

The Image of Crisis in the Danish Sovereignty Act (1661) and The Royal Law (1665)*

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Abstract. Denmark experienced one of its most acute crises during the Danish–Swedish wars 1657–60 leaving the country plundered, impoverished and diminished. After the war, the Danish king, Frederick III, seized the opportunity offered by the political circumstances to change the constitution and take absolute power. Consequently, three documents were produced in the royal chancelleries, all initially referring to the recent crisis as a base for legitimising the introduction of absolutism in Denmark–Norway: The Sovereignty Act (*Enevoldsarveregeringsakten*), 1661, and two versions of the Danish–Norwegian constitution entitled The Royal Law (*Kongeloven*), 1665, a Latin draft and the official version in Danish.

The Sovereignty Act focuses on the king as saviour of the kingdom basing the legitimacy of the king's absolute power on the people's gratitude to him. In the Latin draft, on the contrary, the Danes are saved by God's hand that comes down from heaven, crushes the enemy and inspires the Estates to confer absolute power upon the king who is now completely passive. The highly dramatized passage with allusions to both stoicism and classical theatre reflects the humanist rhetorical tradition. In the Danish version of The Royal Law, the people are still divinely inspired to transfer the absolute power to the king, but the dramatized style is considerably reduced and the stoic terms replaced by Christian expressions and God as the fatherly saviour of the state. The texts thus offer three different interpretations of the crisis, all of them expressions of movements that were indicative for the early modern period: natural law, humanism and Christianity.

Keywords: Danish absolutism, sovereignty, *lex regia*, natural law, neo-stoicism, *theatrum mundi*

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Introduction

Denmark¹ underwent one of its deepest crises in the two Danish–Swedish wars 1657–1658 and 1658–1660 during which the very existence of Denmark–Norway as an independent state balanced on a knife’s edge.² The wars left Denmark plundered and impoverished and the three eastern provinces, Scania, Halland and Blekinge, were lost to Sweden, diminishing the country by a third and the population by a fourth.³

The wars also caused a fundamental shift in the traditional Danish power balance. Since the Reformation in 1536, the Danish government had been shared equally between the king and the Council, consisting of around 20 noblemen, but the Danish–Swedish wars 1657–60 weakened the status and the influence of the nobility considerably while at the same time strengthening the king’s position. In the years following the wars the king used these new circumstances to outmanoeuvre the nobility, change the state form and seize absolute power. To confirm this constitutional change, two official documents were produced in the royal chancelleries: first, in 1661, the Sovereignty Act formally gave the Danish king absolute and hereditary power; later, in 1665, a written constitution, entitled The Royal Law, confirmed this “for a thousand generations,” as the constitution says, thus preventing the future generations of Danish kings of any possible weakening of the royal power. Both documents allude initially to the wars against Sweden 1657–60, especially to the second war during which Copenhagen was besieged by Swedish troops, using this as a point of departure in their argumentation for introducing absolutism in Denmark–Norway.

The aim of this article is to analyse and compare the references to the wars against Sweden in the beginning of the Sovereignty Act and The Royal Law. The differences between these references can shed light on the considerations concerning the official formulation of this crisis in the Danish official documents of the period, including the argumentative function and the rhetorical use of the crisis to legitimize Danish absolutism. Noticeably, the Royal Law exists in two versions, a Latin

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- 1 In the middle of the seventeenth century, the Danish kingdom consisted of Denmark, Norway, Iceland, The Faroe Islands and Greenland. Moreover, the Danish king was duke of considerable parts of the two duchies Schleswig and Holstein in the southern part of Jutland/Northern Germany. The Danish population is estimated to around 825.000 inhabitants before the wars 1657–1660. Jespersen, *Danmarks historie*, 38–44.
 - 2 Danish history books describing the Danish–Swedish wars 1657–60 usually have an expression of crisis as part of their title, e.g. the subtitle of Lars Christensen’s book: “Denmark at the Edge of Extinction” (*Danmark på kanten af udslettelse*). Christensen, *Svenskekrigene 1657–60*.
 - 3 Ernst Ekman has given a short and clear description (in English) of the crisis situation in Denmark in the years following the war. Ekman, “The Danish Royal Law of 1665,” 102.

draft and an official version in Danish. The two versions sometimes differ in their wording, but there has been little interest for these differences, and no systematic study on the exact relation between the two versions exists. Typically, researchers have been interested in the political content of the law—mainly how it is expressed in the official version—and much less in how the two versions differ in expression and style.⁴ Nevertheless, there are very few texts existing in both Latin and Danish, and the Royal Law offers a rare opportunity for such a comparison. Below, the initial passages of all three texts will therefore be analysed. Since the texts refer to two specific historical events in their argumentation—the wars against Sweden, especially the siege of Copenhagen, and the homage of the Danish king, Frederick III, in front of Copenhagen Palace in October 1660—an introduction to the historical context will precede the analysis.

The Crisis: War against Sweden and Siege of Copenhagen

In the beginning of August 1658, the Swedish king Charles X Gustav launched a surprise attack on Denmark. After having departed with his fleet from Kiel in Northern Germany, the king landed at the southern coast of the Danish island of Zealand, debarking around 100 kilometres from Copenhagen and heading directly towards the capital in the aim of an immediate assault. Charles X Gustav's attack renewed a previous war between Denmark and Sweden that had ended a few months earlier: In July 1657, the Danish king Frederick III, encouraged by Sweden's enemies, Poland, Brandenburg and the German emperor, had declared war against Sweden to contribute to the weakening of the Swedish empire, but Charles X Gustav, at that time involved in a complicated war in Poland, quickly left his war in Poland and unexpectedly counterattacked Denmark from the south. During wintertime, he famously crossed the frozen sea between the peninsula of Jutland and the Danish islands, threatening the capital itself. At the Peace of Roskilde, February 1658, Denmark, as part of the considerable war reparations, had to surrender the three eastern provinces, Scania, Halland and Blekinge, to Sweden (today southern Sweden).⁵ Nevertheless,

4 The Danish professor of History Knud Fabricius is the author of the main work on the Royal Law, *Kongeloven*, 1920 (see bibliography). His monography is fundamental for the study of the Royal Law with explanations of its background and many of its sources. Fabricius is, of course, aware that the two versions differ on some points (e.g. pp. 293–95), but he is primarily interested in this aspect to confirm that the Danish version is a translation of the Latin and not the opposite (what had been discussed by historians in the nineteenth century). In his analysis of the preamble (pp. 305–12), based on the Latin version, he limits himself to a parenthetical allusion concerning the initial differences (p. 314).

