The Toulouse Faculty of Law in the war

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Faculté de Droit de Toulouse

Session extraordinaire

Une session extraordinaire d'examens s'ouvrira à la Faculté de Droit le 24 février 1915.
Le registre d'inscription à ces examens sera clos le 13 février.
Seront seuls autorisés à s'inscrire les étudiants qui, ajournés à la session de juillet ou autorisés à se présenter à la session de novembre, n'ont pas pu, *à raison de leur appel sous les drapeaux*, se présenter à cette session, *s'ils ont été depuis cette date renvoyés dans leurs foyers.*

On June 9, 1929, on the occasion of the commemoration of the 700th anniversary of the creation of the University of Toulouse, law historian Joseph Declareuil (1863-1938) recounted the history of the institution. He mentioned “twenty generations of masters and students who successively appeared, thought, acted, fought to acquire knowledge, then vanished under the veil of the fleeting time” and proposed to “draw some lessons from this great past”. Unwinding the thread of the long history of the Studium Tolosanum, he focused little on the law school during the late 19th and early 20th centuries. He quickly alludes to new chairs and courses, the creation of institutes, relations with practical law and notarial schools, and the reformation of the University of Toulouse in 1906. He, like other speakers, ignored the heavy contribution of the Toulousian university, in particular the students and alumni of the law school, to the Great War. What is the meaning of this “omission”? Was it intended by the speaker? Is the memory of the war too close for witnesses to document as historians? Still, the First World War left its mark within the law school. In addition to the memory of those who died for France, materialized by the monument erected on the faculty premises, various

elements, although they are less visible, contribute to the creation of a history of the daily life of jurists in the particular context of the war. In front of the university board in 1916, Hauriou stated that “in the face of a war that wound up creating a sustainable state, [the university] had to adapt to this state in the arrangement of its premises, in the distribution of its teaching, in the establishment of its budget” (University Library of Toulouse, 90227, Rapport du conseil de l’université pour l’année 1915-1916, p. 9).

Staff, operations and courses can shed light, among others, on the daily life of the faculty during the four years of war. To appreciate its impact, we need to understand the life of the institution as closely as possible. In the absence of sufficient individual testimonies left by contemporaries, the best source of continuous information for this period is the register of assemblies and boards of the faculty. More or less “talkative” as an account of information provided, this documentation provides an overview of the main issues that have been brought to the attention of faculty teachers. It informs us about the actors involved in deliberation and decision making within the institution.

First of all, the assembly brought together all of the professors, associates and lecturers holding the doctorate who have a simple advisory voice. It was to deliberate on all matters relating to education, especially the curricula of courses and conferences. The board was then made up of senior professors. It deliberated on the budget of the faculty, the acceptance and use of donations and bequests, and made regulations to ensure the attendance of students. Finally, the dean, who convened and chaired the two previous bodies, was chosen amongst the professors and then appointed by the Minister for a renewable term of three years. This was the case in Toulouse for Maurice Hauriou since 1906 and in Paris for Ferdinand Larnaude since 1913. The decree of December 28, 1855 specified that the dean represented the faculty, ensured its internal administration and police. He ensured the execution of the deliberations of the meeting and the board. He made certain to comply with laws, regulations and instructions as well as the regular conduct of lectures, conferences and examinations. Finally, he administered faculty property, prepared budgets and committed to expenditures.

During the Great War (August 3, 1914 to November 11, 1918), 22 assemblies and 9 board councils were held. The latter were less and less frequent and the board was not convened between May 1916 and May 1917. The main body became the Assembly, which started to exercise some of the powers vested in the Board. This was the first organic and functional manifestation of an exceptional situation with regard to the text of

the 1885 circular.

