constitution more or less verbatim. (Incidentally Tocqueville's book *De la démocratie en Amérique* was well known by the Danish intelligentsia.)

Thus the influence of the American model is clearly visible in both the Norwegian and the Danish Constitutions in the definition of the legislative power of the *Storting* and the *Folketing*, in the provisions for compensation to members, in their security from arrest, and in the rules for impeachment of members of the Cabinet.

Denmark inherited other main features from the Belgian Constitution: members of parliament cannot be retired at will or compelled to vote against their conscience, freedom of religion, of speech, of the press and of the right of the people to assemble peacefully, the sacredness of the home, and the right of trial by jury are upheld. The division of power between Parliament, Executive, and Judiciary is also an important firmly-founded principle in the Danish Constitution.

I. The impact of the Queen on Government Formation

Article 14 in the amended Danish Constitution of 1953 states exactly like the first Danish Constitution of 1849, that the King appoints and dismisses the Prime Minister and all other Ministers. From 1901, however, the Danish King accepted the practice of parliamentary government, never to appoint a Cabinet with a majority against it in Parliament. In 1920 under a row with his Prime Minister about the Schleswig-question King Christian the Tenth (1912-1947) actually dismissed a majority cabinet, because the Prime Minister refused to dissolve Parliament. This almost brought Copenhagen to the verge of a revolt, and after five days with a private caretaker cabinet, a normal parliamentary situation was reestablished. Ever since the Danish Monarch has been the guardian of democracy and parliamentary government. In 1940 immediately after the German occupation of Denmark there was a dangerous possibility that either the Nazis or an extraparliamentary right wing group would push aside the democratic, national government. But King Christian the Tenth refused to have anything to do with them. He would not see one single Nazi in his Cabinet. On the other hand he was in favour of getting rid of the Minister of Foreign Affairs, whom he held responsible for the fate of Denmark. This was in accordance with the Prime Minister's wishes, with the views of a vast majority of Parliament and with public opinion.

In 1953 an amendment to the Constitution (article 15) now explicitly states: "No minister can stay in office, if parliament passes a vote of nonconfidence against him". And furthermore: "If parliament carries a vote of noconfidence against the Prime Minister, he must resign, provided he does not dissolve parliament". So Parliament can always dismiss a Prime Minister, but he can always ask the Queen to call for a general election. The Queen can not refuse or postpone an election.

In Denmark we have proportional representation, and provided a party gains more than two percent of the votes it will win at least four seats in Parliament. In the sixties party decomposition became a keyword, and the number of floating voters started growing. The general election of 4th December 1973 was a Day of Wrath - politically speaking. Quiet, satisfied, smiling consensus-Denmark was really a volcano. On that day 40 percent of all voters changed parties, and 36 percent of all votes were cast for parties not previously represented in Parliament. They won more than one third of the seats (60 out of 179). Also the four members from Greenland and the Faroe Islands have gradually been involved in party politics, being able to tip the scale. We were well acquainted with minority cabinets, but Denmark is now an expert on minority *coalition* governments.

This leads to a very complicated procedure in connection with government formation. As soon as the result of the election is known, which is only three or four hours after the closing of the polling stations, the party leaders will start a violent tactical game. Provided the Prime Minister has lost the election, i.e. he does not clearly see a majority, he will give in his resignation to the Queen, and she will accept it; he is bound to continue as head of his cabinet, now transformed to a temporary caretaker government.

The Prime Minister will then advise the Queen to see the party leaders. In days gone by - i.e. 30 years ago - it was not difficult for the King, because there were only four parties. Now (in December 1990) we are blessed with eight parties in the Folketing. So the parties will each send two whips to give advice to the Queen. This part of the procedure is called "the Queen's round". The recommendations the Queen gets are often complicated. When a round is over the Queen will consult her Private Secretary, who is elected among outstanding civil servants with a legal background. The present one was chosen when he was ombudsman. The private secretary is appointed by the Queen personally and paid by her to secure his independence. The Queen and the Private Secretary will try to sort out the pieces of advice and see where there is a combination which is not likely to be overthrown as soon as it presents itself in Parliament.

