Dean Larnaude’s speeches

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In its 1900 issue, the *Revue internationale de l’enseignement [International Review of Education]*(*IRE*) transcribed a speech delivered by Dean Ernest Glasson (1899-1906 deanship) on the occasion of the presentation of the prizes of the Faculty of Law. The statement on *the development of teaching in the Paris Faculty of Law in the nineteenth century* concludes with the prospects of a hoped-for future for the institution: ” *Que notre chère École continue sans interruption sa marche progressive, et que pendant ce vingtième siècle qui sera peut-être une époque de luttes formidables, elle reste, par la fermeté inébranlable de ses doctrines, un des représentants de la science les plus autorisés du Droit contre les abus de la force. Que la France remplisse sa mission en s’inspirant de l’esprit moderne, sans renier son passé, ce qui a fait sa*

grandeur ; qu'elle reste par son patriotisme, la France de Jeanne d'Arc, par sa tolérance la France de Henri IV, par son amour de la Justice de (sic) *France de 89* [May our dear School continue its progressive march without interruption, and during this twentieth century which will perhaps be a time of formidable struggles, may it remain, by the unshakable firmness of its doctrines, one of the most authoritative representatives of the science of law against the abuse of force. Let France fulfill her mission, inspired by the modern spirit, without denying the past that made her great; let her remain, in her patriotism the France of Joan of Arc, in her tolerance the France of Henri IV, in her love of Justice the France of'89]" (*RIE*, 1900, p. 207). The Great War was to give a dramatic echo to this call to defend the law.

Since the decree of December 28, 1885, the faculty board presented two candidates for deanship, to be chosen by the Minister of Education. Assessor to Dean Paul Cauwès since March 1910, Ferdinand Larnaude had been holding the chair of general public law in Paris since April 1892 and founded the *Revue du droit public* (*RDP*) in 1894. After his election on July 11, 1913 (32 votes out of 43), this Republican was appointed dean for 3 years starting on the November 1st.

Before the war, the Paris Faculty of Law had 39 tenured professors, 4 assistant professors and 2 associate professors, for 7,822 students. The numerous works devoted to it testify to the rather distant relations it had with power, towards which it displayed a neutrality of principle – which did not prevent its members from being involved in high positions individually, and its alumni from being present in political, administrative or legal circles localized in Paris (Court de Cassation [French Supreme Court], Conseil d'Etat [HIghest administrative Court in France], Court of Appeal of Paris). The Great War chipped the institution's neutrality, as evidenced by the academic, legal and political involvement of its dean, whose path can be followed through the study of his speeches – namely the speeches whose text was transcribed in the reports of the faculty board, but also those recorded in other sources (daily newspapers, the *IRE* or the *Livre d'or [Golden Book]* published after the war).

The last board meeting of the academic year took place on 27 July 1914, the eve of the summer holidays; nothing on the report reflects the threat of impending war, since it deals with practical questions, such as the postponement by a week of the start of classes in November, in view of the large number of adjournments to the July session. When the board meetings resumed on Saturday, September 5, some professors were

already mobilized and a number of students were already being mourned. While Paris was preparing to resist the threat of occupation, the faculty organized for a war that was still expected to be short, and which forced the academy to redefine the service of the teachers mobilized during the first semester.

On November 3, 1914, 15 French universities signed the text entitled *Les universités françaises aux universités de pays neutres [From French Universities to the Universities of Neutral Countries]*. It was a matter of reacting to the protests of German universities regarding the accusations against their country (*Appel aux nations civilisées [Appeal to civilized nations]* launched by 93 intellectuals representing German science and art; *Appel de Berlin [Berlin Appeal]* of October 10 1914, launched by the masters of higher education, approved by 53 universities and schools, and bearing 3,200 signatures). After the violation of Belgian neutrality, French universities not only condemned the military enemy, but they pointed to the responsibility of their German counterparts, summarized in the formulation of Chancellor Theobald von Bethmann Hollweg on August 4, 1914: " les traités sont des chiffons de papier [Treaties are scraps of paper]". Former law student at the faculties of Strasbourg, Leipzig and Berlin, he justified the non-observance of the guarantee of neutrality by the fact that in a situation of war, the end justifies the means. Notwithstanding the qualities of German legal science, French universities accused " la pensée allemande [de] se déclarer solidaire, tributaire et sujette du militarisme prussien, […] emportée par lui, elle prétend à la domination universelle [German thought [of] declaring itself to be aligned with, dependent on and subject to Prussian militarism, […] and carried away by this militarism, it claims universal domination]" (*IRE*, 1914, t. 68, p. 245-246).