5 Jespersen, *Danmarks historie*, 142.

peace gave Charles X Gustav a problem, since his army had to be fed by plundering, and he therefore quickly had to engage his army in a new war. Nothing seemed a better solution than to reattack Denmark, this time in the declared aim of making Denmark-Norway a Swedish province.⁶

The new attack came as a complete surprise for the Danish authorities. A defence army was quickly established in the capital, and as many civilians as possible were engaged in the reparations of the ramparts. The king promised new privileges to the burghers of Copenhagen—no less than privileges equal to those of the nobility—to ensure the economic support of the rich merchants of the city. Moreover, the general resistance will in the city was encouraged by the personal presence of the king who, instead of fleeing, decided to stay in the capital.

Charles X Gustav reached Copenhagen 11 August, but seeing himself unable to conquer the city immediately decided to siege the capital. In the following period, the Swedish army dug trenches around the city while shelling it at the same time as the Swedish fleet blocked the harbour. Frederick III, with his queen and their 12-year-old son (the later Christian V), made sure to be visible in the city, encouraging the defenders and regularly climbing the ramparts where they were exposed to the enemy bullets. However, the siege intensified as more of the Swedes' heavy cannons arrived, and the question was how long the defence could hold. Nevertheless, the attack activated a mutual Dutch–Danish defence treaty, and on 29 October, a Dutch fleet of 40 war ships and 50 transport boats sailed into the Sund (the strait between modern Denmark and Sweden) and broke through the Swedish naval blockade. Copenhagen could now be supplied with food and the defence reinforced by Dutch soldiers. The Swedish plan for a quick conquest of Copenhagen thus failed, and since Denmark's allies had driven the Swedes out of Jutland, the pressure was now on the Swedes. Charles X Gustav therefore decided to take Copenhagen by storm.⁷

The night between 10 and 11 February 1659, after several weeks of feint attacks—even Christmas Eve—10.000 Swedish troops stormed the ramparts of Copenhagen. The main army attacked a seemingly weak point in the ramparts, only a few hundred meters from Copenhagen Palace, but a well-prepared Danish–Dutch defence met the attack with heavy fire. During the night, the Swedish army continuously attacked the ramparts from all possible points, but every time met with a determinant resistance will. Early in the morning, the Swedish troops retired with considerable losses.⁸

6 Jespersen, *Danmarks historie*, 145.

7 Christensen, *Svenskekrigene*, 306–15, 333–49; Olden-Jørgensen, *Svenskekrigene*, 43–48. Olden-Jørgensen stresses the decisive military importance of the Dutch victory for the general development of the war.

8 Christensen, *Svenskekrigene*, 394–401; Olden-Jørgensen, *Svenskekrigene*, 47–50.

The result was an enormous relief in the capital, and the following day, thanksgiving services were held in the churches of Copenhagen. Nevertheless, despite the failed assault, the siege continued for more than a year during which the Swedish troops occupied and plundered the Danish islands. In 1659, peace negotiations began on the initiative (or rather dictate) of the Netherlands, England and France, but not until Charles X Gustav died in the beginning of 1660, it was possible to reach a result. At the Peace of Copenhagen, 26 May 1660, the war finally ended. The conditions modified the Peace of Roskilde slightly in Danish favour, though still leaving the provinces Scania, Halland and Blekinge to Sweden.

Later, the Swedish siege of Copenhagen, especially the assault 11 February 1659, went over in Danish history as a particular moment during which the king and the entire population of the capital had fought together for their lives. The following year, the day was declared an official holiday in the Danish calendar⁹ and during the following centuries came to play a central role in Danish national myth and history.¹⁰

Nevertheless, the wars 1657–60 were a catastrophe for the Danish state. The kingdom was diminished by a third and around a fourth of the population changed nationality. During both wars the entire country was systematically plundered by the Swedish army and when the allied army arrived in Jutland during autumn 1658 it did not act differently. In general, the population suffered severely, apart from plundering also from war burdens of all kinds, hunger, violence, bad harvest and cold winters. Moreover, a plague epidemic broke out in 1659. All parts of the country were touched by the wars, more or less. In several regions, the population declined significantly while some areas were almost depopulated. After two years of siege and regular bombardment, the inhabitants of Copenhagen were likewise hard pressed.¹¹ It is not an exaggeration to say that the wars 1657–60 are one of the deepest crises in Danish history.

Coup d'état and homage of Frederick III

In august 1660, Frederick III and the Council summoned the Estates for a Diet in Copenhagen to try to solve the abysmal economic problems caused by the wars.

9 The day remained a public holiday, including an official thanksgiving service in the churches, until 1766 when the Swedish crown prince Gustav III married the Danish princess, Sophie Magdalene. The thanksgiving service was then reduced to a short prayer by the priest. Olden-Jørgensen, *Stormen på København*, 55.

10 In his book, *Stormen på København*, the Danish historian Sebastian Olden-Jørgensen has given a description of the history of the Swedish assault on Copenhagen in Danish tradition and national memory. A central street in Copenhagen—Stormgade—is still named after the assault. Olden-Jørgensen, *Stormen på København*, 42.

11 Christensen, *Svenskekrigene*, 435–84, 551–57; Olden-Jørgensen, *Svenskekrigene*, 10–16.

Nevertheless, the situation was particular, not only for economic reasons. First, the war had caused a shift in the traditional Danish power balance, since several of the influential Council members had died, among them the Danish general and nobleman Anders Bille, and the army was now headed by foreign generals loyal to the king. Secondly, the king who had been present in the capital during the Swedish siege enjoyed immense popularity.¹² During the diet that developed dramatically into a coup d'état, the king took full advantage of this situation. The nobility initially held on to their traditional tax exemption, but after a few weeks of negotiation gradually agreed to contribute to covering the expenses. Nevertheless, the burghers and the clergy, disappointed of the fact that the privileges that they had been promised during the siege had not been fully materialized, now activated a plan, probably prepared already before the diet and in collaboration with the king himself. In the primary aim of depriving the nobility of their traditional privileges, the two Estates offered the king the hereditary power, an offer with far-reaching consequences.¹³

Since the Middle Ages, Denmark had been an elective monarchy, meaning that the Estates elected the king who in return guaranteed them certain rights that were formulated in a charter (*håndfæstning*). Since the Reformation in 1536, which removed the church from all political influence in Denmark, the nobility alone elected the king (in reality, accepting the king's eldest son as new king) and in return enjoyed a row of exclusive privileges as tax exemption and the monopoly of the highest political and administrative posts. A considerable part of the charter consisted in the specification of these exclusive rights of the nobility.

The proposal of a hereditary kingdom potentially meant that the king's eldest son would inherit the royal power unconditionally, i.e. without the need of any charter.¹⁴ Of course, this was not at all in the interest of the nobility that initially refused the proposal completely. Then the king reacted. To prevent the nobles from escaping the capital, thus splitting the diet, he locked the city gates of Copenhagen, put the military on alert and forced the nobles to make up their mind. After a few days of military and psychological pressure (though bloodless), the nobles surrendered, accepting the proposal of a hereditary kingdom, partly in the (naïve) belief that they would later be able to negotiate their traditional rights back. Consequently, the king's charter was annulled.¹⁵

12 Jespersen, *Danmarks historie*, 152–53.

13 Olden-Jørgensen, *Svenskekrigene*, 64, 75–76. Danish historians do not agree about whether the coup d'état was planned already before the diet or developed during the meeting. In my description, I have followed Olden-Jørgensen. For the opposite view, Jespersen, *Danmarks historie*, 169.

