

1814-2014

BICENTENARY
NORWEGIAN CONSTITUTION



1814

THE INCREDIBLE YEAR

A PEASANT SOCIETY

Norway in 1814 was a country of farmers, most of whom owned a little land. There were of course some substantial landowners, but by and large a greater degree of equality existed among farmers in Norway than in any other country in Europe.

In contrast to most other European countries, Norway had hardly any aristocracy in 1814. And the towns were modest in size. Of a total Norwegian population of about 900 000, only 10 per cent lived in towns. Bergen, with 18 000 inhabitants, was the largest town, and about 10 000 people lived in Christiania which became the country's capital in 1814. The country's first university had been founded in Christiania in 1811.

THE ELITE

There were two social groups in particular which comprised what we could call the elite in Norway. There was the mercantile patriciate of leading businessmen and industrialists. They were few, but some of them were very wealthy. And there were the holders of public office, from county prefects and high-ranking military officers to priests, bailiffs and local magistrates further down the social scale.

In Norway there had been little sign of political opposition movement and demands for independence. At the beginning of 1814, few if any Norwegians envisaged an independent Norwegian state in the foreseeable future.

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PEACE TREATY

These were dramatic times in Europe. The French Revolution had generated wars which had raged almost uninterruptedly for over twenty years. But in 1814 the Napoleonic Wars were drawing to a close.

SWEDEN AGAINST DENMARK AND NORWAY

A broad alliance of states was on the point of defeating the French Emperor. The kingdom of Denmark-Norway found itself on the «wrong» side, having backed the loser, Napoleon. The Swedes, however, were members of the victorious alliance.

Sweden had coveted Norway for a long time. During the autumn of 1813, Swedish troops attacked Denmark from the south and threatened to overrun the whole of Jutland. King Frederik VI of Denmark appealed for peace.

THE KIEL PEACE TREATY

A peace treaty was signed on 14 January 1814 at Kiel. Dominion over Norway was transferred from the King of Denmark to the King of Sweden. Norway's old dependencies, Greenland, Iceland and the Faroe Islands, were not included in the transfer: they were to continue to belong to Denmark.

In Norway there had been some dissatisfaction with the government during the Napoleonic Wars. Many businessmen had close contacts with England and disliked being dragged into the war on Napoleon's side. Nevertheless, the Treaty of Kiel came as a great shock.



CARL JOHAN

In the drama that took place in Norway in 1814 there were two great protagonists. One founded a new dynasty; the other belonged to an old dynasty.

One of these protagonists was Carl Johan (1763–1844). His story reads like true fairy-tale of the French Revolution. He was christened Jean-Baptiste Bernadotte and was a lawyer's son from the south of France.

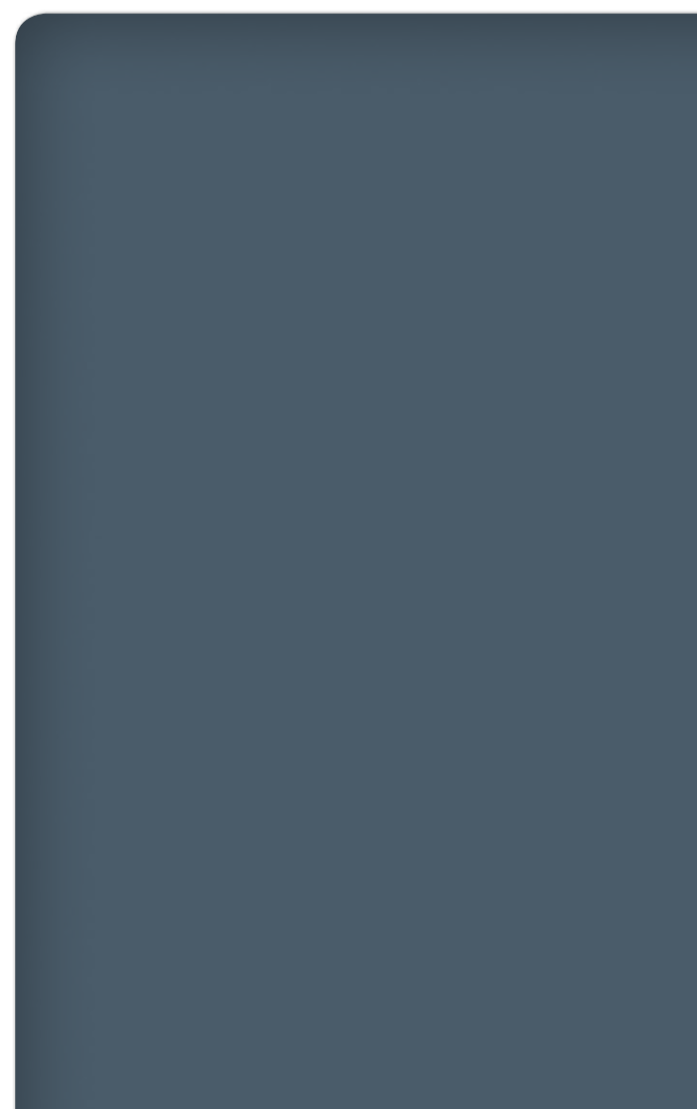
Bernadotte was an exceptionally proficient soldier and rose quickly through the French revolutionary army. In 1804 he was appointed to the highest rank, Marshal of France.

