

## Chapter 8 : The coup d'état & the Constitution

*If the state is too strong, it will destroy us.  
If the state is too too weak, we will founder.*

Sweden's history is full of turning points. Here I comment on the 1809 coup d'état & constitution, the research on it and the subsequent debate.

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### The coup d'état

The 1809 coup d'état took place March 7-13 under the leadership of generals George Adlersparre (1760-1835) & Carl Johan Adlercreutz (1770-1815). At the time it was unclear what the perpetrators wanted, except getting rid of Gustaf IV, and 200 years of research has not lifted the veil. At least they were not democrats. They seem to have been driven mainly by their hatred of the Gustavians & their fear of Russia (Sather 2015). Adlersparre wanted to resurrect the Age of Liberty but that was not to be.

The situation rapidly got out of hand. The election of Jean Bernadotte as heir to the throne may be interpreted as an attempt to reclaim the initiative. Bernadotte was grateful & even gave the junta's leading "civilian" Hans Järta a place in the government. However, Järta felt that he had so little influence that after only a few months he asked to be dismissed. Contemporaries have emphasized that the plotters did not want any "popular" participation & none has been found.<sup>1</sup> The coup was one in a series of conflicts between King & nobility. All the blame was placed on Gustaf IV & so it has remained. When the historian Dick Harrison in 2009 was to review journalist Anders Isaksson's depiction of what took place<sup>2</sup> it sounded like this:

"It has now been two centuries since Sweden was on the brink of a national disaster. If things had gone really bad, the entire kingdom could have collapsed and ceased to exist. The Russians had already taken Finland and were about to conquer Norrland. The French [under General Jean Bernadotte] stood ready to invade Skåne. Another army [under General Charles August] stood ready in Norway to attack Värmland. Our royal dictator was an unrealistic dreamer who considered himself appointed by God to bring order into a world destroyed by Napoleon.

In the midst of all this, in March 1809, the Western Army in Karlstad under the leadership of [general] George Adlersparre revolted, and in Stockholm the King was deposed [by General Carl Johan Adlercreutz] in a regular coup d'état."<sup>3</sup>

If one adopts a Gustavian perspective, the course of events becomes that Sweden had once again reverted to Polish republic, democracy & international ridicule. More precisely: In 1809, Gustaf IV was replaced with his senile uncle and his son & heir by the Norwegian enemy general Charles August who after his death in 1810 was replaced by another foreign enemy general Jean Bernadotte. Meanwhile, the Swedish army engaged in intrigues in the spirit of the Anjala League instead of fighting the enemy. In 1789, King Gustaf III saved Sweden from a feared "Polish" partition through the Union and Security Act. In 1809, his son

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<sup>1</sup> Schinkel & Bergman 1852: del 4, kap 8, ss. 361-448; Tersmeden 1999; Isaksson 2009: s. 319.

<sup>2</sup> Isaksson 2009.

<sup>3</sup> Dick Harrison. På randen till nationell katastrof. Svenska Dagbladet, 2009-01-20.

fares less well. There is a long debate about the noble officers' lack of loyalty, competence and fighting spirit that I here skip, but I quote the historian, diplomat & Finland-export Krister Wahlbäck:

”The years 1809-1810 are a low point in our history. the removal of Gustaf IV Adolf and the the military defeat did not lead to national unity, but to a ruthless power struggle and petty machinations within the new ruling class. Curiously enough, it actually managed to produce a new and for its time quite advanced constitution, viz. the constitution of June 6, 1809. But that is an exception to an overall dark picture.”<sup>4</sup>

Principled intransigence has since a bad reputation in Swedish politics. ”Better a living dog than a dead lion,” as the Arabs put it.