14 Olden-Jørgensen, *Svenskekrigene*, 64.

15 During a ceremony at Copenhagen Palace 17 October, as a symbol of the annulment of the charter, the representatives of the Estates gave back the king his charter, his signature having been cut out. Jespersen, *Danmarks historie*, 162–65.

18 October, under great public attention, the representatives of all the Estates paid homage to Frederick III as hereditary king at a large ceremony in front of Copenhagen Palace, kneeling to him in turns and swearing an oath of allegiance to him. When the diet petered out during November, the representatives returned home in the firm belief that the king now would form a state similar to the one in Sweden: a hereditary kingdom combined with considerable political influence of the Estates themselves. But something completely different happened.¹⁶

The Sovereignty Act

In January 1661, the king sent his messengers to all the representatives of the Estates in the country asking them to sign a document that had been composed in the royal chancelleries: a written confirmation of the king's hereditary power that the Estates had conferred on him orally during October 1660. But, compared to what the Estates and the king had agreed about, the document had an important addition. According to the document, the Estates did not only confer the hereditary power upon the king but also "all jura majestatis, absolute government and all the regalia," in other words: the absolute power. This was an unpleasant surprise for the Estates. Giving the king absolute power would mean to deprive the Estates themselves of all formal political influence, thus the opposite of what they had hoped for. With this document, the king not only confirmed, but personally continued the coup d'état of October. It is therefore a good question why the large majority of the representatives actually signed the document. The answer can only be found in the particular political situation—in fact a political vacuum—that did not leave them any other choice. The war and the king's role were still in fresh memory, and a few months before, at the coup d'état in Copenhagen, the representatives of the burghers and the clergy had sided with the king against the nobility. Moreover, the king now had the military power to force reluctant members of the nobility, and all the Estates still hopefully waited for their privileges.¹⁷

The document has no title but later has had the formal title Act Concerning Absolute and Hereditary Government (*Enevoldsarveregeringsakten*), for the sake of ease sometimes named The Sovereignty Act.¹⁸ Three versions of the Sovereignty Act were composed, one to each of the three privileged Estates, the nobility, the clergy

16 Jespersen, *Danmarks Historie*, 166–68.

17 Cp. Scocozza, *Danmarkshistorie*, 249–51.

18 This article uses the short title: The Sovereignty Act. Noticeably, the document is neither a constitution nor a charter but a written confirmation of the king's hereditary and absolute power.

and the bourgeoisie.¹⁹ The peasants, around 80% of the population and formally also an Estate, were not asked. The following is the introductory part (fol. 1r) of the version addressed to the representatives of the nobility.²⁰

Wii vnderschreffne [...] meenige kongel. rigens raad och adell, bekiende och giøre hermed vitterligt [...] att efftersom Hans kongel. may^t udi denne forgangene beswerlige krigstiid iche alleniste Hans kongel. mai^z arffue lande och förstendomme, mens endochsaa Hans kongel. may^z kongel. huusz, familie och egen kongelige person wed denne crone haffuer woffuet och opsat, till med vdj samme fiendlige hastig offuerfald formedelst kongel. omsorig och taperhed med Gudz krafftige bistand samme crone, der den siuntis for menniskens øyene saa got som gandske at vere tabt, aff fiendens gewalt reddet och erholdet och Osz omsider bragt vdj enn sicher och fredelig velstand, haffue wj, betrachtende de inconvenientzer, som aff forige waall-rettighed sig hidindtill haffuer tildraget [...] isierdelished at der wed god fortroelighed och sambdrectighed indbyrdes kunde til weye bringis, regieringen aff it hoffuit vdj fredz och feyde tiid bliffue administreret, sambt rigets beschiermelsze och securität aff wisze successorer detz bedre i act tagis och mainteneres, da haffue wj underskreffne, alle och en huer, tillige med de andre dette rigets stender och ledemade, wtwungen och vden nogen Hans kongel. may^z tilskyndelsze, anmoedning eller begiering, aff egen frie villie och goede betenchende [...] konningh FRIDERICH dend tredie, arffue rettighed till Danmarckes oeh Norgis riger sambt alle jura majestatis, absolut regiering och alle regalia [...] som een absolut Souverain arffue herre hyldet, sworet och becraftet [...]

We the undersigned [...] the entire Council of the Realm and the nobility, do hereby declare [...]: In the former troublesome times of war, His Royal Majesty has not only risked His hereditary realms and duchies, but even His royal house, His family, and His own royal person together with the Crown; moreover, during the sudden enemy attack, due to His care and bravery and by the firm assistance of God, He has saved and protected the Crown from the enemy forces when it, at least to human eyes, seemed completely lost and brought it into safe and tranquil prosperity. Therefore – considering the inconveniences caused by the former elective monarchy [...] especially that mutual trust and harmony may be established when the government is administered by one single head in peace and war, and that the security and protection of the kingdom regularly would be better ensured and maintained by some of the succeeding kings - we the undersigned have all and everyone, together with the other Estates and members of the realm, unforced and without any kind of encouragement, request or demand from His Royal Majesty, voluntarily and after careful deliberation [...] acclaimed, sworn and confirmed for Frederick III the hereditary right to the realms of Denmark and Norway as well as all jura majestatis, absolute government and all the regalia as our absolute souverain lord [...]

19 Later, in 1661–62 other copies were performed for Norway, Iceland and The Faroe Islands. Jespersen, *Danmarks historie*, 168.

20 In the transcription of the texts in this article, the original orthography has been kept but the use of uppercase and lowercase letters follows modern English principles. The translation of all three texts is by myself (but see note 49). In the translations, I have sometimes slightly simplified

Despite the convoluted chancery style, the reasoning of the passage is clear, consisting of two parts: The first part refers to the siege of Copenhagen (cp. “sudden enemy attack”). The text does not hide that the state has been in grave danger what is in perfect accordance with the historical truth, but when the text pretends that the state (in the text: the Crown) has seemed lost, it is an exaggeration, thinking of the arrival of the Dutch fleet and the intensely prepared defence of Copenhagen. This exaggeration serves a specific purpose, i.e. to highlight the role of the king, and even though the text refers to the general danger of the state (e.g. “troublesome times of war”), the focus is on the king, according to the text even risking his own royal family and person to save the country. The role of the king is stressed so strongly that God is reduced to a mere parenthesis, only appearing briefly to assist the king in his heroic defence of the city. In reality, God plays no role in the text.²¹ It is the king and the king alone who saves the nation. In this way, the text takes full advantage of the fact that Frederick III had stayed in Copenhagen during the siege. The nobility, whose formal obligation it was to defend the country, is remarkably absent even though several noblemen did take part in the fierce defence of Copenhagen, and a critical voice might also ask where the people is.

