

Military Justice in the Modern Era

Conference: 28-30 July 2022 at Freie Universität Berlin

Organizer: ERC-Project “Law without Mercy: Japanese Courts-Martial and Military Courts During the Asia-Pacific War, 1937-45”

Deadline for contributions (title, abstract and short bio): 31 January 2022

In modern conflicts, military justice is vital both for maintaining discipline as well as an instrument of power towards populations in occupied territories. The conference aims to discuss conceptual, legal, institutional and practical aspects of the exercise of judicial authority by armed forces in the modern era. The conference aims to discuss conceptual, legal, institutional and practical aspects of the exercise of judicial authority by armed forces in the modern era.

In conflicts throughout the world, military justice fulfils two vital functions. First and foremost, it acts as one of the principal mechanisms to maintain discipline within the armed forces by harshly punishing soldierly misconduct. Secondly, it serves as an instrument of military power in occupied territories by adjudicating the crimes of enemy belligerents and local inhabitants. In the former role, agents of the courts martial system can significantly impact the incidence, routinisation and escalation of violence by soldiers in wartime situations. In the latter, the imposition of martial law and the punishment of occupied peoples and enemy nationals by military courts can constitute a form of violence in itself. Accordingly, an historical examination of the principles, structure and application of military justice can offer important insights into war crimes and atrocities that are still valid in the conflict zones of our world today.

This conference will bring together scholars specialising in military justice from a wide range of historical and geographical contexts to discuss conceptual, legal, institutional and practical aspects of the exercise of judicial authority by armed forces. While the primary aim is to deepen our knowledge of the agents, institutions and practices involved in dispensing military justice in the modern era (i.e. mid-nineteenth century through 1945), a secondary objective will be to consider the role of military justice as a driver of violence.

The conference organisers, therefore, invite proposals for presentations dealing with one or more of the following topics:

- Theories, concepts and issues of military justice in the modern era
- The evolution and historical development of military justice in western and non-western regions, mid-19th ct. through 1945.
- Military justice and international law
- Military law and martial law
- Courts-martial and military courts

- Legal officers and judges
- Military police and military prisons
- Case studies of military justice in practice to 1945
- Discipline, crime and military justice
- Military justice and POWs
- Military occupation and judicial power in occupied territories
- Comparisons of peacetime and wartime military justice systems

The conference is scheduled for 28-30 July 2022. Pandemic permitting, we plan to hold the conference in person at Freie Universitaet Berlin. Travel expenses and accommodation costs will be covered for all invited speakers.

The conference is conducted as part of the ERC-funded project (Consolidator) "Law without Mercy: Japanese Courts-Martial and Military Courts During the Asia-Pacific War, 1937-45".

Presentations are to be given in English. The organisers plan to publish an edited volume as a result of this conference.

Proposals, including a title, an abstract of no more than 300 words and a short bio, should be submitted to lawwithoutmercy@geschkult.fu-berlin.de by 31 January 2022. For more information, please contact Dr. Kelly Maddox at kelly.maddox@fu-berlin.de.

Contact (announcement)

Dr. Kelly Maddox kelly.maddox@fu-berlin.de

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