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### The Constitution

Like the previous upheavals of 1720, 1772 and 1789, the constitution was to be rewritten. However, the plotters this time lacked the skill, and had to rely on the sitting government. The councillors had to choose between resigning and swearing the junta fidelity, which most did. However, the junta was in the minority and forced to compromise. I quote Torgny Segerstedt:

”The Constitution of 1809 was a compromise. Most historical and political science scholars seem to agree on this. The reasons for this were many, but an important reason for the compromise was the fact that the plotters could not count on unanimous support for their policy. The Swedish peasants were sympathetic to Gustaf IV Adolf and the priests were afraid that they would lose their political privileges.

Schematically, there were two main directions and therefore two hopes behind the 1809 coup. One party wanted to restore a balance of power between the king and the Estates. Ideally the situation that prevailed in Sweden just after the 1772 coup d'état, i.e. during King Gustaf III's first year of government, with the old Freedom of the Press Regulation in force. They wanted to avoid both autocracy and estate rule. It is likely that many harked back to the 18<sup>th</sup> century discussion of balance between king and estates. In my book about *Academic Freedom in Gustavian Time*<sup>(1)</sup> I have touched on this Swedish tradition. In general, historical development and experience were emphasized. Supporters were keen to emphasize that the events of 1809 were not revolutionary, did not mark any abrupt interruptions, but was organically related to the earlier Swedish development. We can recall that Anders Odel [1715-1773] claimed that balance or moderation, *lagom*, was the principle of Swedish government. If we give up on moderation, we will end in autocracy, aristocracy or democracy. Similar ideas were put forward by the Swedish historian Anders Schönberg [1737-1811].<sup>(2)</sup> Although Montesquieu was the great model of the doctrine of the separation of powers, it can be argued, that the 1809 authors of the constitution also had domestic authorities to fall back on.

The other party wanted to carry out a radical representation reform and dismantle all privileges, which they perceived as outdated. The emergence of many new citizen-groups who had no place in the existing Four-chamber Parliament required some kind

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<sup>4</sup> Krister Wahlbäck. Vilka är skälen att uppmärksamma 1809? Bygdea blog, 2007-08-28.

of response. The priests resisted this and no reform came about.<sup>(3)</sup> The old estates and privileges largely survived the coup.”<sup>5</sup>

[Adlersparre's own proposal, the so-called Tibble Memorandum, harked back to the Age of Liberty. The Estates would have representatives in the Council. It did not get a hearing. Nor his proposal to force the Parliament to accept Duke Carl – Gustaf III's brother - as king. In exchange, the Parliament would be allowed to choose its own "French or Danish" successor, which actually happened.]

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<sup>(1)</sup> Uppsala 1975

<sup>(2)</sup> Ibid. 11(f).

<sup>(3)</sup> Emil Liedgren. Neology, romanticism, awakening. I: Svenska kyrkans historia, del VI, Stockholm 1946, pp. 48 ff.

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Anders Isaakson (and apparently also Dick Harrison) would have liked the 1865 constitution introduced already in 1809 and blame Charles John:

”With Charles John's embrace of the 1809 Constitution, the reform of the Parliament of the Estates was removed from the agenda, he did not want any changes and was generally suspicious of everything that smelled opposition and criticism of his rule. *L'opposition, c'est conspiration* is a statement possibly wrongly attributed to him, but it answered excellently to the spirit of his way of leading the country. Thanks to him, Sweden would for almost 60 years maintain a form of representation with roots in the Late Middle Ages and a constitution written on the basis of late 18<sup>th</sup> century ideals of an enlightened despot. Constitutionally, Sweden became an island, unreceptive to impressions from the outside world. The reforms were limited to allowing some professors from Uppsala and Lund into the clergy and some industrialists into the burghers.”<sup>6</sup>

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### The research

The form of government was accepted in the summer of 1809 by both Duke Carl & the Estates. The peasant's estate made it conditional upon the abolition of the final §114, which stated that the privileges of the Estates had constitutional status, but had to give in. The rest of the constitution - the Parliamentary Act, the Order of Succession & the Freedom of the Press Act – were added later. In 1812, Karl Johan managed to gain acceptance for some minor changes. What has been most talked about is: (1) Clause 4 concerning the King's relations with his ministers was changed from the mandatory formulation "take intelligence and advice ... of the State Council" to the vaguer "obtain et cetera". (2) The right of revoking the permit to publish, introduced by Gustaf III, was reinstated: to suspend the issue of a newspaper without trial by jury but by administrative decree and with immediate effect.