The first part of the text forms the background of the second part (beginning with *Therefore*). Shortly, the argumentation is that the Estates are so grateful to the king for having saved the country that they have decided to confer hereditary and absolute power upon him (an allusion to the homage paid by the Estates in front of Copenhagen Palace). Since the text bases its main argument on the people’s gratitude, it would have weakened the argument if God had played a more significant role in the first part. This textual experiment—with the king as semi-God—only seems possible because the king in general enjoyed great popularity and a few months ago had sided with many of the representatives during the coup d’état. The text also presents some additional unspecified arguments partly pointing backwards in time towards “the inconveniences” caused by the elective kingdom (probably an allusion to the strife between the three elite estates in the 1630s), partly pointing forwards in time towards all the advantages if the state is governed by one single head. The text itself presents the proof of this, since the kingdom was saved thanks to one person: the king.

The text strongly stresses the deliberate decision of the Estates. This is further confirmed by the subtle way the text of the Sovereignty Act is formed. Although

the complex syntax of the original texts. The Sovereignty Act is composed on three paper pages followed by the seals and signatures of the representatives. The document is preserved at The Danish National Archives (available online: <https://arkivalieronline.rigsarkivet.dk/da/billedviser?epid=22993325#493920,87331903>). A transcription is found in Jørgensen, *Kongeloven*, 1–4.

21 Cp. Fabricius, *Kongeloven*, 196.

the document was composed by the kings' secretaries, undoubtedly in close cooperation with the king himself, it is written in the name of the Estates (cp. "We the undersigned, the entire Council of the Realm and the nobility, do hereby declare...") strongly emphasizing that the Estates have decided on their own initiative to offer the hereditary and absolute power to the king. In other words, the general argumentation is based on natural law.²² In his famous work *De jure belli ac pacis*, issued in Paris, 1625, Hugo Grotius, lays the foundation of natural law in its modern sense aiming at a peaceful coexistence among peoples. The keyword for Grotius is *reason* as man's guiding principle, not God, as previous natural law thinkers had argued. In the *prolegomena* of his work, Grotius enumerates the fundamental principles of natural law²³ and adds in a famous phrase that "what we have said would be true even we imagined—what would be the biggest possible crime—that God did not exist or that human affairs were of no interest to Him."²⁴

Grotius' ideas are well applicable to the Sovereignty Act. The word *reason* is not mentioned explicitly, but implicitly in formulations as "considering" (*betractende*) and "well-considered opinion" (*goede betenchende*), the willingness of the Estates is repeatedly stressed, and according to the text the aim is future peace and security. Moreover, Grotius says that it is perfectly lawful and natural for a people to give up themselves to one person and to transfer all their rights upon him.²⁵ This is exactly what happens in the Sovereignty Act being no less than a social contract based on natural law between the king and his people.²⁶

The key word of the text comes at the end of the passage: "absolute." The legal meaning of this term is to be found in the famous phrase of Justinian's *Digests* (1,3,31) *princeps legibus solutus est* (the prince is unbound by the laws), the very expression behind the political/juridical term "absolute."²⁷ The meaning is further confirmed

22 Olden-Jørgensen, *Griffenfeld*, 105.

23 Grotius' defines the fundamental principles of natural law in §8 of the prolegomena to his *De jure belli ac pacis*: "This maintenance of the social order, which we have roughly sketched, and which is consonant with human intelligence, is the source of law properly so called. To this sphere of law belong the abstaining from that which is another's, the restoration to another of anything of his which we may have together with any gain which we may have received from it; the obligation to fulfil promises, the making good of a loss incurred through our fault, and the inflicting of penalties upon men according to their deserts." Translation by Scott, *De jure belli ac pacis*, 12–13.

24 My translation. The Latin text reads: "Et haec quidem quae iam diximus, locum aliquem habent etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curare ab eo negotia humana." Grotius, *De jure belli ac pacis*, Prolegomena §11.

25 Grotius, *De jure belli ac pacis*, 1,4,2,1.

26 Jespersen, *Danmarks historie*, 168.

27 Cp. Olden-Jørgensen, "Enevoldsregeringsakten og Kongeloven," 300.

by the addition of the medieval terms *jura majestatis* (the rights of majesty), synonymous with *jura regalia*, being the rights exclusive for the sovereign prince. The exact definition of these rights was discussed by the political and juridical theoreticians of the early modern period. In his famous definition of Sovereignty, Jean Bodin defined them as 1) the right to make and abolish laws (the most important right according to Bodin), 2) the right to declare war and peace, 3) the right to appoint and dismiss all high officials, 4) the right of final appeal, 5) the power of pardoning convicted persons, 6) the right of coinage, 7) the right to levy taxes.²⁸ The Sovereignty Act does not specify the Danish king's rights, only mentioning that *all* the rights of sovereignty now belong to him, i.e. all the rights that he had to share with the Estates, especially the nobility, during the elective monarchy and were specified in the charter. In other words, the Sovereignty Act gave Frederic III almost unlimited authority.²⁹

The Royal Law

The Sovereignty Act formally and legally gave Frederick III the absolute and hereditary power of Denmark-Norway. Apart from the fact that the Estates still waited for their privileges, nobody expected more—i. d. nobody expected a written constitution for the new government.³⁰ Nevertheless, a problem still remained: the testament. If every Danish king transferred the absolute power to his successor in a testament, it implied a great risk that the royal power would weaken by time (if, for instance, a king decided to divide the kingdom between two sons). The king's legal adviser, Dietrich Reinkingk³¹ therefore strongly advised the king to have a written (i.e. unchangeable)

28 Bodin, *De Republica Libri Sex* (1,10), 153–73.

29 Sebastian Olden-Jørgensen characterizes the content of The Sovereignty Act as “extremely dynastic-absolute” (*ekstremt dynastisk-enevældig*). Olden-Jørgensen, “Enevældsarveregeringsakten og Kongeloven,” 301.

30 On 18 October 1660, at the public homage of Frederick III, the king had promised the Estates a new “form of government” (*regeringsform*). Earlier historians—e.g. Jespersen, *Danmarks historie*, 165, 179—understood this as a written constitution and The Royal Law, 1665, as the fulfilment of the king's promise. But Sebastian Olden-Jørgensen has convincingly demonstrated that already the Sovereignty Act fulfilled the promise of a “form of government,” and that this document was not perceived by the Danish authorities as a temporary step-stone towards The Royal Law, but as a final expression of the new absolute government. Olden-Jørgensen, *Enevældsarveregeringsakten og Kongeloven*, 301–5.

