Please cite this article as follows:


Note: A hard copy of the article is available through the printed version of the SIAK-Journal published by NWV (http://nwv.at).

published online: 7/2015
The Military Organisation of the Habsburg Gendarmerie from 1849 to 1918

Austria had a gendarmerie for 156 years, from 8 June 1849 to 30 June 2005. The roots of that law enforcement agency lay in the French model, which became a global model for the maintenance of law and order. This paper looks at the first main period of the history of the Austrian gendarmerie, when the imperial-royal gendarmerie was still part of the army and therefore chiefly subject to military regulations. It can be seen that the gendarmerie, which was introduced following the serf emancipation of the revolutionary year of 1848, initially filled a law enforcement vacuum in the provinces, but soon became an instrument of the absolutist empire. The progressive democratisation of the Habsburg Empire and its transformation into the dual Austro-Hungarian monarchy gave rise to major changes in the 1860s. From that time, the gendarmerie was only responsible for the Austrian half of the empire, and endured massive cuts. Moreover, many politicians called for its military influence to be largely abolished and for the gendarmerie to be turned into a civil law enforcement agency. Finally that did not gain a parliamentary majority. Nevertheless, the gendarmerie’s military character was reduced. However, a partial reversal occurred around the turn of the century, enabling the gendarmerie to be also deployed in the event of war, which proved to be of great importance during the First World War. Shortly after the establishment of the Republic in 1918, Austrian politicians decided to separate the gendarmerie from the army, marking a departure from the international gendarmerie model.

1. Establishment in 1849/50
The establishment of the gendarmerie took place during a period of great upheavals in the Austrian state system in the wake of the Revolution of 1848. The police state of Metternich, which was marked by extensive police surveillance and censorship, was dismantled. The pillars of that law enforcement system were the police departments that had been established in the major cities of the Habsburg monarchy since the rule of Emperor Joseph II (1780–1790). They reported to the Imperial Police and Censorship Office in Vienna. That central office was abolished immediately after the outbreak of the revolution, and responsibility for law and order was transferred to the newly established Ministry of the Interior.

The serf emancipation also took place in the summer of 1848 on the initiative of the Imperial Council, which necessitated
re-organisation of the lower level of state administration in order to fill the vacuum left by the abolition of the manorial estates. For that reason, new state organisations were established in 1849/50 such as local authorities, district commissions, tax offices and district courts.3

On 8 June 1849 Emperor Franz Joseph decreed that the gendarmerie be established “throughout the Austrian empire” as an executive agency for law enforcement in the provinces of the monarchy.4 That meant the choice of the French organisational model. The French National Gendarmerie was established in France following the French Revolution through the reforms of 1791 and 1798 as a military law enforcement agency for security in the provincial areas.5

The French gendarmerie model was first brought to many parts of Europe in the course of the Napoleonic Wars. Yet it was also adopted as a model by a number of states that were not occupied by Napoleon. Many German states, such as Prussia, Bavaria and Hanover, therefore had a gendarmerie even before 1848. There were also gendarmerie corps in the Netherlands, Sicily, Greece and Spain, though some were given their own designations.6

The Kingdom of Lombardy-Venetia, a then crown land of the Austrian empire, had a gendarmerie even before 1849.

When Lombardy was incorporated into the Habsburg Monarchy following the Congress of Vienna, the gendarmerie, which had existed since the time of Napoleon, was retained. It was given a new statute in 1817 and had a force of 1,030 men, who were commanded by an inspector general.7

To be exact, we could say that the gendarmerie of Lombardy was extended in 1849 to the whole territory of the Habsburg Monarchy, though it was not quite as simple as that. A highly capable man, Johann Franz Kempen Freiherr von Fichtenstamm (1793–1863), one of the most influential generals of the imperial army, was entrusted by Emperor Franz Joseph on 17 September 1849 with establishing and organising the Austrian gendarmerie. He became the actual founder and first head of the Austrian gendarmerie and was bestowed the official title “Inspector General of the Gendarmerie”.8

2. LEGAL FRAMEWORK

However, before the new force was established, a legal framework for it was created first.9

The Gendarmerie Act of 18 January 1850 is also notable in terms of the rule of law, since at that time there was no binding legal foundation for the police, which had already existed for decades, nor would there be for a long time. That deficit was not remedied until the Police Act of 1991. In addition to the Gendarmerie Act, which governed the gendarmerie’s structure and duties, there were also very extensive internal service instructions written in the style of a notebook and textbook.10 The gendarmes were expected in particular to conduct themselves in an exemplary manner and make a fitting impression. The gendarmes were expressly called upon to “abstain from all disreputable and brutal acts”.