It was in this context that Larnaude spoke to his colleagues on November 7, 1914. On the eve of the start of the school year, since the abolition of prize distributions prevented him from speaking publicly on behalf of the faculty, he took advantage of the publicity given to the board meeting by the installation of two new aggregates (Barthélémy and Demogue) to fulfill what he considered " comme un des devoirs les plus sacrés de (sa) charge [as one of the most sacred duties of [his] office]". Effective publicity, since this speech was mentioned in *Le Temps* of November 11, 1914 and reproduced in the end-of-year issue of the *IRE* (p. 287; it accompanies two other speeches at the start of the academic year at the University of Paris: that of Alfred Croiset, dean of the Faculty of Humanities ("La civilisation française", p. 248) and that of Ernest Lavisse, Director of the

École normale supérieure (“La guerre”, p. 256)).

Despite the faculty’s reluctance to hold public events, the context justified the speaking out of an institution ” plus atteinte qu’aucun autre corps de l’État, à raison de la nature même de son enseignement et de sa mission, par la violation de tous les principes dont elle enseigne la sainteté et le respect [more affected than any other body of the State, because of the very nature of its teaching and its mission, by the violation of all the principles whose holiness and respect it teaches]”. This speech set the first milestones of the “legal war” in which lawyers would support the military effort; it also set the tone for the personal and collective investment of the members of the Paris Faculty of Law, behind their dean. As if echoing Glasson’s speech, the faculty was presented as providing the education that allowed soldiers to fight against “the invasion of new barbarians“. Through a binary rhetoric that opposed French loyalty and humanity to German perfidy and cynicism, the dean made military atrocities the consequence of the doctrines taught by German universities: ” c’est leur enseignement même qui a empoisonné l’esprit public allemand, détraqué les cerveaux allemands, et déchaîné, par la mégalomanie qu’il a engendrée, les convoitises les plus odieuses [It is their very teaching that has poisoned the German public mind, deranged German brains, and unleashed, by the megalomania it has engendered, the most odious lusts]”. Referring to the great principles of German legal doctrine, Larnaude protested against the ” théorie barbare, véritable défi à tout ce que l’humanité avait cru jusqu’alors [barbaric theory, a veritable challenge to all that mankind had hitherto believed]” according to which force not only took precedence over law, but was at the origin of it – an implicit reference to Jhering’s idea of a struggle for law, to which Larnaude added the theory of the state of necessity and the theory of the goal. In this first war speech, which mixed politics with law, the fight for law to which Larnaude summoned his colleagues also sounded like a call for the emancipation of French legal science in the face of German theories: ” Ce que nous pouvons demander au monde, dont les universités allemandes poursuivent – et elles ne s’en cachent pas – l’asservissement, c’est quel crédit on peut faire à une science qui aboutit à de pareils résultats ! [What we can ask the world, whose enslavement the German universities are blatantly pursuing, is what credit can be given to a science that leads to such results!]” After this start, during the four years of the conflict; Larnaude’s speeches would not cease to mobilize for the legal war, before positioning the faculty in the post-war preparations.

Mobilizing on all fronts of the legal war

Larnaude's speeches fed the theme of the fight for law, but the dean's commitment took various forms, in line with the challenges posed to the faculty by the necessities of war. The subject of his speeches was sometimes academic, sometimes political, sometimes diplomatic, and the newspapers testified to his intense activity – in April 1915, his doctor forced him to be absent because of a state of general fatigue (involvement bordering on self-denial when, while Paris was threatened, he refused to leave the faculty, and slept in his office during the bombings).