31 Dietrich Reinkingk (1590–1664) was a jurist, born in Windau, Courland, and educated in Germany. Since 1636, he was a trusted adviser of Frederick III in legal and governmental matters. In 1648, when Frederick III ascended the Danish throne, Reinkingk was appointed head of the Danish governmental chancellery in Glückstadt (Holstein). Bøggild-Anderssen, *Dansk Biografisk leksikon: Dietrich Reinkingk*, 1979–1984. The preserved correspondence between Frederick III and Reinkingk is transcribed in Jørgensen, *Kongeloven*, 4–32.

constitution concerning the king's absolute government. Reinkingk also suggested the title: *lex regia*. According to the ancient Roman jurists, *lex regia* was the title of a Roman law according to which the Roman people originally had transferred all its authority to the Roman emperor.³² Reinkingk's intention was to make a parallel between the ancient Roman *lex regia* and the homage that the representatives of the Danish Estates had paid to Frederick III in front of Copenhagen Palace. In this way, the title of the law is supposed indirectly to legitimize the absolute government of Frederick III. As with the Sovereignty Act, the Royal Law also implied the idea of a social contract.³³

In 1665, the king turned to his newly employed librarian and archivist, Peter Schumacher (1635–1699)—today better known under his later ennobled name: Griffenfeld—whom he promoted to his private secretary (*kammersekretær*). Though formerly a theologian, Schumacher had studied a wide range of subjects in Copenhagen, including law and medicine. Afterwards, he had spent eight years of educational travel at European universities, among other places in Leiden, Oxford and Paris. In 1665, 30 years old, he was a promising intellectual and a brilliant Latinist. His first task as private secretary was the linguistic composition of The Royal Law. The political and juridical content had already been decided during the preceding years.³⁴ Schumacher first composed a Latin draft that he afterwards reworked and translated into Danish.³⁵ This means that we have no less than two versions of The Royal Law, one in Latin and one in Danish, the two versions being similar but not identical in their wording. Noticeably, the Latin version is a draft without legal validity, while the Danish version is the official version of the law.³⁶

32 E.g. Ulpian, *Dig.* 1,4,1, pr.: “Quod principi placuit, legis habet vigorem: utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem conferat.”

33 A transcription of Reinkingk's letter is found in Jørgensen, *Kongeloven*, 5–27.

34 Schumacher would later have a brilliant career in the Danish central administration and in 1673 was appointed no less than prime minister by the king, Christian V. Nevertheless, Schumacher's brilliancy combined with his growing administrative independence went against the personal and political interests of the king who at the end punished him with 20 years of prison on the small Norwegian island of Munkholm. Olden-Jørgensen, *Griffenfeld*, 24–93, 206–7, 260–91.

35 The Latin draft is a paper manuscript consisting of 26 pages preserved in a box with other documents concerning The Royal Law at The Danish National Archives, catalogued as *Materiale vedr. Kongeloven*. The official Danish version exists in two copies, both parchment manuscripts of 10 pages, one preserved at Rosenborg Castle the other at The Danish National Archives, catalogued as *B 6 Forfatninger (1665–1953)* and available online: <https://arkivalieronline.rigsarkivet.dk/da/billedviser?epid=21194907#333650,67209154>. A transcription of both the Latin and the Danish text is found in Jørgensen, *Kongeloven*, 38–67.

36 The existence of the Latin draft is at the same time unique (as mentioned initially, there are very few Latin–Danish parallel texts) and a mystery. Why did Schumacher first write a draft of the constitution in Latin? The answer is perhaps that he might have found the Danish constitutional vocabulary unsatisfying for the definition and description of the absolute rule. Moreover,

The Royal Law consists of a preamble explaining the background of the law followed by 40 articles defining the king's absolute power, the rules for a minority reign, the anointment of the king, the rules for the royal family and a detailed description of the order of succession.

The Latin Draft of The Royal Law

The following passage is the opening lines (fol. 1r – fol. 1v) of the preamble of the Latin text.

Frid. III [...] notum universis ac singulis facimus divini numinis arbitrato sceptras coronasque dispensari et arcano providentiæ nutu reges principes subjectosque eorum imperio populos gubernari [...] nos deprehendisse, in primis cum circumstrepente non ita pridem funesti terrore belli conjurata velut in nostram omnium perniciem fata cœlo lapsa manus incidit rupitque et obversans oculis exitium impendentemque omnium capitibus cladem avertit averruncavit tristemque rerum faciem et turbulentam scenam læta adeo fausta que catastrophe mutavit, ut non tantum optata nobis pax reddita, sed et regni, qui tum erat, senatus totusque populus – communi ordinum omnium consensu, urgentibus singulis, acclamantibus universis, cœlesti prorsus instinctu, ultro, sponte – pristino eligendi reges jure desistere [...] animum induxerint adeoque [...] contulerint supremam et solutam legibus potestatem omniaque regalia et majestatis jura ac absolutum dominium hæreditario et vero absoluti monarchæ titulo ac jure tenendum possidendum.

We, Frederick III [...] do hereby declare to each and every one that we have perceived how all scepters and crowns are distributed according to the will of the divine power, and how all kings, lords and the subjects under their rule are governed by the inscrutable will of Providence, especially recently during the terrible war when a hand came down from heaven, cut and crushed the Fates, that seemed to conspire against us to our complete destruction, averted and turned aside the utter ruin, that we had right in front of our eyes, and the disaster hanging above our heads, and changed the sad circumstances and the turbulent scene by a reversal that was so fortunate and favourable that not only peace was reinstalled but the senate and all the people also decided – all the Estates in common agreement, at the urgent request of some, by universal acclamation, by heavenly inspiration, willingly and voluntarily - to renounce their former right to elect the kings [...] and to confer upon Us the supreme power, unbound by the laws, all the regalia and rights of majesty as well as absolute lordship, to be kept and possessed with the hereditary and true title of absolute monarch.

he might have been inspired by an already existing Latin draft of The Royal Law, composed in 1663 by the jurist and state prosecutor Søren Kornerup and the professor Rasmus Vinding, entitled *Lex Regia Friderici Tertii*, but rejected by the king. In any case, to begin in Latin can only have been to Schumacher's advantage since he was a splendid Latinist. Cp. Olden-Jørgensen, "Enevoldsarveregeringsakten og Kongeloven," 314–16. A transcription of Kornerup and Vinding's Latin draft is found in: Jørgensen, *Kongeloven*, 33–37.

As the Sovereignty Act, the Latin draft also takes as its point of departure the siege of Copenhagen, and again this crisis leads to the people's unconditional transfer of the absolute power to the king. And as in the Act, the draft also formulates this process in one long, stylistically complex phrase.

Despite these very general similarities, the differences between the Act and the draft are considerable. Linguistically, while the Act is written in a formal, chancery style without literary ambitions, the language of the draft has a fluid style, a varied syntax and is ornamented with rhetorical figures as alliterations (*obversans oculis; capitibus cladem*), asyndeta (cp. *tenendum possidendum; avertit avertuncavit*) and a high number of parallelisms (cp. *incidit rupitque; læta...faustaque*). The Latin text thus takes full advantage of the syntactical and linguistic possibilities offered by the Latin language. The result is a voluminous, baroque style lifting the text to a high rhetorical level.