In 1810 Bernadotte was chosen to succeed to the Swedish throne, and he took the name Carl Johan. The King of Sweden was old and ailing, and the new Crown Prince lost no time in seizing the reins. When the Swedes selected Carl Johan to succeed to the throne, it was because they wished to ally themselves with the French Empire against Russia. Russia had seized Finland from them in 1809, and the hope was that a Swedish-French alliance would achieve the return of Finland.

AN UNEXPECTED MOVE

Carl Johan did not do what the Swedes expected. He turned against his old friend Napoleon and brought Sweden into the war against France. The prize which lured him on was Norway.

Carl Johan founded a new dynasty in Sweden. The present King of Sweden is a direct descendant of that soldier of the French Revolution.



CHRISTIAN FREDERIK

The other great protagonist was Prince Christian Frederik (1786–1848), a member of the Oldenburg dynasty which had ruled Denmark and Norway for almost 400 years. He was heir to the throne of Denmark-Norway, King Frederik VI's cousin. In May 1813 the war situation was critical, and, 26 years old, Christian Frederik was sent to Norway as Governor.

Charming, ardent, easily fired with enthusiasm, Christian Frederik had long had Norwegian friends and advisers, and as Governor he soon became popular in Norway. He immediately set about developing new friendships and connections, and he proved to be a more competent politician and administrator than anyone had expected.



INSURRECTION AGAINST THE SWEDES

Prince Christian Frederik refused to accept the Treaty of Kiel, and tried to foment resistance in Norway. The Norwegian elite responded enthusiastically, and he won adherents among the military. In the spring of 1814 there was hardly a soul in Norway who did not support the insurrection.

The timing of the revolt was propitious. Carl Johan was preoccupied with the war against Napoleon down in continental Europe and was not ready to collect the prize the Treaty of Kiel had awarded him.

THE ASSEMBLY OF NOTABLES

Christian Frederik's revolt was against the Treaty of Kiel and against the Swedes. However, his stated aim was not a return to the dual monarchy of Denmark-Norway. Rather, the banner of Norwegian independence was raised.