Now, this imposes quite a lot of self-discipline on the party leaders. If their recommendations are too difficult to interpret, they might force the Queen to make a decision. This they do not want, since they are all in favour of constitutional, limited monarchy. So often you will see them trapped between the wish to cheat a counterpart, and on the other hand not to involve the Queen. Usually several Queen's round are necessary to provide sufficient clarity to make it possible for the Queen to appoint a Prime Minister or an informateur, who after his investigations will be able to indicate which combination is most likely not to be met with a vote of noconfidence. The informateur is always a party leader, and if one does not succeed, another will take over till a majority is found.

Therefore the office of the Private Secretary is significant. He will work in the closest possible contact with the Permanent Undersecretary of State in the Prime Minister's Office - and the Permanent Undersecretary will of course think and act according to the wishes of his chief - the acting Prime Minister. So it is of importance to keep the post of Prime Minister. However, we are here in a grey area. In 1975 we had a very complicated situation. On this occasion the then Private Secretary warned the leader of the new Progress Party (A populist Pierre Poujade Party) that his advice to the Queen eventually would lead to the dismissing of a liberal cabinet and the appointment of a social democratic government. This is indeed what happened.

Since the amendment of the Swedish Constitution the Speaker of Sweden's Parliament has been in charge of government formation. This was intended to be the first step towards introducing a republic. In Denmark a majority twice has recommended the Queen to appoint the Speaker to act as an informateur. In both cases

it was a failure, and the Speaker, who is a party politician, was accused of negotiating secretly with his own party.

To sum up : There is a general consensus to let the Queen remain the non-political arbitrator. In my opinion the Danish monarch represents a democratic protection, as we saw it in Spain a few years ago.

II. The Queen and policy-making

As I have already mentioned Denmark is a constitutional monarchy ; a minister will always be responsible. According to Walter Bagehot's famous work from 1867 the Queen however has three rights - the right to be consulted, the right to encourage ; the right to warn. Referring to this often quoted passage, it is pointed out, that even if the King will have to follow ministerial advice, if persisted in, the Monarch may always exercise his right to warn, i.e. use all legitimate means to point out to Ministers the disadvantages or unwisdom of a proposed course of action. This is not the case in Denmark. It is strongly maintained in Danish legal writings and scrupulously observed in constitutional practice, that the Monarch has no personal political function to exercise.

The Queen is head of the Privy Council, which consists of the Crown Prince, when he is of age, and all members of the Cabinet. Till 1920 it was the forum of discussion between the King and his ministers. This is no longer the case. The Privy Council meets once a month, and here the Queen will sign the laws passed by Parliament and permit her ministers to bring in bills for Parliament. It is a formality, but as the former social democratic Prime Minister, Anker Jørgensen, said "It is a formality, but one never knows, if it one day might become a reality". Every other Wednesday the Queen will see the Prime Minister and the Minister of Foreign Affairs. They will inform her, she listens and may be the best informed Danish citizen. But it is quite unthinkable that she would say " We are not pleased".

The Queen is head of the Church of Denmark, but that is an easy task, since we are all Lutherans (or perhaps nothing), and due to the fact that the clergy, including the bishops, are elected and afterwards formally appointed by the Queen. Honours are a Royal prerogative, but apart from a few given to members of the Royal household they are all bestowed on the recommendation of the various ministries. Every second Monday the Queen in a so-called public audience will receive any Danish citizen, who comes with a plausible reason. Most of them will be persons offering thanks for a Royal commission or a decoration, but a few times you will see an old lady praying the Queen to pardon her son, who is in jail. Inevitably the Queen will send a letter to her Minister of Justice for decision. It is of course a reminiscence of the absolute Kings. To day it is perhaps some sort of safety valve.