Since the constitution of 1809-1974 was revised no less than 389 times, it is difficult to make a general statement about it. The 1809 constitution and its application changed as deemed necessary or convenient. The research on the subject follows four tracks: (1) The

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<sup>5</sup> Segerstedt 1976; ss. 5-6.

<sup>6</sup> Isaksson 2009.

political history of the period. (2) Biographies of those involved – the men of 1809. (3) Publication of the relevant documents. (4) The constitutions history – its creation, ideology, application & "democratic potential".

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The men of 1809 have become synonymous with the kingmaker Georg Adlersparre & the political activist, official etc. Hans Järta (1774-1847). Adlersparre was ideologically too divided & unused to committee work to have any influence. As a military he thought he could command and be obeyed & when this did not work he was absent from the meetings. Järta, on the other hand, had a prominent role in the two constitutional bills (Håkanson's proposal & the final version), and as an outspoken civil servant & debater throughout the Charles John era.

Sometime in the 1810s, Järta abandoned the French Enlightenment ideology of his youth to join the German historical school & after his death he was launched as an "Enlightenment Conservative". Järta's conservative defection has over time been as much discussed as Geijer's liberal ditto. He himself did not want to put too much emphasis on the matter, claiming to be a "liberal-conservative", whatever that meant. The lack of clarity seems to have widened his appeal: For the men of 1848, like Julius Mankell, he was a man willing to compromise on the radical ideas of his youth. For the noble right-wingers Louis De Geer & Henning Hamilton, he was a Swedish counterpart to Edmund Burke, a reform-conservative alternative between status quo & revolution. For political scientist Rudolf Kjellén he was an influential advocate of the "organic" theory of the nature of the state - the state both a product of its society & an independent entity.

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Over the years, it has been made much of the 1809 constitution being a "domestic" rather than a "foreign" product. Rönström (1997), Christensen (2007) and others summarize 100 years of research as the question not leading anywhere. Swedish legislators had adapted foreign ideas to Swedish conditions since the Middle Ages. The research could best be described as a whole generation of professors exercising their hobby horses. This seems to be an overstatement, however. According to the historical school, the constitution was not idea-based, but to a large extent based on Swedish historical experiences. On the centenary of Järta's birth, Prime Minister Louis De Geer described it as:

"The fact that the constitution does not have a systematic structure has been clearly affirmed. The committee paid more attention to history than to theory and proceeded on that basis. History teaches the true Statesman not only what deserves to be preserved, but also what must be changed, and the 1809 constitutional legislators did not hesitate to change what had proved to be harmful. The many prohibitions and inhibitions contained in the constitution can almost all be traced back to actual historical events, and the constitution has for this reason acquired an almost polemic tone."<sup>7</sup>

This was summarized by political scientist Pontus Fahlbeck as the 1809 constitution being "Sweden's history translated into law, the mature fruit of the inner and outer experiences of the previous centuries and ultimately of the whole development of the Swedish people"<sup>8</sup>,

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<sup>7</sup> De Geer 1874: ss. 22-23.

<sup>8</sup> Fahlbeck 1910: s. 29.

which seems to me a correct description. One might wish for a more flattering description of Swedish politics than a ban on the king to force parliamentary decisions under gunpoint (§110), but Sweden's history is as it is.

Duke Carl would have liked to have seen the Parliament convene only every 9 years. Others advocated every 3 years. The compromise was every five years. The control of the Parliament became a major issue. It must be possible to rule the kingdom even when the Parliament was adjourned, but in retrospect possible to prosecute abuse of power. The solution was a complicated balance of power between the King and the Parliament: (1) Both the King and the Parliament were able to initiate legislation (=submit motions). (2) The counsellors were elected by the King but accountable to the Parliament. They could face impeachment if they sanctioned unlawful decisions. (3) The officials in the departments were also through the Parliamentary Ombudsman (JO; §§ 97-101) responsible to the Parliament. (4) The king was legally immune. There was no parliamentarianism (=give and take) as we now understand it, but the administration and justice must not conflict with the laws of the kingdom (=the decisions of the Parliament).