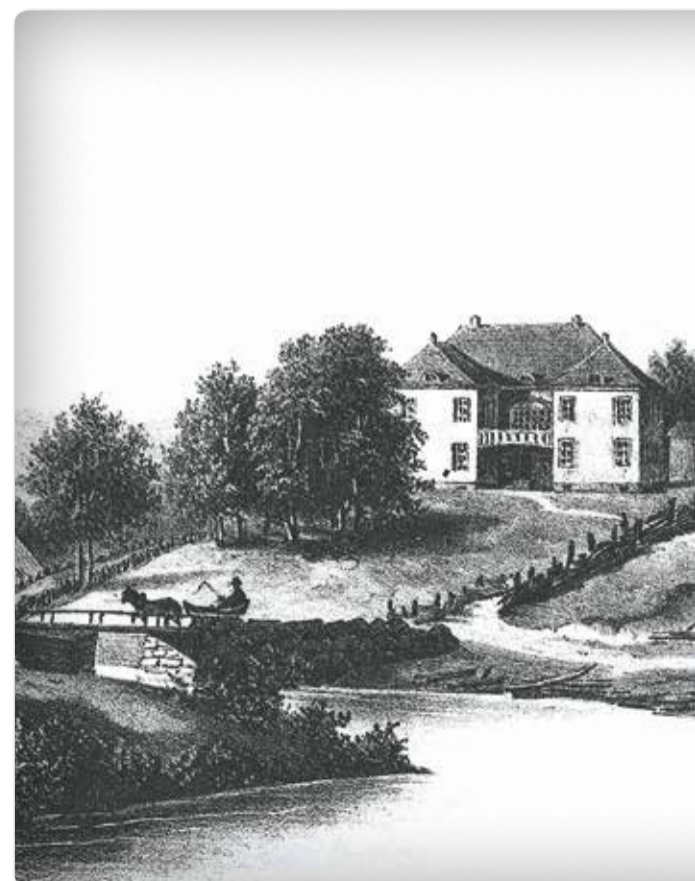
Originally Christian Frederik had intended to have himself proclaimed king and absolute ruler of Norway in virtue of his right to the throne, but this idea received little support. On 16 February, the Danish prince and a selected group of influential Norwegians held a private meeting at Eidsvoll which has become known as the 1814 Assembly of Notables. There, Christian Frederik agreed to let himself be elected King of Norway. It was resolved that a national assembly should be summoned, and that this national assembly should elect the king and also decide on a new constitution for Norway.

THE PEOPLE'S OATH

After this meeting, Christian Frederik revealed himself to be a brilliant political tactician. He issued a decree to the effect that, on an extraordinary day of worship, all Norwegian men were to congregate in the churches and elect delegates to the national assembly. Immediately before the election, they were obliged to swear an oath. They had to «swear to assert Norway's independence and to venture life and blood for the beloved country». No one could refuse to take this oath. In this way Christian Frederik was able to claim the entire people's support for his insurrection.

THE NATIONAL ASSEMBLY

On 11 April, 112 men came together as a constituent assembly, a national assembly. They met at Eidsvoll, sixty kilometres north of Christiania, at a manor house belonging to Carsten Anker, a businessman who was one of Christian Frederik's closest Norwegian advisers. By European standards the manor house was not particularly large or luxurious, and many of the delegates had to make do with cramped and primitive accommodation.



THE ASSEMBLY AT EIDSVOLL

Of the 112 members of the National Assembly, 33 were specially elected from the military, while the rest represented the rural districts and the towns. Holders of public office, civil and military, predominated, being more than half of the assembly, yet they did not include the top officials. A handful of the delegates were owners of large estates and works, thirteen were merchants. Christian Frederik's election rules ensured that the farmers should be well represented, in all nearly one third of the assembly were farmers.

A COUNTRY WITHOUT LEADERS

Many of the men at Eidsvoll were very young: the average age was 42.8 years. A national assembly of this nature would have been unthinkable in any other country – with the possible exception, perhaps, of France at certain times during the Revolution. However, if we disregard the numerical strength of the various groups, the constituent assembly reflected Norwegian society in 1814.

Norway was, as has been said by one historian, «a country without superiors, without leaders». The leaders had to emerge during the campaign.



THE INDEPENDENCE PARTY

The dominant faction at Eidsvoll was Christian Frederik's supporters. They were wholeheartedly in favour of the revolt against the Swedes. They called themselves the Independence Party, but were dubbed the Prince's Party by their opponents.

The most prominent member of the Independence Party was Christian Magnus Falsen (1782–1830), a magistrate. He was purposeful and aggressive, strikingly effective when all went his way, but difficult to deal with in adversity. He felt a romantic reverence for the agricultural class.

FALSEN, FATHER OF THE CONSTITUTION

Falsen had participated in preparing an important draft constitution for Norway: for this reason and as a result of the commanding role he assumed at Eidsvoll he has been called «the father of the Constitution». Yet at the same time he favoured a powerful monarchy, and in more recent historical writings he has been christened «the defender of royal power».

Another influential figure in the Independence Party was Professor Georg Sverdrup (1770–1850). Having studied the civilisations of antiquity, Sverdrup was a fierce opponent of absolute monarchy and of union with Sweden, though he did not exclude totally the possibility of restoring the union with Denmark.



THE UNIONIST PARTY

The other main faction at Eidsvoll had a more conciliatory attitude towards the Swedes, and was sceptical of Christian Frederik. Their opponents called them the Swedish Party; later they became known as the Unionist Party.

