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Russia and Emergency Legislation During the First World War

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ABSTRACT

Emergency legislation had played an important part in the governance of the Russian Empire since the assassination of Tsar Alexander II in 1881, but the outbreak of war in 1914 provided the opportunity for the Tsarist state to intensify its emergency provisions. The military authorities gained significant additional power, but this generated sustained conflict with the civil government and upset the uneasy equilibrium that had enabled the Tsarist state to maintain its hold on power. Russia's military proved incapable of carrying out the functions of civil administration that it had been granted under emergency legislation, providing the opportunity for local government to extend its own authority and weaken the position of central government. The emergency powers that the Romanov regime introduced in summer 1914 were intended to strengthen the position of the state and continue the process by which the St Petersburg government was reinforcing its position after the upheavals of 1905. The reality of the introduction of additional emergency powers was, however, very different: emergency legislation served to weaken the authority of the Tsarist state and to hasten its eventual demise in 1917.

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In common with other combatant countries, Russia introduced a series of extraordinary measures on the outbreak of war in the summer of 1914. Both civil and military authorities acquired significantly expanded power in the first months of the war as the Tsarist state sought to extend its control across its vast territories. Russia, however, was already experiencing severe political and social tensions even before the war intervened. The revolutionary stresses of 1905 had only been attenuated as the Romanov regime had attempted to restore its authority both by force and by limiting the extent of the constitutional reforms introduced as a response to the 1905 revolts. The regime rigged the electoral system to Russia's new parliament in 1907 to ensure that representation of radical groups on the left was severely limited, while a second and inherently conservative chamber – the State Council – was introduced into Russia's constitutional structures.¹ The onset of war in 1914 thus came at a time when the apparatus of the Russian state was already unstable, with popular discontent continuing to rumble just under the surface. The underlying causes of the revolutionary uprisings in 1905 had not been addressed and, while there was an immediate burst of patriotic

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enthusiasm when war was declared in the summer of 1914, this was quickly shown to be fragile as Russia's armies suffered immediate reverses in East Prussia.² The Tsar imposed emergency legislation on an empire that, even before the outbreak of war, was already tense and fractious.

Even so, the Russian state was no stranger to emergency rule. Indeed, as this article will show, attempts to uphold Tsarist authority had gone hand in hand with the use of extraordinary statutory powers from 1881 onwards. Yet the system, although it could be extremely brutal, was also inefficient and actually dispersed power away from the centre and towards provincial governors and governors-general. The problem in 1914 was not unfamiliarity with governance by autocratic and extra-parliamentary means but a complete failure to recognise, until very late in the day, that planning for war and war governance required the cooperation of broader parts of society. This could not just be left in the hands of subordinates of the commander-in-chief, who now stood above the provincial governors. The former acquired authority over vast swathes of civil administration in 1914 but did not know how to exercise it in the interests of an efficient prosecution of the war. In other words, the example of the Russian Empire shows that even a strong set of emergency powers did not necessarily enable a state to fulfil the tasks it needed to. The absence of effective structures had a centrifugal effect, with ordinary subjects increasingly relying on local authorities and institutions rather than the central administration for their basic needs. Combined with military reverses at the front and the alienation of non-Russian groups through sometimes severe internal repression, this hastened the downfall of the Tsarist regime.

The 1881 Statute and the Expansion of Emergency Powers in the Pre-1914 Period

Extraordinary legislation had been an integral part of the apparatus of the governance of Russia since 1881.³ Tsar Alexander II had been assassinated on 1/13 March 1881 on the streets of his own capital city by a member of the People's Will revolutionary populist movement. The killing of the Emperor was followed by a series of measures by the Russian government to reinforce its authority and provide the state with the means to protect itself against the threat of revolution. A week after the Tsar's assassination, the new monarch moved decisively to reject the reformism of his father's reign, taking the advice of his deeply conservative adviser and tutor, Konstantin Pobedonostsev, that 'the mindless evildoers who killed your father will not be satisfied by any concessions [...] one cannot destroy this evil except by blood and iron'.⁴ The new Tsar swiftly abandoned the plans devised by Count M. T. Loris-Melikov for the introduction of a very limited form of popular representation into the structures of Russia's government.⁵ As a result, liberal-minded ministers soon resigned, with Alexander III issuing a manifesto that declared that Russia would 'have faith in the truth of autocratic power which we affirm and preserve in the national interest'.⁶ As part of the process of enhancing the power of the state and its agents, on 14/26 August 1881, the regime issued a statute 'On Measures to Safeguard State Security and Public Order' that was to remain in force until the disintegration of the Tsarist state in 1917.⁷

This statute was recognised as playing a significant part in the governance of the Russian Empire by contemporaries: the liberal historian and lawyer V. M. Gessen saw the statute as threatening the post-1905 constitutional order,

while Lenin – hardly a disinterested observer – referred to it as the ‘real constitution of Russia’.⁸ The government itself understood the far-reaching nature of the 1881 statute. Eventually, an edict of 12/24 December 1904 recognised that it was necessary ‘to examine possible limitations on the areas where it is in force and to allow restrictions on the rights of private individuals only in cases where there is a real threat to state security’. The August 1881 law gave the government the power to declare areas of the Russian Empire to be in a state of emergency and to impose one of two levels of exceptional measures. ‘Reinforced protection’ (*usilennaia okhrana*) could be introduced when ‘public order in an area is disturbed by criminal infractions against the existing state structure or against the security of individuals and their property or by the preparation of such acts’. A more intense level of emergency – ‘extraordinary protection’ (*chrezvichainaia okhrana*) – could be imposed when ‘these infractions have put the local population into a disturbed state, making it necessary to take exceptional measures to restore order urgently’. The Minister of Internal Affairs had responsibility for imposing a state of emergency, with reinforced protection lasting for a period of up to one year and extraordinary protection for six months, after which they had to be renewed or else would lapse.⁹

