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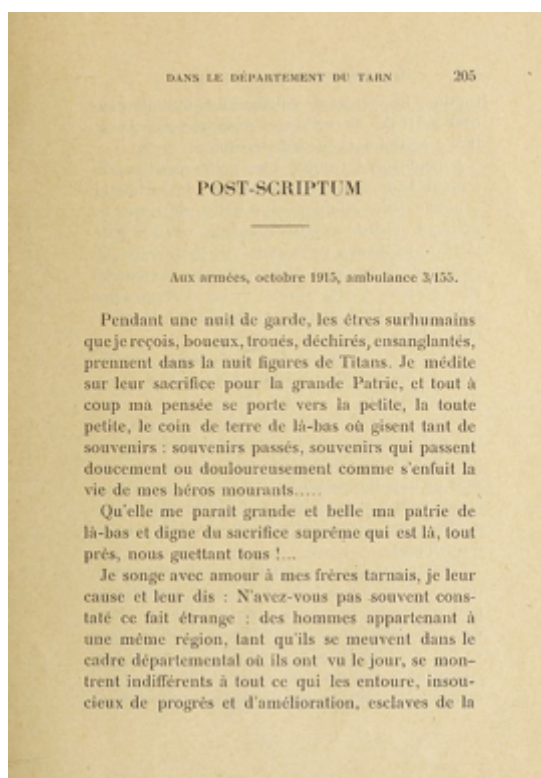
# The doctoral theses of the Toulouse Faculty of Law in the face of war

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## A break in doctoral practices

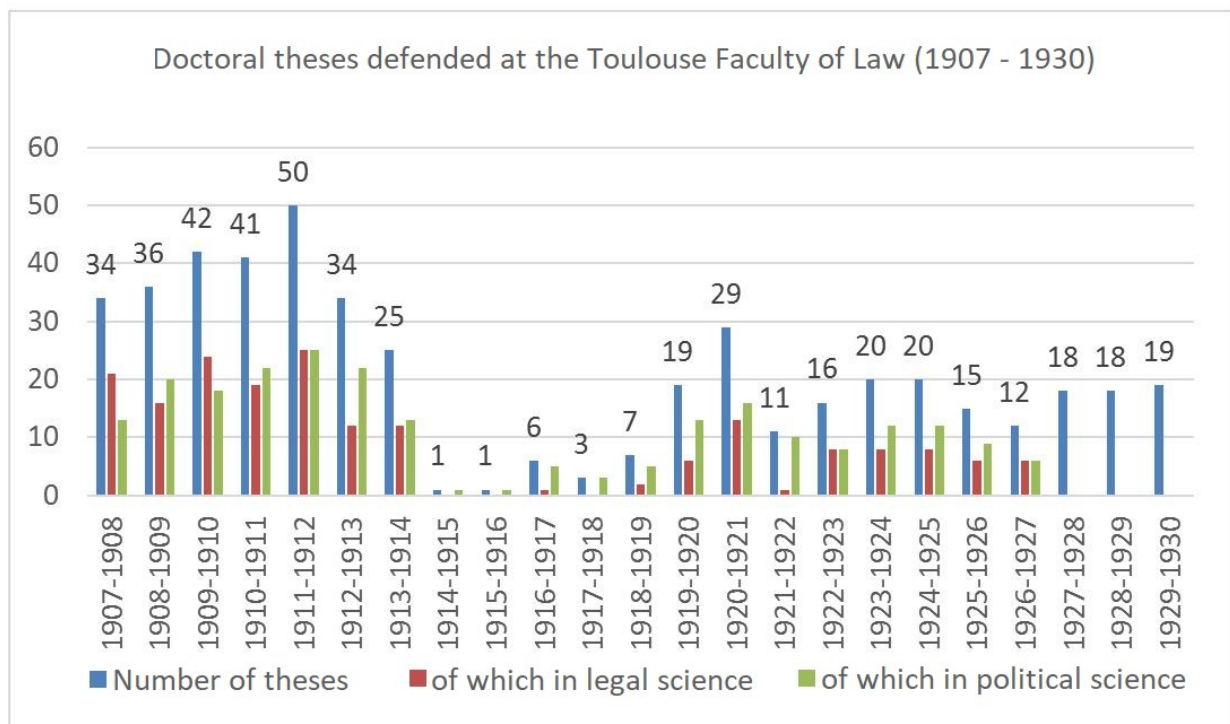
The first effect of the war on the production of theses at the Toulouse Faculty of Law was first observed in the number of theses defended, which decreased drastically in 1914. The pre-war years saw regular defenses for thirty to forty theses, and even though the year 1911, with its 50 theses, marked the beginning of a decline (due both to a change in the conditions for awarding the doctorate in Toulouse in 1911 and a general decline in the number of students in all the faculties of the south affected by competition from Limoges and Clermont-Ferrand from 1909), the two years before the war still saw

34 and 25 [doctoral](#) defenses respectively.