The natural leader of the unionists was Count Herman Wedel Jarlsberg (1779–1840), one of the extremely few noblemen in Norway. Wedel Jarlsberg probably had more political experience and insight than any other representative at Eidsvoll. He had been in touch with Swedish circles since 1809 and had worked to achieve a union of Norway and Sweden. However, there is much evidence to suggest that such a union was first and foremost a means for Wedel and that the end he had in view was to rid the country of absolute monarchy as a political system.

WEDEL AND WERGELAND

When Christian Frederik raised the banner of revolt against the Treaty of Kiel, Wedel and his supporters had to adopt a low profile, but at Eidsvoll they made their mark. In their view, union with Sweden was unavoidable, the only realistic solution, and they suspected Christian Frederik and his supporters of having as their ultimate goal the eventual reunion of Norway and Denmark.

One of Wedel's most significant allies was Nicolai Wergeland (1780–1848), a priest and the father of the poet Henrik Wergeland. Whereas a vital driving force in Christian Frederik's rebellion was hate for the Swedes, hate for the Danes was a prominent trait of Wergeland's.



MAIN PRINCIPLES OF THE CONSTITUTION

At the Eidsvoll Assembly there were many opinions as to the type of constitution Norway should have. Yet absolute monarchy had few if any express advocates. The Constitution that was adopted represented a drastic break with the past. The elite at Eidsvoll had been educated in Copenhagen, and Copenhagen in the 1790s was a place where intellectuals discussed new and foreign ideas. Many were captivated by these ideas.

SOVEREIGNTY OF THE PEOPLE, SEPARATION OF POWERS AND LIBERTY

On 17 May 1814, all the representatives at Eidsvoll signed a new constitution for independent Norway, and elected Christian Frederik king. The most important ideas expressed in the Constitution were radical beliefs that had triumphed in the American War of Independence and the French Revolution. Some main principles were:

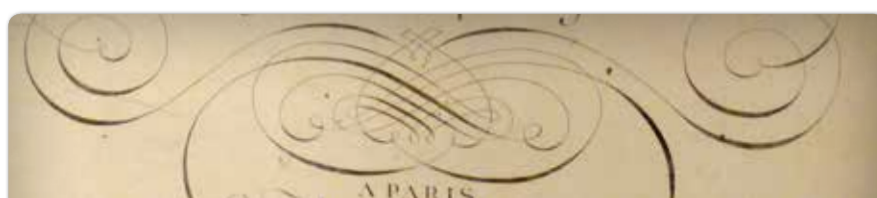
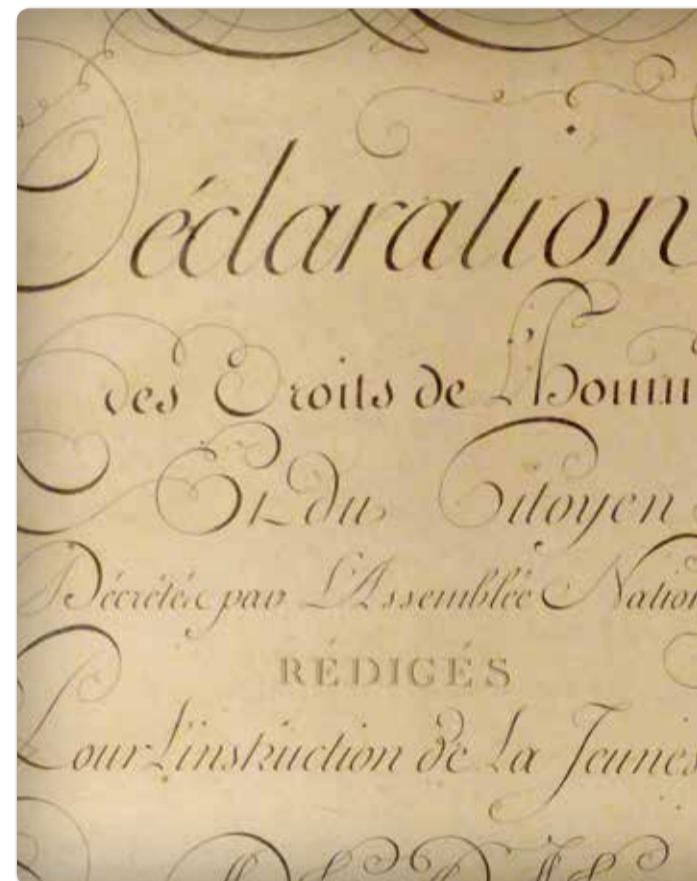
The sovereignty of the people. Ultimately power should rest with the people. The Eidsvoll Assembly saw themselves as an embodiment of this principle: as the representatives of the people they were to provide Norway with a new political system.