Provincial governors and governors-general held responsibility for implementing the 1881 statute, and the law gave them substantial additional powers. Provincial authorities could issue regulations ‘to prevent breaches of public order and state security’. They also gained specific powers to prohibit any form of public or private meeting, to close commercial and industrial enterprises, and to exclude individuals from living in an area where reinforced protection had been declared. The powers open to governors under extraordinary protection were significantly greater: a commander (*glavnonachal'stvuiushchii*) would be appointed in the region with the authority to remove criminal cases from the normal court system and transfer them to courts-martial or else deal with them administratively. The commander could dismiss civil servants and remove elected local government members from office and could also shut down meetings of municipal councils and provincial and district assemblies. He further had the power to suspend the publication of periodicals, close educational institutions for up to a month, and seize property if it was being used for criminal purposes.

When originally enacted in 1881, emergency legislation was regarded as temporary and exceptional. The original statute was intended to remain in force only for three years. But it was renewed in 1884 for a further three years, and this continued to be the practice each time it was due to lapse until the end of the Tsarist state. Reinforced protection was immediately imposed on 10 provinces in August 1881, covering a population of 27.5 million people. For the next two decades, roughly one-quarter of the Russian Empire’s population lived under a state of emergency. The disturbances of 1905 resulted in a very significant expansion in the extent of the statute’s coverage. The second level – extraordinary protection – was utilised for the first time in December 1905, and on the same occasion full martial law was introduced in seventeen Russian provinces. By the spring of 1906, seventy per cent of the Russian Empire was governed by some form of emergency legislation. Even when the tumult of 1905 had died down, the government continued to utilise the 1881 statute extensively. By 1912, more than sixty million people

were living under reinforced protection, with martial law imposed on a further two million.¹⁰

Russia's provincial governors extensively used the powers they gained under the 1881 statute, imposing a wide variety of regulations on the areas under their control. The 1881 statute meant that the Russian Empire's provincial authorities were able to operate without effective supervision from St Petersburg: emergency legislation allowed for the intensification of the ethos of arbitrary government that had formed a significant element in the operation of the Russian state. But, for central government, this was an unwelcome development: in early 1906, Sergei Witte, Chairman of the Council of Ministers, noted that the 1881 statute

has led to an exceptional situation: there has been created on the initiative of local authorities, without permission from central government, a whole series of small independent governor-generalships, acting wholly independently from one another, outside proper supervision by central government and utilizing, with the force of law, the widest powers towards the local population which stands almost outside the law [...].¹¹

Witte's comment encapsulated the dilemma faced by the Russian state in implementing emergency legislation when war broke out in 1914: the expansive and diverse nature of the Empire meant that the St Petersburg government could not control every aspect of the activity of its subordinates away from the capital, given that the 1881 statute explicitly gave these men substantial leeway in interpreting their own powers. For the autocratic Tsarist state, whose monarchs after 1881—Alexander III and Nicholas II—were deeply conservative and had no sympathy with the reformist tendencies of the assassinated Alexander II, ceding power to others was unpalatable but inevitable if the state was to be preserved. At the end of the revolutionary year of 1905, Nicholas II had no choice but to accept the introduction of an elected legislative assembly if he wanted to preserve his own position, while the price that the state had to pay for utilising the 1881 statute was to allow local authorities very significant autonomy. The dilemmas the Russian state had faced in implementing emergency legislation across the Empire in the more than three decades since 1881 foreshadowed some of the issues that were to be intensified during wartime.

Wartime Governance from 1914 Onwards

When war broke out in the summer of 1914, the Russian state thus already had decades of experience of utilising emergency legislation in governing its empire, and it moved quickly to intensify the existing 1881 statute with a series of new measures. The first set of regulations was issued on 16/29 July 1914 as general mobilisation took place, four days before the formal declaration of war, and was to prove pivotal in the government of the Russian state during wartime. The innocuously titled 'Regulations on the Field Administration of Troops in Wartime' gave the military command essentially unlimited powers over a great swathe of western Russia, including all the area west of a line running from St Petersburg on the Baltic through Smolensk and along the River Dnepr south to the Black Sea. Military general headquarters—*Stavka*—was given authority over the entire civilian administration of this huge area, placing the civil authorities under its control and excluding the apparatus of the central government from any direct role in the region.¹² The commander-in-chief, Grand Duke Nikolai Nikolaevich,¹³ was given

‘extraordinary authority’ in the area under the control of the military. This power was limited only by his responsibility to the Tsar: ‘no government institution, official or person in the empire can give instructions to the commander-in-chief or require any response from him’.¹⁴ The regulations stipulated that his orders were to be ‘carried out in the theatre of military operations by all government and public authorities without exception, and equally by the officials of all departments and by the whole population as imperial commands’.¹⁵ Even members of the imperial family were explicitly subordinated to the commander-in-chief when they were in the theatre of operations.¹⁶ The power of the military was emphasised by prohibiting any civilian authority below the rank of a minister from communicating with the commander-in-chief.