But a total collapse occurred from the beginning of the war: only one thesis defended in 1914-1915, the same the following year, 6 in 1916-1917 and 3 in 1917-1918. In total, only 11 theses were defended at the Toulouse Faculty of Law during the war.

The year 1918-1919 saw little improvement with 7 theses defended. It was not until 1919-1920 that a timid recovery took place. The years 1919-1920 and 1920-1921 were those of a great retaking for the classes gone to the war (19 and 29 theses defended respectively). But, after the year 1921, and for the whole decade, the number of theses defended would no longer exceed 20 annual defenses.

*Graph 1. Evolution of the number of doctoral theses defended at the Toulouse Faculty of Law (1907-1930)*



The Great War thus marked a real break in Toulouse doctoral practices, a break that was both profound and lasting. The demographics of new doctors emerged from the war profoundly transformed. The contrast between the pre-war situation and that of the decade that followed is striking: not only was the average age of doctoral candidates increasing (on average 26-27 pre-war, to 27-30 between 1918 and 1928), but above all, the relative homogeneity of age observed until then in the candidates disappeared;

candidates over 30 had been an exception, they became a constant; in 1930, candidates born between 1876 and 1899 still defended their theses in the classes called during the war.

*Table 1: Evolution of the age of candidates during their doctoral thesis defense at the Toulouse Faculty of Law (1911-1930)*

<b>Academic year</b>	<b>Average age of defense</b>	<b>Age of youngest candidate</b>	<b>Age of oldest candidate</b>	<b>Standard deviation</b>	<b>Candidate share of called classes</b>
1911-1912	26,8	24	38	2,08	
1912-1913*	27,63	23	36	2,35	
1913-1914	26,24	22	32	2,38	
1914-1915			<i>1 thesis</i>		
1915-1916			<i>1 thesis</i>		
1916-1917	27,3	25	30	2,16	
1917-1918			<i>2 theses + 1 posthumous thesis</i>		
1918-1919	27	24	34	3,65	100%
1919-1920	29,16	24	39	3,65	100%
1920-1921	29,6	23	47	5,46	100%
1921-1922	27,8	25	32	2,18	100%
1922-1923	30	24	42	5,74	100%
1923-1924	28,3	23	35	3,52	95%
1924-1925	28,55	23	41	5,69	60%
1925-1926	28,6	21	51	7,48	53%
1926-1927	27,83	25	36	3,63	33%
1927-1928	29,72	23	57	7,55	33%
1928-1929	25,43	22	29	1,99	0%
1929-1930	26,68	21	36	3,23	10%

*\*a candidate was excluded from the statistics (ancien régime defense)*

The content of the theses, too, emerged transformed from the war. It crystallized a shift that had begun slowly since 1911: the doctorates in political and economic sciences

were now more numerous than those in legal sciences, during the war (of the 11 theses defended between 1914 and 1918, only one was in legal sciences) as after (of the 149 theses defended between 1918 and 1927, 91 were in political and economic sciences, more than 60%). Moreover, the war marked a break in the disciplinary distribution of theses. Before the war, private law reigned supreme (more than 53% of the 109 theses defended between 1911 and 1914, for 19% of theses in public law, 12% of theses in international, colonial and military law, 10% of theses in legal history and 5% of theses in criminal and procedural law). After the war, public law became equal to private law (31% of the 102 theses defended between 1918 and 1923, for 32% of theses in private law, 19% of theses in international, colonial and military law, 8% of theses in legal history and 8% of theses in criminal and procedural law). The return of peace saw the appearance of some theses in commercial, notarial, medical, or demographic and economic law, as many disciplines neglected or ignored before the war. Family law, profoundly transformed at the end of the war, flourished in nearly 15% of theses, when social law and that of transport and energy, acclaimed in the immediate pre-war period (25% of theses) were now reduced to the congruent portion.

