

## RESEARCH ARTICLE

# A Deviation from the Historically Given Foundation? Gendarmeries in Denmark through History

“Is he [the gendarme] a policeman, a customs official or a soldier?”

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From 1838, the border between the Danish duchy of Holstein and the German *Länder* was patrolled by a corps of border gendarmes with a mixture of duties: as policemen, as customs officials, and as soldiers.<sup>1</sup> Following the Second Schleswig War in 1864, in which the Monarchy was defeated by the German *Bund*, the duchies were ceded to the King of Prussia and the Emperor of Austria, and the Danish-German border was accordingly moved north from the Elbe to the Kongeå. So were the gendarmes. Although differently configured and under different names, the institution of a border gendarmerie continued to exist until 1969. A gendarmerie force was likewise set up in the duchy of Schleswig in 1851 as a means to subdue the political unrest in the duchy following the First Schleswig War (the Three Years' War 1848–1851). The Schleswig gendarmes were disbanded after the Second Schleswig War (1864). Lastly, the Blue Gendarmes existed 1885–1894 to assist the police in domestic security matters.

The pros and cons of a gendarmerie were discussed on several occasions in the Kingdom of Denmark during the 19<sup>th</sup> century. On the one hand, a gendarmerie force would undoubtedly increase the police powers in general and might, in particular, serve as an alternative to having military personnel assisting the police in coping with riots and mass events. On the other hand, setting up a gendarmerie would incur large expenses, and the idea has traditionally been considered undemocratic and “Un-Danish”.

This paper outlines the history of gendarmeries in Denmark and discusses this question of “Un-Danishness” from a historical as well as a contemporary, comparative perspective, drawing on recent studies of gendarmeries in other countries. We argue that the history of the Danish gendarmeries shows that establishing a Danish gendarmerie force today would indeed be “Un-Danish” and just as contrary to democratic traditions as it was in the 19<sup>th</sup> century. It would thus represent a “deviation from the historically given foundation”.

**Keywords:** Gendarmes; gendarmerie; constabularization; police; border protection; customs

## Introduction

*Gendarmerie* is a French term. Originally, gendarmes were members of an elite corps of heavily armed, mounted soldiers in medieval times. From the *gens d'armes* (literally: men-at-arms) evolved what we today associate with the concept, namely, in the strict sense, “a police force with a formal military status ... which is at least partly answerable to the ministry of defence,” or, in a broader sense, “any police force with certain military characteristics relating to organizational structure, institutional affiliation, doctrine or weaponry” – with or without formal military status (Lutterbeck 2013: 7–8).

Whatever definition is preferred, such police forces with military capabilities are quite common. The French model spread to Francophone countries, and from there to the rest of the world (List of gendarmeries

<sup>1</sup> The question in the subtitle was asked by Jens Jensen, former border gendarme and chronicler of the corps. Quoted from Jensen and Bjørneboe (1981: 154). The answer was policeman, customs official, *and* soldier. This and all other quotes have been translated from Danish by the authors.

n.d.). As a general rule, the police are responsible for law and order in the cities, whereas the gendarmes are tasked with policing the rural districts (e.g. Emsley 1999).

Since the 1980s and the fall of the Berlin Wall, the big, old European gendarmeries – the French *Gendarmerie Nationale*, the Italian *Arma dei Carabinieri*, and the Spanish *Guardia Civil* – have all undergone a remarkable expansion in terms of manpower, equipment, and financial resources (Lutterbeck 2013: 12–31). During the same period, new gendarmeries have been set up too. The *Guardia Nacional* was, for instance, established in Mexico in 2019 as part of a complete restructuring of the Mexican police system in order to cope with armed criminal organizations (COs), waging a drug war and threatening the political stability of the country (e.g. Escamilla-Hamm 2020). Another example is the European Gendarmerie Force (EUROGENDFOR), which was set up in 2007 by seven EU member states under the Treaty of Velsen, as a robust stand-by force meant for deployment in international peace operations (EUROGENDFOR n.d.).

On the other hand, during the same period existing gendarmeries have been noticeably demilitarized and civilianized. This is, for instance, the case with the French gendarmerie, which in 2009 was transferred from the realm of the Ministry of Defence to the Ministry of Home Affairs and instructed to work in close cooperation with the *Police national* (Lutterbeck 2013: 20–24).

Other gendarmeries, such as the Royal Ulster Constabulary (RUC), have simply been dissolved. In 2001, the (military) constabulary was remodeled as the (civil) Police Service of Northern Ireland, in line with the 1998 Belfast (Good Friday) Agreement (Doherty 2012). The *Rijkswacht/Gendarmerie* in Belgium was likewise abolished in 2001. This was a result of the Belgian government's drastic decision after the scandal arising from the Dutroix Affair – a defective investigation into a serial killer resulting in the dismantling of all existing Belgian police forces, which were instead merged into a two-level civil police service: the federal police and the local police (Lutterbeck 2013: 34–35). In 2005, the Austrian *Bundesgendarmerie* was absorbed by the Federal Police Agency (*Bundespolizei*) in a radical reform of Austria's internal security system (Lutterbeck 2013: 32–34).

In the words of Derek Lutterbeck, the development is, then, quite paradoxical (Lutterbeck 2013). Gendarmeries are rising, and gendarmeries are declining. On the one hand, they are assigned new duties in connection with a more militarized approach to riot control and border management. In addition, they are continuously dispatched on international peace operations – a duty for which they are well-suited, since they “are able to provide continuous service on the full crisis spectrum, from normal society to war, and back again” (Gobinet 2008: 456). On the other hand, they are deprived of their military insignia and their military status as a first step toward their dissolution in the context of a general transformation into more civilian styles of policing.