A special property of the gendarmerie was its military structure, which was adopted from the French model. That meant the gendarmerie was part of the imperial army, and therefore reported to the war minister. The Ministry of the Interior could only avail itself of the gendarmerie’s services in matters directly concerning law enforcement. Sixteen gendarmerie regiments, which were spread across the whole state territory and covered one or more provinces, reported to the inspector general, who headed the gendarmerie. Those
regiments in turn were divided at the lower levels into wings, platoons, sections and finally the individual gendarmerie posts. Since the gendarmes were effectively soldiers, they were essentially subject to the full set of military regulations, including the duty to live in barracks. In addition to the official premises, separate gendarmerie barracks had to be set up at all the bases, which were to be equipped as rank-and-file barracks.11

The gendarmerie could either intervene of its own accord or on request of the state offices, i.e. the governor’s offices, the district commissions, the public prosecutors, the courts or the local authorities. The content of the order was always given by the respective institution, but the gendarmerie could decide freely on how to execute the order, so the gendarmerie officers had considerable influence as military commanders.

Kempen-Fichtenstamm proved a brilliant organiser of the new law enforcement apparatus. In the face of considerable adversities and problems, a total of 15,600 gendarmes were stationed in all corners of the Danubian Monarchy of the time within a year, i.e. by the summer of 1850, from Vorarlberg in the west to Hungary and Transylvania in the east, and from Bohemia in the north to Dalmatia in the south. The new gendarmes were recruited from the imperial army, with each unit having to provide a certain quota of soldiers. These first gendarmes aged between 24 and 36 received very brief training that lasted between around four to six weeks. It was not until three years later, in 1853, that a separate “training regulation” was published that set out the principles of the six-month training. The emphasis was on military subjects, but the prospective gendarmes were also trained in basic legal principles and had to be capable of producing written reports independently.

Kempen-Fichtenstamm was adamant that only the most capable army soldiers be recruited. That was in marked contrast to the police stations in the towns and cities at the time, which made use of so-called “half-invalid soldiers”, i.e. soldiers that were no longer fully fit for combat. It might almost be said the gendarmerie was intended to be an elite corps. That status was further underlined by the impressive uniforms, with a spiked helmet featuring the imperial eagle as headgear. The intention was to emphasise the particular authority of the gendarmerie.

That was in fact necessary, since the stationing of the gendarmerie was of massive importance for the establishment of state authority. After all, the gendarmes acted as representatives of the state and emperor. It was the first time in centuries that the population at large came into contact with state agencies. Military uniform and weaponry were necessary above all in order for the gendarmes to assert their authority effectively. The various gendarmerie posts were often manned by just three to five gendarmes, who could not count on immediate reinforcement in the case of major threats to law and order, given the absence at that time of modern communications devices such as telephone or radio. Those few gendarmes had to be able to defend against any possible threat to law and order and their authority. It should also be borne in mind that the gendarmes had to perform their duties on foot for the most part. Though some horses were available, in general the gendarmes had to make themselves visible by performing lengthy foot patrols. Each tract of land and village had to be patrolled regularly according to a precise plan to guarantee the safety of residents.
3. CHANGES BETWEEN 1850 AND 1867

Despite a range of initial setbacks, the gendarmerie got off to an excellent start. The public response was extremely positive and crime rates fell rapidly. That led to the further expansion of the gendarmerie in the early years. In addition to the reinforcement of gendarmerie posts, the number of gendarmerie regiments was also increased from 16 to 19.\(^\text{12}\)

Thanks to their presence (as described above), the gendarmes managed to establish direct relations and an excellent rapport with the public. That was extremely useful for inquiries and solving crimes. In addition, the gendarmes acted as helpers and rescuers in any kind of emergency, such as icy winter weather, floods and fires.

However, that initially positive reception changed for the worse within just a few years. The gendarmes were increasingly given secret police tasks. Emperor Franz Joseph had made a radical change of political course almost at the same time that the gendarmerie was established. The democratisation steps introduced in 1848 were forcibly stopped; the monarch progressively returned to the absolutist state form, with no parliament or concessions to the nationalities.\(^\text{13}\) To secure that state system internally, the emperor needed a powerful law enforcement apparatus, which was expanded and reinforced to that end. Moreover, in April 1852 responsibility for law and order was transferred to the newly established “Supreme Police Authority”, which Kempen-Fichtenstamm was appointed to head. Immense power was concentrated in his person, since he commanded not only the gendarmerie, but also the police departments in the cities.\(^\text{14}\)

