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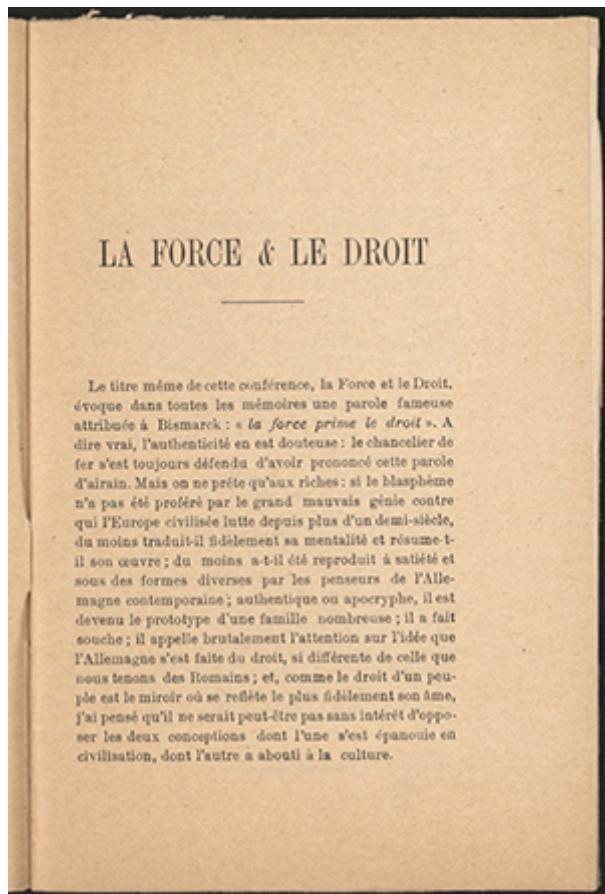
# Professorial mobilization: the case of the Lyon Faculty of Law

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In a military conflict, universities are likely to provide the State on which they depend with resources of various kinds. The first of these is human in nature, through their students and, less numerous, their teachers who joined the armed forces. In such a context, universities are still likely to contribute scientific resources, the military applications of which can sometimes be decisive. Finally, they can provide significant symbolic resources. Intellectual production, by the mere fact that it persists in adversity,

attests to the vigor of the belligerent country as well as its capacity to resist the inevitable disorganization engendered by the conflict. But this intellectual production can still, in its own way, contribute to the war effort by working to consolidate the belligerent resolve of the students whom the army has not yet called, as well as that of the general public. To do this, however, academics must agree to repudiate the scientific dimension, objective, critical and universalist, of their activity in order to blindly espouse the patriotic zeitgeist and, even more, dare to invest the public space. While some spectacular examples, given by a few Parisian law professors, may lead to the conclusion that intelligence was blinded by an exacerbated crisis of patriotism, an analysis of the behavior of their counterparts at the Lyon law school during the conflict makes it possible to qualify this picture. In Lyon, the intellectual mobilization of law professors has not always been very intense; it has not been very spontaneous either.

## **Military mobilization of Lyon teachers**

The human puncture carried out by the general mobilization decreed on August 1, 1914 unequally affected the teaching staff dependent on the Lyon Faculty of Law. The teaching staff of its young subsidiary, the French Law School of Beirut created in 1913, was composed of young doctors of law, all under thirty, immediately mobilized in fighting units. They were therefore forced to abandon their pedagogical position, condemning the school to close its doors, and the very first examination session, scheduled for autumn, could not take place. The Beirut law school reopened, not without difficulty, in 1919, but two of its first lay teachers – Claude Blanc and Louis Berthoumeau – did not resume their teaching there: both had fallen in the first weeks of the war, victims of their injuries, the first on August 30, the second on October 12.

The recall to military activity did not have such a heavy impact on the teaching staff at the Lyon Faculty of Law, which was undoubtedly one of the least disorganized by the mobilization because, quite simply, of the age of its teachers. Although, during its first two decades of existence, the Lyon legal faculty had experienced a significant turnover of its staff, which was regularly deplored by its first dean, Exupère Caillemer, the situation had not been the same since the mid-1890s. Having now a pool of doctors of law trained by it and too happy to be a part of it after their success in the aggregation competition, it had simultaneously succeeded in the early 1900s in instilling loyalty in young Parisian educators – such as Edouard Lambert, Paul Huvelin and Emmanuel

Lévy – who spent their entire careers between the Rhône and the Saône. The consequence of this stabilization of teaching staff over the past twenty years was of course that the majority of teachers approached the age of 50 in 1914, beyond which men were definitively released from their military obligations.

