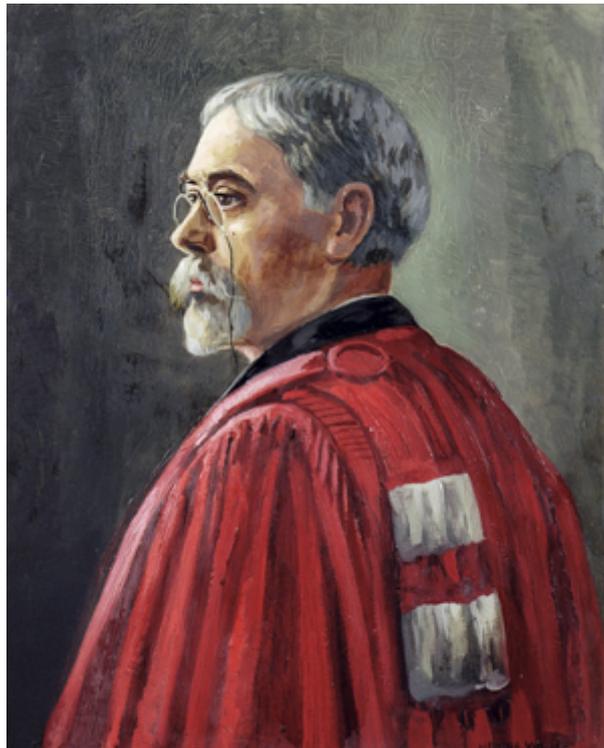

Dean Maurice Hauriou's speeches (1914-1919)

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On Saturday, July 18, 1914, twenty days after the assassination of Archduke Franz Ferdinand, the academic year ended at the Toulouse Faculty of Law. In the middle of the afternoon, the faculty board was presided by Dean Maurice Hauriou (1856-1929). Over thirty minutes, they debated the candidacies for the vacant chair of Roman law as well as the distribution of the proceeds of the optional lectures. The faculty assembly then met to award the prizes of the end-of-year exams, the regulation of free courses and the Maurice Garrigou Foundation. Students and teachers were still able to enjoy a few peaceful days before being swept away by the turmoil of war. On Wednesday, November 25, 1914, the European conflict became a part of the debates of the organs of the faculty. The assembly heard questions about complementary courses and free tuition fees, as well as Dean Hauriou's proposal to abolish the solemn distribution of

prizes to the winners of the 1913-1914 competitions ” en raison des circonstances tragiques que traverse le pays [because of the tragic circumstances that the country is going through]” and, taking up the initiative of their colleagues in the faculty of humanities, the decision to relinquish 2% of their salary to ” venir en aide aux infortunes causées par la guerre [help the misfortunes caused by the war]”. A few days earlier, the students had been assembled at the opening of classes on November 9, 1914 to listen to the speech of the dean of the faculty of law. Elected on June 23, 1906 and succeeding Antonin Deloume (1836-1911), Maurice Hauriou had been in charge of the faculty for eight years and he used to address the students each year on the occasion of the annual distribution of prizes. The dean’s addresses continued throughout the conflict when classes resumed (November 9, 1914, November 8, 1915, November 6, 1916, November 13, 1918) and immediately after the war on June 24, 1919 for the inauguration of the provisional list establishing the ” liste glorieuse des étudiants en droit de l’université de Toulouse morts pour la France [glorious list of law students from the University of Toulouse who died for France]”. The dean’s words were thus transferred and kept in writing in the register of assemblies and board meetings of the Faculty of Law since 1911.

The documentary and memorial preservation of the Dean’s speeches within the institution was accompanied by dissemination outside its walls. Various newspapers included excerpts of the entirety of his speeches. Hauriou’s words were thus disseminated both in *Le Midi socialiste*, created in 1908 by Vincent Auriol and Albert Bedouce and having had as collaborators notably Jean Jaurès or Alexandre Varenne, and in *Le Journal des débats politiques et littéraires* directed by Étienne Bandy de Nalèche or *Le Télégramme. Journal de la démocratie du Midi* and *L’Express du Midi. Daily body of social and religious defense*, founded in 1891 and expression of conservative ideas in the southwest and center of France. The ideas of the Toulouse dean during the Great War were also expressed in *Le Figaro* (“L’expédition de l’affaire courante,” September 7, 1915, p. 1; “Towards a confederation of Entente powers”, March 4, May 2, and May 27, 1916, p. 1) and the Catholic journal *Le Correspondant* (“Le droit naturel et l’Allemagne”, September 25, 1918, p. 914-939). They are also the subject of epistolary exchanges around a doctrinal controversy with his Parisian colleague [Henry Berthélemy](#) (1857-1943) published in the *Revue du droit public et de la science politique en France et à l’étranger* (“The foundation of public authority. 1. Letter from Pr. Hauriou, 2. Letter from Pr. Berthélemy, 3. Reply by Professor Hauriou”, fasc. 1,

January-February-March 1916, pp. 20-25).