The demand for absolute neutrality in political matters requires of the Monarch a certain amount of self-restraint. He/She must refrain from voicing or betraying some of his/her personal prejudices or affections. But it should not turn her into

a soulless automaton. Nobody can perform any important governmental function in a meaningful manner - meaningful to herself as well as meaningful to the Nation - without lending it her personality.

Our present Queen has proved this herself very persuasively, perhaps most conspicuously by turning the broadcast New Year speeches, by tradition rather formal statements, into strong personal messages. The speeches are prepared in the Prime Minister's office, but the Queen will give them her personal stamp. These messages have become almost the hallmark of her reign, and the Queen has succeeded in obtaining virtually universal approval of her calls for respect for the democratic process and for human rights and fundamental freedoms, for tolerance, and for other fundamental values, widely shared but sometimes forgotten in a particular context. A few years ago the Queen actually created a new word in the Danish vocabulary. Referring to immigrants who were met by Danes with sarcastic comments the Queen said: Do not receive them with "dumsmarte" remarks. I think that goes in English as well.

Just before the Queen's 50th birthday this year a poll was made by Gallup. The question asked was, whether the Queen should be allowed to talk freely about politics. Two thirds were satisfied with the present strict limitation, but one third found that the Queen should be more free or even totally free to speak about politics.

If this became the case the Queen would automatically be involved in party strife, and that is not likely to be accepted by a majority of the people.

III. The authority of the Queen amongst the elite and as perceived by the general public

After the 1920-mishap of the Queen's grandfather Monarchy quickly became the symbol of the whole nation. And as a wise man once said: "We live by symbols". The value of the symbolic function of the Monarch is particularly conspicuous in times of national crisis. King Christian the Tenth insisted on his early morning rides on horseback through down-town Copenhagen - unarmed and unaccompanied - after the German occupation of Denmark in 1940. These early morning rides gave rise to a lot of anecdotes and had become a symbol of national identity and unity. The Queen still receives letters particularly from the United States asking to confirm that her grandfather insisted on wearing the star of David, if the Danish Jews were forced to do so. The King was in favour of treating *all* his subjects equally, and in October 1943 he warned the German Foreign Minister von Ribbentrop against deporting the Danish Jews. As you may know more than 6000 Jews were saved by a vast illegal action which brought them to Sweden and only a few hundreds were caught and sent to Teresienstadt. The story of the David star symbolizes in the person of the King the strong and generally shared feeling of compassion in the face of an imminent threat to a group of fellow citizens.

When King Christian the Tenth died in 1947 Monarchy seemed to have reached an insurmountable peak. When the Constitution was amended in 1953 (to permit a woman to succeed in her own right) one would have needed a magnifying glass to find a republican. In the report of the Committee that prepared the draft of the Constitution, the matter of a republican form of government is touched upon, but only in a separate minority opinion by the representative of the Communist Party. He wrote: "As a matter of principle this minority holds, that a republic is preferable to Monarchy. However, all things considered we find this question ... of so little consequence to the people, that in the present context we do not want to put forward any proposals".

The Queen's father, Frederik the Ninth (1947-72) was an easy going sailor King, and eminently backed by Queen Ingrid, the present Queen Mother, he managed to maintain popularity among the general public.

The less political power a King/Queen has, the more important are the personal qualifications of the Monarch. 200 years ago an insane King was head of Danish absolutism. This would be impossible today.

Female succession was a popular issue in 1953, when the Constitution was last amended, and it actually carried the amendment through the compulsory referendum.

Ever since Gallup polls were introduced in Denmark the popularity of the Monarchy has been tested every other year or so. The last poll is from 1987.

The question put was as follows "If the Danish throne should be vacant, and a new Monarch would have to be elected from outside the present Royal Family, would you then prefer Denmark to be a republic?".

The answers were 18% in favour of a republic
 69% in favour of a Monarchy
 13% didn't know

On the same occasion the question was asked, how the Queen performed her duties

63% said splendid
 34% said good
 3% didn't know.