That meant the gendarmerie became a power instrument of the absolutist state system in the 1850s, with long-lasting repercussions. When Emperor Franz Joseph was forced to resume democratisation of the state in 1859/60, not least because of events abroad, the gendarmerie was also caught in the political crossfire. Kempen-Fichtenstamm had to stand down as chief of police and the gendarmerie in 1859, and the law enforcement apparatus which he had been involved in founding was also a bone of contention. Some even called for the abolition of the gendarmerie. That extreme step was not taken, however, and instead an organisational reform was prescribed in the summer of 1860. The right of the civil authorities to make use of the gendarmerie was notably increased. The gendarmes now had to submit regular reports to the district authorities and local authority agencies were now primarily responsible for local law enforcement matters.\(^\text{15}\)

The gendarmerie was also affected by drastic austerity measures. The number of gendarmerie regiments was reduced from 19 to ten, and there were also swinging cuts to the gendarmerie posts and the number of gendarmes.\(^\text{16}\) This austerity policy was, however, stopped after a few years. By imperial decree of 28 January 1866, the number of commands was again increased from ten to 15, and the military term “regiment command” was replaced by the civil term “regional gendarmerie command”.\(^\text{17}\)

4. CONSEQUENCES OF THE AUSTRO-HUNGARIAN COMPROMISE OF 1867

The next pivotal event for the state also had direct repercussions for the gendarmerie. In 1867 the Habsburg Monarchy was divided into the Austrian and Hungarian halves as a result of the Austro-Hungarian Compromise.\(^\text{18}\) These two sovereign states, aside from having a joint ruler, now only had foreign policy and defence in common.
Law enforcement was to be managed separately in the two halves of the empire from that time onwards. By imperial decree of 23 March 1867, the gendarmerie in the Kingdom of Hungary was separated from the joint gendarmerie organisation and discontinued, which meant that there were five fewer gendarmerie commands. Law enforcement was placed under the authority of the Hungarian authorities, in particular the local authorities, though that soon proved ineffective. In 1881 the Royal Hungarian Gendarmerie was therefore established, whose competence extended to the whole of the Hungarian state territory, aside from the cities of Budapest and Fiume/Rijeka. From 1879 Bosnia-Herzegovina also had a gendarmerie, which was run jointly by Austria and Hungary.

Just a year after the separation of the Hungarian gendarmerie, further far-reaching changes were made to the Austrian gendarmerie in 1868, partly as a consequence of the Austro-Hungarian Compromise. In addition to the joint Royal and Imperial Army, separate territorial troops were established in the two parts of the empire, the Royal Hungarian Honvéd for the Kingdom of Hungary and the Royal-Imperial Landwehr for the western half of the empire. A separate ministry of national defence and public security was established in January 1868. The affairs of both the Landwehr and the gendarmerie were transferred as a result from the imperial war ministry to the new one, which was provisionally also responsible for law enforcement. Two years later, in February 1870, the Ministry of the Interior was definitively put in charge of law enforcement. The gendarmerie inspector was also expressly made subordinate to the Defence Ministry in August 1868. He remained responsible above all for military command, discipline, recruitment and inspection of the gendarmerie.

5. Gendarmerie Act of 1876
Many politicians called subsequently for a further reduction to the gendarmerie, with the local authorities in rural areas being expected to set up their own law enforcement agencies like in Hungary instead. However, it soon became clear that the local authorities were overstrained. That idea was therefore abandoned, and the re-organisation of the gendarmerie was the subject of much discussion in Parliament (the Imperial Council). A particular point of debate was the military nature of the gendarmerie. Many liberal representatives called for the gendarmerie to be separated from the army, and for the gendarmerie to be run in future as a civil law enforcement agency instead. Reference was made in particular to the Kingdom of Saxony, which had had a civil gendarmerie since 1809. The expectation, in particular, was that the gendarmerie’s conduct would have a stronger legal framework.

The opponents, by contrast held up the Prussian and Bavarian gendarmerie corps, which were organised militarily, as examples. In any case, the majority of the representatives advocated retaining the military structure. It was argued that in many regions of the monarchy, only the military nature of the gendarmes would ensure that they were held in sufficient respect by the population. The most important argument, however, was a financial one: A civil gendarmerie would have been considerably more expensive.

The re-organisation was not concluded until the Gendarmerie Act of 1876. The gendarmerie was no longer part of the regular army, but formed an entirely separate corps from that time onwards instead. The gendarmerie now had much closer ties with the civil authorities. The influence of the Ministry of the Interior at the highest level and of the governor in the provinces were greatly increased. The commands
no longer extended across several crown lands. Instead, there were 14 regional gendarmerie commands, which were typically responsible for one crown land each.  