The Toulouse doctors did not wait until 1914 to turn their eyes to military law, since 18 theses concerning war and its law were defended in the previous decade, between 1903 and 1914. All dealt almost exclusively either with military institutions and the status of soldiers (P. Vidal, *Les marchés de fournitures du département de la guerre* [War Department Procurement Contracts], 1903; R. de Lagonde, *Le recrutement de l'armée de mer en France et à l'étranger* [Recruitment of the Navy in France and Abroad], 1909; J. Mazars, *Le grade et l'emploi de l'officier* [Rank and Employment of Officers], 1911; G. Maurette, *De la condition du personnel civil des établissements de la Guerre* [On the Condition of Civilian Personnel in War Establishments], 1911; F. Astrié, *Le service hospitalier dans les guerres maritimes* [Hospital Service in Maritime Wars], 1912; L. Danès, *Organisation militaire des colonies* [Military Organization of the Colonies], 1912; P. Jacotot, *Organisation internationale des sociétés de secours aux militaires blessés des armées* [International Organization of Societies for the Relief of Military Injuries to the Army and the Navy], 1912; C. Seibel, *Les opérations de recrutement de l'armée de terre en France* [Army Recruitment Operations in France], 1913; L. Raymond-Clergue, *Les condamnés de droit commun et le service militaire* [Ordinary Legislation Convicts and Military Service], 1913), or on international law of armed conflicts (J. Colomer, *Aperçu général sur les principaux devoirs des neutres*

*dans les guerres maritimes* [General Overview of the Main Duties of Neutrals in Naval Warfare], 1906; L. Aragou, *Théorie générale de la contrebande de guerre* [General Theory of War Smuggling], 1906; M. Maurel, *De la déclaration de guerre* [On Declarations of War], 1907; G. Sabouroux, *Des réquisitions militaires en pays ennemi* [On Military Requisitions in Enemy Territory], 1907; J. Caussou, *Les conventions internationales de la Croix-Rouge* [The International Conventions of the Red Cross], 1909; J. Lioux, *Le droit de belligérance dans les dernières guerres continentales* [The Right of Belligerence in the Last Continental Wars], 1910; F. Coll, *L'occupation du temps de guerre* [Wartime Occupation], 1914). The military jurisdictions, although the object of several reforms at the beginning of the century, were the subject of only one thesis (A. Nazair-Blanc, *De la justice militaire et maritime et des réformes qui y ont été apportées durant ces dernières années* [On Military and Maritime Justice and the Reforms Made in Recent Years], 1913).

During the war, only one thesis dealt with military law (R. de Gouttes, *Le sursis en matière de justice militaire* [The Stay of Execution in Military Justice], 1918). More generally, war was only indirectly addressed, through social law (G. Carrière, *La représentation des intérêts et l'importance des éléments professionnels dans l'évolution et le gouvernement des peuples* [The Representation of Interests and the Importance of Professional Elements in the Evolution and Government of Peoples], 1917), criminal law (M. Achard, *L'avortement et la propagande anti-conceptionnelle* [Abortion and Anticonceptional Propaganda], 1917), colonial law (B. Couget, *Les colonies allemandes avant et pendant la guerre de 1914-1917* [German Colonies Before and During the War of 1914-1917], 1917) or constitutional law (P. Romain, *L'état de siège politique, histoire, déclaration, effets, levée* [The State of Political Siege, history, declaration, effects, removal], 1918).

After the war, the situation was more disparate: out of the hundred or so theses defended between 1918 and 1923, a dozen regarded military law, dealing with the international law of an ongoing war whose denomination was still not fixed (M. Cézerac, *Les réquisitions et contributions allemandes en France et en Belgique pendant la guerre de 1914-1918* [German Requisitions and Contributions in France and Belgium During the War of 1914-1918], 1918; P. Lacroix, *Le domaine aérien et la guerre. Étude sur les hostilités et la neutralité aériennes dans le conflit de 1914-1919* [The Air Domain and the War. Study on Aerial Hostilities and Neutrality in the 1914-1919 Conflict], 1919;