The conflict was therefore to involve only three teachers: professors of political economy René Gonnard and Charles Brouilhet, as well as professor of administrative law Jean Appleton. In their forties, these professors were much less exposed to the risk of death than their students. Their age, in fact, was supposed to preserve them from the ordeal of being sent to combat units of the active army. They were therefore assigned either to regiments of the Territorial Army (René Gonnard), which were intended to carry out various military tasks away from the front, or to the various auxiliary services of the army. The latter formed a military administration which the protracted war would soon cause to sprawl, and for which the high level of skills, both legal, economic and, sometimes even linguistic, of law professors was valuable. The example of Professor Charles Brouilhet attests to this. Assigned in the summer of 1914 to the stewardship corps, he requested, after the armistice, his retention under the flag until the complete cessation of hostilities. A lawyer as well as an economist, Charles Brouilhet, who had had the opportunity to make several scientific trips to pre-war Germany and spoke the language of the enemy, was still able to render new services. Appointed on November 18, 1918 to the General Headquarters as technical adviser to the staff of the Command in Chief of the Allied Armies in charge of the administration of the Rhine countries, he had undoubtedly made himself indispensable, since on 11 November 1919, less than three weeks after his demobilization, he was this time appointed professor of political economy at the Strasbourg Faculty of Law, now returned to France. This new university assignment allowed him to continue to serve as head of the legislative service for the Rhine provinces at the Inter-Allied Commission for the Rhine Territories. It also offered him the opportunity to work on the creation of the Mainz Law School.

Of the three tenured teachers mobilized, Jean Appleton, professor of administrative law and lawyer at the Lyon bar, however distinguished himself by an extraordinary war track. This explained both by the undeniable appetite for personal commitment of a man deeply animated by the need to serve, and by his Anglo-American origins which the army was able to take advantage of, once the United States entered the war in 1917.

Born in 1868 in Charolles, son of romanist Charles Appleton, Jean Appleton was also the grandson of John James Appleton, former consul of the United States in France, where he had been born in the 1840s. A convinced Dreyfusard and founder of the Lyon section of the League of Human Rights, Jean Appleton could have been led to harbor mistrust towards the military institution. This was clearly not the case. In 1912, once the time had come for the definitive release from his military obligations, he had expressly asked to be kept in the framework of the reserve army, even as he continued to advise Alfred Dreyfus, on the occasion of his legal wrangling with a fraction of the press which still refused the revision judgment of 1906... Appointed, at the time of the mobilization of August 1914, substitute for the Grenoble war council, then transferred in the same capacity to Lyon from the month of October of the same year, Appleton was not satisfied with this assignment, probably too quiet in his eyes. To a temperament naturally combative and eager for action was perhaps added the bad conscience of being a "pen-pusher", as the combatants then said, referring by this term to any man in uniform who did not really run the risks of war. Thus, when in 1915 a new theater of military operations opened in the Balkans, Jean Appleton asked and obtained to be integrated into the Eastern Expeditionary Force. Assigned to the staff, he had to quickly acquire remarkable skills as an organizer, capable of enforcing order and method in the loading and unloading of the many ships that transported to these distant lands, men, armament and material of all kinds. From 1916 onward, as France undertook to assist its Serbian ally in the reorganization of its laminated army, Appleton's knowledge of the region and the administrative skills earned him a secondment as Chief of Staff to the French mission to the Serbian Government. The entry into the war of the United States of America in the spring of 1917 and the prospect of an upcoming and massive arrival of American troops brought him back to France. It is true that the professor, endowed with American origins and now very experienced in the art of landing troops, was in many ways "the right man at the right place". It was with great emotion that, on June 26, 1917, he welcomed General Pershing and the first soldiers from the New World to the port of Saint-Nazaire, then the main American base in France. For several months, Commander Appleton played the delicate role of interface, not only between the French and American armies, but also between the latter and the various local civil authorities to which the arrival of "Sammies", with such a different culture, was bound to pose multiple difficulties. Promoted to battalion commander, Jean Appleton ended the war at the army headquarters, at the special Franco-American office, which he left, almost with regret, to return to his place at the Lyon Faculty of Law in November 1918. It had taken