The separation of powers. Power in the political community should be shared. In the kingdom of Denmark-Norway, the king had wielded absolute power, but now King Christian Frederik had to share power with a popularly elected assembly. The king's power was to be executive, while the elected assembly would primarily legislate, impose taxes and grant funds. The king in person would appoint his ministers.

Freedom of the individual. All Norwegian citizens were guaranteed certain rights, the most important being freedom of expression. They were also assured the rule of law.

MODELS

The Eidsvoll Assembly had several proposed constitutions to consider, for which there were various foreign prototypes. The model that in the event was the most influential was the French Constitution of 1791.



A shameful feature of the Constitution was its article 2, which denied Jews the right to enter the realm, and stated that the Jesuits and monastic orders would not be tolerated. This article came to appear especially discreditable because a passage about religious freedom in Norway it was supposed to contain was lost in the course of the deliberations. This was presumably a mere oversight. Only the exceptions remained.



THE GREAT POWERS

In the summer of 1814, independent Norway was obliged to fight a war against Sweden. Carl Johan had returned from the war against Napoleon and was now determined to take possession of Norway.

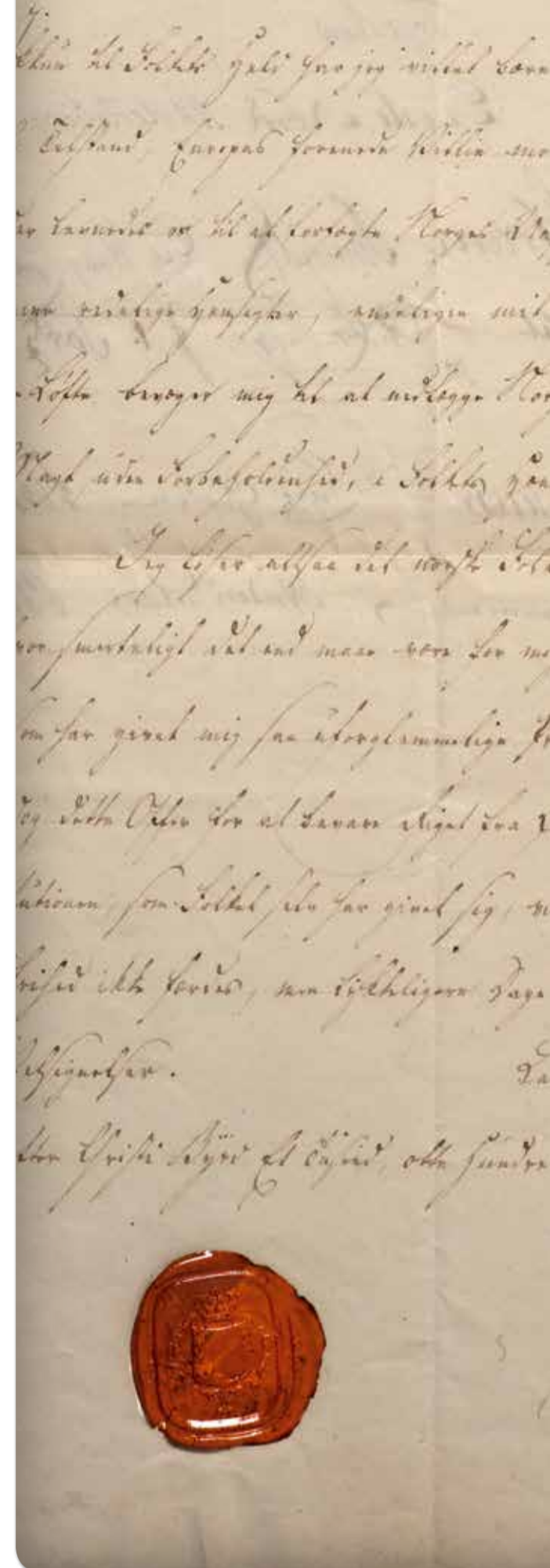
The war was conducted half-heartedly by the Norwegians, and the outcome was a swift victory for the Swedes. In certain quarters Christian Frederik was considered a coward, there being many Norwegians who wanted to fight to the last man.