The Grand Duke’s subordinates were given the task of exercising both military and civil authority in the areas under their command, supplanting civilian authorities and gaining the power to issue decrees covering almost every aspect of life. Alongside areas that might be expected to form part of the competence of the army in wartime – such as the regulation of military censorship – army commanders were given the power to issue compulsory decrees on almost any topic, could dismiss civilian authorities without notice, fix prices for products, and requisition any items needed for the war effort. Even more dramatic was the power to order the destruction of buildings and property that could ‘impede the movement or actions of our troops or be favourable to the enemy’.¹⁷ The autonomy of the commander-in-chief from any other institution or authority in the Empire was emphasised by giving him sole power to conclude a truce or armistice with the enemy, should this be required urgently by the military situation. The Tsar had merely to be ‘informed’ of this, with prior agreement needing to be sought only if circumstances allowed.¹⁸

Part of the explanation for the blurring of boundaries between military and civilian authority in wartime lay in the way in which the command of Russia’s armies had been expected to be organised in the event of a European war. Discussions in 1903 concluded that the Tsar would assume overall command of Russian forces in such circumstances. The experience of the Russo-Japanese war of 1904–5, when distance prevented Nicholas II from taking direct control of the army, had only served to confirm in the Tsar’s mind that he should be in command. It took considerable efforts by Russia’s ministers at the beginning of the war in July 1914 to persuade Nicholas that his presence was needed in the capital rather than at the front.¹⁹ But this last-minute change of heart left Russia’s overall planning for war in disarray: instead of military and civilian leadership being united in the person of the monarch, the appointment of Grand Duke Nikolai Nikolaevich as commander-in-chief introduced an entirely different – and unplanned – dynamic into the governance of the wartime empire. From the very start of the war, the government of Russia was thus splintered, as the military held complete control over a substantial area of territory in the west of the Empire and resisted attempts by the civilian government in Petrograd to exert influence over their actions.²⁰

The formal declaration of war on 20 July/2 August was accompanied by other measures to enhance the powers of the regime. ‘Temporary rules’ on military censorship were introduced to prevent the publication or dissemination of any material that could damage the ‘military interests of the state’.²¹ Every type of publication was covered by censorship. In any area under the direct control of the military, there was a return to the pre-1905 system of preliminary censorship, meaning that publication could take place

only after an item had been approved by the censors.²² Censorship extended to private correspondence, with letters and telegrams sent through the postal and telegraph service being subject to inspection. Detailed regulations published at the end of July set out exactly what was prohibited: alongside comprehensive restrictions on providing any information of any kind about the composition, activity or preparedness of Russia's armed forces and defences, there was to be no public discussion of what soldiers had written in their letters and telegrams from the front, no mention of Russian losses of either people or equipment, and no reference to any form of 'disquiet' among the population as a whole. No photographs or drawings could be published that might give any information about the war, nor could any details be provided about the activity of Russian troops abroad or Russia's work to acquire supplies from foreign countries. The breadth of the constraints on providing any information about the progress of the fighting and its impact on the population of the areas under military control was so severe as to render the publication of almost anything about the war – other than the blandest and most innocuous material – impossible.²³ The penalties for contravening censorship could be severe, including substantial fines and terms of imprisonment. At the same time, the military authorities were also able to close down publications, using this power widely in the first few months of the war.²⁴

Censorship was also intensified when the remainder of the Empire was placed under 'extraordinary protection' a few days after the outbreak of war, using the 1881 statute on emergency legislation. Martial law had been declared in the provinces under military control on 20 July/2 August, enshrining in law the regulations issued four days earlier that gave the military precedence over civilian authorities in the western part of the Empire.²⁵ The regulations setting out the detailed provisions of martial law had been developed during the nineteenth century so that when war was declared in 1914, the Russian state was able to use its existing plans for the practicalities of governing the Empire during wartime.²⁶ Martial law formally subordinated civil power to the military as the regulations made clear: 'the overall direction of actions to maintain state order and social tranquillity is transferred to the commander [...] of the army'.²⁷ Civil authority was essentially suspended in areas under martial law so that any criminal case could be transferred to be dealt with by a court-martial. At the same time, local governors-general could imprison or fine people without recourse to the formal legal system if they threatened state security or public order. The 'extraordinary protection' imposed on the rest of the Empire was not far removed from full martial law. Still, civilian authorities retained control of their provinces under the 1881 emergency legislation rather than ceding power entirely to the military.

In one crucial area, however, Russia did not initially move to impose extraordinary restrictions. This was in relation to the position of foreigners – and especially those who owed loyalty to one of the powers against which Russia was fighting. The multi-national nature of the Russian Empire meant that its population included significant numbers of people whose origins lay in Germany and Austria-Hungary. The German component of the Russian Empire's population was especially numerous. Migration from the German lands into Russia had been encouraged for much of the nineteenth century as Russia sought labour to cultivate its land as the Empire expanded.²⁸ In the Baltic provinces of the Empire, German nobility held sway as the social elite and contributed significant numbers of men to the governing classes – both civilian and military. When war was

declared in July 1914, the first reaction of the Russian state was to try to maintain its imperial, 'supra-national' approach to its diverse population. The government declared that 'peacefully occupied Austrians and Germans who are outside any suspicion may remain in their places [of residence] and retain the protection of our laws, or they may leave the country'.²⁹ It was important for the Tsarist regime to show that its empire was united against a foreign enemy and to limit the potential for economic disruption leading to imperial disunity. The session of the State Duma – the lower house of the Russian Parliament – that met on 26 July/8 August to offer support to the decision to declare war included speeches from deputies representing a variety of the national groups that made up the Empire. Baron G. E. Fel'kerzam spoke for Russia's German population, insisting on their devotion to the Russian state. He was followed by deputies from the Polish, Jewish, Baltic, and Muslim parts of the Empire, each delivering the same message of loyalty.

