

A Demarcation Full of Tension

A Historical Analysis of the Legitimation of Police-Military Cooperation in Denmark 1968–2018

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Abstract

This article, partly based on declassified police and military documents, investigates how military support for the police in Danish domestic security affairs has undergone a recategorization process. We investigate and evaluate the legitimization process that has occurred, focusing on cases that cross the ideological and symbolic demarcation between the police and military, and the accompanying tensions surrounding that demarcation. To do so, we utilize Beetham's (2013) three legitimizing components: conformity to rules, justifiability of rules in terms of shared beliefs, and legitimation through expressed consent, assessing the level of legitimacy in five consecutive periods (1968–1979, 1980–1989, 1990–2000, 2001–2014, and 2015–2018). We conclude that our evidence supports the expectation that Danish police-military cooperation has undergone a transformative legitimization process between 1968 and 2018, which has led to the acknowledgment of the extension of powers to persons or institutions to whom they were not previously granted.

Keywords

domestic security, police-military cooperation, political legitimacy, Denmark, use of force, transparency

1. Introduction

It is a fundamental narrative in Western societies that a modern democracy presupposes a clear demarcation between the police and military. This notion has been interpreted as a distinctive feature of the modern nation-state, according to Kraska (2007, p. 501), who states that “[t]he failure of a government to clearly demarcate the two is usually seen as an indicator of repressiveness and lack of democracy.” Yet, as Giddens (1985, p. 192) points out, the distinction between the police and the military is rarely clear-cut and the differentiation is “usually full of tension.” Described as a process of increasingly “blurring boundaries,” police-military cooperation in

Denmark as a historical phenomenon is not well understood, especially with regards to the pre-9/11 era (Christensen, 2024; Stevnsborg, 2015).

This article aims to fill a gap in the literature by taking a legitimacy approach to the topic. While acknowledging the tension described above, we employ the concept of legitimacy to unpack the relationship between the military and the police in Denmark from 1968 to 2018. As McCullough (2015, p. 7) points out, there are two main approaches to assessing legitimacy: normative and empirical. The first approach tends to include the premise of the right way to exercise authority based on Western liberal values (e.g., Fukuyama, 2004; Ignatieff, 2003). Due to this bias, it has been increasingly called into question by scholars and practitioners since the 1990s (McCullough, 2015). The empirical or descriptive approach considers legitimacy as a concept influenced and shaped jointly by the dominant and subordinate groups in a given society. More specifically, as McCullough (2015, p. 8) states: “[t]his approach tends to focus on the perceptions which people hold about an actor, institution or political order, but is also concerned with the factors that incentivise a society to consent to power.” In this article, we adopt an empirical approach, meaning that we are interested in the involved actors’ perception of legitimacy as expressed in minutes from meetings, contemporary policy papers and regulations, press coverage, etc.

At the outset of our historical inquiry, in the tumultuous 1960s and 1970s, when violent clashes between protesters and the police occurred, a section of Danish public opinion voiced a strong aversion to capitalism, militarism, and the idea of the police becoming too powerful. Left-wing political parties and communists especially feared being targeted or even interned due to their political views. The precondition for military support to the police during this era was “the last resort,” as the chief of the army declared in the late 1940s (Dahlberg & Volquartzen, 2025). Indeed, this was a demarcation full of tension.

Throughout the 1970s and the 1980s, Danish police-military relations experienced numerous tensions when ideologies clashed and professional cultures required alignment. Further, in the 1990s and 2000s, the end of the Cold War brought about new roles for both the police and military as global terrorism became the new primary enemy. However, the gradual merging of police and military activities in the 2010s, culminating in the deployment of active armed soldiers in public spaces in 2017, hardly resulted in any public protests in Denmark. Our period of scrutiny ended in 2018 when military assistance to the police during peacetime completed its transition from a position of informal agreements of cooperation to clear codification.

1.1 Research question

In this article, we conduct a historical analysis of this potential demarcation full of tension by focusing on changes and continuity within police-military cooperation in Denmark over a fifty-year period. We ask: How was assistance from the military to the Danish police legitimized from 1968 to 2018? Our intention is to elicit and evaluate the legitimization, focusing on cases that cross the ideological and symbolic demarcation between the police and military as well as the tensions that accompany them. To do this, we divide our historical period into five sections based on a broad reading of the most important societal agendas of the time (terrorism, squatter movement, end of the Cold War era, etc.). The first three sections roughly follow the decades (1970s, 1980s, and 1990s), while the last two are less evenly divided around the terrorist attack in Copenhagen in February 2015. We apply Beetham’s three legitimizing components (conformity to rules, justifiability of rules in terms of shared beliefs, and legitimation through expressed consent) as our

analytical prism for each (Beetham, 2013). Our objective is to explore the dimensions and interactions between these three components and determine the development and governance of soldiers performing police tasks in Denmark.

We employ the term “cooperation” to describe the relationship between police and military forces in the Danish case due to its pragmatic nature. Denoting two distinct societal institutions working together in specific settings in time and space to obtain “collaboration” connotes a partnership producing something together, whereas “coordination” implies a more formalized distinction between separate entities, each contributing to a shared process. However, we do acknowledge that the meanings of these terms to some extent overlap and that they thus could be substituted in the following (for a conceptual discussion of these terms, see Berndtsson et al., 2024, p. 401).

Denmark makes an interesting case when studying police-military relations because it, like Norway and Sweden, has a unified national police force with no tradition of gendarmeries, contrary to other European countries, e.g., Belgium, France, Italy, Spain, and the Netherlands (Dahlberg & Stevnsborg, 2021). On the other hand, Denmark neither employs a dedicated military counterterrorism force such as the British Special Air Service (SAS) or any of the U.S. Special Forces units with domestic tasks (Finlan, 2009; Stoffa, 1995).