The report of the university board mentions 87 Toulousian professors mobilized, 8 of them for the law school out of 19, as well as 31 people from the offices and auxiliary services. The rate was comparable to the 43% of all law school teachers. Their situation at the beginning of the conflict was presented in the report of the university board: “Professors have been mobilized but remained here and, thanks to the facilities given by the military authority, they served the faculty with great dedication. They are Mérignhac and Perreau, mobilized in the military stewardship; Fraissaingea, in the health service; Gheusi and Mestre, in the service of the war councils; Magnol in the military bureau of censorship; Fliniales, in the auxiliary service of the offices; Polier has contracted the special commitment of the Dalbiez law to contribute to the service of the control of telegrams, in which the dean also participates as a civilian. Cézar-Bru is president of the allocations commission of the Villefranche district. Thomas is an interpreter for the German prisoners on rue Caraman” (Rapport du conseil de l’université pour l’année 1914-1915, p. 24). The reports of the university board then make it possible to follow, along with the individual files of the teachers, their different assignments during the time of their mobilization. Teachers avoided the front, but they engaged in a “legal” war and they mobilized by accepting the 2% levy on their annual salary to meet the “misfortunes caused by the war”. Many of the faculty’s alumni as well as those who had not completed their studies were soon exposed.

There were no significant changes in the list of optional courses and lectures given to the men and the few women who were taught during the war. The former were given by the chairholders. As their number was limited, they were paid by the state. During the conflict, all courses were maintained. Hauriou mentioned in the report to the university board for the year 1913-1914 that the first day of the academic year “followed its normal course and [that] all the essential courses can be given in the coming year.” In addition to the lectures, there were additional publicly funded courses. The assembly of 6 June 1914 adopted the following list:

Courses paid by the State

- Doctorate level: Administrative Law by M. Hauriou; Principles of Public Law by M. Mestre; History of French Public Law by M. Declareuil; History of French Law by M. Thomas; Industrial Legislation and Economics by M. Perreau;

- Bachelor’s Degree level: Public Law by M. Fliniales;
- Capacity certificate level: Elements of civil law by M. Bressolles; Elements of public and administrative law by M. Ebren; Elements of civil law by M. Cézar-Bru.

Courses paid by the university

- Doctorate level: Political Economy by M. Houques-Fourcade; History of Economic Doctrines by M. Polier; Rural Legislation and Economy by M. Gheusi; Labor and Social Security Legislation by M. Dugarçon;
- Doctorate and Bachelor’s Degree level: Colonial Legislation and Economics by M. Mérignhac;
- Bachelor’s Degree level: Maritime Law by M. Fraissaingea;
- Special courses: History of Southern Law by M. Thomas; Correctional Science by M. Magnol; Special Criminal Law by M. Magnol; Special Lecture on Administrative Law by M. Dugarçon.

For the year 1914-1915, the dean of Toulouse, despite the ministerial memorandum of October 9, 1914 abolishing the complementary courses and the reduction of financial resources, thanked his colleagues so: “Thanks to the presence in Toulouse of all the staff of the faculty, all lessons were provided, even the complementary courses. Undoubtedly, the University had been obliged to abolish the remuneration of those it paid, and the State itself has reinstated only some of its dependents. Nevertheless, the staff took pride in giving them all as usual”(Rapport 1914-1915, p. 24). The question was important to Dean Hauriou, who discussed at length the matter of the organization and remuneration of supplementary courses during the assembly of February 21, 1915 and in his report to the university board for the year 1914-1915. Having obtained that the six courses be paid by the State, the capacity certificate level ones excluded, be restored and financed, it was decided that the “six instituted professors will give the faculty all the remuneration of their complementary classes […] so that all the necessary complementary courses can be restored with equal remuneration for all the lecturers”. Solidarity and continuity were the two key words of the dean’s position. The list of supplementary courses for the second semester of 1914-1915 was then fixed so:

- Capacity certificate level: Public and administrative law;
- 1st year: Civil law;
- 2nd year: Civil law;

- Bachelor’s Degree level: Colonial Legislation; Industrial Legislation; Maritime Law; Public Law
- Bachelor’s and Doctorate in Law. – Penitentiary science and criminal law;;
- Doctorate in Law: History of French Law; Administrative Law; Principles of Public Law;
- Political Doctorate: History of Public Law; Political Economy; History of Economic Doctrines; Rural Legislation.