The authority of the Queen amongst the elite has not and cannot be proved in the same way. What is the elite? However, the question is easy to answer irrespective of what comprises the elite or intelligentsia. The Queen is an intellectual herself. She is well educated, having attended Danish Universities, Cambridge, the London School of Economics and Political Science and the Sorbonne. She has been taught political science and studied archaeology. She speaks a model Danish (Queen's Danish), Faroese, Swedish, French, English and German. She is an eminent painter showing her works in public exhibitions and accepting criticism as professional artists must. She has designed stamps, chasubles and other liturgical vest-

ments, illustrated books, designed costumes for ballets etc. Together with the Prince Consort she has translated from the French Simone de Beauvoir's "Tous les hommes sont mortels" with great skill. Possibly other historical books. When she was 50 in April 1990, she told her life story in a book, a bestseller now translated into several languages. By the way it was a daring experiment, since one could fear for the mystery of Monarchy. But it remained, and the book is good! The Queen is patron of the Royal Danish Academy of Sciences and Letters and takes part in its deliberations. She is well read in divinity and is a stern, but liberal Lutheran, not because she must be so according to the Constitution, but because she is a convinced Christian. I would not call the Queen a scholar. She has the attitude of an artist. She is dignified and yet possesses a lot of humour, which is necessary to survive - at least in Denmark.

IV. The Queen and the economy

King Christian the Tenth was very enthusiastic about the Danish East Asiatic Company, which was founded in 1897 and soon became a multinational corporation. The founder of the company, H.N. Andersen, became the private advisor of the King. Before 1914 Andersen used this royal connection to promote the East Asiatic Company particularly through the Zsar of Russia. The King's first cousin, Prince Axel, succeeded H.N. Andersen as director general of the company (1934-53). Apart from this specific case there is no tradition for the King/Queen to participate in business.

The Queen and the Prince Consort have a Civil List amounting to 33 mill. D. kroner (i.e. 5,5 million US-dollars). It is an entry in the annual budget passed every year unanimously and without discussion. Two thirds of the Civil List is spent on wages from the Lord Chamberlain to the youngest chambermaid. The smaller part is spent on entertaining selected people at parties, state visits, the internal maintenance of the Royal castles, honours, the Royal mews etc.

The Queen does not pay tax. She has at her disposal one castle in Copenhagen (Amalienborg) and one in the countryside (Fredensborg). The Ministry of Housing is in charge of the outside maintenance. Among the few other Royal prerogatives is a small, but oceangoing yacht able to bring the queen to Greenland and the Faroe Islands. The yacht is part of the Royal navy. The Royal family pay for their box in the Royal Theatre and the Queen must also pay for her guests at galla performances.

The Queen's private fortune is private in the strict sense of the word. Nothing is known about it. It is, however not big. Half of it is invested in real estate, i.e. a Danish estate with traditional farming and a small vineyard in the Southern part of France near the native home of the Prince Consort. The other half of the Queen's fortune is invested in treasury bonds. The Queen does not possess shares or any other investment in private business. This has been a firm policy for decades. The Queen does not want to be headlines in some complicated business-affair even if it is legal or to be accused of favouring one specific Company or trade.

When the Queen is on a state visit she may promote an export campaign for Danish products. This is done on the responsibility of the Ministry of Foreign Affairs and the Ministry of Industry and Commerce and usually at the instigation of the Chamber of Commerce or another recognized organization. It is important to stress that also these acts are countersigned by responsible ministers. This is also the case when the Prince Consort once a year confers an export prize on a business Company or a factory, which has distinguished itself.

Summary: Denmark, a limited monarchy

The article describes the history of Danish constitutional monarchy (since 1849). It analyzes the complicated procedure in connection with government formation. The Queen must avoid being implied in party politics. She will always act on the responsibility of the Prime Minister, but the role of the Private Secretary is important. The Queen does not take part in policy-making at all. Her functions, be they only formal, are of great symbolic significance. Gallup polls indicate the popularity of monarchy. The Queen is considered the impartial head of state. She is respected as a talented artist. The Queen does not take part in business life.