1.2 State of the art

The intricate relationship between the police and military has occupied scholarship for decades. Bittner, for example, (1970; Reiss, 1992) describes the police as a “quasi-military” organization. Furthermore, it is widely acknowledged that military forces are performing more and more domestic security tasks in the Western world (Clarke, 2013; Dalgaard-Nielsen, 2004; Head & Mann, 2009; Kalkman, 2019; Schnabel & Krupanski, 2012). This development has led to increasingly blurring boundaries between the police and military with an increasing number of “in-between” types of security forces (Easton & Moelker, 2010; Kraska, 2007). Other scholars have argued that sector convergence and mimicry takes place between the two institutions due to a reinforced threat from terrorism since the early 2000s, which requires police forces to militarize their organizations, equipment, and tactics, whereas military forces increasingly perform duties previously handled by the police (Bigo, 2000; Campbell & Campbell, 2010, 2016; Volquartzen, 2020).

When exploring police-military cooperation in domestic security matters, we are at the core of the Weberian introduction of legitimacy to social science: The state has a monopoly on the use of force, but it should deploy this tactic only as a last resort (Bruun, 2013, p. 36, 41). In other words, legitimate power is limited power (Beetham, 2013, p. 35). In most states, the police symbolize and exert the state’s legitimate internal use of force. The limitation on their transferred power is specifically formulated in police laws, which, for the most part, demand that the use of force is always minimal. This is not necessarily the case with the military (Brodeur, 2010, pp. 106–107). Prussian war theorist Carl von Clausewitz (1780–1831) famously emphasized the superiority of numbers in battle, today known as “force concentration.” This translates into a military mantra stating the inherent need for and intention to employ maximum force to ensure victory. Returning to Weber’s conceptualization, we may argue that the state is granted a monopoly over physical coercion to ensure the physical security of its citizens. However, this is a precarious task. The use of too much force will repress subordinates and thereby reduce legitimacy, whereas repeatedly failing to ensure the physical security of the state’s

citizens will similarly lead to a lack of legitimacy (Beetham, 2013, p. 138). Amid this complex relationship between coercion and legitimacy, we find tension in drawing a line between the police and the military.

2. Components of legitimacy

Legitimacy is a rather abstract concept that Lamb (2014, p. VI) defines as a “worthiness of support,” “a sense that something is right or good or that one has a moral obligation to support it.” To establish a definition and understanding of legitimacy, we first explore how to assess legitimacy.

Kelman (2001) suggests that the concept of legitimacy can help explain major shifts in social norms within a society, whether sudden or gradual:

Legitimization refers to the process of recategorizing an action, policy, or claim – or a system, group, or person – such that was previously illegitimate now becomes legitimate, or what was previously optional now becomes obligatory. In other words, legitimization entails acceptance of a claim or a claimant into the domain of moral acceptability or moral obligation. (p. 57)

Legitimization can, thus, refer to a process that leads to the acknowledgment of the extension of powers to persons or institutions to whom they were not previously granted (Kelman, 2001, p. 58). We employ this definition precisely when cases of soldiers having acquired temporary constabulary powers with evident public support. While Kelman does not explicitly mention the police or military, these institutions, their powers, and authority are central to the legitimacy process that he describes.

To establish a definition and understanding of legitimacy, we apply the work of British social scientist David Beetham (2013). According to Beetham (2013, p. 21), legitimacy has three components that must be considered when assessing its degree: a) conformity to rules, b) justifiability of rules in terms of shared beliefs, and c) legitimation through expressed consent.

The first component is legal validity (a) – is power valid according to the rules? In modern democratic societies, the respective powers usually have precise legal specification, but there is also room for convention or “custom and practice” to govern the power relation between the dominant and the subordinate (Beetham, 2013, p. 35).

The second component is justifiability, in terms of societal beliefs and norms (b). This belief system concerns what is considered a valid or legitimate source of authority and what ends that power should serve. The source can be myths and storytelling, a philosophical argument, or scientific “proof,” whereas the ends that that power should serve can vary according to gender, class, and so on (Beetham, 2013, p. 35). It is important that beliefs are shared by both the dominant and the subordinate; the parties must have a common framework (Beetham, 2013, p. 69).

The third and last component is consent (c). Beetham asks whether there is evidence of expressed consent on the part of those qualified to provide it (Beetham, 2013, p. 21). The mere absence of a protest is not sufficient to presuppose legitimation through consent. Obedience can be achieved through coercion, which is why consent must be *expressed* to demonstrate social acceptance of power in play. This component is not the same as the first two; here, Beetham refers to actions that hold importance because they *confer* legitimation from subordinates to

the dominant and not because they reveal elements of a belief system (Beetham, 2013, p. 91). Persons considered qualified to express consent may vary according to the conventions of a given society or system of power. In a representative democracy such as Denmark, those qualified are the members of the parliament [Folketinget]. Our subjects are thus the following: the dominant is the state represented by the police and military, whereas the subordinates are the people.

3. Measuring legitimacy

Measuring legitimacy is a matter of scale and not an all-or-nothing endeavor (Beetham, 2013, p. 20). To measure the degree of the legitimacy of police-military cooperation, we propose a continuum from low to high based on Beetham's three components (a, b, c) (for a summary of our findings, see Table 1). In our qualitative assessment, the degree of legitimacy in each selected time period is determined to be low when two or three components are insufficient; middle when either a *or* b *or* c is not met; and high when all three components are sufficient.

