

## Separating Powers and Interpreting Constitutions

With this publication we have finally reached the first issue of the Fifth Volume of The Faroese Law Review. Lately we have experienced some difficulties gathering materials. We can not, alas, rely on the editors to produce most of the materials or expect single events like conferences to be the dominating source. The law review can only survive in the long run if we see some genuine and lasting interest among Faroese lawyers to write and publish. This, apparently, is the centre of the problem, as it does not seem to come easy to Faroese lawyers to engage in scholarly activities. In this issue we present three articles, and as so often before the topics relate to the fields of politics, history and constitutional law. Rúni Rasmussen has written an interesting piece on the doctrine of the separation of powers. Ramussen's article has previously appeared in the *Fyrri Flaggdagsálit* (containing among other things a draft Faroese Constitution from the Chairman of the Faroese Constitutional Committee). Rúni traces the doctrine all the way back to its political and philosophical roots. He then follows it forward in time and illustrates with the example of the Faroese System of Government Act how concepts and doctrines can come to live their own lives and without reflection be implemented unsuitably into unrelated political systems.

Zakarias Wang is probably the foremost expert on Faroes constitutional history. Previously, Wang has written extensively on his belief that The Faroe Islands and Greenland rightfully must be considered as the remaining parts of the Old Norwegian Kingdom rather than part of the existing Danish Kingdom. Taking on a related issue, Wang argues that the King's Acts from 1665, installing Absolutism in Denmark and Norway, never had any legitimacy as Constitutional Acts. The rightful constitutions for the Kingdoms of Denmark and Norway were the Foundational Acts that were ratified by the estates in both Kingdoms in 1661-62. According to the original intention, these true Constitutional Acts never bestowed Absolute Powers on the King to the degree that King's Acts later were later to be construed; rather this was an incidence of deceitfulness from intransigent political forces with no mandate to (re)organise these foundational matters in their Kingdoms. These insightful views of Zakarias ought to be of interest to others than the Faroese.

Birita S. Samuelsen and Gunn Ellefsen have written an article on Faroese citizenship relating to the „At Home“ Clause of the Home Rule Compact. Samuelsen

and Ellefsen are able to show us how this Clause is much more complex than we often believe. It is particularly interesting to read the comparison with Aaland, an autonomous polity from which the Faroe Islands could learn the most from in terms of citizenship.

In our last publication, in FLR, Vol. 4, No. 3, march 2005, we were so unfortunate to make a technical error in printing Katrina Maria Johannesen's article, „Offentlige fonde på Færøerne“ („Public foundations and institutions in the Faroe Islands“). Because of an omission from the printing house, the last two pages of the article were lost; and when, in addition, we the editors communicated less than optimal with the printing house, the mistake was not corrected and the article was consequently published without a conclusion. We feel bad about this mistake and hope for forbearance from the side of the writer and subscribers. The missing last pages of the article „Offentlige fonde på Færøerne“ will be printed at the end of this issue.