The district gendarmerie commands now played a key role in the everyday life of the gendarmerie. The given district commander had to receive the instructions of the district commissioner directly and forward them to the subordinate gendarmerie posts. That gave the district commissioner direct command over the gendarmes in his district and the right to deploy them. The approval of the military gendarmerie commanders no longer needed to be sought. The rights of the courts and state prosecutors were also increased.

This increased legal integration was also outlined externally by the fact that the gendarmes had to add the phrase “In the name of the law” in the language of the given country during official acts. That was of great significance in the monarchy with its many different nationalities. Previously the gendarmes had regularly been deployed across the empire, without paying attention to which languages they spoke. It was now expressly specified in the Act that the gendarmes had to speak the language of the region where they were posted. However, German continued to be used internally for reports, blotters and forms.

6. MILITARY RULES
The sidelining of the military dimension was also apparent in the new uniforms, which had a more civil appearance. Instead of the military spiked helmet, the gendarmes now wore the so-called huntsman’s hat. The gendarmes were supposed to give the impression of hunting down criminals, rather than of being soldiers.

The training of the gendarmes was also re-regulated by the Gendarmerie Act. It now consisted of six months of basic theoretical training, followed by a further six months of practical training at the gendarmerie posts. The focus of the training was clearly on the military disciplines of drill, sabre fencing, bayonet fencing and shooting. The basic training period involved strict quartering with furlough restrictions and military drill.

The gendarmerie officers, however, did not have to undergo any special training. They were recruited from the officer rank of the army. They merely had to spend six months in gendarmerie service first and then take an examination on military and legal subjects. They were expected to acquire the necessary knowledge through self-study. In other words, the gendarmerie was commanded by officers who largely had military training only and barely any experience of law enforcement.

Internally the gendarmerie continued to operate strictly according to military rules, with all that entailed. That meant many disadvantages for the rank-and-file gendarmes in particular. The gendarmes were quartered, i.e. typically had to live in the post barracks. In addition, prospective gendarmes could not be married, and permission for marriage was difficult to obtain even later in their career.

The regular inspections performed by the gendarmerie officers at the gendarmerie posts were also focused on military matters. Impeccable uniform and the drill were far more important than the proper and zealous performance of law enforcement tasks. The same disciplinary and penal rules applied to the gendarmes until 1918 as for the army. That meant that corporal punishment in the form of being beaten with a stick was allowed until 1868. Punishments including confinement to the barracks or room and furlough restrictions could be imposed by the military courts.
The duties of the gendarmes were extremely tough, and largely consisted of highly exhausting foot patrols, which had to be performed at all times of day, regardless of the weather conditions. There were few horses, and even those were only at the disposal of the gendarmerie officers. The patrols typically lasted 24 hours with only short rests, since only that could ensure the continuous presence of the executive even in remote areas.31

7. GENDARMERIE ACT OF 1894

The organisational structure of the gendarmerie was essentially retained until the end of the monarchy. In 1894 a new Gendarmerie Act was passed, which incidentally stayed in force in part until the definitive abolition of the Austrian gendarmerie in 2005.32 However, the Act in question barely changed the fundamental structure of the gendarmerie. Pursuant to Section 1, the gendarmerie remained a “militarily run, unified law enforcement body for maintenance of public order, calm and security”. Many organisational details such as pay, training, uniform and equipment were no longer laid down in the Act and could instead be governed by separate regulations.

The Act, however, now included provisions for the event of war, pursuant to which the gendarmerie could be entrusted with special military duties. That proved to be of importance during the First World War. Gendarmerie units engaged in direct combat, especially, but not only, on the Eastern Front.33

This partial return to military structures was reflected from 1899 in the new uniforms, which again featured the spiked helmet instead of the huntsman’s hat.34 Overall it can be said that from the end of the 19th century, the gendarmerie focused more on demonstrating authority and rigour in order to win respect than on close relations with the public. Efforts were also made to increase the attractiveness of serving in the gendarmerie, since at that time the gendarmes typically remained in service for just three to eight years. However, owing to various social improvements and an increase in pay, a considerable increase in the years of service could be achieved.35 It should also be mentioned that the gendarmerie was expanded significantly in the two decades leading up to the First World War. Between 1894 and 1914, the number of gendarmes rose from 9,209 to 14,215, and the number of gendarmerie posts increased from 2,337 to 3,644.36

8. RADICAL CHANGE FOLLOWING THE FIRST WORLD WAR

In the autumn of 1918, just a few days after the end of the First World War and the establishment of the First Republic, the Provisional National Assembly passed a new Gendarmerie Act on 27 November 1918. In the debate of the time, representative Paul Freiherr von Hock37 noted: “[…] there are few establishments and institutions that we have adopted from the old Austria that are as well recognised all round and have always been recognised as the gendarmerie.”38 With the new legal framework, the former “Imperial-Royal Gendarmerie” become the “Gendarmerie of the German-Austrian State”. That meant more than just a new name; a key aspect of the gendarmerie was changed. The previous military structure was abandoned and the gendarmerie was turned into a civil law enforcement agency.