Table 1 Continuum of the degree of legitimacy of police-military cooperation in Denmark 1968–2018 based on Beetham's (2013) three components

Period Component	1968–1979	1980–1989	1990–2000	2001–2014	2015–2018
(a) Conformity to rules	Sufficiency ● Establishment of rules in accordance with the prevailing tradition	Deficiency ● Breach of rules	Sufficiency ● Better clarification of rules and respective remits	Sufficiency ● Conformity to rules	Sufficiency ● Conformity to rules
(b) Justifiability of rules in terms of shared beliefs	Deficiency ● Discrepancy between rules and supporting beliefs	Deficiency ● Discrepancy between rules and supporting beliefs	Sufficiency ● Increased transparency ● Better coherence between rules and supporting beliefs	Sufficiency ● Increased transparency ● Better coherence between rules and supporting beliefs	Sufficiency ● Transparency ● Coherence between rules and supporting beliefs
(c) Legitimation through expressed consent	Deficiency ● Secrecy prevents subordinates from expressing their consent or lack thereof	Deficiency ● Secrecy prevents subordinates from expressing their consent or lack thereof	Deficiency ● Secrecy prevents subordinates from expressing their consent or lack thereof	Deficiency ● Secrecy prevents subordinates from expressing their consent or lack thereof	Sufficiency ● Codification ● Legitimacy conferring action: decisions made by the Parliament
Assessment	Low	Low	Middle	Middle	High

Traditional historical methodology entails looking for changes and continuity in a certain area of development using both qualitative and quantitative approaches, typically using contemporary documents as primary sources and applying source criticism to analyze the origin, form and content and evaluate their trustworthiness and usefulness (for a classic introduction, see Milligan, 1979). Approaching the topic from a quantitative perspective, a historian asks how many, how much, and so on, and then uses the results to identify and

characterize the changes. In this regard, based on the empirical findings, our assessment is that joint military-police operations increased in number throughout the period under scrutiny. It is also our assessment that the Danish police SWAT team expanded in size and was further militarized during the same period (Volquartzen, 2020, p. 51). However, this approach presents certain methodological challenges.

In the Danish context, it is difficult to accurately document the increase in the number and size of joint operations for two fundamental reasons. First, there is a dearth of empirical data and general uncertainty caused by fragmented information and a lack of official sources. The second is the basic sensitivity of the matter: historical documentation of joint police-military operations is typically classified. This leads to difficulties in publishing research results because, in order to protect classified information from unauthorized disclosure, we cannot necessarily share the information we gather. Together, these factors constitute a methodological challenge to the question of whether Denmark's military is increasingly performing domestic security tasks.

If we instead apply a qualitative content approach to the field, it becomes clear that development in social attitudes toward police-military cooperation has occurred during our 50 year period of interest. The role of military support to the Danish police has evolved from a widely unacceptable and undisclosed practice, to something acceptable and, therefore, publicly acknowledged.

Although the challenges posed by confidentiality and classified sources (see below) still play a crucial role in this qualitative approach, they rely to a great extent on open sources. We therefore abandoned the idea of estimating the number of joint police-military operations as well as any attempt to analyze the numerical increase in the size of the police SWAT team. Instead, we choose to apply a traditional historical method in this article, building on primary sources to estimate the change and continuity in the legitimization of police-military cooperation in Denmark from 1968 to 2018.

3.2 Source material

The empirical basis of our analysis encompasses a broad range of materials, consisting of four major categories:

1. Published formal political documents, such as decisions about police finances, commission reports, and relevant parliamentary debates (referenced as FT, year, col).
2. Unpublished classified documents regarding cooperation between the police and military. The central source group consists of minutes from meetings of the Police Committee [Politiudvalget], established in 1969 (referenced as FKO/PU/Politiudvalget [The Defence Command and the Police Committee]. Mødereferat [minutes] (1969–1993), year, date).
3. Published primary sources, including memoirs written by former police and military personnel, e.g., Dahl (2006), Pedersen (2007), Nielsen (2007).
4. Public media coverage, e.g., newspaper articles.

All empirical data were subjected to qualitative content analysis using a hermeneutic approach, meaning that in practice we alternated between studying specific documents in detail and contextualizing their content using sources with a broader societal or historical

perspective. The minutes of the Police Committee, spanning almost the entire scrutiny period, are the backbone of our analysis. Digressions into specific areas of interest, potential dead-ends, and classified black holes broadened our understanding of the topic and encouraged us to revisit the minutes of the committee meetings and reinterpret past debates.

3.2 Confidentiality and sensitivity

As mentioned above, it is difficult to apply classified documents to research. These difficulties are addressed in the following sections. Being independent university scholars, our requests to conduct qualitative interviews with former and current employees of the relevant police and military units were denied by the authorities. It was also difficult to gain access to written source material produced by the highest police authority, the Danish Ministry of Justice. The ministry prolonged the process of responding to our official requests for access to documents for more than three years, resulting in access to very few documents. Similarly, the Danish Police Intelligence Service denied several requests.

However, we benefited from access to rich archival material from the Danish Defence Command, the Danish Ministry of Defence, and the Danish National Police, even though we were not allowed to quote directly from the documents. To verify the information we obtained from the classified documents, we made use of supplementary, related evidence and attempted to find corroborating evidence in places such as newspaper articles. However, this was not possible in a number of cases because the topic per definition was confidential.

For the same reason, we agreed to draft this article for sensitive information from the concerned authorities and departments prior to submission. The purpose was to declassify the identified information. The authorities made no statements regarding our analytical framework, findings, or conclusions. All our requests to de-classify and publish the information were accepted.

4. Findings

First, we establish the premise for our analysis: the shared beliefs and common framework for the state (the dominant) are represented by the police and military on the one side, and by the public (the subordinates) on the other. Which narrative is a precondition for the justifiability of rules, thus making the power exercised in a joint police-military operation legitimate? The answer is clearly the truism described above – that a clear distinction between the police and military is fundamental to modern democracies and that such a clear demarcation should be drawn between internal and external security.

Our research shows that this belief was shared by both the dominant (in this case, the military and police) and subordinate (the people – the public) throughout the period studied. This means that we have not found any evidence of voices from either the dominant or subordinate expressing a desire to fundamentally change the basic distinction between police and military tasks, besides a polemic letter to the editor from 1990 and a number of extreme left-wing political statements calling for the total disbandment of the Danish armed forces (Thellin, 1990).

4.1 1968–1979

This period marks the beginning of a close relationship between the military and police in Denmark. Two events are especially important in this development. The first is the

establishment of rules for cooperation between the police and military. The second is the police's creation of the SWAT team.