the urgent injunctions of his dean and friend, Louis Josserand, and the reminding of other duties, pedagogical this time, for Appleton finally to renounce the charms of military life and return to the path of the amphitheaters. He would take advantage of his return to Lyon to resume, on the theme of a necessary Franco-American friendship to deepen, the torch of public conferences that these colleagues had, without excessive enthusiasm, carried during the duration of the conflict.

## Forced intellectual mobilization

It is well known that the trigger for the intellectual mobilization of French academics and scholars was the publication in the national press, in October 1914, of a text entitled « [L'appel des Allemands aux peuples civilisés](#) », signed by 93 scholars, artists and academics from across the Rhine. Better known in France as the *Manifeste des 93* [*Manifesto of the 93*], this text categorically refuted, by resorting to outright denial (it is untrue that...), accusations of barbarism and breach of international law with which its opponents had been burdening Germany since the first hours of the conflict and, in particular, since the violation of Belgian neutrality. Although the German signatories of this text were only 93 in number, this text was immediately perceived in France as an emanation of the entire German scientific community. It was considered a proof of complete solidarity of the German intellectual forces with their government and their army. The French intellectual forces therefore had to denounce, to the neutrals, this attitude quickly qualified as the enslavement of intelligence to Prussian militarism.

The first collective response of French universities thus took the form of a manifesto drawn up by Parisian professors, to which their provincial colleagues unanimously rallied. In response to the long litany of German denials, another litany of questions this time called for obvious answers to remind one of the enemy's guilt and the righteousness of the struggle of France and its allies. The fact that in doing so one was reproducing exactly what was being blamed on German intellectuals did not seem to occur to many people, except perhaps those who later preferred to remain silent.

The University of Lyon, all components combined, had, of course, been a signatory of this text. However, unlike the Parisian university, some prestigious members of which were following this first episode to engage in an intense propaganda action (historian Ernest Lavisse, sociologist Emile Durkheim or Dean of the Paris Faculty of Law [Ferdinand Larnaude](#)), and, on the other hand, like many provincial universities, that of

Lyon did not see fit to go on further after this first public position.

Inertia, reservations or disapproval of the teaching staff in general and of the law school in particular, even though in this “legal war” it was, by nature, called to express itself and to take a public position? In the absence of preservation of the minutes of the board of the Lyon Faculty of Law, it is very complex to try and provide a certain answer. No doubt the report prepared by Dean Josserand for the year 1913-1914 already stressed tragedy with images destined to wear out: that of the eclipse of law subjugated by force, but whose reign the allied armies would restore; that of the law students who, after learning about it, departed to die in its name. Similarly, the report on the competitive exams of 1913-1914, written by Maurice Picard, already equated the conflict with an opposition between “civilization and Germany”, the barbarism of the latter being implied by the very choice of this name. However, there is nothing to indicate with certainty that these positions were reiterated on the occasion of the resumption of classes, and the examination of the local press attests to this by its very absence of results: contrary to the attitude observed by the deans of the [Paris](#) or [Toulouse](#) law school, no publicization of such remarks was made by Dean Josserand, nor by any of his counterparts representing the other faculties of Lyon.

This lack of enthusiasm to go on a crusade against German science explains the urgent appeal to which the President of the university, who was none other than the rector of the Academy of Lyon, had to resort for the Lyon academics, all specialties combined, to finally come out of their silence and abandon the posture of relative withdrawal that they had adopted since the beginning of the conflict. During a meeting of the university board on December 5, 1914, Rector Paul Joubin asked representatives of the four faculties to resolutely invest the public space to intellectually support the cause of France against Germany. If he finally obtained his wish, it was perhaps because all hopes of a short war having been dashed, it appeared necessary to embark on the arena in order to maintain, for a period henceforth indefinite, the patriotic fervor of public opinion. It is also true that the request of the rector resembled an order, even if it was diplomatically wrapped under an alleged express request from the opinion of Lyon, of which the rector claimed to be the spokesman.