On this basis, it is Lutterbeck's (2013: 56–57) thesis that in the future the gendarmerie forces operating on the national territory must – as obsolete institutions, incompatible with civil liberties and democratic principles – sooner or later be fully demilitarized and integrated into the civilian police, while gendarmeries intended for international operations (INTOPS) may continue to exist and retain their military status.

Placed somewhere in between the Armed Forces and the police, gendarmeries thus offer an intriguing field of study, not least in the security landscape of today's world, where the boundaries between military and police are becoming increasingly blurred. In order to face present-day hybrid threats, the Armed Forces are constabularized, while the police are militarized. Operational concepts, tasks, and training as well as equipment and uniforms seem to be merging, as military and civilian institutions mimic each other and as domestic security becomes more and more securitized. This development justifies a shift in attention toward classic concepts such as gendarmeries (e.g. Bigo 2000; Stevnsborg 2015; Head 2018; Dahlberg & Dalgaard-Nielsen 2020).

## Research Question, Scope, and Structure

In this article, we examine gendarmeries in a Danish context through a diachronic historical analysis. The natural point of departure for such an examination is the Danish Parliament's 1863–1864 session, during which a possible gendarmization of the police functions was discussed at length. On this occasion, the politicians concluded that establishing a gendarmerie force in Denmark would entail “a deviation from the historically given foundation” and even be “against the natural development” in Denmark. Unlike the civil police service, a martial gendarmerie would “stand apart from the population” (Rigsdagstidende 1863–1864A: 747).

Despite this categorical position, gendarmeries were, in fact, not an unknown phenomenon in the Danish Monarchy. The Monarchy, which was absolutist until 1848, consisted until 1864 of four parts: the Kingdom of Denmark and the duchies of Schleswig, Holstein, and Lauenburg. Following the Danish defeat to Prussia and Austria in the War of 1864, only the Kingdom of Denmark remained. Gendarmeries also

existed in some of the Danish colonies, at least for a brief period of time. During the process leading up to the sale of the Danish West Indies to the United States in 1917, a Gendarmerie Corps was in function from 1907 until Transfer Day. Consisting of approximately 120 officers and enlisted men, this corps was formed as a military unit with constabulary powers, responsible for patrolling the streets and taxation (Rostgaard & Green 2012: 44). The scope of this paper, however, limits our study to the Danish Monarchy and, from 1864, the Kingdom of Denmark. We also note that Denmark established its first Military Police unit in 1947 when the Danish Brigade was sent to Germany as an occupational force (Hertel 2019), but we refrain from including this unit and other examples of field gendarmeries and military police in Danish international operations.

The paper is structured in three main parts: First, we outline the history of gendarmeries in Denmark, starting with the border gendarmes 1838–1864, followed by an account of the Schleswig Gendarmerie Force 1851–1864 and an account of the second part of the history of the Border Gendarmerie 1864–1969. Next, we expound the debates on establishing a gendarmerie force in the Kingdom of Denmark, including a section on the short-lived Blue Gendarmerie, which existed 1885–1894. Finally, we make some concluding remarks, wherein we consider how Denmark fits into the above-mentioned gendarmerie paradox thesis. The question is: Is the idea of a Danish gendarmerie fundamentally “un-Danish” (Stevnsborg 2020; Oxfeldt 2020)?

### The Holstein Border Gendarmerie

The history of the Danish border gendarmes begins with a need to control the historical boundary between the Nordic and the Roman spheres of influence: the Eider, which runs from Kiel on the Baltic Sea to the North Sea (Gjerlov 1934: 281). From the early 1600s, sporadic border patrols were carried out in the area, but it was not until 1806 when the Danish king, during the Napoleonic Wars, assumed full sovereignty over the duchy of Holstein that the Danish border was moved south of the Eider to the Elbe. At the Vienna Conference in 1814–1815, also the duchy of Lauenburg was transferred to the Danish king, who already controlled Schleswig and Holstein. As the duchies bordered the German free merchant cities Hamburg and Lübeck, from where goods at that time began flowing into Denmark in increasing volumes, it was in the late 1830s deemed necessary to establish a more efficient border protection to enforce new customs legislation. Hence, on 4 December 1838, King Frederick VI issued a decree setting up the first dedicated border protection corps in the Danish Monarchy: the Holstein Border Gendarmerie, which came into existence on 1 January 1839 (Jensen & Bjorneboe 1981: 1–8; Andsager 1989: 47).

At this point, the Danish state already had some experience with using the Armed Forces for border management and customs protection. In 1804, the Commander-in-Chief of Copenhagen instructed the soldiers on duty at the city gates to assist the customs officials in detaining anyone attempting to avoid inquiry, and army soldiers often substituted as border guards on the Holstein border. The new Border Gendarmerie was, however, a military entity in itself, composed of resources from three existing regiments in Holstein including 22 corporals, 22 cavalry gendarmes, one quartermaster, and three officers – one being the corps’ commander, Rittmeister Justus von Unzer. Among the tasks assigned to the new corps were protecting custom officials (so-called “vigilance services”), suppressing riots, and preventing vagabonds from entering and deserters from leaving the Danish realm (Gjerlov 1934: 282). To begin with, the gendarmes exercised no customs authority of their own, but that soon changed as more officials were needed to control the influx of goods. Thus, a limited customs authority was vested in the gendarmes (Jensen & Bjorneboe 1981: 11–17).