In 1968, the respective chiefs of the Danish National Police and the Danish Defence established the Police Committee, including representatives from both the police and military, entrusted with the initial task of tabling rules for cooperation between the two institutions in times of war and peace (FKO/PU/Politiudvalget [The Defence Command and the Police Committee]. Mødereferat [minutes] (1969–1993), June 10). While the intricacies of police-military cooperation were not disclosed to either the public or parliamentarians, the minutes of the Police Committee meetings show that the relationship between the two institutions was not “made up” as specific situations arose. Rather, cooperation was pragmatically developed within the boundaries defined by the Police Committee.

The timing of the establishment of the Police Committee was notable because it coincided with the most violent clashes between protesters and police in modern Danish history (FKO/PU/Politiudvalget [The Defence Command and the Police Committee]. Mødereferat [minutes] (1969–1993), Dec. 9). As argued in the official history of the Danish Police Intelligence Service, a shift in public support and respect for the police occurred from 1968 onward, and the police suddenly became targets of violent protesters (Mariager & Schmidt, 2009, p. 87). From the empirical data, however, we cannot determine whether the Police Committee was established because of these events or rather as a preliminary step in an upcoming national structural reform that would reduce the number of Danish police districts (which came into effect in 1973).

4.1.1 Conformity to rules (a)

Overall, we assess that the Police Committee was created as a reactive response to an increase in joint operations, but appears to have been a proactive decision in preparation for the need to encode rules for cooperation in potential emergencies and crises. In short, this initiative reflects a shared desire for a higher degree of legality for a practice that had already taken place. It is also our assessment that none of the parties found it acceptable or relevant to involve the military in political protests. In their own words, the committee created new terminology for military assistance, which was categorized as either “ordinary” or “special assistance” (Surname et al.).

The first category was ordinary because of a long tradition of the military helping the police to some extent with equipment and/or personnel that the police did not have at their organizational disposal, such as aircraft and waterborne vessels. Ordinary assistance was differentiated from special assistance based on whether an operation entailed a risk of confrontation between military personnel and civilians. In other words, within the special assistance regime, soldiers could be granted police legal competence to use force against civilians (FMN, 1973, May 8, box 431). The provision of legal specifications increased the legality of the power conveyed, even though the rules were in many ways unclear at an administrative level and were not passed into law by the parliament. In fact, the rules were not even disclosed to the members of parliament. However, the new terminology was a specification of the prevailing tradition and the 1948 directive, which emphasized that the military could and would only engage in internal disturbances as a matter of last resort (PMF/Politimesterforeningen [The Police Chief Association], 1948; FMN, 1973, May 8, box 431).

The Danish police formed their own SWAT team [*Aktionsgrupperne*] in 1973 after bearing witness to the terror attack at the Olympics in West Germany the previous year. The creation of the Danish SWAT team was inspired by both a police and a military example: the British Army's SAS and the German Grenzschutzgruppe 9 (GSG9), a tactical unit of the West German Federal Police also established in reaction to the Munich Massacre (Brinch & Mønster-Kjær, 2005). A journal article argues that the Danish SWAT team was closely linked from the beginning to the two highly specialized military navy and army SOF units from the Danish armed forces¹ (Pedersen 2007, pp. 79–80).

4.1.2 Justifiability in terms of shared beliefs (b)

The special assistance regime lacked justifiability in terms of shared beliefs during the period analyzed. There was a generalized and strong public aversion to military involvement in domestic affairs, and, a leading Danish scholar on police history argues, the subject was highly politically sensitive (Stevnsborg, 2016, p. 261). Left-wing political parties, particularly communists, feared being targeted because of their political views. On numerous occasions, for example in tabloid newspapers and memoirs, they criticized the secrecy surrounding the police-military cooperation agreement, speculating about the potential tasks in which the military could assist the police during peacetime, and suggested that the existence of the directives could foreshadow a totalitarian police state (Buchard, 1979; Wilhjelm, 2005).

Although the public acknowledged the existence of international terrorism and the need for security measures and counterterrorism, at the same time it did not seem to take the threat seriously. The SWAT team itself was alternately either ridiculed or discussed with great democratic concern by both left-wing politicians and the press in newspaper articles (e.g., Buchard, 1979; Schulsinger, 1980). An important reason for both the ridicule and concern surrounding the police's militarization, including its cooperation with the military, was that the public largely interpreted the development as politicization and exaggeration of security threats.

The minutes of the negotiations in the Danish parliament shows how the public fear of terrorism manifested as a concern with the balance between security and liberty (e.g., FT, 1972, Oct. 4, col. 86–88). MP Strange, for instance, stated that the police and the government “justified” an increased militarization of the police based on allegations of increased violence and terrorism to repress the working class (FT, 1979, April 26, col. 9978; see also Schulsinger, 1980). Even one of the center parties was of the opinion that the police-military cooperation agreement indicated a disturbing and unnecessary escalation that would only lead to further violence (FT, 1979, April 26, col. 9988–89).

4.1.3 Legitimation through expressed consent (c)

In terms of legitimation through expressed consent, it is apparent that the secrecy surrounding the legal specifications concerning police-military cooperation weighs heavily on the delegitimation scale. Going through parliamentary debates from 1972–1980, we find that different Ministers of Justice were asked to explain the government's initiatives to prevent terrorism due to the increase in hijackings and kidnappings in Europe. No one disclosed the fact that the military could assist the police in these cases.

1 Danish special operation forces include the Danish Army Special Forces (JGK), established in 1961, and The Danish Navy Special Forces (FKP), established in 1957.

Even when the National Chief of the Danish Police admitted in a newspaper article that the SWAT team could draw on the military in “extreme situations,” the Defence Command quickly put a lid on it (Boserup, 1977). In the same article, it was wrongly stated that the agreement only involved manned guarding: “[a]rmed actions that may fall within the scope of the police are solved by police officers, and only police officers” (Boserup, 1977). The fact that the Defence Command found it necessary to frame the cooperation agreement in this way indicates a lack of legitimacy and an awareness of the fact that the rules were difficult to justify in terms of shared beliefs.

