

Martial Law

By [Steven R. Welch](#)

Summary

Martial law refers to the exercise of governmental power over the civilian population by military authorities. The use of martial law varied among belligerent countries, and its geographical scope and material extent changed over the course of the war. Enemy territories that came under military occupation were generally subjected to martial law. This article, however, focuses on martial law imposed within belligerent countries' own pre-war borders.

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Introduction

Nations on both sides of the conflict made use of martial law within their pre-war borders. [Germany](#), the [Austro-Hungarian Empire](#), [France](#), and [Russia](#) all introduced martial law measures from the beginning of the war, as did [Italy](#) after it entered the war in 1915. [Great Britain](#), the [Dominions](#), and the [USA](#) did not introduce martial law, but relied instead on emergency legislation that expanded the powers of [government](#) and often curtailed civil rights; in these countries, however, the primacy of [civilian authority](#) over the military was maintained.

Geographical Scope of Martial Law

Two different approaches to the imposition of martial law were available to each belligerent state: to impose it over the entire country or to restrict it to specific borderland areas. Germany and France chose the first alternative. On 31 July 1914, the day before general mobilization, [Wilhelm II, German Emperor \(1859-1941\)](#) declared that Germany was in a state of war (*Kriegszustand*), thus bringing into effect the provisions of the Prussian State of Siege law of 1851. The regular [civilian administration](#) remained in place, but was subordinated to

military oversight. Across Germany, fifty-seven Deputy Commanding Generals (DCG) — answerable only to the emperor, not the civilian [government](#) — were granted sweeping powers over domestic affairs. Martial law would remain in effect throughout the duration of the war. On 2 August 1914, the first day of general mobilization, French President [Raymond Poincaré \(1860-1934\)](#) signed a decree that placed all of France under a state of siege. This decree concentrated power in the hands of the military leadership, both in the frontier war zone as well as throughout the rest of France. All of France was in effect under martial law. In contrast to Germany, however, after an initial period of repressive martial law and military dominance, the French [parliament](#), responding to public concerns, succeeded in winding back the extent of military power. From 1 October 1915, [civilian authority](#) was restored in the interior zone; martial law continued to be exercised, however, in the frontier war zone.

Russia, Austria-Hungary, and Italy took the second course, imposing martial law over extensive portions of their borderland regions that were designated as zones of war, while leaving interior zones under civilian control. The zones of war were vast; in Russia's case, virtually all of European Russia (an area larger in size than Austria-Hungary and Germany combined), including the capital of Petrograd, came under the unrestricted rule of the Russian army high command. The boundaries of the war zones shifted in response to the changing tides of the war. As Russia retreated in 1915, its war zone was periodically extended eastward. Austria's war zone was expanded to include its southwestern borderlands when Italy entered the war in May 1915. In Italy's case, by 1917, one-third of Italian provinces had been placed under martial law. The tendency among military authorities in all three countries was to fiercely resist any attempt to reduce the size of their respective war zones.

Material Extent of Martial Law

While the specific powers granted to military authorities varied somewhat from state to state, there were general similarities among the martial law regimens. Military authorities were granted extraordinary powers to control [transportation](#), [communications](#), and property. In areas under martial law, basic civil rights, such as freedom of assembly, freedom of expression, and the right to privacy, were suspended or severely curtailed. In Germany, the distribution of labor resources, allocation of [food](#) supplies, and control over the [press](#) all fell under the authority of the DCG. Russian military commanders were granted the authority to issue decrees in their area of the war zone, to dismiss civilian officials, to regulate prices and order requisitions, and to [censor](#) the [press](#).

One of the most significant and controversial aspects of the imposition of martial law was the extension of military jurisdiction to the civilian population. In France, military authorities had

the power to decide if civilians charged with offenses that allegedly threatened the security of the state or were deemed detrimental to the war effort would face military tribunals. The vagueness of the term “security of the state” gave military authorities great latitude in determining what offenses would be tried by military courts; as a result, arbitrariness and inconsistency often prevailed. In Austria-Hungary, civilians were tried by courts-martial for a range of war-related offenses. These courts were empowered to dispense a form of summary justice (*Standrecht*) in accordance with outmoded procedures that denied defendants’ basic rights and imposed very severe punishments. The aim was to deal quickly and ruthlessly with any conduct deemed detrimental to the war effort. In Germany, civilians remained subject to civil courts, but the DCG had the power to place individuals under military “protective custody” without recourse to the regular justice system. In the first phase of the war, forty-six special military courts were established to deal with offences deemed disruptive to the war effort; eventually, there were sixty such courts in operation. In the Russian war zone, civilians were subject to military justice, a shift that radically reduced the already rather weak judicial protections afforded under the Tsarist legal system. In Italy, military discipline and courts-martial procedures were extended to include workers in factories producing essential war materials.

Conclusion

Martial law proved to be largely ineffective in stabilizing the wartime societies in which it was introduced. In many cases, military authorities proved to be poorly qualified for the array of tasks they assumed and often incompetent in exercising power over their own civilian populations. Military control over policing and the administration of justice opened the door for abuses that sparked widespread popular resentment. Martial law measures often served to alienate civilians and worked to undermine social cohesion and support for the war effort. This was especially apparent in the more autocratic states of Russia, Germany, and Austria-Hungary. By contrast, France, with its strong traditions of democracy and parliamentary authority, proved capable of restricting military authority and reasserting the predominance of civilian control.

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- [Gesetz über den Belagerungszustand vom 4. Juni 1851 \(Staatsbibliothek zu Berlin\) \(Primary Source\)](#)

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