In terms of content, the differences are likewise remarkable, already from the outset. While the Sovereignty Act was written in the name of the Estates, it is the king who speaks in the draft. The Latin text opens with the king's statement that the divine powers are almighty, a fact experienced personally by the king during the last war when God's hand suddenly came down from heaven and crushed the enemy. Noticeably, the king is now completely passive, while God is the active part, thus the opposite description of what is found in the Sovereignty Act that reduced God to a parenthesis and spent most of the introductory part on the king's heroic deeds. Strictly speaking, this change of emphasis makes the context less logical: God saves the kingdom, and this inspires (in some way) the Estates to give the king absolute power. Schumacher has repaired the link a little by making the Estates "heavenly inspired" (*caelesti prorsus instinctu*).

The appearance of God in Schumacher's draft is almost certainly inspired by another Latin draft preceding Schumacher's own.³⁷ This first draft, entitled *Lex Regia Friderici Tertii*, apparently composed in 1663 by the jurist Søren Kornerup and the professor Rasmus Vinding, opens with the words: "[...] Deum ter optimum maximum esse, qui de sceptris coronisque mortalium disponat, non jam adeo aliorum testimonio quam nostro exemplo compertum habemus"³⁸ [We have understood, not as much from other people's testimony as from our own example, that God who distributes the sceptres and the crowns, is thrice the greatest and the mightiest]. In general, the two Latin drafts differ in many ways, but the introductory words leave little question about Schumacher's source of inspiration. Both drafts present the king as totally passive, while at the same time vaguely alluding to his presence in the besieged capital by describing the danger as the king's personal experience.

37 Fabricius, *Kongeloven*, 248–60.

38 I quote the transcription by: Jørgensen, *Kongeloven*, 33.

We can only guess about the specific reason for God's intervention in both Latin drafts. From a political point of view, this change was perhaps considered necessary since the constitution had to make clear that Frederik III was king due to God's will. Moreover, the king's popularity fell in the years following the Sovereignty Act, 1661, making it more difficult to base the king's power entirely on the wish of the Estates, but necessitated a combination of natural and divine law. On the other hand, the difference between God's appearance in the two Latin drafts seems more easily explained. In general, Schumacher's draft is rhetorically far superior to the to Kornerup and Vinding's draft, and rhetoric also seems the reason behind the remarkable image of God in the form of a heavenly hand.

As demonstrated by Fabricius,³⁹ Schumacher's inspiration probably comes from an official coin issued in Copenhagen one month after the failed Swedish assault 11 February 1659, depicting God's hand cutting off the Swedish king's hand that reaches out for the Danish crown (see Figure 1). The coin has the inscription Eben-Ezer referring to a passage in the Old Testament (1 Samuel, 7: 12) where the Israelites defeat the Philistines: as a thanks to God, Samuel puts a stone calling it Eben-Ezer (stone of help). In this way, Schumacher tries to inscribe the official iconography of the crisis in the document.⁴⁰



Figure 1 The Eben-Ezer coin. Silver. The National Museum of Denmark. Photo: Rasmus Holst Nielsen

Nevertheless, in the text it is not the Swedish king's hand that is cut (what would have caused a diplomatic crisis since in 1665 there was peace again between Denmark and Sweden) but instead the conjuring Fates (*conjurata...fata*). We find similar passages in the Greek and Roman literature, where the Gods are also sometimes opposed to the Fates, for instance in this passage from Cicero's third speech against Catiline:

39 Fabricius, *Kongeloven*, 308–9. Cp. Olden-Jørgensen, *Svenskekrigene*, 49; Olden-Jørgensen, *Stormen på København*, 38–39.

40 Noticeably, the coin gave God alone the honor of the victory (*soli deo gloria*), a fact that corresponds well with Schumacher's version.

[3,19] “quo quidem tempore cum haruspices ex tota Etruria convenissent, caedis atque incendia et legum interitum et bellum civile ac domesticum et totius urbis atque imperi occasum appropinquare dixerunt, nisi di immortales omni ratione placati suo numine prope fata ipsa flexissent.”⁴¹

“And when at this time the soothsayers were assembled out of all Etruria, they said that slaughter, and conflagration, and the overthrow of the laws, and civil and domestic war, and the fall of the whole city and empire was at hand, unless the immortal gods, being appeased in every possible manner, by their own power turned aside, as I may say, the very Fates themselves.”⁴²

The passage refers to portents observed in Rome in 65 BC and here interpreted by Cicero as a warning about the Catilinarian conspiracy in 63 BC. The way in which the immortal gods are called upon to intervene against the Fates resembles the way in which God’s hand intervenes and cuts the Fates in the Latin draft. In fact, Schumacher might have been inspired by this very Cicero passage. Cicero’s remark that the city and the whole state are in overhanging danger is easily applicable on the Danish context, and the adjective *conjurata* in the draft may be an allusion to the Catilinarian Conspiracy. A minor difference between the two passages is that while the Fates in the draft are solidly cut and crushed (*incidit rupitque*), they are “only” turned aside (*flexissent*) in the Cicero passage; but the draft has a similar expression in the following when saying that the heavenly hand turns aside the final defeat (*exitium...avertit averruncavit*).⁴³

At the same time, the Latin draft is clearly inspired by classical theatre (cp. *scene* and *catastrophe*). In fact, Schumacher has created the topos *theatrum mundi*, the idea of the world as a theatre and human beings as actors playing a role. This was a rather popular topos in the early modern period (cp. the famous lines in Shakespeare’s *As you like it*: “All the world is a stage, and all the men and women merely players”).⁴⁴ The dramatic effect is increased by the numerous expressions describing the crisis, as terrible war turmoil (*circumstrepente...funesti belli terrore*), the conjuring Fates (*conjurata... fata*), destruction (*pernities*), utter ruin (*exitium*), disaster (*cladem*), sad circumstances (*tristis facies*). Compared to the Act, we find many more of these

41 I follow the OCT edition by Albert Curtis Clark, 1990.

42 Yonge, *The Orations of Cicero against Catiline*, 312.

43 Other remarkable word coincidences between the introductory passage of this Cicero passage and the Latin draft are Cicero 3,18: *deorum immortalium nutu...provisa* (cp. *arcano providentiae nutu*); *paene oculis videre possimus* (cp. *obversans oculis*); *de caelo* (cp. *cælo lapsa manus*); Cicero 3,19: *suo numine* (cp. *divini numinis arbitrato*); Cicero 3, 20: *aversus* (cf. *avertit*); Cicero 3,21 *deorum immortalium nutu; nutu Iovis optimi maximi; coniurati* (cp. *conjurata...Fata*).