4.1.4 Assessment

In principle, it is problematic if the public has no knowledge or insight into the governance of the power relationship between themselves (subordinates) and the dominant. In such cases, subordinates have no opportunity to provide consent or lack thereof. This is of further concern when not even the legislative power – the parliament – can gain access to the description of the rules. The necessity of protecting operational secrets does not serve as an extenuation in this case or period. Rather, the lack of transparency tends to serve as a police-military taboo. Overall, we assess the degree of legitimacy of police-military cooperation in the 1970s to be *low*.

4.2 1980–1989

The 1980s were riddled with difficulties, with one case standing out. After police leaders had failed to realize what establishing a professional tactical unit entailed, all employees of the SWAT team effectively quit (Pedersen, 2007). Consequently, the Danish Army Special Forces reluctantly constituted a de facto police SWAT team during the first months of 1980 (FKO/Forsvarskommandoen [The Defence Command], March 6). There is nothing to indicate that these elite soldiers were put into action; however, even if no serious breach of rules can be identified, the setup itself constitutes a (temporary) disconnect from the traditional Danish demarcation between police and military tasks. The Defence Command felt able to justify this arrangement because it was only for a brief transitional period (FKO/Forsvarskommandoen [The Defence Command], March 6). International terrorism during the 1980s and a terror attack in Copenhagen in 1985 led to an increase in joint operations and intensification of joint training, one author argues in a publication about the history of the Danish SWAT team (Nielsen, 2007, p. 92), yet the rules and governance of cooperation were still unclear.

4.2.1 Conformity to rules (a)

Conformity to rules was questionable during the 1980s. The period was characterized by the lack of basic guidelines for what policymakers wanted counterterrorism to entail, including a precise allocation of responsibilities and competences among the police and military (FKO/Forsvarskommandoen [The Defence Command], May 19 and June 25). The Defence Command, in particular, called for “a decision on the extent to which the military can be deployed in *confrontations* with civilians” (FKO/PU/Politiudvalget [The Defence Command and the Police Committee]. Mødereferat [minutes] (1969–1993), May 19 and June 25). The demarcation’s undefined nature led to internal disagreements between the police and military. The police pressed for more military involvement in counterterrorism, including training with the SWAT team, whereas the military pulled in the other direction to protect the prevailing arrangement of the Special Operations Forces prioritizing training for war over the fight against terrorism (FKO/PU/Politiudvalget [The

Defence Command and the Police Committee]. Mødereferat [minutes] (1969–1993), April 21 and November 8, 1990, June 1).

4.2.2 Justifiability in terms of shared beliefs (b)

As in the previous decade, the special assistance regime lacked justification in terms of shared beliefs. With regard to the use of force against civilians, the dominant parties (police and military) were preoccupied with terrorism, whereas subordinates (the public) were preoccupied with social protests. The 1980s were characterized by a recession, unemployment, labor conflicts, and an escalation of violence between the police and squatter communities (predominantly in Copenhagen), scholars of the era show Heinemann, 1995; Jepsen, 1986; Vestergaard, 1986).

Overall, the press was critical of the police and military (Stevnsborg, 2016, p. 262), depicting the police as violent and claiming at one point that the police had requested military assistance to displace squatters (Information, 1987a, b). The police *did* make a request for an armored personnel carrier, which the military refused. However, the incident once again led left-wing members of parliament to demand openness about the content of the existing cooperation agreement between the police and the military and a clarification of the division of competencies (FT, 1987, March 16 and 18). The protesters saw the secrecy surrounding the cooperation agreement as an indicator of repression and called for more transparency. The government failed to disclose the rules (FT, 1987, March 24 and 25, col. 9957), adding to its legitimacy deficiency.

4.2.3 Legitimation through expressed consent (c)

The government's lack of disclosure regarding the nature of police-military cooperation was a persistent issue in the 1980s. It was not the absence of guidelines for such cooperation, but rather the secrecy surrounding them that prompted protests. Members of the parliament posed many questions that were never answered, leaving both parliamentarians and the public with no possibility of expressing consent to the fact that soldiers could legally be deployed against the nation's own citizens.

4.2.4 Assessment

For the police and military, the 1980s were a process of trial and error to find a legitimate way to cooperate. The period saw substantial criticism toward the police-military nexus being raised by the media and in parliament due to the secrecy surrounding the legal framework of cooperation. In our view, all three components of legitimacy were under pressure in the 1980s; therefore, we assess the degree of legitimacy in this period to be *low*.

4.3 1990–2000

International scholars of police-military relations have pointed out that with the end of the Cold War, the military needed new reasons for existing as well as sources of income, and therefore, undertook domestic security tasks and policing (Campbell & Campbell, 2010, p. 331; Clarke (2013, p. 75). Faced with financial cutbacks due to politicians' cashing in on the so-called peace dividend seems to have, in part, incentivized the Danish Defence's decision in late 1989 for special operations forces to prioritize the commission of counterterrorism (in support of the police) over training for war (FKO/PU/Politiudvalget [The Defence Command and the Police Committee]. Mødereferat [minutes] (1969–1993)). This marks a critical change in the dynamics of the police-military demarcation.

4.3.1 Conformity to rules (a)

In previous decades, the police needed the military, and now, the military needed the police. Furthermore, the Gulf War in 1991 prompted the Defence Intelligence Service to raise the threat level for a terrorist attack in Denmark, making counterterrorism a high priority according to a former commander of the Army Special Forces (Dahl, 2006, p. 85). This was also followed by the sought-after clarification of responsibility and competence within both the police and military in the 1980s, issuing a new regulatory framework to replace the document from the 1970s (FMN, 1991, Oct. 8 and 9, box 223). The new description of rules increased the degree of legitimacy by emphasizing that special assistance could only be provided with permission from the Minister of Defence (FMN, 1991, Oct. 9, box 223).