From 1918 onwards, the gendarmes were public servants, rather than soldiers. That essentially marked Austria’s departure from the international gendarmerie model, since military structure is a core feature of a gendarmerie. France and some other states still have a gendarmerie that is part of the army and reports accordingly to the defence ministry.

This organisational change took place by imperial decree of 23 March 1848. Political Acts and Regulations of His Royal-Imperial Highness Ferdinand I, Volume 66, Vienna 1851, No. 36, 55.


On these reforms to the state administration, cf. Baltl/Kocher 2008, 200 et seqq.

“Imperial regulation of 8 June 1849, whereby the establishment of a gendarmerie throughout the Austrian empire is approved according to the proposed outlines”, Imperial Law Gazette No. 272/1849. Cf. Hirschfeld 1989, 9 et seqq.; Jäger 1990, 63 et seq.

An elite unit of the French army termed the “gendarmerie” existed from the beginning of the modern era. In addition there was also the “maréchaussée”, a law enforcement agency that was re-organised in 1791 and adopted the more widely used term of gendarmerie. Cf. Emsley 1999, 37 et seqq.


There were detailed rules for the establishment of such quarters, which barely differed from those for the rest of the military. For details, cf. Mayerhofer 1854, 3 et seqq. Cf. Gebhardt 1997, 58; Esterle 2013, 59 et seq.

New gendarmerie regiments were stationed in Krakow, Pressburg and Ödenburg in 1854.


The relevant imperial decree of 25/04/1852 was only made known to the relevant authorities and was not made public. Partially reprinted in Dehmal 1926, 249 et seqq.


On the then organisational status of the gendarmerie, cf. Petrossi 1865, 45 et seqq.


Promulgated by circular regulation of 8 May 1867, Imperial-Royal Army Regulatory Gazette No. 88/1867. There were two further national gendarmerie commands – for Croatia and Tran-
sylvenia – that were not placed under the charge of the Hungarian defence minister until a year later. Cf. Hesztera 1999, 22.


22 Promulgated by Regulation of the Ministry of National Defence and Public Security of 18 September 1868, Imperial Law Gazette. No. 11/1868. The transfer of responsibility to the Interior Ministry was promulgated by Regulation of 15/02/1870, Imperial Law Gazette No. 12/1870. On the powers of the ministry, cf. Ulbrich 1883, 150 et seq. Organisation of the Landwehr and conscription were governed by the Military Service Act of 05/12/1868, Imperial Law Gazette No. 151/1868.


24 On the debates in the Imperial Council at the time, cf. Gebhardt 2013, 264 et seq.


26 They were numbered as follows: 1 Lower Austria, 2 Bohemia, 3 Tyrol and Vorarlberg, 4 Moravia, 5 Galicia, 6 Styria, 7 Austrian Littoral, 8 Upper Austria, 9 Dalmatia, 10 Silesia, 11 Salzburg, 12 Carniola, 13 Bukovina, 14 Carinthia.

27 The changes to the uniforms were essentially made in two stages, in 1860 and 1868. Cf. Hinterstoisser/Jung 2000, 29 et seqq.

28 On the training, cf. Hesztera 1999, 40 et seq.


31 Even patrols of up to 35 hours could be required before 1890, Hesztera 1999, 41.


33 In addition to the regular gendarmerie units, from the beginning of the war there was also a field gendarmerie, which had police duties in the combat zones, Hinterstoisser/Jung 2000, 56 et seqq., ibid. 74 et seqq.; Schmid 1908, 32 et seqq.

34 Hinterstoisser/Jung 2000, 38 et seqq.


36 On these aspects, cf. Gebhardt 1997, 151 et seqq. On the statistics, cf. Neubauer 1924, 97 et seq. In the same period, the population in the Austrian crown lands of the monarchy rose from 24 to 28.5 million.


38 Stenographic Transcript, 6th Session of the Provisional National Assembly for the Republic of German-Austria on 27 November 1918, 185.

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