44 Another well-known example is Pedro Calderon de la Barca’s play *El Gran Teatro del mundo*, 1645.

expressions in the draft, giving the crisis an almost eschatological character. Moreover, in this theatre context, God's hand is easily interpreted as a *Deus ex Machina*.

The *theatrum mundi* topos goes back to Antiquity where it was particularly common among the stoics.⁴⁵ In the same way, we also find clear stoic allusions in the draft, opening with references to the almighty divine will, *divini numinis arbitratu*, and to providence, *arcano providentiæ nutu*. Schumacher has thus made a dramatized neo-stoic interpretation of the crisis, i.e. a combination of stoic and Christian elements, but with the accent on stoicism, God being represented only by a hand, that moreover is associated with the anonymous divine will and providence.⁴⁶

The key passage of the Act, mentioning the people's transfer of the power to Frederick III—"all jura majestatis, absolute government and all regalia"—has carefully been translated into Latin, probably being the most important passage of the entire constitution. But Schumacher not only translates the phrase, he also adds a formulation inspired by Roman law vocabulary, in good accordance with the idea of the constitution as a reception of the Roman *lex regia*. The expression "solutam legibus potestatem" uses the same words as seen in Jean Bodin's famous definition of sovereignty: "Majestas [= sovereignty] est summa in cives ac subditos legibusque soluta potestas,"⁴⁷ and both passages bear a clear resemblance to the famous passage by Ulpian: "Princeps legibus solutus est." At the same time, Schumacher also uses the term *absolutus* in its medieval sense, "absolute power." In this way, the Latin text uses expressions from several different periods of the tradition of Roman law while the Act limits itself to entirely medieval expressions.⁴⁸

To sum up, Schumacher has made a highly dramatized interpretation of the crisis combining no less than classical theatre and neo-stoicism, a seeming Cicero-passage and the official iconography of the crisis found on the Eben-Ezer coin followed by the people's transfer of the power to the king formulated in Roman law terminology—certainly a rhetorically ambitious text from Schumacher's hand and significantly different from the formal Sovereignty Act.

45 Seneca, Epist. Mor. 77, 20: "Quomodo fabula, sic vita: non quam diu, sed quam bene acta sit, refert. Nihil ad rem pertinet, quo loco desinas. Quocumque voles desine: tantum bonam clausulam impone." (cp. e.g. Epictetus, Enchiridion, 17; Discourses, 4,2,10).

46 Already in 1658, Schumacher had contributed with a laudatory poem to the Danish Seneca translation by Birgitte Thott. This work of no less than 1000 pages was the first Seneca translation into Danish and very celebrated. Schumacher's poem, consisting of 12 verses in elegiac couplets, is the last of the 12 laudatory poems. I would like to thank Maria Nørby Pedersen, currently postdoc at Aarhus University, School of Communication and Culture, for calling my attention to Schumacher's poem.

47 Bodin, *De Republica Libri Sex*, 1,8.

48 For a further study of the Roman Law terminology in the Latin draft, see François Waquet's commentary in our forthcoming book on The Royal Law. Cp. Gottschalck, "The Royal Law of Denmark," 2024.

The Danish version (= The Official Version) of The Royal Law

When Schumacher had finished the Latin draft, the king decided to have an official version in Danish. We do not know the details of this decision (see note 36), but an official version of the constitution necessarily had to be in Danish. The following is the opening lines of the official version (the document has no pagination):

Wi Friderich dend Tredie [...] gjøre alle vitterligt, at efftersom Wii [...] haffver fornummet [...], huor underligen den store og allmechtige Gud offver alle konger og herskaber saavelsom deris underhaffvende riger og lande effter sin urandsagelige viisdombs raad hersker og alting derudj styrer og beskicker, fornemmeligen i det Hans Guddommelige Allmagt den offver os, Voris kongelige huus og disse vore kongeriger og lande udj forgangne aaringer svæbende fare, ja fast øyensunlig forestaaende yderste forderff og undergang saaledis faderligen haffver affvendt og till saadann een ende udført, at wi icke alleene er bleffven reddet og satt udj ynskelig fred og rolighed, mens end ogsaa voris da værende rigens raad og samptlige stænder [...] dertill bevæget deris forrige kaar og wallrettighed at affstaa og begiffve, arffverettigheden till disse vore kongeriiger Danmarck og Norge sampt alle jura majestatis, absolute magt, souverainetet og alle kongelige herligheder og regalier, utvungen og uden nogen voris tillskyndelse, anmoding eller begiering aff eygen frii villie og fuldbe raad huu allerunderdanigst at andrage og offverantvorde.

We, Frederick III [...] do hereby declare to each and every one that we have perceived [...] how marvelously the great and almighty God rules over all kings and lords as well as their subordinate kingdoms and lands according to the counsel of His inscrutable wisdom and how He governs and orders everything therein, especially when His divine almightiness fatherly averted the danger hanging above Us, Our royal house, Our kingdoms and countries during the preceding years, in fact the utter ruin and disaster, that we had almost in front of our eyes, and brought it to such an end, that We have not only been saved and put into peace and tranquillity, but the then existing Council of the Realm and all the Estates [...] have also been moved to renounce and give up their former elective right and choice [...] and to present and confer upon Us [...] the hereditary right to these Our kingdoms of Denmark and Norway together with all the jura majestatis, absolute power, the sovereignty, all royal privileges and regalia, unforced and without any kind of encouragement, request or wish from Us, voluntarily and deliberately.⁴⁹

As the Latin draft, also the Danish version is characterized by a baroque style with complex syntactical constructions and numerous parallelisms to give the solemn content a linguistically appropriate frame. On a general level, the Danish version follows the argumentation and grammatical structure of the Latin text, and some of the Danish formulations describing the crisis are almost literal translations of the Latin version, e.g. “the danger hanging above us, utter ruin, disaster ... in front of our eyes.” Nevertheless, the differences between the two versions are considerable: In the second part of the Danish text (after the consecutive “that We have”), the description of

49 The translation uses passages from Ernst Ekman’s English translation: Ekman, “The Danish Royal Law of 1665,” 1957.

the absolute power in the Latin version (“contulerint...possidendum”), characterized by Roman law terms, has been replaced by the original passage in the Sovereignty Act (only slightly modified): “the hereditary right to these Our kingdoms of Denmark and Norway, together with all the *jura majestatis*, the absolute power, the sovereignty, all royal privileges and regalia [...]” Schumacher’s elegant Latin composition of the passage has completely disappeared. Moreover, the eagerness with which the Estates confer the absolute power in the Latin draft has been toned down. Certainly, the Estates are still well-willing, but now without a strongly emphasized divine inspiration (*cælesti prorsus instinctu*) and there is no unanimous agreement between the Estates (*communi ordinum omnium consensus*) anymore.