During the 1830s and 1840s, civil unrest in the duchies was slowly building up. It was driven by growing resentment toward the Danish rule following years of conflicts between Danish and German language and culture, resulting in strong nationalistic sentiments on both sides. By allowing the Estates to put together and present their advice, the absolute king sought to appease them, but, in 1848, armed revolt broke out in Schleswig and Holstein resulting in the First Schleswig War 1848–1851. The war was, at the same time, a civil war within the Danish Monarchy, a military confrontation between Denmark and the German *Bund*, and an international conflict, involving the European great powers. The loyalty of the officers of the Border Gendarmerie rested with the King, and they joined the Danish army at the outbreak of the civil war, while the corps’ former commander, von Unzer, sided with the insurgents. Maintaining a formal presence in Holstein, which was now under a provisional government supported by the German *Bund*, was difficult for the corps, but not impossible, as customs duties still had to be carried out along Holstein’s southern border. As one border gendarme, later turned historian, notes, it must have “cut deep into the hearts of loyal gendarmes to witness the insults and subjugation that the features of Danish government fell subject to in the time that followed” (Jensen & Bjorneboe 1981: 34–35). In 1851, the First Schleswig War ended in defeat for the insurgents.

The command language of the border gendarmes was German, but in the years following the First Schleswig War, the previously very close relationship between the corps and the German-speaking officials in the duchies suffered under the harsh repression by the new democratic Danish government following the end of absolutism in 1848. The corps itself, however, was modified significantly after the war and renamed the Holstein Border and Customs Gendarmerie, reflecting the gradual expansion of its duties in the interwar period. It now consisted of 42 cavalry gendarmes and 86 infantry gendarmes, who patrolled the border and arrested smugglers – and sometimes exposed extraordinarily well-organized syndicates within the postal services or the military (Jensen & Bjorneboe 1981: 38, 50).

The interwar years from 1850 to 1864 were marked by a tense political environment. In 1852, Denmark passed a constitution that encompassed the duchies, but just a decade later national-liberal winds were blowing in Copenhagen, and the government prepared for a new constitution excluding Holstein, which was seen as “too German”, while Schleswig was to be incorporated into the Kingdom of Denmark. This resulted in Prussia and Austria being tasked with executing an armed occupation of the duchies on behalf of the German *Bund*, and on 17 December 1863, the gendarmes retreated to the Schleswig-Holstein border in anticipation of what was to come. “The quarters weren’t the best,” one of them later wrote, “but when our dear, old Denmark is in peril, our quarters are only secondary, and as good Danish men we accept everything that comes our way. Only enemies will be rejected” (Jensen & Bjorneboe 1981: 57).

When the Prussian-Austrian army invaded Schleswig on 1 February 1864, the border gendarmes found themselves frontline eyewitnesses to the 60,000-man strong force making its way across the Eider. By then it had already been decided to regroup the corps as a field gendarmerie, and the members of the corps engaged in a hasty retreat from the fortified line of *Dannevirke* together with the regular army. At the entrenched positions further north, the gendarmes joined forces from the Schleswig Gendarmerie in guarding ammunition depots and important bridges under the joint command of Major F.M.E. von Gulstad. Later, after the bloody battle at Dybbøl on 18 April 1864, which resulted in the defeat of the Danish forces, the remains of the Holstein Border and Customs Gendarmerie were employed as military guards in Denmark during the rest of the war (Jensen & Bjorneboe 1981: 56–65; Generalstaben 1890–92: 385–386).

### The Schleswig Gendarmerie Force

The Schleswig Gendarmerie Force (Engberg 1968: 54–55; Smith 1983: 41–43; Stevnsborg 2000: 632–645) was established in 1851 in the wake of the First Schleswig War with inspiration from the Holstein Border Gendarmerie (Jensen & Bjorneboe 1981: 40–41). In 1850, at the end of the war, the duchy once again became part of the Monarchy. The southern part of Schleswig, however, remained in a state of siege with the Armed Forces being responsible for policing the area. Upon the return of the duchy to the Monarchy, Mr. Spønneck, the Finance Minister, wanted a potent police force set up in Schleswig, an “elite corps” authorized to enforce the customs regulations to the letter. Mr. Tillisch, Minister of Schleswig, likewise wanted a forceful police organ as a means to substitute the state of siege whereby he could deprive the Armed Forces of their police authority and bring policing in Schleswig under his own, civil, direction. The Minister of War, Mr. Hansen, regretted that “the Army was impaired by the fact that detachments were needed for police work” (Jørgensen 1958: 88). On this basis, the State Council found that even if 300 gendarmes might replace about 1,000 soldiers from the garrison troops, the expenses in connection with setting up a gendarmerie would be awesome. On the other hand, “since the establishment of a gendarmerie force in Schleswig is probably all in all an expedient measure, the financial side cannot be the critical factor” (Jørgensen 1958: 155–156, 325).

In consequence, the Schleswig Gendarmerie Force was set up on 18 February 1851 as a military unit under the Minister of Schleswig, with 13 commissioned and 28 non-commissioned officers, 200 mounted gendarmes, and 50 gendarmes on foot, and the state of siege was rescinded by Order of 17 March 1852. The gendarmes should support “the civil authorities in upholding the peace and order and in enforcing the existing acts and orders, in particular also the customs regulations” (Engberg 1968: 55). Their core task was, however, to intervene in case of anti-Danish manifestations in this politically unstable part of the realm.

An example of this is found in a report, dated 8 March 1860, from the Gendarmerie Station in the town of Læk to the county governor and the chief constable. It shows that “the parish clerk, Nis Iversen from Jarlund, has walked around the town and has contacted the inhabitants in order to obtain their signature on a petition addressed to the Estates concerning the language question”, i.e. a pro-German protest against the order that Danish should be the official language in otherwise German speaking districts. Filing such a petition was considered a criminal act (Nørr & Thomassen 2004: 102).

The gendarmes, who patrolled the duchy of Schleswig around the clock, were posted individually or in small groups. They possessed extraordinary police powers. They were, for instance, empowered to violate the citizens’ basic rights by controlling and censoring all mail sent from the duchy to the capital of Copenhagen.