The operation of the faculty in its mission of teaching was of paramount importance for Hauriou, as he expressed again for the year 1915-1916: it is “an imperative duty to make the services for which [the faculty] is responsible function with regularity, demonstrating through selflessness and redoubled zeal, its dedication to the national cause” (Rapport 1915-1916, p. 12). The two first-year courses of capacity certificate level that had been abolished since November 1914 were reinstated with State loans in November 1918. The university board did the same for the History of Economic Doctrines course.

Finally, the optional conferences provided for by the decree of August 22, 1854 and the decree of January 10, 1855 concerned “the development and application of the principles set out in lectures”. They were entrusted to associates and lecturers. Since the law of July 28, 1895, one had to pay to attend these conferences (50 francs per semester), with some exemptions, and the profits were used to pay conference officers. The first semester of 1913-1914 counts 99 known attendants. They are in first year of Bachelor’s (22), second year (25), third year (24) and doctorate (28). Each of the seven lecturers (Cézar-Bru, Declareuil, Dugarçon, Fliniaux, Hauriou, Magnol and Mestre) received just under 600 francs. These lectures, after having benefited from an increasing audience since the beginning of the 19th century, experienced great difficulties from 1914 onwards. The numbers of staff fell and, as a result, the incomes of lecturers dropped significantly (under 90 francs in the second semester of 1917-1918). In 1918, the faculty expressed the hope that such lectures, useful for the practical training of lawyers, would be “made compulsory” with a special staff of lecturers and documentary credits assigned (Archives de l’université des sciences sociales – Toulouse-1-Capitole, 2Z2-16, p. 257).

Evolution of enrollment in optional conferences at the Toulouse Faculty of Law (1913-1922) – Taken from O. Devaux and F. Garnier, Ceux de la faculté : des juristes

toulousains dans la Grande Guerre, coll. « Étude d'histoire du droit et des idées politiques », n° 24, Toulouse, 2017, p. 79, Table 1.

Year		No. of paying students	No. of exemptions
1913-1914	1st semester	99	6
	2nd semester	100	6
1914-1915	1st semester	21	4
	2nd semester	13	3
1915-1916	1st semester	26	2
	2nd semester	22	3
1916-1917	1st semester	16	1
	2nd semester	8	0
1917-1918	1st semester	20	2
	2nd semester	12	1
1918-1919	1st semester	0	0
	2nd semester	13	0
1919-1920	1st semester	38	4
	2nd semester	36	3
1920-1921	1st semester	64	4
	2nd semester	45	3
1921-1922	1st semester	69	5
	2nd semester	68	0

In connection with studies at the law school and the organization of annual group meetings, the assembly agreed on the proposal of the dean to suspend the solemn distribution of prizes for the winners of the 1913-1914 competitions (November 25, 1914). A ministerial memorandum (March 15, 1915 and February 23, 1916) informed the academic community of the abolition of the competitions held each year. This remained the case in the following years until the end of the conflict (meeting of the assembly of May 16, 1918). The students whose studies had been interrupted by the war and the situation of those who had been demobilized were the subject of special measures. In the first case, a commission was appointed within the faculty assembly to

respond to the Minister's request to put "remedial measures" in place. Meeting on January 12, 1918, the assembly proposed transitional arrangements for the arrangement of timetables for courses and for the reduction of the length of the subjects under consideration. These provisions were to apply to "mobilized students who, during the period of the war, were prevented from completing their courses, as well as for the baccalaureate graduates of the year 1914 and those after" (Archives de l 'université des sciences sociales – Toulouse-1-Capitole, 2Z2-16, p. 258). In the spring of 1918, the ministry specified the measures to be taken for the education of the mobilized students. Hauriou asked his colleagues to "stand ready to form the examination boards" that could be convened in the fall of 1918 to examine these students.

A few months after the end of the hostilities, dry administrative lines in the university board report mention that "the staff having found themselves in full, the life of the faculty resumed its normal course and all the teachings could be given there regularly" (Bibliothèque universitaire de Toulouse, 90227, Rapport du conseil de l'université pour l'année 1918-1919, p. 18).

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