Nevertheless, it is in the first part of the text, describing the crisis, that we find the most remarkable differences, making the Danish description of the crisis far from a literal translation of the Latin draft. What is most remarkable is that all the stoic-like terms have been reformulated to purely Christian expressions: “*divini numinis arbitratu*” has been replaced by “the great and almighty God”, “*arcano providentiæ nutu*” has been changed to “His inscrutable wisdom”, the heavenly hand has become “His divine almightiness” while the conjuring Fates have simply disappeared. In other words, Schumacher’s impressive rhetorical opening has completely changed. The question is, of course, why. Several reasons may be taken into consideration:

1. The passage might simply be rhetorically too complex to translate into Danish, and some of the stoic terms as *nutus* and *numen* seem bound to the Latin language.
2. The passage might be too expressive—a heavenly hand fighting the conjuring Fates—for a juridical text that necessarily must be more concrete and less rhetorical.
3. Changing language from Latin to the vernacular also means a change of public readership and of culture. While a Latin text addressed an international, learned readership familiar with the classical tradition, a Danish text addressed a local readership used to a more traditional, Christian way of thinking.
4. Formally, the king is the Christian God’s representative on earth, not the representative of stoic providence, and God’s will is a fundamental part of the king’s legitimation as king and, certainly not unimportant in this case, of his newly established absolute power.

In a constitution, the formal relation between king and God must be clear from the beginning, not least at the opening of the text, and not veiled in too many allusions that potentially could be misused to cast doubt on the king’s legitimacy. All these four possibilities might have played a role for the correction of the passage, but considering Schumacher’s general linguistic wit the third and the fourth possibility seem the most plausible.

The corrections also call for another question: Why did Schumacher compose the Latin opening as he did, in the first place? The answer probably lies in the fact that he was a humanist. Probably, Schumacher had quite free hands for the stylistic composition of the preamble (while clearly instructed in its content) and, of course, has done his very best, not least with the very opening of the text. As a talented Latinist he naturally did what he was best at: classical rhetorics.⁵⁰ In fact, a preamble, being a preface to the law itself, invites for rhetorical ornamentation and literary allusions. Schumacher might also have wished to satisfy the king's literary taste. Frederick III mastered a high level of Latin and, among other things, found pleasure in theological discussions in Latin.⁵¹ Presumably, Schumacher has been rhetorically so ambitious that the many elements combined in his description of the crisis simply blur the Christian foundation of the royal power, making God's will unclear. In fact, God is only represented by a hand, and critical voices might ask whose hand it is. Moreover, the Fates have very little to do with Christianity. This theological obscurity could create a political problem.

Noticeably, the word *fatherly* has been inserted in the Danish version: "His divine almightiness has fatherly averted the danger." This is certainly another picture than the heavenly hand that brutally crushes the Fates in the Latin draft. The Danish version creates the idea of God as a caring and protecting father and—without insisting on a particularly Lutheran reading—this is also how Martin Luther and Philip Melanchthon understood the nature of God. In his work *Loci Communes*, 1521, Melanchthon says in the paragraph: *De iustificatione et fide*: "Do not doubt in your confidence that you no longer have a judge in heaven, but a father that cares for you in no other way than human parents do about their children."⁵² The same image of God is found in Luther's *Little Catechism*, 1529, in the first article on the Creed: "I believe that God has created me and all that exists; that he has given me and still sustains my body and soul, all my limbs and senses, my reason and all the faculties of my mind, together with food and clothing, house and home, family and property [...] All this he does out of his pure, fatherly, and divine goodness and mercy [...]"⁵³

50 In his biography on Schumacher, Sebastian Olden-Jørgensen emphasizes Schumacher's rhetorical talent, calling him "a rhetorical person" (*et retorisk menneske*). Olden-Jørgensen, *Griffenfeld*, 126–27.

51 Olden-Jørgensen, *Griffenfeld*, 67.

52 Melanchthon, *Loci Communes*, 1521. Translation (with minor modifications) by Holm, "God's Caring Vice-Regent," 136. The Latin text reads: "ejus fiducia nihil dubita quin iam non iudicem in cælis, sed patrem habeas, cui tu sis curæ, non aliter atque sunt parentibus filii inter homines." Melanchthon, *Loci Communes*, 55.

53 Luther, *The Creed*, 193. Cp. Holm, "God's Caring Vice-Regent," 137. Holm's aim is to demonstrate how the fatherly aspect of Lutheranism is inspired by stoicism (and how this aspect has contributed to the development of the modern Danish Welfare State).

Thus, the Danish version of The Royal Law differs from the Latin draft by emphasizing Christianity and God's almightiness and care. In this way, we find two different traditions represented in the Latin and the Danish version of The Royal Law, in the former the international, humanist tradition based on classical rhetorics, in the latter the local Danish tradition based on conventional Christian belief.

Conclusion

The three constitutional documents, The Act of Sovereignty (1661) as well as the Latin draft and the official version of The Royal Law (1665) all refer to two events in their argumentation for introducing absolutism in Denmark, first a national crisis, the wars against Sweden 1657–60, especially the siege of Copenhagen 1658–60, then the homage paid by the Danish people to the king Frederick III in front of Copenhagen Palace, October 1660. The three references differ considerably from one another. While the argumentation of the Sovereignty Act is based solely on the king's participation in the defence of Copenhagen, presenting him as the saviour of the kingdom, thus legitimizing the introduction of absolutism by the people's gratitude to the king (i.e. by natural law), the argumentation in both versions of The Royal Law is based on a combination of the people's gratitude and God's will (i.e. by natural law and divine law).

The Royal Law is of particular interest, not only being the very constitution of Denmark–Norway (1665–1848) but also the only existing written constitution for an absolute government in Europe and, moreover, one of the rare examples of a text existing in both Latin and Danish. In the Latin draft, the author, Peter Schumacher, has depicted the crisis with the topos *theatrum mundi* in a highly dramatized and rhetorically ambitious way combining elements from classical theatre, stoicism, the official iconography of the crisis found on the Eben-Ezer coin and a probable reference to Cicero's third Catilinarian speech. In this way, Schumacher's voluminous Latin by far surpasses the previous Latin draft by Søren Kornerup and Rasmus Vinding. While Schumacher's Latin version is a clearly humanistic interpretation of the crisis, the Danish version changes this picture. The danger is still overhanging, but the interpretation is now purely Christian. The Danes are now unmistakably saved by God while the stoic terms and the entire *theatrum mundi* topos have disappeared. The reasons for this change might be manifold, but not least theological. The text is the constitution itself, and since the king formally is God's representative on earth, God's will should be clear from the beginning. The word *fatherly*, inserted in the Danish version, adds the traditional Christian idea of God as a caring protector.

In general, the three descriptions of the crisis each reflect an important movement in European history: natural law in the Sovereignty Act, humanism in the Latin version of the Royal law, and conventional biblical Christianity in the official Danish version. The way elements of one text have been integrated into another or omitted is a good example of how these movements for centuries have existed side by side influencing each other mutually without ever being united.

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