The gendarmes could also displace persons suspected of hostile anti-Danish activities from their residence in the duchy to Copenhagen where they had to meet for control with the police. Because of such operations, the Schleswig Gendarmerie Force has been described as “the political police of the Danish occupation troops” (Bruhn 2017: 81).

As time went by, the political police tasks became less important, though, and the gendarmes instead concentrated on ordinary policing, such as catching thieves, vagabonds, and beggars, along with various licensing and regulatory activities.

At the outbreak of the Second Schleswig War in 1864, the Schleswig gendarmes together with the border gendarmes were, as mentioned, regrouped as a field gendarmerie. The Danish defeat resulted in the loss of the duchies Schleswig, Holstein, and Lauenburg, and the Schleswig Gendarmerie Force naturally lost its *raison d'être*. It therefore broke up and eventually ceased to exist when the Prussian gendarmerie took over on 29 July 1865. A number of former Schleswig gendarmes, however, continued in a novel institution: the Customs Border Corps.

### The Border Gendarmerie

After the Danish defeat in the war of 1864, the Holstein Border Gendarmerie was reorganized into the Customs Border Corps – a more appropriate designation, now that control of Holstein as well as Schleswig had been transferred to the German states. At the same time, the gendarmes were relocated to the new Danish-German border at the Kongeå. This narrow watercourse had for centuries represented the administrative boundary between the Kingdom of Denmark and the duchy of Schleswig and would – except in the extreme west – for the coming 54 years mark the national border between Denmark and Germany. Early in 1865, gendarmes of the former Holstein Border and Customs Gendarmerie, reinforced with former Schleswig gendarmes, began patrolling the new border. Despite limited funding for equipment and uniforms and lack of Danish language skills, the gendarmes were popular with the local population. In the following decades, the corps, which in 1865 numbered approximately 125 gendarmes and officers, underwent no major changes from its Holstein origins with regard to organization and tasks. Other Danish authorities could also still call upon assistance from the border gendarmes under “special circumstances and after due consultation” (Gjerløv 1934: 285). In 1876, the name of the corps was changed back to the Border Gendarmerie (Jensen & Bjørneboe 1981: 72–79, 83; Gjerløv 1934: 283).

In the 1890s, the Border Gendarmerie appears to have developed into a well-disciplined military police force, but the new generations of gendarmes suffered under a strong conservative leadership, low salaries, and a degenerated reputation due to the unpopular Blue Gendarmes who by then had entered the scene (see below). The low salaries resulted from the unfortunate fact that the Border Gendarmerie was perceived to be a military corps when the customs officials were awarded a raise in pay and vice versa when the army pay went up. However, that changed with the passing of new legislation at the turn of the century, around the same time that the last of the Holstein gendarmes died out. In the beginning of the 20<sup>th</sup> century, the Border Gendarmerie improved its standards as well as obtained additional constabulary powers. In addition to their primary tasks on the border, the gendarmes sometimes assisted local police forces with maintaining law and order, especially after the Blue Gendarmes were disbanded in 1894 (Gjerløv 1934: 284). Reduced demand for border protection, however, meant that the corps shrunk to as few as 100 men around 1910 (Jensen & Bjørneboe 1981: 88–97).

Denmark maintained its neutrality throughout the First World War, but shortly after the breakout of hostilities, the Germans closed the border with Denmark and enforced a strict passport control. The Border Gendarmerie was still responsible for protecting the border, although army soldiers eventually joined the gendarmes as military support. Gendarmes and soldiers were, however, not under unified command, which resulted in various “misunderstandings”, to quote the corps’ first chronicler, Jens Jensen (1895–1953) (Jensen & Bjørneboe 1981: 104). Smuggling flourished during the war, and the Border Gendarmerie was yet again expanded until it, in 1919, numbered almost 300 officers and gendarmes. The following year, this reinforced gendarmerie faced one of the most important challenges in its lifetime: the unification of the northern parts of Schleswig with the Kingdom of Denmark. After a referendum held in February 1920 had shown a majority of votes for Denmark in the zone stretching from the Kongeå to an eastern-western line just north of Flensburg, the area was ceded by Germany in the middle of June that same year. The gendarmes now had 140 kilometers of new border between Denmark and Germany to manage, and new legislation passed on 20 December 1920 brought the Border Gendarmerie to its largest size ever: almost 500 officers and gendarmes (Gjerløv 1934: 291).

The 1920s and 1930s saw plenty of smuggling activities at the Danish-German border, but in line with the drastic cutbacks on military expenditures in general, the Border Gendarmerie was again gradually reduced

until it was only half the size it had been in 1920. Armament and equipment, however, improved as the skies over Europe darkened in the 1930s: The corps received light machine guns and Browning pistols, while the cavalry was replaced with motorized units. However, a main task of the gendarmes continued to be to patrol on foot the 74-kilometer border guard trail (“Gendarmstien”) established from Siltoft to Kruså along the western part of the border (Gjerløv 1934: 285). Now more heavily armed, the Border Gendarmerie was, according to a gendarme who served from 1916 to 1958, still an “odd corps. It was a customs police force organized as a military corps, but at the end of the day it was neither” (Andsager 1989: 8).

According to an agreement from 1906, the Border Gendarmes were supposed to be transferred from the Ministry of Finance and brought under military control in the event of war, but the Danish government decided – much to the annoyance of the Ministry of War – on 8 April 1940 that the corps should not intervene if Germany invaded Denmark. However, when German forces early next morning in fact did cross the border, three gendarmes were killed by an *Abwehr* unit. The German intelligence unit probably thought that the gendarmes were about to blow up the railway viaduct at Padborg. Destroying important key points in case of an invasion was actually one of the corps’ duties, but on the morning of 9 April 1940, the gendarmes stood down and headed north, away from the border (Bjørneboe 1970).