On December 10, 1914, Larnaude read to the council a letter from first-year students; it took up the theme of the science of law violated by the Germans, and the need to learn its principles in the courses of the faculty (AJ/16/1799, pp. 111-112). The answer, read to his colleagues, dug the furrow of the legal crisis caused by the violation of Belgian neutrality, which he made into a crisis of civilization; and to recall that the faculty of Law (with a capital L) taught " le culte de l'honneur, la sainteté de la Justice, l'inviolabilité des contrats et le respect absolu du Droit [the cult of honor, the holiness of justice, the inviolability of contracts and absolute respect for the Law]". To further emphasize the idea of a legal war, Larnaude even took up a tradition of military schools and endowed the 1914 class with the title " Les étudiants en droit de la Revanche et de la victoire sur les Barbares [Law students of Revenge and Victory over the Barbarians]". A few months later, the theme of law prevailing over force was reflected in the speech given on July 8, 1915, on the occasion of the ceremony organized for the awarding of a bronze palm by the students to their classmates who had died in battle " pour la défense du droit [in defense of the law]". The faculty was presented as the sanctuary of law, for which the need to win was once again associated with the defense of civilization of which France was the guarantor. " Non, le droit éternel, le droit des petits peuples, le droit des humbles, le droit générateur de plus de liberté, de plus de dignité pour la créature humaine, ce droit que nous enseignons ici et qu'on enseigne dans toutes les universités françaises, ne succombera pas ! Il ne sera pas vaincu, il ne peut pas être vaincu, car il a pour soldat la France immortelle ! [No, the eternal law, the law of little peoples, the law of the humble, the law that generates more freedom, more dignity for the human creature, this law that we teach here and that is taught in all French universities, shall not succumb! It shall not be defeated, he cannot be defeated, because its soldier is immortal France!]" (AJ/16/1799, p. 162-164; cited in the *Livre d'or*

de la faculté de droit de Paris, guerre de 1914-1918, p. VI-VIII).

On the grounds of academic diplomacy, Larnaude engaged the faculty in a propaganda war whose objective was clear: to convince international public opinion of the value of French legal education, to dry up German universities by attracting foreign students (the regime of their admission was modified, for a recognition of the value of diplomas and the free equivalence of degrees – decree of the Ministry of Public Instruction of November 16, 1915 and decree of January 18, 1916). In a race of a war with the German faculties, Larnaude placed his law school at every front. In 1915, it was represented at the San Francisco World's Fair, where it sent legal works before contributing to *La science française [French Science]*, a book coordinated by Lucien Poincaré and Henri Bergson and distributed to professors in neutral countries. In the same spirit, he wrote in 1918 a notice of presentation of the faculty for *La vie universitaire à Paris [University Life in Paris]*, a book directed by Émile Durkheim for an audience of American students. On September 11, 1916, he asked Demogue to thank the initiative of Romanian students of the faculty who paid tribute to their French comrades who died in battle. In January 1918, the dean announced above all to his colleagues that the *Œuvre du rapprochement universitaire*, which he chaired, would organize a party at the Sorbonne to welcome the first groups of American students to Paris (AJ/16/1799, p. 329). This university rapprochement is seen by its president as an essential cog in the " grande Université de Paris, groupement nécessaire à son extension dans le monde, et par là même au rayonnement de la France parmi les pays alliés et neutres [great University of Paris, a grouping necessary for its extension throughout the world, and thereby for the influence of France among the allied and neutral countries]" (*Le Temps*, October 29, 1917). Since December 1915, he had also been chairing the Paris committee of the *Œuvre universitaire des étudiants prisonniers de guerre [University Charity of Student Prisoners of War]* – this initiative from Switzerland provided books to student prisoners to enable them to continue their work (*Le Temps*, February 15, 1916; *RIE*, 1917, p. 466; review in *RIE*, 1919, p. 383).

As another diplomatic initiative, in May 1917 Larnaude wrote a draft address to President Wilson who had just engaged his country in the war. As he would later explain, the dean was sensible to the message of April 2, 1917, which explained to American citizens that "law is more precious than peace". After transmission for signature to the provincial law faculties and law professors of the allied countries, the

text was handed over by Le Poittevin to the Ambassador of the United States (AJ/16/1799, p. 269 – the American president expressed his thanks in September of 1917). In June 1917, Larnaude finally bid a hesitant Charles Gide to represent the law school at Wilfredo Pareto's jubilee in Lausanne; a new version of the race war, with a simple motive: the Germans would be there, the French must be too! (AJ/16/1799 p. 278).