P. Boyer, *De la législation par voie d'arrêtés et des tribunaux chargés de l'appliquer établis en Palatinat par l'armée française d'occupation 1918-1919* [On the Legislation by Way of Decrees and the Courts in Charge of its Application Established in the Palatinat by the Occupying French Army 1918-1919], 1920; G. Tournié, *Les coopératives militaires* [Military Cooperatives], 1920; R. Roché, *Légitimité de l'occupation militaire française en territoire hellénique* [Legitimacy of French Military Occupation in Hellenic Territory], 1923; A. Roussel Le Roy, *L'abrogation de la neutralité de la Belgique, ses causes et ses effets* [The Abrogation of Belgian Neutrality, Causes and Effects], 1923), or institutions born of peace treaties and international conventions regulating the aftermath of the war (G. Alquier, *L'organisation internationale du travail, son activité depuis le traité de Versailles* [The International Labor Organization, its Activity since the Treaty of Versailles], 1922; J. Fourcade, *Le problème du désarmement et la conférence de Washington de 1921-1923* [The Issue of Disarmament and the Washington Conference of 1921-1923], 1923). Curiously, the matter of compensations was of little interest to Toulouseans, while debates in the House multiplied (H. Delpoux, *De l'indemnité des réquisitions militaires* [On the Compensation of Military Requisitions], 1922). Over the same period, a dozen theses focused on the consequences of the war by studying the legislation and institutions put in place at the end of the conflict, in terms of private and especially family law (E. Austray, *La femme protectrice légale des intérêts patrimoniaux des mineurs enfants légitimes* [Women as Legal Protectors of the Patrimonial Interests of Legitimate Minor Children], 1919; J. Duclos, *La légitimation des enfants naturels et la guerre* [Legitimation of Natural Children and War], 1920; P. Crozes, *La rectification des actes de l'état-civil, lois du 18 avril 1918 et 20 novembre 1919* [The Rectification of Civil Registry Documents, Laws of April 18, 1918 and November 20, 1919], 1921; G. Saint-Geniest, *La loi du 31 décembre 1917 et la restriction de la vocation héréditaire en ligne collatérale* [The Law of December 31, 1917 and the Restriction of Hereditary Vocation in Collateral Line], 1921; A. Segui, *Le triple instant des effets du divorce, loi du 26 juin 1919* [The Triple Instant of the Effects of Divorce, Law of June 26, 1919], 1923), of public law (C. Faure, *La loi du 27 juillet 1917, L'office départemental des pupilles de la nation* [The Law of July 27, 1917, the Departmental Office for Wards of the Nation], 1920; F. Prunet, *Le droit de réponse dans le régime actuel de la presse* [The Right of Reply in the Current Press Regime], 1920; F. Dugas, *La contribution extraordinaire des bénéficiaires de guerre et les membres des professions libérales patentés* [Extraordinary Contribution of War Profits and the Members of Patented Liberal Professions], 1921),

criminal law (J. Mary, *Étude juridique du délit de spéculation illicite sur denrées et marchandises et de la réforme des arts. 419 et 420 du Code pénal* [Legal study of the crime of illicit speculation in commodities and goods and the reform of the Arts. Art 419 and 420 of the Criminal Code], 1923), geopolitics (M. de Vernon, *La question de l'Escaut* [The Matter of the Scheldt], 1921). Therefore, in total, 20% of the theses of the period 1918-1923 dealt with military law or the legal consequences of the conflict.

But after 1923, military law received less and less interest. The 200 or so theses defended between 1924 and 1936 testify to this. Although the geopolitical issues generated by the conflict remained an object of study (L. Tzvetco, *Organisation de la circulation monétaire en Serbie et en Yougo-Slavie* [Organization of Monetary Circulation in Serbia and Yugoslavia], 1924; A. Plantié-Cazéjus, *La constitution de la Lettonie* [The Constitution of Latvia], 1925; R. Trazit, *La constitution de l'Autriche du 1<sup>er</sup> novembre 1920* [The Constitution of Austria of November 1, 1920], 1925; A. Rouzier, *La constitution de la Lithuanie et le statut de Memel* [The Constitution of Lithuania and the Statute of Memel], 1926), theses relating to military questions became rare (R.-L. Soullier, *La Société des Nations, son organisation, ses caractères, son œuvre générale, son rôle dans le maintien de la paix* [The League of Nations, its organization, its characteristics, its general work, its role in the maintenance of peace], 1924; R. Lasalle-Séré, *Le recrutement de l'armée noire* [The Recruitment of the Black Army], 1930; P. Estienny, *Le problème de la limitation et de la réduction des armements navals* [The Problem of the Limitation and Reduction of Naval Armaments], 1931; A. Tullié, *La Mandchourie et le conflit sino-japonais devant la Société des Nations* [Manchuria and the Chinese-Japanese Conflict before the League of Nations], 1935). The only notable fact is that the status of military pensioners and veterans, ignored in the immediate aftermath of the war, was the subject of two studies (J. Rivière, *Essai d'une théorie juridique des pensions militaires d'invalidité* [Essay on a legal theory of military disability pensions], 1925; J. Ayguebère, *Les exceptions au droit commun en faveur des anciens combattants* [Exceptions to ordinary legislation in favor of veterans], 1935). The figures, however telling they may be, must not, however, obscure a reality: the turn that occurred from 1924 onwards was not so much quantitative as qualitative. The way Toulouse doctoral students looked at war was no longer the same.