Each of Dean Hauriou's five speeches to Toulouse students from 1914 to 1919, except for that of 1917, which has neither been pronounced nor preserved, gives an account of the position of the dean-jurist. It was addressed directly to young men but also through them to a wider audience of French lawyers. The fabric of the dean's speeches was based on materials and referents partly shared with others (notably [Dean Larnaude](#)) and on ideas more personal to the Toulouse lawyer. A possible complementary double reading of his speeches makes it possible to appreciate on the one hand the words to say and qualify the conflict and on the other hand the evils allowing him to participate with others in the construction of a French legal culture that will find full expression in the following years (F. Audren and J.-L. Halpérin).

Expressions

The terms used by the dean were far from neutral. The position of [neutrality](#) of the jurist draped in a scientific garment gave way and his toga took on patriotic colors. His addresses to students allowed him to make direct reference to the daily lives of their classmates on the front, but also to clearly expose their current position and their role tomorrow, once peace has returned. The general tone of his remarks was mobilizing, and he was generally optimistic. If on November 25, 1914, he conceded to his students that "c'est l'heure de la force brutale et du fait... [it is the hour of brutal force and fact...]", he immediately added that "avec la paix reparaitra le juriste [with peace jurists will reappear]". A year later, he reassured them that "nous avons conquis la sécurité [we have conquered security]" and then in 1916 that "nos craintes sont dissipées et nous revivons dans la certitude du succès [our fears are dispelled and we live again in the certainty of success]" before rejoicing when "la victoire finale, en laquelle si souvent la France avait affirmé sa foi, est arrivée [the final victory, in which France had so often affirmed its faith, has arrived]". A new time when "ce sont les juristes qui possèdent les ferments de la paix [it is the lawyers who possess the ferments of peace]".

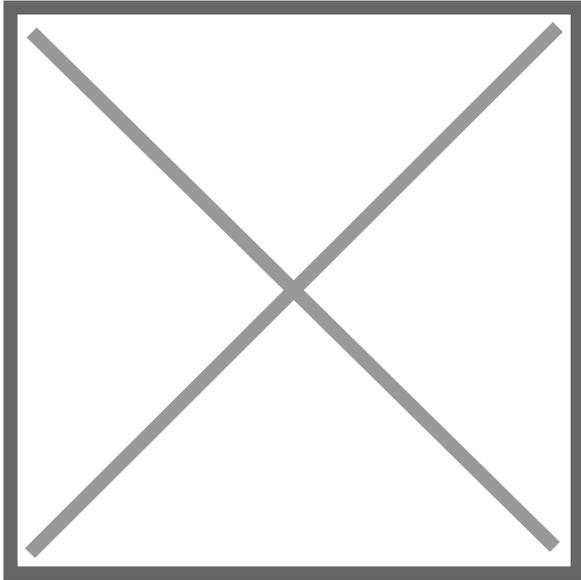
The references to everyday life were double on the part of Dean Hauriou. He first spoke about the war to his students. From his first speech on November 25, 1914, he contrasted the horrors experienced by the [alumni of the faculty](#) on the front, with the situation of those who had remained, or at least who had not yet left: "nous qui ouvrons de paisibles cours de droit au milieu de fracas d'une terrible guerre... C'est derrière le

rempart des poitrines de nos frères offertes aux balles, aux shrapnels, aux éclats d'obus que nous allons travailler [We who open peaceful courses of law in the midst of the roar of a terrible war... It is behind the rampart of the chests of our brothers, offered to bullets, shrapnel and bombs that we will work]." In 1915, he began his speech by inviting his students "à venir travailler dans cette faculté pendant la Grande Guerre, en attendant l'appel du drapeau [to come and work in this faculty during the Great War, while waiting for the call of duty]". He went on in 1916 by evoking "bombardements, les gaz asphyxiants, les jets de liquides enflammés, les ensevelissements ! [bombings, asphyxiating gases, jets of burning liquids, burials]!" He recalled the fate of the students "jetés dans la fournaise [thrown into the furnace]" during the evocation of the "funèbre et glorieuse [funeral and glorious]" list envisaged for the preparation of the *Golden Book* in mid-November 1918. Dean Hauriou also kept a chronicle of the fighting. After the difficulties of the first months of the war, he recalled in November 1915 the importance of the victory of the Marne, that of the Yser and then a year later the recovery of Douaumont.