As the faculty's legal expertise was called upon to meet the needs of the day, the dean and his colleagues multiplied to give conferences and integrate different technical committees. The nature of these commitments placed them on the borders between law and politics; we can no doubt consider that everything becomes political in a situation of war, but it is incontestably there that the question of neutrality is the most sensitive. In January 1915, Larnaude becomes president of the National Committee of Action for the Full Reparation of the Damage Caused by the War (which he did not abandon until June 1921). On the occasion of the fire of Cambrai caused by the Germans in October 1918 (occupied since 1914, the city was a decisive step in the campaign of reconquest initiated by the Allies), *Le Temps* reported an intervention of the Committee on the matter of reprisals. Larnaude justified a recourse to " la loi d'un talion modernisé, tel que l'ont voulu les nouveaux Barbares : ville pour ville, village pour village, église pour église, château pour château, propriété pour propriété… [the law of a modernized talion, as the new Barbarians wanted: city for city, village for village, church for church, castle for castle, property for property…]" The newspaper felt compelled to add that no spirit of revenge had inspired the Committee and its president, who placed themselves " sur le seul terrain du droit qui puisse être accessible à l'ennemi : le droit Barbare [on the only ground of law that can be accessible to the enemy: Barbarian law]" (*Le Temps*, October 3, 1918, " Les représailles nécessaires [Necessary reprisals]").

It is in more peaceful terms that Dean Larnaude finally responded to the invitation of his counterpart from the Rome Faculty of Law, Vittorio Scialoja, to work together to approximate legislation within an International Legal Union. The two men explained themselves on the occasion of a conference given in Paris by Scialoja on April 19, 1917, which Larnaude introduced with a speech on the need to rejuvenate civil codification (ie the Napoleonic Code, heir to Justinian codification), to " lui infuser un sang nouveau et d'en faire encore la charte civile des peuples épris de logique et de clarté [infuse it with new blood and to make it still the civil charter of peoples enamored

of logic and clarity]" (*IRE*, 1917, p. 171). The initiative, formalized by the creation of two committees, would continue its work until the presentation in 1927 of a draft Franco-Italian code of obligations and contracts law, preceded by a joint explanatory memorandum.

The weapons of law to prepare for peace

After the Armistice, a ceremony was held at the faculty on November 14, 1918 in front of the honor roll of the 430 law students who had died in battle (in 1925, the *Livre d'Or* counted 700 dead and 1,500 wounded – livre d'or whose announcement had been made in board meeting of June 23, 1919 (AJ/16/1799, p. 448), but whose initiative was perhaps to be found in the letter that a former law student, M. Léon Julia, had written to the dean to that effect as early as December 5, 1914 (AJ/16/1799, p. 113)). While the end of hostilities could justify a kind of conclusion to the war speeches, Larnaude still used the same rhetoric when he congratulated himself: " le droit est encore debout et domine le monde ! Grâce à eux ; le péril qui menaçait les principes que nous enseignons ici a été écarté ! [Law is still standing and governing the world! Thanks to them, the peril that threatened the principles we teach here has been removed!]" At the heart of the faculty, the sanctuary of the law which he always opposed to brute force, he celebrated a law " non seulement raffermi et sanctionné dans ses immortels principes, mais rajeuni, renouvelé, prêt à prendre un puissant essor dans la voie de nouveaux progrès, à la veille d'organiser et de protéger de sa forte ossature, les rapports entre les peuples jusqu'ici exposés à la cynique et désolante domination de la force. Ce droit-là, Messieurs, le droit que nous enseignerons demain, ce droit où la force sera enfin au service de la justice, ce droit que nous n'entrevoyions que dans un avenir à la fois lointain et incertain, il est là, à notre portée. [not only strengthened and enshrined in its immortal principles, but rejuvenated, renewed, ready to take a powerful rise in the way of new progress, on the eve of organizing and protecting from its strong framework, the relations between peoples hitherto exposed to the cynical and desolate domination of force. That law, gentlemen, the law that we will teach tomorrow, that law where force will at last be at the service of justice, that law that we saw only in a distant and uncertain future, is there, within our reach]". The sacrifice of students killed in action gave all faculty members, professors and students soon to be in business, the duty to contribute to the development of a new legal order. President of committees whose work continued after the war, Larnaude fulfilled this duty by working on the first

negotiations for peace treaties. As a member of the Commission on Responsibilities and the Commission on Reparations, it was no doubt thinking about the idea of law subjecting force to the service of justice that he wrote, along with Geouffre de La Pradelle, a memoir on the responsibility of William II, for the first session of the Paris conference (*Le Temps*, 20 January 1919).