## **A new world to build... and then to forget?**

In 1900, Toulouse professor [Alexandre Mérignhac](#) prophesied that the “dernières années du xix<sup>e</sup> siècle [offriront] aux générations futures le spectacle extraordinaire de sociétés armées jusqu’aux dents [...] prêtes à se jeter les unes sur les autres dans des conflits plus terribles que les vieilles invasions barbares et cependant traversées en même temps par un souffle pacifique d’une puissance incomparable [last years of the 19<sup>th</sup> century [would offer] future generations the extraordinary spectacle of societies armed to the teeth [...] ready to throw themselves at each other in conflicts more terrible than the Barbarian Invasions of old, and yet blown at the same time by a peaceful breath of incomparable power]” (*La Conférence internationale de la paix*, Paris, 1900). This pacifism, for Mérignhac, must be nourished by the force of law if it does not want to fall into chimerical utopia. At the dawn of the 20<sup>th</sup> century, he was one of the main figures of “juripacism” (Théodore Ruysen), which earned him to be called in 1919 by Clemenceau at the head of an advisory committee attached to the Peace Conference.

That law was opposed to war was thus one of the main ideas transmitted by Mérignhac to his Toulouse students (he was the inescapable figure who presided over almost all pre-war thesis juries on military law or the international law of armed conflicts), and even to his colleagues, as evidenced by the [Dean Hauriou’s speech](#) at the opening of the 1914-1915 academic year: “Sans doute, l’heure présente ne paraît pas être favorable au droit ; c’est l’heure de la force brutale et du fait, mais soyez assurés que le temps de la force passera et que l’heure du droit sonnera de nouveau [...]. Avec la paix reparaitra le juriste. Il faudra que vous soyez prêts à jouer votre rôle et, par conséquent, il vous faudra travailler malgré les préoccupations de la guerre [Without a doubt, the present hour does not seem to be favorable to law; it is the hour of brute force and fact, but rest assured that the time of force will pass and that the hour of law will come again [...]. Peace will sound the return of the jurist. You must be ready to play your part and, therefore, you must study despite the preoccupations of war]”.

The Toulouse doctors of the Great War heard their dean’s call. The conditions for developing their thesis were harsh, marked by violence and mourning.

“Ceci est une œuvre de foi patriotique et sociale, de foi dans l’évolution et les merveilles du Travail, de foi dans les destinées éternelles de la patrie. En la présentant aujourd’hui, nous n’avons pas eu la pensée de faire une étude complète : le champ d’action est trop vaste pour épuiser la matière et subir d’incessantes transformations ; les moyens étaient aussi trop limités, la vie militaire ne pouvant donner ni les loisirs, ni

les commodités nécessaires aux recherches laborieuses et précises. L'idée de ce livre est née du spectacle de notre insuffisance économique. Sa réalisation est une œuvre de guerre : elle en présente les lacunes et les caractères d'improvisation. Puisse cependant l'indulgence du lecteur y reconnaître une contribution modeste à l'œuvre urgente de résurrection nationale sur le terrain professionnel, où les énergies pacifiques doivent s'épanouir en un avenir prochain, comme fleurissent aujourd'hui les courages sur les champs d'héroïsmes [This is a work of patriotic and social faith, of faith in the evolution and wonders of Labor, of faith in the eternal destinies of the motherland. In presenting it today, we did not seek to make a complete study: the field is too vast to exhaust its matter and undergoes incessant transformations; the means were also too limited, the military life could not give neither the leisure nor the conveniences necessary for laborious and precise research. The idea for this book was born of the spectacle of our economic inadequacy. Its realization is a work of war: it presents its gaps and its characteristics of improvisation. May the indulgence of the reader, however, recognize it as a modest contribution to the urgent work of national resurrection on the professional terrain, where peaceful energies must flourish in the near future, as courage flourishes today on the fields of heroism!]" (G. Carrière, *La représentation des intérêts et l'importance des éléments professionnels dans l'évolution et le gouvernement des peuples* [The representation of interests and the importance of professional elements in the evolution and government of peoples], 1917)

“De l'amas de mes notes, documents, méditations je n'ai dégagé qu'une silhouette, je le vois bien. À mon travail il manque le labeur patient du praticien, qui accuse les reliefs, affine les traits, nuance, polit, met au point ; tâche délicate mais charmante, caresses à son œuvre, doux égoïsme, exquis raffinement dont m'a sevré une existence bien dure et cahotée depuis le deuxième jour de la mobilisation. Je suis sans illusion. Je livre ma thèse telle qu'elle fut écrite en premier jet, dès juillet 1914, avant le drame prodigieux où se jouent à la fois les destinées de cette civilisation gréco-latine qui, depuis près de 3000 ans, émerge au-dessus des pensées humaines, et celles aussi de la Patrie, drame où le monde anxieux reconnaîtra, pour des siècles peut-être, le meilleur génie de l'humanité [From the mass of my notes, documents, and meditations I have drawn only a silhouette, I can see it clearly. My work lacks the patient labor of the practitioner, who accuses the reliefs, refines the features, nuances, polishes, develops; delicate but charming task, caresses his work, sweet egoism, exquisite refinement from which I weaned a very hard and bumpy existence since the second day of the mobilization. I

have no illusions. I hand in my thesis as it was written in the first draft, in July 1914, before the prodigious drama in which the destinies of this Greco-Latin civilization, which for nearly 3000 years has emerged above human thoughts, and also those of the Motherland, a tragedy in which the anxious world will recognize, perhaps for centuries, the greatest genius of humanity]" (L. Valatx, *Monographie sur le mouvement de la population dans le département du Tarn de 1801 à 1911* [Monograph on the movement of population in the department of Tarn from 1801 to 1911], 1917)