4.3.2 Justifiability in terms of shared beliefs (b)

After a decade in Danish history characterized by a balance of payments deficit, high unemployment, low growth, a historic record in foreclosures, high interest rates, and expensive mortgages, the 1990s represented an economically optimistic decade. There was, however, persistently strong public and political av

ersion toward the idea

of the military helping the police in situations of social unrest. In order to avoid subsequent political controversy, police leaders were hesitant to admit the use of the SWAT team when clearing houses occupied by squatters (Surname et al.). However, the far left had lost influence, and legal policy took a punitive turn toward law and order and offered more support to the police (Volquartzen, 2013).

The peace dividend also had a direct impact on the studied legitimization process because the Danish Army Special Forces were at risk of being disbanded due to austerity measures. This made the otherwise hermetically closed corps engage with the media, revealing their secrets about assisting the police in the event of terrorism (FAK/Forsvarsakademiet [Royal Danish Defence Academy]; Dahl, 2006, pp. 79–90). This new strategy of transparency was timely and likely helped change the public perception of counterterrorism and the police-military nexus, ultimately leading to greater acceptance. This resulted in the continued existence of the Danish Army Special Forces.

4.3.3 Legitimation through expressed consent (c)

Even though the authorities allowed more transparency on the existing cooperation between the police and military during the 1990s, the scope and range of the special assistance regime were still not made publicly available, preventing people from expressing their potential consent or lack thereof. The increased transparency of the decade was primarily rooted in the Army Special Forces seeking “new opportunities” after the end of the Cold War, resulting in a much more public profile that included the unit’s role in supporting the police with civilian tasks. The commander of the Army Special Forces personally promoted this new approach in newspaper interviews (see Larsen, 1993; Westh, 1993).

4.3.4 Assessment

Clearer regulation, increased transparency on cooperation, and a better clarification of which issues fell within the remits of the police and the military, respectively, all point

to a higher degree of legitimacy. However, the lack of consent counterbalances this, thus placing our assessment of legitimacy in the *medium* category.

4.4 2001–2014

The number of operations under the special assistance regime substantially increased during this period. Part of the increase is explained by joint training operations in the wake of the 9/11 terrorist attacks in the United States; however, it is our assessment that the majority of these joint operations targeted drug smuggling in domestic harbors or at sea. At the same time, an increase in large-scale public events took place (e.g., state visits, the Danish Presidency of the EU in 2002, and COP15 in Copenhagen in 2009), which required extensive security measures.

4.4.1 Conformity to rules (a)

The political sensitivity and mediatization of the abovementioned events made the military take precautions to secure rule conformity, for example by emphasizing that any direct action, including the use of physical force, in demonstrations or maintaining order, had to be avoided (FMN, 2002, May 23). The police also emphasized that police officers had exclusive authority to engage with activists in regard to the exercise of authority (FMN, 2002, Aug. 27). As Beetham (2013, p. xii) states: “[p]ower is acknowledged as legitimate if it is acquired and exercised in accordance with prevailing rules.” However, it was still extremely uncertain which legal basis should be applied to military personnel in cooperative operations.

4.4.2 Justifiability in terms of shared beliefs (b)

The increased focus on counterterrorism during the 1990s continued into the new millennium. The 9/11 terrorist attacks on the United States in 2001 and subsequent terrorist attacks (both in Europe and outside its borders) clearly demonstrated how security policy challenges and risks changed in the face of new, asymmetric, and unpredictable threats. This realization was explicitly addressed in the political agreement for the Danish Defence 2005–2009, in which it was also stated that one of the military’s main tasks was to assist in counteracting terrorist acts on Danish territory (see Stevnsborg, 2010, p. 215). The threat of terrorism replaced the threat of war. According to a seminal work on the history of the Danish police it became obvious to policymakers in the first half of the 2000s that it was increasingly difficult to separate external from internal threats (Stevnsborg, 2010, p. 215ff). Terrorism was a crime-war hybrid that served as a justification for closer cooperation between the police and military.

Media and public debates also changed after September 11. By the beginning of 2001, prior to September 11, the press was still questioning and was critical of the secrecy surrounding the special assistance regime (e.g., Dahlin, 2001). Furthermore, the left wing in the parliament continuously called for a clarification of the limits for when the military could be deployed against the civilian population in peacetime, insisting on the necessity of a “razor-sharp” (MP V. Søvndal cited in: FT, 2001, Feb 7, col. 4202) demarcation between police and military competencies. This form of criticism all but vanished after September 11. The press was generally supportive in their coverage of the police SWAT team, such as in 2013, when a special assistance operation co-organized by the team and soldiers from the navy special operations forces shot and killed a drug smuggler (Jensen, 2013, January 7).

The disappearance of public demand for a clear demarcation between said institutions was not necessarily due to a newfound public acceptance of the police-military nexus but rather as a displacement of the object of criticism. The government's response to the international threat of terrorism fueled the ongoing public debate on securitization that had evolved since the 1970s. In the 1970s, critics were primarily from the far left, and the object of critique was the militarization of the police in order to repress the working class.

By the 2000s, however, the class perspective had ceased to exist in the public debate: the political critique shifted to a civic liberal concern with the state's (the police's) increased use of citizen surveillance and the violation of fundamental freedoms through the issuance of extensive legislation that followed a cross-ministerial governmental workgroup report on preparedness against terrorism (Regeringen, 2005; Volquartzen, 2013).

Another explanation for the absence of criticism is that the authorities allowed for more transparency regarding police-military cooperation, and the concept of special assistance became public during this period, for example in the official instructions for incident management (REFIL, 2010). Secrecy and mistrust of the topic had been the focal points of criticism over the years, and the new level of transparency, in all probabilities, had a reductive effect on public skepticism.