Since Järta in a memorandum uses Montesquieu's terminology, some kind of influence has been assumed, but it has not been verified. Two other models are also discussed in the research: the American Constitution of 1787 and the French Constitution of 1791. It has not been possible to find any loans from them either, but perhaps there is an indirect influence in that the 1809 Constitution was for the first time formulated as a political document. Before, the monarchy had always been implied. Now it had to be specified:

§1. The kingdom of Sweden shall be ruled by a king and inherited by the male descendants of a deceased king according to the order of succession, as determined by the Parliament of the Estates.

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Regarding the "democratic potential" of the constitution, it is probably more accurate to talk about the democratic potential of the Swedish Parliament of the Estates. Its continental counterpart was based on three estates: nobility, priests & 3<sup>rd</sup> estate (=burghers + farmers). The Swedish Four-Estate Parliament had through separate estates for burghers & peasants double the popular representation compared to France. In Geijer's terminology (see chapter 5): The monarchic (= feudal) estates were balanced by the republican estates.

There is also speculation about the political significance of Swedish poverty. The Swedish nobility was both too small, too poor & too popular to exercise any significant oppression. It consisted of newly ennobled peasants.<sup>9</sup>

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### The post-debate

In 1909, research on the constitution was at its height. After 1974 it was time for summaries & reflections. In 2009, the Parliament published an anthology on the form of government and the freedom of the press. The following year, a "semi-official" book series about Sweden's 22 prime ministers was published covering the period from 1876 (when the office

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<sup>9</sup> Almqvist 1838.

was established) to 2009. In 2014, the book series was supplemented with "a general history of Sweden's political life 1809-2009".<sup>10</sup> Since these three works are the victors' version of the Swedish constitutional development, the old order's advocates are stingily represented. Hans Järta is there, but none of the others. The development of the Parliament and Order of succession is only implied. The historian Henrik Edgren in his review regrets that the description of the 19<sup>th</sup> century parliament & politics is so brief that the bumpy path to today's parliamentarianism becomes incomprehensible.<sup>11</sup>

The consequences of the constitution for the estates society 1809-1865 are described in chapter 11. The consequences of the constitution for the class society 1866-1918 are described in chapter 12. After 1918, however, the text and practice of the law go different ways. The Swedish constitutional lawyer Fredrik Sterzel describes Sweden 1918-1974 as in the manner of the United Kingdom having no constitution. It was not updated. Instead, a parallel legislation was developed. The constitutional amendments 1917-1921 were, for example, not presented in the form of government but in the parliamentary order & in a special election law. Sterzel defended this by saying that constitutional changes are difficult to implement and that some parliamentary decisions are actually of less interest than others. The form of government was long enough as it was. Even before 1918, however, there were plenty of both "dead & implied letters".<sup>12</sup>

It was also this that the *raison d'être of the* form of government was to put obstacles in the way of royal rule. When the victory over the monarchy in 1918 was won, it had played its part. Continuing in the old ways was a mockery of the people's rule. In 1962, Minister of Finance Gunnar Sträng stated that "I am neither a lawyer nor a constitutional expert, and I therefore have no hesitation in saying that the Parliament should have the right to overrule the constitution if it thinks that there is reason for this in a specific matter."<sup>13</sup>

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<sup>10</sup> Brundin & Isberg red. 2009; Bergstrand & Ohlsson red. 2010; Ohlsson 2014.

<sup>11</sup> Karlbom 1964; Edgren 2009.

<sup>12</sup> Kjellén 1893, 1897 & 1902.

<sup>13</sup> Petrén 1962; Sträng 1962; Sterzel 2009: s. 472;

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