However, while the government wanted to retain the imperial unity demonstrated in the Duma, there were persistent popular demonstrations directed against national minorities right from the beginning of the war. These intensified as Russia's armies were pushed back by Germany during the spring of 1915, culminating in major anti-German riots in Moscow at the end of May. Businesses owned by Germans were looted, while individuals with German names were targeted.³⁰ The government saw this sustained disorder as a useful way of buttressing popular support at a time of military disaster, and it took decisive action to reverse its policy of tolerating the presence of enemy aliens on Russian territory. In mid-June 1915, regulations were issued that provided for the deportation of enemy subjects and, indeed, any foreigner designated as undesirable, and prohibited them from acquiring Russian citizenship.³¹ This volte-face on the part of the government opened the way to changes in the attitudes to non-Russian peoples on the part of the authorities, with Jews, in particular, being targeted as potentially disloyal and treated with great suspicion. Antisemitism had been a common phenomenon in Imperial Russia, with Jews subjected to a variety of restrictions, including on where they could live. The area where the Jewish population of the Empire was concentrated – the Pale of Settlement – was in the zone under military control. Yet the desire of the military high command to minimise contact between troops and Jews and the movement of refugees eastwards in 1915 brought an end to some of these restrictions on residence.³² The situation was solidified in early 1916 when formal regulations prohibited Jews from being present in military districts.³³ Russia's army viewed Jews as inherently disloyal and treated them with great violence, increasing the flow of refugees eastwards as Jews sought to escape the areas under military authority.³⁴

Prohibition was a final element in the series of pieces of extraordinary legislation imposed on Russia as a response to war. On 22 August/4 September 1914, Nicholas II signed a decree prohibiting the sale of vodka for the duration of the war, with the government expressing concern about the potential for drunkenness among troops during the process of mobilisation in the early months of the conflict. Temperance was, therefore, a means of strengthening the fighting capacity of Russia's armies, as well as ensuring that the home front stood firm in its commitment to the war. The government took little account of the impact of depriving itself of the very significant tax revenues it gained from alcohol duties – some twenty-five per cent of its entire income came from this source – nor did it consider the potential for the population

to circumvent the ban by producing their own vodka.³⁵ The effect of losing more than 935 million rubles annually from the proceeds of the state monopoly on the sale of spirits when the government needed to deal with the increased expenditure that a major war entailed was to impose further stresses on the Tsarist regime as the war continued.³⁶

The emergency legislation enacted by Russia in the first few weeks of the war thus ranged from regulations that fundamentally changed the structures of power inside the Empire to essentially symbolic measures. The impact of the whole package of extraordinary legislation was profound and had a significant effect on the way in which Russia was able to respond to the exigencies of wartime. The broad powers given to the military command across western Russia, with the concomitant diminution in the authority of the civil power, introduced discordance into how Russia dealt with the immediate stresses brought about by the war. While the Russian high command embarked on an offensive in East Prussia immediately after the declaration of war and expected that they would win early and easy victories against Germany, their hopes proved to be illusory as the Germans inflicted heavy defeats on Russia at the battles of Tannenberg and the Masurian Lakes in August and September 1914.³⁷ These immediate and severe military reverses placed great stresses on the newly-reorganised structures of government in the regions close to the frontline, and it rapidly became clear that the military high command was incapable of performing the wide-ranging administration functions that it had been granted under emergency powers. The army was not equal to organising the timely evacuation of wounded troops away from the battle zone and, with increasing numbers of casualties as the military situation continued to deteriorate for Russia, it was unable to provide adequate healthcare for its wounded even close to the frontline.³⁸

While this was the most immediate manifestation of the inadequacy of the military command to carry out a wide range of functions as battle raged, it became evident during the following months that the army was ill-equipped to take on the wide-ranging civil functions that the 16/29 July regulations had given it. Increasingly, the military had to accept assistance from Russia's elected institutions of local government – both zemstvo and municipal councils – to equip the army and organise basic services for the civilian population in the vast area under the direct control of the military. The army was forced to rely on these public organisations to provide clothing for its troops, as well as to organise the provision of safe supplies of drinking water and to ensure appropriate standards of hygiene and sanitation for the military. The initial depot of the zemstvo union organisation was opened in Brest-Litovsk and its turnover in its first year – from selling supplies to Russia's troops – amounted to more than 1.3 million rubles.³⁹ The civilian population of the areas under military control also received assistance with providing basic services as the high command proved unable to supplant the civilian administration. Public organisations helped provide postal services, dug wells to ensure supplies of clean drinking water, and established networks of shops to sell basic supplies to the population.⁴⁰ The local government unions were especially active in Galicia, organising regular rubbish collections and providing clean water supplies to both the Russian army and the broader civilian population.⁴¹ This state of affairs suited Russia's local government institutions well, as they had been constrained from acting on a national level by the Tsarist regime since their foundation in the 1860s and 1870s, but it also demonstrated much wider fissures in the governance of the Empire.⁴²