It was therefore not until the beginning of 1915 that the repercussions of this session were felt and that various initiatives, either specific to each faculty or transcending the faculty divide, were finally taken. The law school, for example, decided to make two of

its courses public: Public Finance, then provided by Emile Bouvier and devoted to French finances in war and, much more emblematic still, Public International Law, then professed by the holder of the eponymous chair, Paul Pic. The local press, which announced his classes, enables the reconstitution of the list of topics covered during the ten sessions. "PanGermanism", "The laws of armed conflicts: opposition of French and German doctrines", "Neutral Belgium, the law of armed conflicts according to the Geneva and Hague Conventions", "Who wanted war? Its origins according to diplomatic documents", "The systematic violation of the law of armed conflicts by the Austro-Germans, necessary sanctions" : all titles that leave little doubt about the lecturer's positions.

The most notable initiative of the Lyon universities, however, started in the spring of 1915 with the organization, still intended for the general public in Lyon, of a series of lectures led by professors of the four faculties. They took place regularly for two years and were published in a collection entitled "Questions de Guerre [Matters of War]", which will comprise four large volumes at the end of the conflict. In the preface of the first volume, Rector Joubin recalled, with an insistence that confirms the hypothesis of strong initial reluctance of the faculty to intervene in the public space, that there were multiple ways to wage war. For those who were kept from physical combat by their age, enlightening and comforting the public mind was indeed one of them.

With the exception of the volume devoted to the various means of combating the drop of birth rates in France, which, though very explicit about the collective anguish of the withering away of the nation, only marginally concerned Germany, these conferences were devoid of originality. Whatever the specialized discipline of the lecturer, they obeyed the patriotic imperatives of the time and followed a method already well established by all those who had already spread abundantly in writing and words to denigrate the German scientific contribution in its various facets. It was necessary to attack German scientific thought, to discredit it definitively by haphazardly showing, its heaviness, its pedantry, its authoritarianism, its violence and above all the extreme danger it represented, by making it responsible both for the conflict itself and for the atrocious manner in which it was conducted. Of course, it was necessary, on the other hand, to exalt the French spirit, its wealth, its nobility, its elegance, its liberalism, its individualism and its generosity towards the small and the weak. Some law professors in Lyon managed to evade this exercise of rudimentary counterpoint, which brought

together a large audience in the great amphitheater of 15 quai Claude Bernard. Charles Appleton, Edouard Lambert, Armand Bouvier-Bangillon, Emile Cohendy and Irénée Lameire were conspicuous in their absence. Their colleagues were unequally invested. Paul Huvelin, Emile Bouvier, and Emmanuel Lévy gave two lectures; Jean-René Garraud, Maurice Picard, Paul Pic or Dean Louis Josserand gave only one. Nor were the chosen themes remarkably original: the German conception of the state (Emile Bouvier), power and law (Louis Josserand), the German conception of the state of necessity and its applications in international law (Jean-René Garraud) had become obligatory exercises since the summer of 1914. The speakers also spoke on topics that were both dear to them and to the people of Lyon, given the particularities of their population and their specific economic and commercial interests. In a city that, since the defeat of 1870, was home to a large community of Alsatians and Lorrainers, Emmanuel Lévy, whose family was from the Upper Rhine, chose the theme of the Treaty of Frankfurt and the conditions of the populations of the lost provinces. Paul Huvelin, the indefatigable lynchpin of the French Law School of Beirut, spoke to the local public about the question of Germany in the East, where Lyonnese trade – and the law school – had many interests to preserve. If Paul Huvelin initially had any qualms about venturing into this outrageous exercise of patriotic conference, it seems that he took a liking to the exercise. Excellent amateur pianist, knowledgeable music lover, personal friend of Debussy and Ravel, the legal historian used his hobby in 1915 for more patriotic work. This time it was a matter of exalting the excellence of French music "dont le culte s'impose à l'heure où l'Allemagne prétend exploiter contre nous sa grandeur musicale passée [whose cult is essential at a time when Germany claims to exploit its past musical greatness against us] ". To do this, Huvelin set up another series of twelve lecture-concerts, the texts of which were grouped and published in 1917 by Crès Editions under the title *Pour la musique française [For French Music]*. He did not conceal the impact that names at the bottom of the *Manifesto of the 93*, Humperdinck, Weingärtner and Siegfried Wagner had on his determination: "Et je crie : Haro sur ceux-là, représentants de la Kultur contemporaine ! À eux et à leur musique "d'empire" je prétends demander des comptes ! [And I shout: Haro upon them, representatives of contemporary Kultur! Them and their 'imperial' music I mean to hold accountable!]" At the inaugural conference, with the very timely reinforcement of Nietzsche's judgment of the author of *Tannhäuser*, he performed – in the more military than musical sense of the term – Richard Wagner's hitherto adored work in France. In the closing conference, all things considered, Paul Huvelin reassured his audience. For forty years, German