Many members of the corps were frustrated after the hasty and dishonorable retreat, and the army commander in Haderslev described them as “shocked” as they arrived at the barracks. A member of the corps later recalled:

*Yes – the gendarmes were shocked; but not because the Germans had assaulted our country and had been on our heels all the way up to Haderslev. Every gendarme had known for days what was coming to us and the entire country. No – we were shocked to find the country so open and our defenses so unprepared, not to use a totally different language about the obvious confusion we saw at the Haderslev barracks. (Buch 1992: 116)*

Another member of the corps, however, noted that the idea of deploying gendarmes with little military training as the first line of defense was “sheer nonsense, fostered in the militarized mind of colonel Paludan-Müller [the commander]” (Andsager 1989: 18).

On 10 April 1940 the Border Gendarmerie resumed patrolling the border with German approval, although with reduced authority (Svensson 2019). Apart from its formal role as the first line of military defense at the border, the Border Gendarmerie had inherited another task from its predecessor, the Holstein Border Gendarmerie, namely providing support to the police when necessary. In the middle of the 1930s, the Ministry of Justice, as responsible for the Danish police, had even suggested taking over the corps from the Ministry of Finance, but this had been rejected, and the Border Gendarmerie had continued as a corps with combined customs, police, and military duties (Kristensen 1995).

On 19 September 1944 almost 300 gendarmes were interned by the Germans along with the Danish police, and 38 eventually lost their lives in the concentration camps, the majority of them at outposts of Neuengamme near Hamburg after months in the Frøslev Camp near the border (Jensen 1990). That such a harsh destiny awaited so many Danish border gendarmes is remarkable, since the corps had traditionally been on good terms with their German counterparts in the interwar period as well as during the occupation. Most gendarmes had expected to be disarmed and their units disbanded, which is what had happened to the Danish Armed Forces on 29 August 1943, but instead they faced internment. The commander of the corps, Colonel S.B. Paludan-Müller, who was deeply involved with resistance against the occupational force, died fighting the German police and military on 26 May 1944. Following Nazi-Germany’s capitulation and collapse in early May 1945, the Danish army established the Border Command. The Border Command’s mission was to take charge of the massive influx of refugees from war-torn Germany and to manage the exodus of hundreds of thousands of German soldiers from Norway and Denmark crossing the border. This marks a short, but dramatic period of time in Danish history with many attempted illegal border crossings etc. (Andsager 1989: 31–32; Hedegaard 1995). The remains of the Border Gendarmerie worked closely with the Border Command, but in the late 1940s, the situation had normalized, and the task of border control was returned to the corps. Around the same time, it was decided to demilitarize the corps and relieve it of its military duties (Jensen & Bjørneboe 1981: 191). These duties had become redundant, since a military confrontation between Denmark and the new *Bundesrepublik Deutschland* was now unimaginable. Both countries joined NATO, Denmark in 1949 and West Germany in 1955, and the former enemies became allies.

The Border Gendarmerie was accordingly dismantled in April 1952 and its resources transferred to the Customs Border Corps – which was practically the same organization, only now operating under another (old) name, signifying the transformation from a military to a civilian corps. The traditional light-blue

uniforms of the gendarmes were replaced by black suits resembling what uniformed officials from other Danish civilian authorities wore at that time (Andsager 1989: 45; Cock-Clausen & Hansen 1992). During the 1950s, several options for further developments were explored, including the total incorporation of the Customs Border Corps in either the customs services or the police (preferred by the employees). An analysis showed, however, that it would be more economically sound to keep the corps as a separate, although reduced, entity, and in this capacity, the Customs Border Corps continued to exist. The gendarmes patrolling on foot with carbines in their light-blue uniforms of old were now long gone and replaced by officers on motorcycles and in cars, coordinating their efforts in a flexible manner using radio communication. On 1 April 1969, the management of the Danish-German border was once more reorganized when the Customs Border Corps' resources were transferred to the customs services, while its police tasks were taken over by the Danish police service, thereby effectively ending the history of border gendarmeries in Denmark (Jensen & Bjørneboe 1981: 203–213). With the military and police tasks gone, only the duties of the customs officials remained.

### **Gendarmeries in the Kingdom of Denmark?**

It was, however, not only at the border with Germany that Danish gendarmes once patrolled.

In the Kingdom of Denmark only the capital, Copenhagen, had a proper police force in the 19<sup>th</sup> century, supplemented with a corps of night watchmen. Outside Copenhagen each police district was headed by a chief constable who, in the cities, had a couple of night watchmen at his disposal and, in the countryside, commanded a handful of parish executive officers. With such finite police resources, the daily (and nightly) tumults and disturbances could be handled, but when the turmoil exceeded a certain level, it was firm practice for the police to request military assistance and have the Armed Forces participate in domestic law enforcement activities (Stevnsborg 2000: 632–645).

The question of using gendarmes instead of soldiers and able seamen to assist the police in upholding law and order was initially put on the political agenda in Denmark in 1820 after the massive riots in 1819 all over Europe generally known as the Hep-Hep riots. In Denmark, they were called the Jews Quarrel or the Jewish Feud (Olsen 2018; Blüdnikow 2019: 51–84). During this “feud”, Jewish citizens were violently assailed in the streets by angry crowds of people, while their residences and shops were looted and vandalized.