"À mon frère Paul Couget, soldat au 83<sup>e</sup> de ligne, disparu depuis le combat de Bertrix, le 22 août 1914, à l'âge de 19 ans [To my brother Paul Couget, soldier in the 83<sup>rd</sup> of the line, MIA since the battle of Bertrix, August 22, 1914, at the age of 19]" (B. Couget, *Les colonies allemandes avant et pendant la guerre de 1914-1917* [The German colonies before and during the war of 1914-1917], 1917)

But their writings were driven by the conviction that war is for the jurist a true revealer of the world of tomorrow. In this sense, doctoral work, which prepares peace and the future, was another way of serving. Doctors in the Great War felt invested with a mission, in the most mystical sense of the word.

"Puissent cette étude et les conclusions qui s'en dégagent servir la France dans sa lutte contre l'empire d'Allemagne et dissiper quelques erreurs et quelques préjugés ! De toute son âme, l'auteur a voulu être utile à son pays et, selon ses moyens, SERVIR [May this study and the conclusions that emerge from it serve France in its struggle against the German Empire and dispel some errors and prejudices! With all his soul, the author wanted to be useful to his country and, according to his means, TO SERVE]". (B. Couget, *Les colonies allemandes avant et pendant la guerre de 1914-1917* [The German Colonies Before and During the War of 1914-1917], 1917)

"Il y va de l'avenir de notre patrie par un impérieux dilemme posé à la France : promesse d'un harmonieux développement si elle intensifie son effort, menace d'un rapide dépérissement si elle l'interrompt. Or la guerre, qui fournit la juste mesure des énergies d'une nation, aura révélé à l'étranger notre puissance réelle, mais elle nous aura montré aussi ce qui nous manquait ; et il faudra que la France, après sa victoire militaire prochaine, développe par une solide organisation professionnelle sa prospérité économique, soutien nécessaire de sa gloire, fin logique de ses efforts [...] Il y a de même pour la France une nécessité vitale de faire un vaste effort pour répondre enfin à

la formidable concurrence d'un ennemi pour qui la catastrophe mondiale constitue un des moyens pour assurer l'hégémonie économique ; il importe même de se hâter, car la période qui s'ouvrira dès la paix semble devoir fixer les destinées des nations de la vieille Europe et déterminer pour longtemps leur place respective dans le monde. Un devoir pressant appelle donc les jeunes générations – celui de se préparer par le travail, par une constante activité, à ennoblir et élever toujours plus haut leur patrie ! Et c'est une vie de labeur et de dévouement qui va s'imposer à tous ses enfants. Mais ils auront heureusement, pour faciliter leur œuvre, tous les éléments de notre puissance économique : la fécondité de notre sol, la douceur de notre climat, la richesse de nos mines et les forces hydro-électriques de nos montagnes, la ténacité, l'ordre et l'économie de nos paysans, l'habileté de nos ouvriers. Et, autour de ces enfants de France qui montent à la vie et au travail, se presseront aussi ceux qui reviendront de la grande guerre, avec des pensées plus vastes et un idéal agrandi : nos ouvriers et nos paysans des tranchées n'ont plus pour horizon leur demeure et leur village, leurs champs et leur atelier, leurs rivalités et leurs passions ; ils ont gravi, en un dur calvaire, tous les sommets d'où les brumes s'éloignent et les nuages vaporeux disparaissent au clair soleil, pour leur offrir un immense horizon : de là, c'est aujourd'hui la patrie entière qu'ils découvrent ! [This is about the future of our homeland in an imperious dilemma posed to France: the promise of harmonious development if it intensifies its effort, and the threat of a rapid withering away if it interrupts it. However, war, which gives a spurge of energy to a nation, will have revealed abroad our real power, but it will also have shown us what we lacked; and it will be necessary for France, after its nearing military victory, to develop by a solid professional organization its economic prosperity, the necessary support of its glory, the logical end of its efforts. [...] It is likewise vital for France to make a vast effort to finally respond to the formidable competition of an enemy for whom the world catastrophe constitutes one of the means to ensure economic hegemony; it is even important to hurry, because the period which will open with peace seems to determine the destinies of the nations of old Europe and set their places in the world for a long time to come. A pressing duty therefore calls on the younger generations – that of preparing themselves by work, by constant activity, to ennoble and elevate their homeland ever higher! And it is a life of work and dedication that will be imposed on all its children. But fortunately they will have, to facilitate their work, all the elements of our economic power: the fertility of our soil, the mildness of our climate, the wealth of our mines and the hydroelectric forces of our mountains, the tenacity, order and economy of our peasants, the skill of our workers. And around these