The imposition of emergency legislation laid bare fundamental tensions and contradictions in the structures of power and authority inside Russia. While the onset of war provided the opportunity for the regime to extend its formal authority – especially by enhancing the position of the military – this was not matched by the day-to-day ability of the state to actually exercise this authority. The experience of war with Japan in 1904 and 1905 had shown that Russia's military had to depend on the work of public organisations to assist with providing a variety of services to its troops.⁴³ But the regime had not learnt from that experience and embarked on a full-scale European war in 1914, believing that it could act independently without any need for reliance on other organisations. Part of this stemmed from over-confidence in the ability of Russia's army, even though the Russo-Japanese war should have alerted the regime to the inadequacies of its fighting forces. But there was a more general reluctance on the part of the Russian government to recognise that it needed the assistance of wider society to fight the war in 1914. The introduction of elected institutions of local government by Alexander II in the 1860s and 1870s had been greeted with enthusiasm by much of Russian society, and the new provincial and district councils—*zemstva*—and municipal Dumas had come to play a significant role in Russian life. Buoyed up by their success in establishing themselves as pillars of the Russian provinces, and in the absence of any national forum in which political opinion could be expressed, many *zemstvo* and municipal Duma members began to argue that they should be able to extend their activities on the national stage.⁴⁴ The accession of the deeply conservative Tsar Alexander III in 1881 brought about a change in the state's attitude to autonomous institutions: the August 1881 emergency legislation was one example of this much more authoritarian stance, but it extended to the attitude of the government towards elected local government bodies. Alexander III and his son, Nicholas II, were both deeply resistant to broadening the powers and influence of the *zemstvo* and municipal Dumas. Strongly committed to the principle and practice of autocracy, Russia's final two emperors wanted to maintain the power of the central Russian state and resisted attempts to undermine their authority.

The extraordinary legislation enacted in the summer of 1914 reflected this belief that the Russian state could sustain itself without needing to seek support from outside its own narrow structures of autocratic power. The revolutionary year of 1905 had ended with Nicholas II having to concede the establishment of Russia's first elected national parliament – the Duma – but once the state had reasserted its power by putting down rebellions across the Empire, the regime moved to circumscribe the authority of the new Duma. By the summer of 1907, the Russian government felt confident enough to make unilateral changes to the Duma's electoral law and thus neuter the radical parties which had been able to dominate the first sittings of the new parliament.⁴⁵ In the years leading up to the outbreak of war in 1914, the Duma presented little challenge to the government as the centrist and right-wing political parties that held the majority of seats believed they should work alongside the Tsarist regime. This timidity on the part of the Duma helps explain why, when war was declared in 1914, it was essentially ignored by the Russian government and treated as marginal to the war effort.

The imposition of emergency legislation can thus be seen as part of a near decade-long process by which the Tsarist regime sought to reassert its authority in the wake of 1905. The Empire's fundamental laws – its Constitution – that were issued in 1906 had provided for the government to issue legislation when the Duma was not sitting. The

regime had taken full advantage of this to side-step the new parliament, believing that the autocracy remained essentially intact even when Russia now had a parliamentary structure.⁴⁶ In the summer of 1914, the Duma was allowed to meet for a single day on 26 July/8 August in an essentially ceremonial session intended to demonstrate the 'sacred union' that brought together the entire empire in its fight against its enemies. But after that brief session, the Duma did not meet again until January 1915 and then only for three days.⁴⁷ The Tsarist regime retained its commitment to absolute government, and the outbreak of war allowed it to indulge its view of Russia as, essentially, an unreconstructed autocracy. The introduction of emergency legislation in the summer of 1914 should thus be seen as part of a longer tradition in Russia's government: Russia's intensely conservative monarchs were deeply reluctant to concede any part of their powers and, even once autonomous institutions had been established, the regime took advantage of any opportunity to limit their influence.

The tensions in Russia's government and society that had been exposed during 1905 were thus brought to the fore again with the outbreak of war in 1914. Emergency legislation was nothing new for Russia, and wartime allowed the Tsarist regime to accrue to itself a level of authority that it had not had for more than a decade. But the level of theoretical power that the state acquired in the summer of 1914 was not matched by its practical ability to utilise this power effectively. The much-vaunted might of Russia's armed forces proved to be a chimaera as its armies suffered significant defeats by Germany in the summer and autumn of 1914. They were then driven back across western Russia during the 'Great Retreat' in the spring of 1915. While the Russian state had given itself almost unlimited powers as war broke out, within 12 months, it was forced to recognise that it did not have the capacity to exercise these powers effectively. The German advance in 1915, with the concomitant mass movement of refugees eastwards as Russia's armies retreated, demonstrated that, for all its apparent power, Russia was not able to prosecute the war successfully. After being pushed to the sidelines in the first year of the war, the Duma was recalled in July 1915 and sat through the summer. The Tsarist regime was confronted with the fact that merely granting itself emergency powers did not, of itself, ensure that it could utilise these powers effectively. By the summer of 1915, the Russian state was forced to recognise that the unrestricted autocracy it hoped to be able to exercise was a mirage and that it had, reluctantly, to accept that cooperation with other elements of Russian society was needed for the war to be successful.⁴⁸

Violence and Administrative Chaos, 1915–17

The wave of patriotic enthusiasm that had engulfed Russia in the first weeks of the war, and which had given the Tsarist regime confidence that it could overcome the bitter social and political divisions of the previous decade, proved to be short-lived. The Russian Empire had expanded rapidly during the nineteenth century, taking control of territories that included many different nationalities. The Russian state's approach to the Empire was to maintain an ambivalent attitude towards its territories and peoples. It was at once both a metropolitan state and empire, and while there were forceful attempts to Russify parts of the non-Russian population through the use of language and religion, this was far from universal. The Empire was not ruled through any separate set of institutions, instead being treated as an integral part of the Russian state. This balancing

act had proved to be relatively successful. Even though there had been rebellions against Russian rule, especially in the western parts of the Empire in 1905, the state had remained intact. The changes to the structures of power that emergency legislation brought about were instrumental in upsetting the uneasy equilibrium that had kept Russia's multinational empire together. The military saw its overwhelming priority as maintaining a tight grip on order and was deeply suspicious of any individuals or groups that it believed could subvert the war effort. The Jewish population of western Russia was a prime target. Still, Russia's military commanders showed little sensitivity towards the complexities of Russia's Empire. The significantly increased authority they possessed in wartime meant they could impose policy in areas that had hitherto been closed to them.⁴⁹