4.4.3 Legitimation through expressed consent (c)

Even though the dominant offered the subordinate more insight into the special assistance regime, its scope remained a secret (Stevnsborg, 2018a, 185). Writing as late as 2016, Ashtiani Olsen argues in a journal article based on his master's thesis that "[p]olice requests for support from the military are primarily based on custom, practice and guidelines, while no legislation exists in the area" (Ashtiani Olsen, 2016, p. 6).

4.4.4 Assessment

As in the previous period, the special assistance regime in the 2000s lacked legitimacy and legality because of its uncertain legal basis and the parliament's failure to codify the rules. However, we assess the degree of legitimacy as *medium* because of efforts to exercise power conveyed in conformity with the existing rules, increased transparency on the topic, and greater coherence between the rules and supporting beliefs in society.

4.5 2015–2018

While our final analytical period can be seen to some extent as a continuation of the previous period, we choose to discuss it separately as it witnessed critical developments. Throughout the 1990s and the 2000s, the vast majority of joint police-military operations concerned planned actions such as the provision of security during visits from foreign VIPs, assistance to the police in maritime matters, and crime prevention based on intelligence. Planning was necessary to ensure compliance with the special assistance rules that required clearance from the two ministries. This changed radically during the last four years of the period under scrutiny, primarily due to several terror attacks perpetrated in France and Copenhagen in 2015. In both cases, unclear regulations delayed the necessary actions, argues legal scholar Marc Schack in a comprehensive report about soldiers on the streets of Europe (Schack, 2016, p. VI).

After a terrorist incident in Copenhagen on February 14–15, 2015, the police began requesting military assistance to reinforce their own antiterrorism capacity on a more permanent basis (Ritzau, 2017, March 7). In April 2015, the Defence Command rejected such requests because they were too general and inexact and went against the prevailing

tradition (FMN, 2015, April–June, “Samvirke Delta”). However, a senior official at the Ministry of Defence overruled the decision (FMN, 2015, April–June, “Samvirke Delta”), auguring a paradigm shift in military assistance to the police. Another senior official at the Defence Command noted in November 2016 that the legal basis for joint police-military operations was extremely uncertain and therefore required clarification in light of the “planned expansion in range and character” (FMN, 2016, November) of joint police-military operations under the special assistance regime.

4.5.1 Conformity to rules (a)

Part of the planned expansion was “Operation Gefion,” which began in September 2017. The 2015 Copenhagen shooting and the refugee and migrant crisis in the same year gave rise to new police tasks such as the visible protection of high-risk locations in Copenhagen (e.g., the synagogue and embassies) and border control. This put the police in a veritable crisis and rendered the institution unable to fulfill many of its normal tasks. In an attempt to relieve pressure on the police, the government launched Operation Gefion, which allowed soldiers to take over manned guarding (Volquartzen, 2020).

This unprecedented deployment of military personnel required the temporary transfer of limited constabulary powers and was implemented under special assistance regulations – originally issued to regulate rare and short-term occurrences, but now employed as the legal basis for police-military cooperation on a much more permanent basis. Thus, the time was ripe for the codification of cooperation rules. With the issuance of new rules in 2018, the authorities established a comprehensive and detailed legal regulation of military assistance to the police for the first time in Danish legal history (Schack & Uggerhøj-Winther, 2018). The new legislation did not change the basic principles of how the military could assist the police; however, by codifying the rules, lawmakers ensured transparency and legality.

4.5.2 Justifiability in terms of shared beliefs (b)

The shared narrative of the democratic necessity of having a clear demarcation between the police and military, including the illegitimacy of the deployment of armed soldiers in domestic security matters, thrived between 2015–2018. Two examples are the deployment of the Home Guard at the borders in December 2015, although unarmed and strictly to provide assistance to the police (e.g., Brøndum, 2015, December 16), and their involvement in Operation Gefion in 2017, which was covered by both the press and scholars (Frich, 2017; Stevnsborg, 2018b). Another example is the SWAT operation that caused the death of a drug dealer in Copenhagen (DUP, 2016, p. 17). The press revealed that three of the 12 police officers in the special tactical unit were soldiers from the navy special operations forces, which led to a brief parliamentary debate on the purpose of the special assistance regime (e.g., Randeris, 2016; Ritzau, 2017, March 7).

Yet, as in the previous period, we can identify a shift in the content of the public and political opposition. It shifts from being an ideological concern with the very notion of armed soldiers assisting the police to a legal concern with the vague regulations and lack of control mechanisms for special assistance. Overall, police-military cooperation became acceptable during the 2015–2018 period, which was confirmed when the Minister of Justice stated in a newspaper interview that having soldiers in the streets was not a temporary situation but something that Danish citizens should get used to (Nielsen and Domino, 2018, January 23). The spree of Islamist terror attacks served as justification for the militarization of border control, public protection, and crime control in these years.

4.5.3 Legitimation through expressed consent (c)

In spring of 2018, a majority in the Danish parliament publicly decided on a set of radical changes to the special assistance regime with the codification of police-military cooperation into legislation (Schack & Uggerhøj-Winther, 2018). We term these changes “radical” as the new law effectively ended decades of political friction and public criticism of the lack of transparency. This parliamentary procedure is what Beetham would call an important action because it confers legitimacy on the powerful by constituting “public expressions by the subordinate of their consent to the power relationship and their subordinate position within it” (Beetham, 2013, p. 91).

4.5.4 Assessment

The legitimacy of police-military cooperation was challenged in this period, beginning with the police failing to observe the inherent limits of the special assistance regime (e.g., the Defence Command rejecting requests for assistance in spring 2015; see above), thereby losing legitimacy (Beetham, 2013, p. 35). However, the authorities (whether the military, police, or government) ultimately realized that “special” was no longer an appropriate description of the type of assistance, and changed the rules accordingly, with subsequent public acceptance. Overall, we measure the degree of legitimacy of police-military cooperation to be *high*.