Hauriou also spoke of the importance of the present time in preparing for the future. Those in the rear must thus become fully aware of the "sacrifice" of their comrades and the extent of their "responsibility" today and in the near future: "il faudra que vous soyez prêts à jouer votre rôle [you must be ready to play your part]" (November 25, 1914). Indeed, once the battles were over, Hauriou prepared the minds of these jurists to take their full place in "la société de demain [the society of tomorrow]" and to "enlist" in the near future for and through the law. He thus expressed his desire for reforms in the service of the "principes de liberté et de justice [principles of freedom and justice]". He called for a "renaissance morale [moral renaissance]". It was then over the time of suffering for France ("stripped", "disorganized", "disoriented", "devastated"). The action must be taken for the purposes of "rebuilding", "reorganizing", "reviving", and "regenerating". Accompanying the physical but also the economic and institutional reconstructions, this moral regeneration defended by Dean Hauriou expressed his commitment and his positions of an "idéal absolu de justice et [de] moralité humaine [absolute ideal of human justice and morality]". They were concerned with the defense of the individual. On the occasion of a ceremony organized for the 47th anniversary of the protest of the deputies of Alsace-Lorraine, on March 1st, 1918, Dean Hauriou mobilized again and again in favor of the freedom of individual initiative and enterprise upon the return of better days. As for the French civilists, Hauriou insisted on its

promotion and protection in its relations with the public power.

He also participated in the making of a “French legal spirit” then distinguished from the German conception of law. Through oppositions such as weakness and strength, civilization and barbarism, law and force, Hauriou denounced a deeper evil.



Evils

The words of the dean of Toulouse thereby qualify the evils of time and law. His speeches denounced positions and choices from the past. Qualifying and opposing French and German law, he rendered what was considered a war of civilizations and legal systems pitting Greco-Latin and Germanic tradition against each other. The dean of Toulouse thus shared a common speech with others. He participated in the foundation of an ideal for the years to come, one of “French legal culture”. Here lies a fundamental element of Hauriou’s speeches.

His remarks to the students established the diagnosis of a sick German empire (“abscess”, “fever”, “infected”, “poison”) and of which the conception of force as the source of law was a symptom. He also described the body of the “other”, opposing animalism to the individual, allowing him to expose the legal identity of France. As early as autumn 1914, the dean of Toulouse mentioned the “beast”, its “ferocious” character and “savagery” referring to a “conception monstrueuse, perversion et régression de

toutes les idées juridiques [monstrous conception, perversion and regression of all legal ideas]”. This is what he then described as a ” retour à la Barbarie [return to Barbary]”. ” forces brutales [Brutal forces]” and ” forces morales [moral forces]” were thus opposed. The law had yielded to force. Responsibility was established by Hauriou but also by Larnaude: German legal thought had [prepared the war](#). The French civilist doctrine also criticized the German legal spirit for its “apology of force... and its abstraction” (D. Deroussin). The objective was ultimately to offer a counterpoint to the conception of law that Hauriou defended and which was shared by other [French jurists](#). On March 7, 1919, Larnaude presented to American students the ” idées de justice, de raison, d’équité, de droit naturel [ideas of justice, reason, equity, and natural law]

Faced with these evils, other values were promoted and defended by Hauriou, who drew on various sources of legitimacy. They then helped define themselves around the ideal of justice as opposed to the “other”. The use of history allowed him to mobilize various time periods. To the recent past linked to the defeat of 1870, to the incapacity for ” réorganisation nationale [national reorganization]” and to the ” dilettantisme des doctrines [dilettantism of doctrines]”, he preferred to place himself in a longer time frame. It was in the first place to the heritage of the French Revolution with the promotion of freedom that he referred to by evoking June 27 and August 4, 1789. Speaking of a ” tradition nationale [national tradition]”, he encompassed the Ancien Régime and the Revolution. A unity emerged for him between the French political regimes where the ” droit des plus faibles [right of the weakest]” prevailed. This continuity served him to defend and promote an “ideal” in a chain of times. [Natural law](#) emerged like this. As for Charles Beudant but less explicitly, the ” conception française du droit s’inscrit dans la tradition du droit naturel [French conception of law is part of the tradition of natural law]” (D. Deroussin). Hauriou called for ” aux principes du droit universel [the principles of universal law]”, those of freedom and justice. On March 1st, 1918, in another of his speeches, he placed himself ” dans la maison du droit [in the house of law]” to affirm ” le principe de la Société des Nations et le droit nouveau des nations [the principle of the League of Nations and the new right of nations]”. He spoke once again of the ” principes éternels du droit [eternal principles of law]”.

Dean Hauriou was no exception in the French legal landscape of the 1910s. He was one of the voices that carried the slogan of the ” guerre du droit [legal war]” (F. Audren and J.-L. Halpérin). Arguably much more than ” une culture de guerre [a war culture]”, a

war discourse was developed by jurists, here more precisely by those law professors who remained in faculties. Dean Hauriou thus participated in the formation of the first lineaments of a French legal culture.

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