The most serious example of the high command disrupting the careful balance of the Empire came in 1916 when, as the army's manpower shortage became severe, the military imposed conscription in the Muslim areas of Central Asia. After Russia had taken control of this region in the nineteenth century, the St Petersburg government had been sensitive to the religious sensibilities of the Muslim population and had not sought to conscript its men into the Russian army. But the exigencies of war and Russia's huge loss of manpower as its armies suffered sustained defeats led the military to impose conscription in Central Asia in June 1916. This provoked an immediate and violent response from the population of the region, and the ensuing rebellion resulted in the deaths of more than 200,000 people. The army had to divert substantial numbers of troops from fighting in Europe to deal with the revolt, and while basic order was restored by the end of the summer, discontent continued to rumble on afterwards. The 1916 revolt brought to the fore national tensions that had been largely contained during the decades since Russia had expanded its empire into Central Asia and demonstrated how the intervention of the military into areas of civil policy could prove disastrous.⁵⁰

The shift in approach to the Empire that was engendered by giving the military such broad powers was reflected elsewhere in the Russian state. The Baltic provinces of the Empire were at the forefront of the war, and their population was ethnically diverse, with a largely Baltic German landed gentry and peasant farmers who were Estonian, Latvian, and Lithuanian. For the Russian military, this largely non-Russian population represented a source of potential disloyalty, a belief that was intensified as the German armies advanced rapidly eastwards in 1915.⁵¹ Germans in western Russia were targeted particularly, with the emergency powers granted to the military being used in early 1915 to allow for the confiscation of land and property belonging to German settlers 'close to the military zone' or within some 150 kilometres of the western border of the Empire. While the high command was keen to expel Germans from areas close to the frontline, and took steps in the first months of the war to drive Germans out of Russian Poland, this was not a practical policy given the importance of the German population in contributing to agricultural production. By the end of 1915, the regulations had been amended to exempt Russian Germans who had taken Russian citizenship before 1880 and those who were officers in the Russian army or had volunteered for military service since the start of the war.⁵² But this did not prevent the forced displacement of several hundred thousand Germans from western parts of the Russian Empire, deporting them to central Asia and Siberia. The high command had little experience in the wider area of shaping public policy and had very narrow aims when dealing with complex nationality-related issues that had implications far beyond the purely military.

The 'enemy within' became a significant target for the Russian state as the war progressed. Once the military was able to exercise sweeping powers across a great swathe of western Russia without reference to the civil authority, it was able to let its own restricted view of policy priorities hold sway. Forced deportations, initially of enemy subjects living in the Russian Empire, but soon extending to Germans who were Russian subjects and then to Jews, were utilised widely by Russia's military under the provisions of martial law. Some 300,000 enemy aliens – around half the total number of enemy subjects living in the Russian Empire – were deported, while more than half of the German population of Volhynia – the province with the greatest number of German colonists – were forcibly expelled from their homes. The Jewish population of the Russian Empire was concentrated in its western provinces and in May 1915 alone 150,000 Jews were deported from Kovno province, while violence and pogroms directed against the Jewish population were especially intense during the Russian retreat in the spring and summer of 1915.⁵³ The refugee issue came to cause severe tensions inside the Russian political structure. The insistence in the most senior ranks of the military on the indiscriminate removal of large groups of the population from their homes, even in the first months of the war, proved to be extremely controversial. In January 1915 the commander of the northern front ordered the whole Jewish population to leave Plotsk province,⁵⁴ and as German troops advanced during the spring of 1915 Russian commanders in Kurland ordered the entire population to depart, while in September 1915, the army ordered that all refugees should leave Chernigov and Poltava.⁵⁵ When the Duma met for its summer session in July 1915, a group of deputies met the newly appointed Minister of the Interior, Prince N B Shcherbatov, to discuss the refugee issue and made many complaints about the actions of provincial governors, who were responsible to the Interior Ministry. Shcherbatov defended the governors, stressing that they had to obey the orders of the military authorities, but this did little to satisfy his audience. The Council of Ministers discussed the refugee situation in the summer of 1915, with ministers despairing of the situation created by the military and the Minister of Agriculture, Krivoshein, declaring that 'the second great migration of peoples arranged by Headquarters is dragging Russia into the abyss, into revolution and into destruction'.⁵⁶ But the powers granted to the military under the 1914 emergency legislation made it extremely difficult for the civilian authorities to make any effective headway: Russia's army had succeeded in gaining almost absolute power in the areas close to the front, leaving the civilian government to pick up the pieces of a refugee problem that was not of its making.