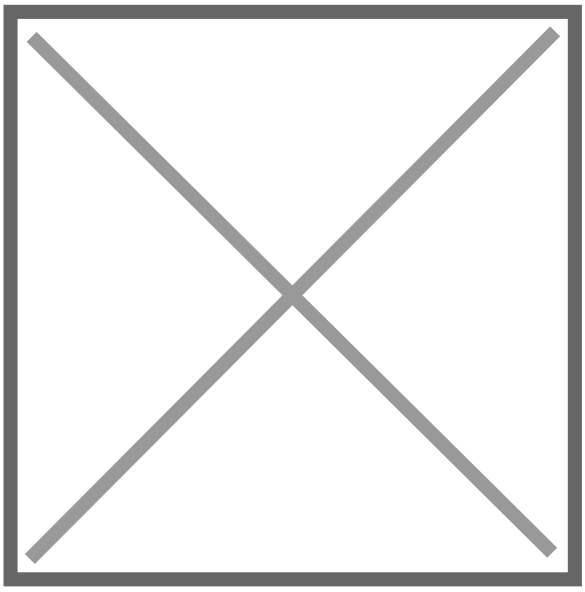
On December 21, 1918, he participated in the reception organized in honor of American President Woodrow Wilson, received as a honorary doctor from the University of Paris (it was the first time that the university conferred this title since 1896). The two men knew each other, since the former law professor was a collaborator of the *RDP*; retracing Wilson's academic career, Larnaude called for the collaboration of French and American universities, as an extension of the collaboration of both armies. But above all, he celebrated the statesman who, not content with professing about politics and law, "en a créé des manifestations inoubliables et historiques, qui leur a enfin imprimé des directions, des orientations inattendues et de si haute portée [created unforgettable and historical manifestations of them, who finally gave them directions, unexpected orientations and of such great significance]" (*IRE*, 1919, p. 8).

In the obituary he devoted to Larnaude, who died on 7 December 1942, Dean Georges Ripert noted his predecessor's love for the institution, which he considered " la plus grande faculté du monde [the greatest faculty in the world]" (the draft appears in the Larnaude file, AJ/16/6047). Although his unfailing commitment during the Great War was rewarded with the cross of officer of the Légion d'Honneur (awarded on May 4, 1919 by Charles Lyon-Caen), the grateful faculty was to return him unanimously to deanship on June 1st, 1919, when the end of hostilities made it possible to organize the dean elections suspended during the war.

At the end of his second term, Larnaude was appointed honorary dean on 23 October 1922. Entitled to assert his rights to retirement on April 20, 1923, he did not, however, renounce the activities aroused by the war, in particular within the *Union législative des nations amies et alliées [Legislative Union of Friendly and Allied Nations]*, which worked for the connection of legislations. In the early 1930s, he was still a member of 21 learned societies or associations. Should we see in this frenzy a remnant of the activity aroused during the war or a form of dispersion? Ripert harshly judged the ambitions of his predecessor, who " rêvait d'une faculté somptueuse installée et dotée d'un corps professoral important. Mais, pendant qu'il se plaisait dans son rêve, le temps

des réalisations possibles passait et rien ne se fit [dreamed of a sumptuous faculty endowed with a large board of professors. But while he was basking in his dream, the time for possible achievements passed and nothing was done]". However, he did acknowledge " l'administration dévouée qu'il a assurée à notre Faculté [the devoted administration which he assured to our Faculty]", the life work of the one who recalled in his farewell speech to the faculty: " je n'ai jamais oublié que je n'étais rien que par la Faculté et en la servant [I have never forgotten that I only existed for the Faculty and by serving it]". The tireless fighter of the Legal War died while another war was raging, and his successor made the choice of collaboration within the Vichy government.

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