children of France rising to life and work shall gather those who will return from the Great War, with wider thoughts and an enlarged ideal: our workers and peasants in the trenches no longer have their homes and villages, their fields and their workshops, their rivalries and their passions as their horizon; they have climbed, through a great ordeal, all the summits from which the mists are receding and the vaporous clouds disappear in the splendid sun, to offer them an immense horizon: from there, today, it is the entire homeland that they discover!]" (G Carrière, *La représentation des intérêts et l'importance des éléments professionnels dans l'évolution et le gouvernement des peuples* [The representation of interests and the importance of professional elements in the evolution and government of peoples], 1917)

"De tous les problèmes sociaux qui s'imposent à l'heure actuelle à l'attention publique, le plus pressant, je dirai même le plus poignant, est le problème démographique. Sa solution est en effet pour le pays une question de vie ou de mort. Que les problèmes fiscal, constitutionnel, électoral reçoivent une solution plus ou moins éloignée, la justice et la vérité économique et politique en pâtiront peut-être, mais le pays vivra. Au contraire, l'ajournement de la solution du problème démographique prolongera la maladie dont souffre le pays et, à brève échéance, entraînera sa disparition [Of all the social problem that are now coming to public attention, the most pressing, I would say the most poignant, is the demographic issue. Its resolution is indeed for the country a matter of life or death. Whether fiscal, constitutional, electoral problems are solved more or less remotely, justice and economic and political truth may suffer, but the country will live. On the contrary, the postponement of the solution of the demographic issue will prolong the disease from which the country suffers and, in the short term, will lead to its disappearance]". (L. Valatx, *Monographie sur le mouvement de la population dans le département du Tarn de 1801 à 1911* [Monograph on the movement of population in the department of Tarn from 1801 to 1911], 1917)

"L'expérience a prouvé que c'est précisément dans l'armée, et surtout en temps de guerre, que l'institution du sursis peut donner le plus de résultat et jouer le mieux son rôle pour la rééducation du sens moral et le relèvement des coupables. [...] L'expression de *nation armée* n'a jamais mieux qu'aujourd'hui traduit la réalité, – toutes les forces vives de la nation sont militarisées : sous ce régime, et dans les conditions anormales résultant de la guerre, que d'occasions se présentent pour beaucoup de se mettre dans la position critique de *délinquants primaires* ! – Mais aussi que d'occasions

pour se racheter et se régénérer par l'accomplissement du devoir militaire devant le danger et dans la souffrance [Experience has proven that it is precisely in the army, and especially in time of war, that the institution of suspended sentence can yield the most results and best play its role in the re-education of the moral sense and the rehabilitation of the guilty. [...] The expression 'armed nation' has never better than today conveyed reality – all the vital forces of the nation are militarized: under this regime, and under the abnormal conditions resulting from war, many opportunities arise for many to put themselves in the critical position of primitive criminals! – But also so many opportunities to redeem and regenerate oneself through the fulfillment of military duty in the face of danger and suffering]”. (R. de Gouttes, *Le sursis en matière de justice militaire* [The suspended sentence in military justice], 1918).

“L’effroyable conflit qui ensanglante et désole l’Europe aidera bien, nous voulons du moins le croire, à comprendre la puissance du lien social et la souveraineté de l’union de tous. Tout un monde est à refaire [The terrible conflict that bleeds and ravages Europe will help us to understand the power of the social bond and the sovereignty of the union of all. A whole world has to be remade]”. (M. Achard, *L’avortement et la propagande anti-conceptionnelle* [Abortion and Anticonceptional Propaganda], 1917).

These convictions, still shared in the immediate post-war period, gradually faded from the theses of Toulouse doctors from 1924-1925. Henceforth, war no longer appeared as the starting point of legislation designed to endure and shape the future of the nation, but as an extraordinary parenthesis. More than a factory of the norm, war became seen as a factory of exception.