The Russian army was also naturally concerned to deflect any responsibility for Russia's poor military performance in the first part of the war and sought to lay blame for defeat elsewhere. It was able to utilise the powers given to it in 1914 to assert that a network of German spies had undermined Russia's war effort and that this was the root cause of defeat in the first months of the war. The initial scapegoat for this was Colonel Sergei Miasoedov, who was court-martialled in March 1915 and executed without any opportunity to defend himself.⁵⁷ But the way in which the high command had been essentially granted autonomy from the civil government across much of Russia meant that it was able to operate with little regard for the wider interests of the Russian state or society. This did have some utility for the army command, as it was able to portray itself as attempting to prosecute the war with vigour but being hampered by forces outside its

control. It was thus all the more important for the army to be able to exert its own authority and demonstrate that it was the true defender of Russia's interests. While the practical difficulties of acting as both military and civil power were very substantial and presented severe challenges to the army high command, these problems were outweighed by the advantages that the wartime position of the army conferred. During the first year of the war, the high command and Grand Duke Nikolai Nikolaevich, the commander-in-chief, found it useful to be able to stand apart from the civil government and for him to portray himself and – by implication – his troops as national heroes.⁵⁸ The accusations of disloyalty extended as far as the imperial court itself as the Empress's German origins gave rise to widespread rumours that she wanted to see Russia defeated.⁵⁹

As the war progressed, the Russian state took steps to increase its knowledge of the mood and opinions of its population.⁶⁰ The army started collecting material about its soldiers in 1915, in particular seeking information about the role that Jews were playing in the army and the overall attitude of the Jewish population to the war.⁶¹ It also utilised the system of military censorship of soldiers' correspondence to take soundings of the attitudes of the troops to the war, but this was only rudimentary and produced results of limited utility.⁶² The civil authorities were sufficiently disturbed by the disruption caused by the war that, in October 1915, the Ministry of the Interior required local officials to submit monthly reports on the moods of the population and provided them with a standard set of questions to reply to. Officialdom largely showed itself to be uninterested in this exercise, often submitting very brief and formulaic responses, but it is instructive that the civilian state was beginning to interest itself in monitoring the mood and atmosphere of the population while it existed under the extraordinary circumstances of a prolonged war.⁶³

Conclusion

The impact of Russia's wartime emergency legislation was inextricably connected with the overwhelmingly poor performance of Russia's armies from the beginning of the war in the summer of 1914. The defeats in East Prussia in the first weeks of the fighting and the Great Retreat in the spring of 1915 placed immediate and sustained pressures on the novel structures of authority that emergency legislation entailed. A full-scale European war exposed the tensions already present in the governance of the Empire. Still, by making far-reaching and immediate changes to the patterns of power that had kept the Tsarist state in an uneasy equilibrium, the imposition of emergency legislation laid bare the instability of the Russian Empire. The shift in power from civilian to military authorities, together with restrictions on civil rights, led to conflict and fractiousness across Russia's government. At a time when the exigencies of wartime demanded a focused response from the regime, the novel structures introduced by emergency legislation produced the opposite effect. By giving Russia's military untrammelled authority across significant areas of civilian life, the 1914 emergency legislation destabilised an already uncertain empire.

Russia's army was soon shown to be weak and unsuccessful on the battlefield and incompetent in carrying out the functions of civil administration that emergency legislation gave it. This allowed a scramble for power to develop during wartime as local government grasped the opportunity to extend its influence, and the institutions of the

central Russian state squabbled among themselves. The intention behind emergency legislation was to strengthen the state and enhance its ability to prosecute the war. Still, the actual effect of the measures introduced in the summer of 1914 proved to be the opposite, so that the emergency legislation of 1914 helped to weaken the Tsarist regime and bring about its disintegration. The Provisional Government that came into being in February/March 1917 never formally repealed these emergency powers, although it did abolish the civil authorities – provincial governors and security police – who had been responsible for enforcing the original 1881 legislation. The focus of the army’s attention during much of 1917 was on its adjustment to an entirely new political structure in Russia, with challenges very quickly arising to the systems of discipline and command that had governed the army before February 1917. The issuing of Order No. 1 on 1/14 March by the Petrograd Soviet, with its insistence on the primacy of the Soviet’s authority over traditional military structures, was instrumental in disrupting the stability and effectiveness of the army.⁶⁴ But it was not just the rank and file soldiery who responded to the February revolution and the abdication of the Tsar: the officer corps became quickly politicised and sought to strengthen its own position. Groups were established among army officers to represent socialist and liberal opinion, along with professional unions that attempted to restore the position of the officer corps.⁶⁵ Tensions between officers and men in the military were pervasive during 1917, helping to reduce the effectiveness of the army and making it much more difficult for the army’s leadership to impose the emergency powers it had been granted in 1914. In the army, as in Russia more widely, the initial enthusiasm for revolution in spring 1917 was quite quickly dissipated and the early unity of March and April fissured and disintegrated. The Provisional Government proved unable to take major decisions, leaving Russia in a state of increasing disorder and chaos. In these circumstances, the Bolshevik seizure of power in October 1917 and its attendant institutionalisation of absolute and arbitrary rule – without the need to take emergency powers – was a logical step. The use of widespread emergency legislation during the First World War helped pave the way for the Soviet authoritarian regime.

Notes

1. Ascher, *The Revolution of 1905*, 58–71.
2. Sanborn, “The Mobilization of 1914.”
3. Daly, “On the Significance of Emergency Legislation”; and Waldron, “States of Emergency.”
4. Zaionchkovsky, *The Russian Autocracy*, 205.
5. Itenberg and Tvardovskaia, *Graf M.T. Loris-Melikov*, 573–6.
6. Zaionchkovsky, *The Russian Autocracy*, 237.
7. *Polnoe sobranie zakonov Rossiiskoi imperii* (henceforth PSZ), sob 3-e, 1 vol., No. 350.
8. Gessen, *Iskliuchitel’noe polozenie*; and Lenin, “Tri zaprosa.”
9. PSZ, sob 3-e, 24 vols., No. 25495.
10. Rossiiskii gosudarstvennyi istoricheskii arkhiv, St. Petersburg (RGIA), f. 1239, d. 1, l. 16b; *Pravo*, No. 10, 12 March 1906; and *Zaprosy zhizni*, 1912, No. 1, p. 22.
11. “Vsepoddanneishii doklad S. Iu. Witte o sluchaiakh nepravomernogo vvedniia iskliuchitel’nogo polozeniia v guberniakh Tsentral’noi Rossii mestnymi vlastami,” 10 February 1906, in *Sovet Ministrov Rossiiskoi Imperii*, 238.
12. *Polozenie o polevom upravlenii*, st. 14. The area under military control expanded as the Russian army retreated eastwards during 1915.

