

LAUDATIO:
PROF. GÉRARD TIMSIT

SIR JOHN LAWS*

1. IT IS a great privilege for me to speak in honour of one of the founding fathers of the Spetses Group; who, along with Spyros Flogaitis, has guided this organisation through its different incarnations to the place and status which it occupies today.

2. Meeting Professor Timsit informally, you encounter a French gentleman of very great charm, elegance, and modesty. You are at once at your ease; you do not feel in the least driven to speak of deep intellectual matters; you might think it proper to discuss a book, a play, a film, a concert, the quality of a particular claret or burgundy; you will immediately suppose, and rightly, that he would make a delightful companion at lunch or dinner, or indeed any social *milieu*. If he were an Englishman, he would undoubtedly be a member of the Garrick Club: not that nationality is a requirement, and he would of course grace any such institution, English or otherwise. He seems, moreover, as much at home here in Greece as no doubt he is in any charming *brasserie* on the banks of the Seine.

3. Anyone would be inclined to a profound envy of his dress sense. I spoke of his elegance; it is not a strong enough word. We think we have the best tailors in the world in London; but the whole *ensemble* of Professor Timsit is, to coin a phrase, *sans pareil*. My wife is lost in admiration every time she looks at him. Indeed Professor Flogaitis (to whom I am indebted for some very helpful facts) de-

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scribes him as always surrounded by beautiful women, attracted by his charm and - as Spyros put it - perhaps his power.

4. This amiable, agreeable, decorative, above all civilised personality gives you no clue of his awesome academic and scholarly achievements. But awesome is what they are. He studied with Charles Eisenmann; he knew the great patron of Greek administrative law, Michel Stassinopoulos, who later became transitional President of the Greek Republic; for years he has been friends with Professor Spiliotopoulos, so valued a member of our Group.

5. But Professor Timsit is not merely an administrative lawyer: not merely, even, a very good administrative lawyer; though he is certainly that. He is an expert in administration, in globalisation. He was for many years the Director of Studies of the *Institut Français d'Administration Publique*. He is an internationalist. Addressing a United Nations Committee, he has considered the re-shaping of European States. He told the Committee that globalisation and decentralisation had led to a transfer of State power to civil society; but that criminal activity - organised crime - could also thrive in such an environment, so that the reconfigured State was faced with the challenge of restoring internal unity. This is a perception much deeper than the twitters of lawyers about rights and duties.

6. What, moreover, could be more appropriate than his delivery of the sixth Braibant Lecture at Abu Dhabi in 2007, named for Guy Braibant, also of course a founding father of the Spetses Group: Guy Braibant, *Conseiller d'Etat*, was the Director of the *Institut des Sciences Administratives*, an institution which Professor Timsit continues to serve. He worked closely with Braibant over the years, and the fruits of their co-operation were certainly felt here in this Group. His Braibant lecture was called "Re-inventing the State - to be continued". In it he referred to traditional theories of the State as providing a technical mechanism for exercising constraint and public authority; but this, he said, neglects the political legitimacy of State action. So the State needed to be re-invented, so as to provide for "a theory of rules that govern the conduct of societies and that aim to

ensure the coordination of the overall behaviour of the members of the community". In the Braibant lecture he spoke also of two opposing normative theories of the State. One was a "spontaneous and decentralised normative approach resulting in reactions linked directly to market prices"; the other "an imposed normative approach resulting in rules enacted by the hierarchical organisation of the State". But neither takes account of the "flagrant deficiencies" of the market on the one hand, or, on the other, "the deficiencies of the State hierarchy and its incapacity to correct the excesses or tensions arising from the market place". New norms were needed.

7. All this is rich meat for a mere English common lawyer; we are not very good at theories of the State, and I am by no means sure about coordinating everyone's behaviour. But the edge between market forces and State controls is as old as the futile attempts of the Emperor Diocletian to control the price of beer throughout the Roman Empire. Now in this latter day we need the Timsits of this world - there cannot be very many - to throw new light on these old dilemmas.

8. Professor Timsit is a deep and original thinker. His views do not only command respect. They challenge other views; they call for answers; any debate he joins is enriched. And his thought, if I may say so, is as elegant as his person.

9. All this, surely, is what he has brought to the Spetses Group in the passing years since 1989. Spyros Flogaitis will know far better than I what wisdom he has imparted in the inner circles and deliberations of the Group. I am sure there has been much: we have all seen how the Group has flourished and matured. Ultimately it is the genesis of the EPLO. Now, as everyone knows, at present this country faces very difficult times. But this Group has continued, and will in all circumstances continue, to fulfil its patient scholarly role, its examination of issues of the day, and its involvement in teaching the young, and will do so with all the open-mindedness and internationalism which we so greatly value. That is no little achievement; and in it Professor Timsit has played no little part. Professor

Flogaitis says, modestly, that Gérard Timsit “is the core person of the European Group of Public Law to which he gave his power, his wisdom and sense of balance”. To my mind, he is both an engine of its progress, and an anchor of its values.