The famous storyteller, H.C. Andersen, arrived in Copenhagen when the rioting broke out. In his biography, he recalls:

*On Monday morning, September 5th, 1819, I saw from the heights of Frederiksborg, Copenhagen, for the first time. At this place, I alighted from the carriage, and with my little bundle in my hand, entered the city through the castle garden, the long alley and the suburb. The evening before my arrival had been made memorable by the breaking out of the so-called Jews quarrel, which spread through many European countries. The whole city was in commotion; every body was in the streets; the noise and tumult of Copenhagen far exceeded, therefore, any idea which my imagination had formed of this, at that time, to me great city. (Andersen 1847)*

The Copenhagen Police stood powerless and had to ask for military aid to stop the unrest. The Armed Forces took the task seriously: Watches below and leaves of absence were instantly canceled, the Artillery, the Royal Life Guards, the Jaeger Corps, and the citizen militia were mobilized, and hussars were called in from their barracks in northern Zealand. The military units were supplied with sharp ammunition and ordered to “cut down or shoot down” all peace disturbers and agitators. By virtue of these drastic rules of engagement, peace was restored in Copenhagen. The scope and intensity of the military operations during the Jewish Feud, however, troubled the absolutist government. The about 1,000 soldiers deployed during the “feud” had been inclined to regard the city as a battlefield and to treat the protesting citizens as enemies to be defeated by all available means. Furthermore, they had acted as if the 60-man strong police force simply did not exist anymore.

Competencies and chains of command were therefore subsequently scrutinized by the absolutist government. According to the Auditor General, Mr. Bornemann (1821), a gendarmerie ought to be established in order to provide the police on a permanent basis with a militarily skilled riot police unit, on foot as well as mounted. Referring to the general rule that “the softer measures must always be applied before the heavy-handed,” the Auditor General argued that a martial gendarmerie force was preferable to the even more martial Armed Forces (Bornemann 1821). For economic reasons, the Auditor General's proposal was rejected, though. Instead, a Royal Order was issued to the Commander-in-Chief of Copenhagen. With a view to possible future mass events, it was stated herein that the military could only assist the police upon

specific request from the police and that the police should always be in command during operations. On its own, the military was solely entitled to take action if riots occurred within a radius of 20–30 feet from a military guard as well as in situations “with public violence and no further from the military guard than within line of vision, for instance when a building is stormed, windows are broken, somebody is mistreated etc.” Otherwise, the Commissioner of the Copenhagen Police commanded the assigned forces (Reskript 1821).

In 1842, Chief Constable Manthey in Love County, western Zealand, reopened the gendarmerie question in proposing that a gendarmerie force should be set up in the Danish countryside. Manthey had studied gendarmeries abroad, and he was familiar with the absolutist government’s deliberations after the Jewish Feud, during which he himself had been an auditor with the Oldenburg Regiment. Chief Constable Manthey was therefore well aware that the idea of a gendarmerie had then fallen victim to economic considerations. His proposal met with the same fate. A gendarmerie was still deemed much too expensive in terms of “equipment and remuneration” (Manthey 1842).

Economic conditions also proved decisive when the Danish Parliament in its 1863–1864 session debated the Danish police system with a view to transforming the absolutist police into a democratic police service. On this occasion, however, more principled points of view were also taken into account, in as much as the politicians – as referred to above – concluded that, despite the costs, establishing a gendarmerie would mean “a deviation from the historically given foundation” in Denmark (Rigsdagstidende 1863–1864A: 747).

Nonetheless, the “deviation” became a reality when a Danish gendarmerie force was established in 1885 (Hedegaard 1967; Smith 1983; Stevnsborg 2000: ch. 4). This gendarmerie was set up pursuant to a provisional act on the “formation of a military gendarmerie” (Foreløbig lov nr. 217 1885). Simultaneously, a provisional act was passed on “extraordinary expenses for policing”. Such costs would be borne by the state instead of the municipalities, which for instance led to a fast track augmentation of the 452-man strong Copenhagen Police corps with 100 state-funded, so-called “treasury officers” (Foreløbig lov nr. 216 1885). Provisional amendments were furthermore made to the Criminal Code, including a section which read: “Whoever publicly expresses or disseminates fake news or distorted facts in order to incur hatred or contempt for the institutions of the state or for the government’s measures, will be punished with imprisonment” (Foreløbig lov nr. 223 1885).

These three provisional acts were all issued in direct response to the failed attempt on 21 October 1885 to assassinate the Prime Minister, Mr. Estrup. The acts were, however, essentially a result of the state of affairs in Denmark during the 1880s and 1890s, when the worker’s movement claimed their rights to freedom, liberty, and brotherhood, while the Left Party (representing, primarily, the farmers) opposed the Right Party (representing, primarily, the landowners and the intelligentsia) in Parliament. Left was in the majority in the House of Commons (*Folketinget*), while Right was in the majority in the Senate (*Landstinget*). Supported by the King, Right was the ruling party, governing the country by means of provisional acts, including the annual financial bills with huge expenses earmarked for the fortification of Copenhagen. The provisional acts were never presented to the House of Commons. This resulted in a veritable constitutional crisis, which lasted for years and created a long-standing tense internal political situation. Left supporters responded by evading taxes, ignoring draft cards, and founding rifle clubs where they prepared for opposing the reactionary government of landed proprietors, weapons in hand.

According to the Rightist government, the times were thus extremely dangerous, “with growing inclinations to rioting, violence, willfulness and insubordination towards the authorities” (Rigsdagstidende 1887–1888B: 1347). From the government’s point of view, it was “evident that in order to prevent the ordinary police, dimensioned only for ordinary circumstances, from being overwhelmed, special measures must be taken in order to quench the movement and to show the protesters that the legitimate powers of society will not let themselves be defied” (Rigsdagstidende 1887–1888B: 1347). During the year 1885, the police had continuously had to rely on assistance from the Armed Forces to uphold peace and order in society. When, for instance, the Copenhagen Shooting Club in February 1885 held its general meeting, the Commander-in-Chief of Copenhagen deployed 50 hussars and 110 constables, ready to assist the police. The Arsenal Guard was converted into a flying squad, comprising six officers, 43 constables, and 100 foot soldiers, and all personnel in the barracks of Copenhagen was put on alert. Again, during the – abortive – deliberations in Parliament on the General Budget in the months of March and April 1885, the same measures were taken and even supplemented with having a patrol vessel moored in the harbor, from which the Commissioner of the Copenhagen Police might call for the assistance of armed able seamen. In October, during a royal visit to Copenhagen, the hussars were, once again, on red alert (Stevnsborg 2000: 637).