Yet in the spring and summer of 1814 events were in fact decided by the European Great Powers. Christian Frederik's envoys received no encouragement for their revolt. The Great Powers had given guarantees to the Swedes and Carl Johan, and these guarantees were firm – even in the case of Great Britain which felt considerable sympathy for the Norwegian insurrection. Norway was to enter into a union with Sweden.

On 14 August at Moss, Norway and Sweden signed a cease-fire agreement which entailed Norwegian acceptance of such a union. However, the Treaty of Kiel was not mentioned. Furthermore, the agreement indicated that Carl Johan was willing to enter into negotiations about the new Norwegian Constitution. This agreement has become known as the Moss Convention.

Christian Frederik's enthusiasm for the Norwegian revolt faded fast. He became ill and depressed, and on 10 October 1814 he formally renounced the Norwegian throne.

In due course Christian Frederik inherited the Danish throne and reigned from 1839 to 1848 as King Christian VIII.



DEFENDING THE CONSTITUTION, AUTUMN 1814

In the autumn of 1814, an extraordinary session of the national assembly was convened. This was in fact another constituent assembly. The extraordinary session of the Storting was to negotiate with the Swedes the conditions for a union.

TUG-OF-WAR

A vehement tug-of-war took place, characterised by some deft manoeuvring on the part of the Norwegians, and the results were very satisfactory to the Norwegians. The Swedes gave up trying to impose the provisions of the Treaty of Kiel by force. The new union between Norway and Sweden was a loose one: though the two realms were to have a common king, Norway was to have full internal self-government. On 4 November a new Norwegian constitution was approved, a very slightly revised version of the Constitution of 17 May. Some changes were necessitated by the union, but their effect was merely to weaken the power of the monarchy. Since the king was going to reside in Stockholm, he would not, for instance, be able to keep the government in Christiania under continuous scrutiny.

CHRISTIE

The negotiations of the autumn of 1814 were led on the Norwegian side by the President of the Storting, Wilhelm Frimann Koren Christie (1778–1849). Christie was a lawyer, who had been present at Eidsvoll without attracting particular attention, but during the autumn negotiations he proved to be a diplomat of high international calibre.



A GIFT OF FREEDOM, OR A PROCESS OF EVOLUTION?

Historians in Norway have differed on how the events of 1814 should be interpreted. For over a hundred years, there have been two opposing schools of thought.