“Toutes ces dispositions ont leur source morale : le principe de la communauté nationale, qui veut l’effort de non victimes au profit des victimes de la guerre, en est la base. S’en est-on tenu là ? Il est difficile encore de le savoir. Demain peut-être, se rendra-t-on compte que la générosité poussée à l’extrême n’est pas générosité et que bien des dispositions se réclament plutôt de la crainte et du laisser-aller des pouvoirs publics que du souci de l’équité. L’après-guerre aura été, et est encore marqué du signe de la complaisance et de la facilité. On a oublié le devoir pour penser trop au droit et généraliser l’idée de profit en oubliant que l’abnégation est surtout, en certaines circonstances, une vertu sociale nécessaire. Les anciens combattants avaient des droits, c’est exact, et au premier chef celui de se donner en exemple. Si dans le domaine économique, ou plus exactement, si les finances nationales ne pouvaient

supporter les lourdes charges qu'ont imposées les parlementaires, c'est-à-dire ceux qui n'en devaient pas faire les frais, que feraient les anciens combattants en face de la jeunesse ? Monsieur Clemenceau a dit : « Ils ont des droits sur nous ». Certes, il n'est pas contesté que les anciens combattants diminués dans leurs forces vives par quatre ans d'efforts physiques et moraux d'une extraordinaire intensité, aient droit à une compassion nationale et à des compensations juridiques. Il ne doit pas l'être davantage que les anciens combattants aient des devoirs et parmi ceux-ci que le respect de l'avenir national soit le premier de tous. Il importe donc, à notre sens, qu'il soit mis un terme à cette législation d'exception. Il importe même que certaines de ces dispositions, comme la retraite du combattant, susceptibles d'obérer les budgets futurs, disparaissent. Il importe enfin que tous les préjudices soient réparés, mais que chacun reprenne dans la société une position qui n'est pas plus celle du créancier que du débiteur... C'est celle que chacun doit s'y faire par son courage, son travail et son dévouement au pays. Il n'est pas possible que les anciens combattants en disconviennent[All these dispositions have their moral source: the principle of national community, which claimed the effort of non-victims for the benefit of the victims of war, is the foundation. Did we leave it at that? Difficult to know. Tomorrow, perhaps, it will be realized that generosity taken to the extreme is not generosity and that many provisions are based more on fear and letting go of public authorities than on concern for equity. The post-war period will have been, and is still marked by the sign of complacency and ease. One has forgotten duty to think too much about entitlement and generalize the idea of profit by forgetting that self-denial is above all, in certain circumstances, a necessary social virtue. Veterans had rights, that is true, and first and foremost the right to set an example. If in the economic field, or more precisely, if national finances could not bear the heavy burdens imposed by parliamentarians, that is to say those who did not have to pay the price, what would veterans do in front of the youth? 'They have rights over us,' said M. Clemenceau. Admittedly, it is not disputed that veterans diminished in strength by four years of extraordinarily intense physical and moral effort are entitled to national compassion and legal compensation. It should not be any more that veterans have duties and among them that of respect for the national future is the first of all. We therefore believe that it is important to put an end to this emergency legislation. It is also important that some of these provisions, such as military retirement, which could affect future budgets, should disappear. Finally, it is important that all damages be repaired, but that everyone take up a position in society that is no more that of the creditor than that of the debtor... This is what everyone has to do with their

courage, their work and their dedication to the country. It is not possible for veterans to disagree]”. (J. Aynegère, *Des exceptions au droit commun en faveur des anciens combattants* [Exceptions to Ordinary Legislation in Favour of Veterans], 1935).

### **A singular event: Ludovic Valatx’s posthumous thesis (1917)**

On Tuesday, December 18, 1917, the posthumous defense of Ludovic Valatx, 1<sup>st</sup> class aide-major, doctor of medicine and law graduate, died on August 17, 1916 following an illness contracted at the front, at the age of 41.

This defense was the only posthumous defense that the Toulouse faculty would hear during the war. It was reported at length in an article in *L’Express du Midi* (December 22, 1917). Despite the phraseology and pathos of the time, everything was said about what this extraordinary posthumous defense may have been, where a tribute speech by Dean Hauriou preceded the presentation of the thesis by President Houques-Fourcade and suffragans César-Bru and Rigaud. This thesis, entitled *Monographie sur le mouvement de la population dans le département du Tarn de 1801 à 1911* [Monograph on the movement of population in the department of Tarn from 1801 to 1911], received the highest honors and unanimous praise. The report was drawn up on the register of theses, accompanied by a mention in Maurice Hauriou own hand: “Soutenance d’une thèse posthume, le docteur Valatx étant mort pour la France par suite de maladie contractée au front, le 16 août 1916, laissant sa thèse achevée et imprimée [Defense of a posthumous thesis, Dr. Valatx having died for France as a result of illness contracted at the front, on August 16, 1916, leaving his thesis completed and printed]”.

Ludovic Valatx had written his thesis in the summer of 1914, before his mobilization. During the war, he added an introduction and, in a rare manner, a postscript describing his aspirations for peace.

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