In the words of the Minister of War, Mr. Bahnson, the numerous requests for assistance to the police exhausted the resources of the Armed Forces to an extent where they imperiled the core duty of the army and the navy, namely the defense of the territory against foreign enemies. The problem had existed “for

some time”, and the Minister now insisted that it had to be solved either by calling up dismissed conscripts or by establishing a gendarmerie force as part of the Armed Forces. Fearing that the conscripts might be politically unreliable, the Minister preferred the latter solution, and, in this very special case, a gendarmerie was considered a political necessity whatever the costs and even if the establishment of such a force might deviate from the “natural development” in Denmark.

According to the headline goal, the new gendarmerie force could comprise up to 1,118 gendarmes (118 officers and 1,000 private gendarmes), about half of them mounted. This, in fact, meant that the then existing Danish police force was doubled in a single step. The officers of the gendarmerie were transferred from the Armed Forces and offered a pay rise, while the private gendarmes were recruited and committed themselves to at least one year of service. The new gendarmerie was nicknamed “Estrup’s Blue Gendarmes” (after the name of the Prime Minister and the color of their uniform).

The Blue Gendarmes were extremely unpopular. They were feared and hated, in particular in the rural districts, where the farmers – with some right – regarded the gendarmerie as a Rightist, robust, and rapidly deployable intervention force with the core task of clamping down on Leftist manifestations. In an order issued by the Minister of War on 7 December 1885, it was stated that the gendarmes were obliged to assist the police in domestic law enforcement. Accordingly, the Blue Gendarmes were granted powers of arrests, just as they could resort to using their weapons: carbine, revolver, and saber. Like in the 1821 Royal Order, it was however stressed that the police commanded the assigned forces and that the police were in charge during operations:

*Upon the arrival of the commando at the meeting point, the civil authorities inform the commanding officer about the plans for the utilization of his commando ... In performing its task, the commando respects the decisions of the civil authorities, and – as long as it is not attacked or otherwise insulted – the commando solely acts upon the order and responsibility of the civil authorities ... Only when attacked or otherwise insulted may the commando take the necessary action on its own responsibility ... If the guilty party is hurt or loses his life, he has only himself to thank. He lies on his deeds (Bekendtgørelse nr. 250 1885).*

The order reveals that the Minister of War anticipated violent confrontations between the gendarmes and the citizens, and dramatic incidents did occur. One such clash took place on 6 September 1886 during a fair in the small town of Brønderslev in northern Jutland. When the gendarmes attempted to arrest a drunken guest in a tavern tent, a crowd of angry people prevented the arrest. The gendarmes drew their sabers, but to no avail as they were attacked with canes and shelled with stones. The crowd yelled: “Kill them!” and the gendarmes had to flee while being bombarded with crushed stones. Afterwards, the crowd returned victorious to the marketplace, singing (Smith 1983: 56–59). Their triumph became short-lived, though. A special committee of inquiry found that the incident was rooted in a general dissatisfaction with the gendarmes acting as police at the marketplace, that the rioters did not have any pre-planned design, and that they did not have any formal leadership. The committee nevertheless brought charges against 29 rioters and subsequently either fined them or sentenced them to prison on water and bread – a harsh form of imprisonment.

The “Brønderslev Battle” was an exception, though, and it soon became obvious that the foreseen violent and riotous political confrontations would never happen. The Blue Gendarmerie therefore adapted to the new situation. First, recruitment was halted, and the headline goal was never met – in 1889, when the numbers peaked, the Military Gendarmerie Force comprised 29 commissioned officers, 136 non-commissioned officers, and 493 private gendarmes. Second, instead of centralizing the force in four strong detachments, ready for rapid reaction, in Copenhagen (covering the metropolitan area), Ringsted (covering Zealand and Funen), Kolding (covering southern and western Jutland), and Aarhus (covering eastern and northern Jutland), the gendarmerie was decentralized in the traditional French gendarmerie style. Small stations, sub-stations, and posts were spread all over rural Denmark, typically staffed with one officer and 5–6 private gendarmes. Apart from supervising mass events such as political meetings and balls at inns, they patrolled the countryside systematically, and they increasingly became involved in ordinary community policing. They arrested vagabonds and beggars, they investigated criminal cases, they escorted prisoners, they controlled travel documents, they inspected the inns and the dairies, they guarded construction sites where new railways, bridges, and dams were being built, they intervened in cases of infectious livestock diseases, they served subpoenas, and they collected taxes and fines etc.

After years of uncompromising conflict, the political parties Left and Right finally reached a political agreement in 1894. The agreement caused the provisional act on the “formation of a military gendarmerie” to be presented in both chambers of the Parliament, after which the bill was rejected by the Left Party in the

House of Commons. The Blue Gendarmerie, which had by then existed for nine years under provisional acts, thereby lost its legal foundation, and the gendarmes were immediately discharged.

Ironically, the policing of the Blue Gendarmes was greatly missed by those who had treated them with fear and contempt in the first place, namely the local communities in the countryside. 22 chief constables along with 14 groups of local residents appealed urgently for a continuation of the gendarmerie force, emphasizing that the gendarmes had brought real added value compared with the formerly existing police system, but they petitioned in vain. Estrup's Blue Gendarmerie ceased its service on 4 April 1894.