musical production had been very disappointing and he prophesied, evidently with great error, that, with the exception of their own country, where they had the advantage of indulgence, Gustav Malher, Anton Bruckner, Arnold Schönberg or Richard Strauss would be despised by international posterity. On the other hand, with Claude Debussy, Maurice Ravel, Gabriel Fauré or Paul Dukas, France embodied a new music that possessed " le don d'éveiller à l'Infini [the gift of infinite awakening]" and conferred on it an indisputable universal supremacy.

After the year 1916, it must be admitted that there was no longer any public record of this sort. The local press no longer mentioned the names of the professors of the Faculty of Law, except to indicate the amount of their donations to war charities or to indicate that they presided over the inevitable ceremonies organized during the arrival of soldiers' sanitary trains at Les Brotteaux station. Unlike other provincial law faculties, notably that of Bordeaux, Lyon did not invest much in the promotion of war loans and in the activities of the local departmental committee for gold.

The occupation of public space was therefore short-lived, and seemed to result from a reflex of obedience to the directives set out by the government representative in the academic sphere. Admittedly, once the hour of victory had come and, in its wake, the return of the surviving student soldiers, Dean Josserand did not fail to reconnect with the rhetoric agreed upon when he declared on the occasion of the solemn return of 1919 to the recently demobilized students: "[...] nous ne subirons plus, jusque dans nos propres travaux, l'empreinte du lourd esprit germanique ; il nous sera permis de nous exprimer clairement ; nous pourrons écrire des livres qui ne soient pas des répertoires, des dictionnaires ou des compilations bibliographiques ; obscurité ne sera plus synonyme de profondeur ; nous penserons et nous écrirons en Français ; en un mot nous pourrons être nous-mêmes. Le charme est rompu ; nous sommes désenchantés, libérés à jamais, et c'est par vous que nous le sommes, jeunes élèves, par vous et par les morts glorieux dont j'ai produit les noms. Grâce à eux, grâce à vous, de nouveaux destins s'offrent à la science juridique française. En brisant l'hégémonie germanique, vous nous avez restitué au centuple les services que nous avions pu vous rendre. Vous n'avez pas seulement libéré des territoires ; vous avez libéré la pensée française elle-même. Vous avez fait du Droit, vous l'avez fait à la Française, clairement, simplement, héroïquement : soyez-en à jamais remerciés par vos maîtres reconnaissants ! [we will no longer suffer, even in our own work, the imprint of the

heavy Germanic spirit; we will be allowed to express ourselves clearly; we will be able to write books that are not repertoires, dictionaries or bibliographic compilations; obscurity will no longer be synonymous with depth; we will think and write in French; in a word we will be able to be ourselves. The charm is broken; we are disenchanted, set free forever, and it is by you, young students, by you and by the glorious dead whose names I have produced. Thanks to them, thanks to you, new destinies are opening up for French legal science. By breaking Germanic hegemony, you have returned to us a hundredfold the services we have been able to render upon you. You have liberated not only territories; you have liberated French thought itself. You did Law, you did it the French way, clearly, simply, heroically: be forever thanked by your grateful masters!]"

One question, however, remains, which can be asked about the Dean of Lyon as about many of his colleagues: deep down, what degree of truthfulness and sincerity did they truly put in these patriotic statements?

**Catherine Fillon, Professor of Legal History (Lyon III University)**

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