13. The Grand Duke, a cousin of Nicholas II, was appointed commander-in-chief two days after the declaration of war – see Robinson, *Grand Duke Nikolai Nikolaevich*, 133–5.
14. *Polozhenie*, st. 20.
15. *Polozhenie*, st. 17.
16. *Polozhenie*, st. 18.
17. *Polozhenie*, st. 11.
18. *Polozhenie*, st. 28.
19. Airapetov, *Uchastie Rossiiskoi imperii*, 115–7.
20. Graf, “Military Rule behind the Russian Front.”
21. *Vremennoe polozhenie o voennoi tsenzure*, St Petersburg, 1914.
22. See Rudd, *Fighting Words*; and Ferenczi, “Freedom of the Press.”
23. ‘Perechen’ svedenii i izobrazhenii, kasaiushchukhsia bezopasnosti Rossii i ee voennomorskoi i sukhoputnoi oborony, oglasenie i rasprostranenie koikh v pečati ili v rechakh i dokladakh...vospreshchaetsia’, *Sobranie uzakonenii i raspriazhenii Pravitel’stva*. Petrograd: Gosudarstvennaia tipografiia, 1915, Otd. 1, no. 203, 1914.
24. Stockdale, *Mobilizing the Russian Nation*, 39–40.
25. ‘Ob obiavlennii nekotorykh mestnostei Imperii na voennom polozhenii’, O. I Averbakh, *Zakonodatel’nye akty vyzvannye voinoiu 1914 goda*, 15–16. Vil’na, 1915.
26. “Pravila o mestnostiakh,” 1 vol., Pt.1, Art. 23.
27. *Ibid.*, Art.19.
28. Lohr, *Nationalizing the Russian Empire*, 13–14.
29. *Ibid.*, 10.
30. *Ibid.*, 31–6.
31. *Ibid.*, 56.
32. Lohr, *Russian Citizenship*, 123; and Hickey, “Smolensk’s Jews,” 180–1.
33. Moscow, Gosudarstvennyi Arkhiv Rossiiskoi Federatsii, f. 102, OO, op. 246. d. 343 z.s., t. 2, l. 62.
34. Petrovsky-Shtern, *Jews in the Russian Army*, 167–203; and Levene, “Frontiers of Genocide,” 92–6.
35. Aksenov, “‘Sukhoi zakon’ 1914 goda”; and Christian, “Prohibition in Russia 1914–1925,” 91–3.
36. Beliaev, P. L. *Bark i finansovaia politika Rossii*, 153–68.
37. Airapetov, *Uchastie Rossiiskoi imperii*, 239–54.
38. Waldron, “A Sad and Heart-Rending Landscape,” 647–8.
39. Gronskey and Astrov, *The War and the Russian Government*, 225.
40. Tumanova, *Obshchestvennye organizatsii Rossii*, 112–16.
41. *Vserossiiskii zemskii soiuz pomoshchi bol’nym i ranenym voinam. Izvestiia glavnogo komiteta*, No. 8, 1 February 1915, 61.
42. Manning, “The Zemstvo and Politics,” 140–7.
43. Polner, *Obshchezemskaia organizatsiia*, 1 vol., 5–15.
44. Galai, *The Liberation Movement in Russia*, 39–44.
45. Ascher, *The Revolution of 1905*, 351–5.
46. Article 87 of the Fundamental Laws allowed for the government to legislate when the Duma was in recess – see Szeftel, *The Russian Constitution of April 23, 1906*, 152.
47. Anan’ich, et al., eds., *Pervaia mirovaia voina*, 183–9.
48. Polner, *Russian Local Government*, 239–45.
49. Löwe, *The Tsars and the Jews*, 262–4.
50. See Chokobaeva et al., eds., *The Central Asian Revolt of 1916*.
51. Gatrell, *A Whole Empire Walking*, 145–50.
52. Nachtigal, “Germans in Russia,” 335.
53. Lohr, *Nationalizing the Russian Empire*, 121–65.
54. “Dokumenty o presledovanii evreev,” 250.
55. Gatrell, *A Whole Empire Walking*, 20–21.
56. Cherniavsky, *Prologue to Revolution*, 46.

57. Fuller, *The Foe Within*, 136–40.
58. *Ibid.*, 162–3.
59. Kolonitskii, ‘*Tragicheskaiia erotika*,’ 289–313.
60. Holquist, “Information Is the Alpha and Omega of Our Work,” 415–50.
61. “Dokumenty o presledovanii evreev,” 253, 259, 263–5.
62. Holquist, “Information Is the Alpha and Omega of Our Work,” 430.
63. Pokrovskii, “Politicheskoe polozhenie Rossii nakanune fevral’skoi revoliutsii v zhandarskom osveshchenii,” 3–35.
64. Wildman, *The End of the Russian Imperial Army*, 332–51.
65. Rendle, *Defenders of the Motherland*, 116–55.

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