## Conclusion

Since 1952, Denmark has had no border gendarmes, and since 1894, gendarmes have not patrolled the territory of the Kingdom of Denmark. The ghost of the gendarmes, however, has kept on haunting Danish police history.

In 1938, an act was passed which merged the then 72 community-based uniformed police services with the corps of state detectives into a national Danish police called *Rigspolitiet*. The opposition parties voted against the act in Parliament, arguing that they would not assist the Social Democratic/Radical Left government in establishing a "Blue Gendarmerie Force", just like the one the Rightish Estrup government had had in the 1880s and the 1890s (*Landstingstidende* 1938–1939: 415). The reference to the Estrup gendarmes was, of course, symbolic, since the National Danish Police was a civilian agency, not an armed force, but the Blue Gendarmes served as a cautionary example.

In the 1990s it was discussed whether the police functions in Denmark ought to be divided between the Ministry of Justice (responsible for criminal investigations and public prosecutions), the Ministry of the Interior (responsible for uniformed policing in the communities), and the Ministry of Defence (responsible for a new gendarmerie force). "Gendarmes again?" the question sounded. Eventually, however, the answer became a definite "no" (Christensen & Stevnsborg 1993).

Some advocated, however, for a revival of the gendarmerie in Denmark. In August 2017, Søren Hviid Pedersen, an influential critic from the Danish national conservative movement, recalled the "good old days" of the border gendarmes and suggested that the institution be revived in response to the general European migration crisis. Gendarmes, trained in guarding checkpoints and monitoring borders, might in Pedersen's opinion conduct "much more efficient and targeted border management" at the Danish-German border (Pedersen 2017).

Also, in November 2019, the Secretary General of the Danish Atlantic Council, Lars Bangert Struwe (2019), advocated for the establishment of a Danish gendarmerie force. He referred to the fact that since 2015 the Home Guard (which is part of the Armed Forces), as a means to curb the migration flow, has assisted the police in protecting the Danish-German border. He likewise referred to the fact that due to the terrorist attacks in Copenhagen in February 2015 armed soldiers have since 2016 under Operation Gefion provided support to the police, particularly in guarding critical infrastructures, terror-threatened persons, and selected institutions, such as Jewish locations in Copenhagen. Struwe (2019) pointed out that the present situation is unsustainable and, echoing the reflections of the 19<sup>th</sup> century on the establishment of a gendarmerie, he underlined that making soldiers a mundane feature in the streetscape tends to exhaust the resources of the Armed Forces and to divert their focus from their core duties. Gendarmes, he argued, would be the answer as "something between the police and the Armed Forces."

It is highly unlikely, though, that these suggestions will ever be followed. As evident from our review above, the border gendarmes in a Danish context only made sense as long as Germany posed a military threat to Denmark. This is no longer the case, and today the Danish-German border is an internal EU frontier, managed under the Schengen Regime.

The arguments against setting up a gendarmerie force in Denmark are moreover multifarious. The question of economy has, as we have shown, been a recurring theme in the history of Danish gendarmeries and a decisive factor in not establishing such a force. A gendarmerie was, and still is, very costly. In addition, Denmark is not in a political situation tantamount to the one that existed in the times of the Blue Gendarmes. Unlike, for instance Mexico, Denmark is not facing an extreme constitutional crisis, verging on civil war, which might give reason for setting up a militarized force to supplement – or replace – the civil police. Such a move would invariably signal that the fundamentally stable political system, which has existed in Denmark since 1894, was endangered – which is not the case.

Apart from the nine-year period 1885–1894, the police have always been solely responsible for policing in Denmark, and today – with the boundaries between police and military blurring – the civil police are usually sufficiently militarized themselves with capacities and capabilities comparable to those a gendarmerie can offer. This does not mean that the police have always been able to handle their tasks without help. The

police have, as we have shown, occasionally been assisted by the military in exceptional situations. Ever since 1821, such military aid to the civil power has however been based on the principle that the Armed Forces may only provide such assistance upon specific request from the police and that the police must always be in command during operations.

The very same principle was enshrined in the Police Act in June 2018, when a new chapter 6 a was amended to the act, replacing the internal classified orders and directives which since 1821 had been the legal foundation of the Armed Forces' assistance to the police (Lov nr. 708 2018; Schack & Uggerhøj-Winther 2018; Stevnsborg 2018; Stevnsborg 2019). Even if the assistance, pursuant to the preparatory works of the Police Act, now has "no end date" (and accordingly may be extended for a longer period of time), it is nevertheless still presupposed in the new amendment to the act that the police are in command of the Armed Forces when they assist in policing, and that the military personnel must act under police regulations. It is furthermore added that any complaints will be dealt with by the Independent Police Complaints Authority, and not by the auditors under the Military Criminal Code, that is, soldiers who today assist the police in managing the migration crises and combating terrorism are treated on the same terms as police officers.

The history of the Danish gendarmeries, as outlined above, shows that establishing a Danish gendarmerie force today would be "Un-Danish" and just as contrary to democratic traditions as it was in the 19<sup>th</sup> century. It would represent a "deviation from the historically given foundation".

The history of the Danish gendarmeries furthermore includes Denmark neatly in the gendarmerie paradox, which Derek Lutterbeck has brought to light. The question of a possible future for gendarmeries in INTOPS is not relevant in a Danish context, but a study of the Danish gendarmeries substantiates Lutterbeck's (2013) thesis that the classical gendarmerie forces, modeled after the French *Gendarmerie Nationale*, seem to be destined to be dissolved. Viewed from the long historical perspective, they belong to the past. So do the Danish gendarmes.

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