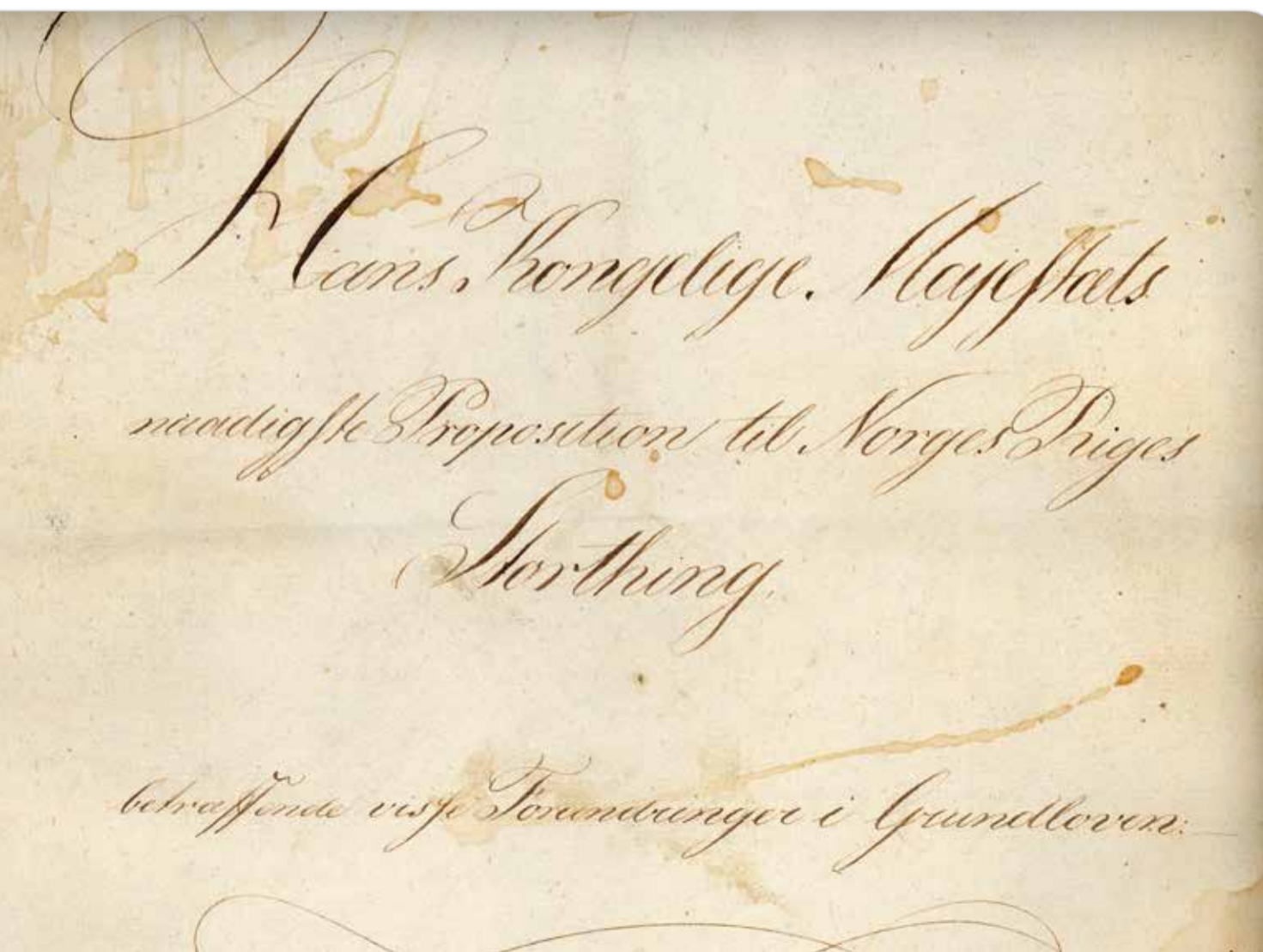
One of them stresses that the basic prerequisites for freedom and independence were present in Norway, the result of centuries of natural development. Such an interpretation bears a strong imprint of national values, and may safely be labelled nationalist. The most prominent name in this school of thought is Johan Ernst Sars (1835–1917).

Different factors are highlighted in the other interpretation, notably the Great Powers and their international politics. In epigrammatic style, the historian Jens Arup Seip (born 1905–1992) has written that the Norwegians received their freedom as a gift in 1814.

CONSTITUTIONAL CONSERVATISM

If there has been disagreement as to how to interpret the events of 1814, there has been full agreement that the 1814 Constitution must be preserved. During the 1820s and 1830s, Carl Johan made several attempts to alter it, but the Storting refused point-blank. The king's moves were seen as being inappropriate pressure exerted by the monarchy and by Sweden. It did not take long for constitutional conservatism to become a principle in Norway: the Constitution was not to be tampered with.

Admittedly a few amendments have been made over the years. The infamous clause excluding Jews was removed in 1851. Nevertheless, conservatism regarding the Constitution has become a tradition in Norway.



THE MODERN STATE

The modern Norwegian state was founded in 1814.

Since then, the political system has been reformed several times, to make it more democratic. Two reforms in particular were significant.

In 1837, local self-government was introduced in the municipalities. Nowadays there is a complex system of local self-government, consisting of deliberative assemblies at county and municipal level.

In 1884, parliamentarianism was introduced in Norway, and the king could no longer appoint governments as he wished. After 1884, governments have been responsible to the Storting.

THE RIGHT TO VOTE

Furthermore, the franchise has been extended gradually since 1884. In 1898, all adult men were enfranchised, and in 1913, all women. In 1905, Norway broke away from Sweden, and chose a king of her own.

Neither the law concerning municipal self-government nor the introduction of parliamentarianism involved altering the Constitution. In fact, it wasn't until 2007 that parliamentarianism was formally written into the Constitution. But the Norwegians have retained their Constitution of 1814. It is the oldest constitution in Europe still in force.