5. Discussion

In 2017, the year before the legislation was changed, the Danish Ministry of Justice stressed in an internal memo that the separation between the military and police was a fundamental feature of a democratic society (JM/Justitsministeriet [Ministry of Justice]). However, at the same time, the ministry pointed out that the Danish constitution did not include a ban on the potential deployment of the military against the people. In this juxtaposition, we highlight the tense demarcation analyzed in this paper. If it is a fundamental narrative in society that modern democracy presupposes a clear demarcation between the police and military, then how did armed military support for the police in domestic security affairs become legitimate? How did (what used to be considered) violence become a legitimate force?

The reinforced threat of terrorism in Western societies is an obvious component of this explanation. In fact, the threat to public security due to terrorism serves as justification for police militarization so often that Kraska calls it part of “mainstream narratives” (Kraska, 2020, p. 451). Terrorism has blurred the boundary between crime and war, leading to a breakdown in the boundaries between the police and military. It is therefore possible to justify the contemporary extension of powers to the military (and the police) in terms of shared beliefs because security threats can be categorized as external and the targets of the joint operations are politically categorized as enemies of the state (terrorists and migrants) rather than Danish citizens.

However, the academic critique of increased police-military overlaps concerns not their genesis but their consequences (Kraska, 2020, p. 451), because police-military convergence has several inherent risks, even if its origin is benign (Campbell & Campbell, 2016, p. 348). One such risk is of police-military cooperation seeping into other areas of policing and penal institutions, thus normalizing the militarization of policing (Kraska, 2020, p. 452; Schnabel & Krupanski, 2012, p. 55). One critical aspect of such a development is that within the regime of militarized policing,

subjects think in terms of “enemies” and combat symptoms rather than problem-solving (Easton & Moelker, 2010). Another concern is that militarized antiterrorism can actually have a counterproductive effect because it plays a role in the war rhetoric of terrorist organizations and can inadvertently reinforce terrorists’ self-staging as legitimate warriors (Dahlberg & Dalgaard-Nielsen, 2020).

Our findings indicate the normalization of the exception in a Danish context during our period of investigation. The political decision to regulate the practice of military assistance to the police (formerly termed “special”) increased the degree of legitimacy; yet, paradoxically, it also transformed the exception into routine administrative practice (Stevnsborg, 2018a, p. 191). Whether this implies further militarization of the police, violence, dispersion effects, or breach of rules is unknown because this type of policing is classified. The justification for the use of controversial police methods (e.g., undercover investigations and infiltration) has always been national security, which makes it almost impossible to produce valid data and knowledge on the effectiveness of the methods or the extent to which regulations are complied with (Larsson, 2014, p. 44). We identify an incremental expansion beyond the original scope of police-military cooperation between 2015–2018. However, we cannot document nor assess the effectiveness or legitimacy of this policing approach.

Our findings indicate that increased transparency plays a crucial role in the legitimization of police-military cooperation. Lindstedt and Naurin (2010) define transparency as “the release of information about institutions that is relevant for evaluating those institutions” (p. 301). In modern democracies, subordinates seem to link the very notion of democracy with transparency. As Schudson (2015); Schudson (2020) documented, insight and oversight became public values in the United States during the 1950s, 1960s, and 1970s and gave rise to the “right to know.” Our findings corroborate this development in the Danish context. Several of our examples suggest that it was the secrecy surrounding the police-military nexus rather than cooperation in itself that triggered public resistance.

This new level of transparency, although illusory, increased the legitimacy of soldiers performing police tasks. There are many legitimate reasons for not disclosing information on police-military cooperation and the use of unconventional and secret policing methods; however, transparency, publicity, and accountability remain key elements in the legitimate use of force.

6. Conclusion

Our findings support our expectation that assistance from the military to the Danish police underwent a transformative legitimization process between 1968 and 2018.

This is the process that, according to Kelman (2001, p. 58), has led to the acknowledgment of the extension of powers to persons or institutions to whom they were not previously granted. At our starting point in the 1970s, there was an extremely strong public aversion to the very notion of the military assisting the police; thus, police and military agents deemed it necessary to conceal the special assistance regime from the public and the parliament. Furthermore, the police began building a special tactical unit with the goal of being capable of successfully carrying out most antiterrorism operations without support from the military.

However, by the end of the period under our scrutiny in 2018, the situation had been almost entirely reversed: police-military cooperation was now codified with the expressed

consent of the public, armed soldiers were visibly guarding public spaces, and antiterrorism was a high-priority task for special operations military forces. Specifically, as Fijnaut and Marx (1995, p. 14) have so clearly stated in different contexts: “[w]hat once occurred infrequently and was viewed with disdain as a characteristic of continental despotism is now routine administrative practice.” Military support for the police within the scope of counterterrorism and crime control has undergone a re-categorization process from being illegitimate to becoming legitimate, moving into the domain of moral acceptability (Kelman, 2001) and becoming a phenomenon worthy of support (Lamb, 2014).

On the surface, it appears that the explanation for this major shift in social norms was the terror incident in Copenhagen in early 2015, followed by a wave of terrorist attacks in Europe in subsequent years. Yet, it is our assessment that while the legitimization process certainly gathered pace at this point, it had been taking place gradually since the late 1960s. At this point in history, two key factors changed policing: the rise of a rebellious and anti-authoritative generation and the rise of terrorism in Europe. This combination places pressure on the police, policing, and police resources. These two exact factors – stretched police resources and terrorism – have served as justification for the increased cooperation between the police and the military over the past 50 years.

Furthermore, by allowing for more transparency on the topic, namely a parliamentary resolution on the rules of cooperation, successive governments and liable authorities have helped push through a legitimization process. However, as Beetham (2013), p. xiii puts it, “[r]ules governing the acquisition and exercise of power cannot on their own ensure legitimacy, however, unless they are well grounded in normative beliefs accepted by the population(s) involved.” Public acceptance of a less distinct demarcation between the two institutions can be justified in terms of shared beliefs since terrorism has blurred the boundary between crime and war. This is accompanied by a correlative blurring of the boundaries between the police and the military. Militarized policing can, thus, be justified politically because it officially targets external security threats and individuals categorized as enemies, not citizens.

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