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Sorbonne Arbitrage: a legal scientific pilgrimage

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The Grand Salon of Sorbonne University in Paris is one of the academic world's most emblematic and historical places. This symbolic lieu for the scientific community served, on 14 February 2022, as a venue for the celebration of a birth. Law professors, practitioners and students, brought together by a common passion for arbitration, totaling two hundred participants, gathered in the Grand Salon, with as many attending remotely, to inaugurate the newly-born *Sorbonne Arbitrage* initiative.

It all began when Professor Thomas Clay, initiator of the project, realised that the Sorbonne law school counts among the highest number of international arbitration specialists in the world: Farhad Ameli, Hervé Ascencio, Mathias Audit, Laurent Aynès, Sylvain Bollée, Loïc Cadiet, Philippe Delebecque, Liliane Larribère, Remy Libchaber, Daniel Mainguy, Pierre Mayer and Philippe Stoffel-Munck, to name but a few.

And yet, in spite of this unique concentration of arbitration specialists in one University, the link between their respective activities and Sorbonne law school has not always been clear. Their academic and professional pursuits remain scattered, when it is, on the contrary, necessary to promote synergies.

From an assessment of the need to the implementation of the initiative, Professor Clay did what it took to create a new "label" – *Sorbonne Arbitrage*. Owing to the oft-decried inertia of the French university system, this took a good deal of battling established mindsets, compounded by a crippling lack of funds. Summarising the predicament of scholars in France and abroad, Professor Clay declared: "Universities suffer from overly restrictive frameworks that end up breaking initiatives. Old patterns are excessively cumbersome, forcing one to go through national bodies and either create new degrees or partnerships".

One can only deplore the irony that such restrictions are being imposed on scholars, in a place of freedom *par excellence*, the University, when they simply seek to cultivate and share ideas, knowledge and research. Hence *Sorbonne Arbitrage* appears as an oasis of academic freedom in an increasingly gridlocked university environment.

As emphasized by University President Professor Christine Neau-Leduc during her inaugural address, such flexible initiatives are testament to the Sorbonne tradition of academic excellence and commitment to interdisciplinarity. These

characteristics are of great benefit to the eighteen thousand students of the Sorbonne Law School, as pointed out by Faculty Director Agnes Roblot-Troisier, who also reminded the audience of the University's status as Europe's largest centre for studies in social sciences.

However, despite its impressive assets, the University sometimes lacks the means to accompany students beyond its doors. *Sorbonne Arbitrage*, in the words of Professor Neau-Leduc, is conceived to be a bridge between the University and the law in practice and to narrow the gap between the legal profession and academia.

From this perspective, the *Sorbonne Arbitrage* initiative could not have been both more daring and necessary. At a time when the head of the French State advocates that universities must become "more effective in professional training", their role in France has never been more in question.

In midst of a crisis, a new institution is being built, which may, if it fulfils and even exceeds its goals, perhaps give an example of how the University crisis may be resolved.

Whatever *Sorbonne Arbitrage's* contribution to wider educational and societal goals may be, the combination of theory and practice is in its DNA, as shown at the very first event organized by *Sorbonne Arbitrage*, which brought together a professor and a practitioner. Professor Daniel Mainguy, from Paris 1 Panthéon-Sorbonne and Jalal El-Ahdab, partner at Bird & Bird, introduced their newly released and rethought presentation of arbitration: *Arbitration Law: Theory and Practice* (original title in French *Droit de l'arbitrage: théorie et pratique*, LexisNexis, 2021).

The question remains: what is *Sorbonne Arbitrage*?

With so many legal minds gathered in one room, how can one escape a common legal exercise which we teach our students from the very first day of their legal studies? To identify, to define, and finally to ... categorize.

Without any false modesty, lawyers are masters of the art of definition. But those who master an art know its limits. Is definition always possible? Does definition always lead to understanding? Do we not sometimes fall into our own trap when we attempt to define? Therefore, should not the temptation to define be resisted in favour of allowing *Sorbonne Arbitrage* to define itself?

To define

Old labels rarely fit new ideas, and emerging concepts often deserve their own categories. Yet, legal minds still feel the irresistible urge to define. Professor Clay proved no exception and baptized *Sorbonne Arbitrage* an "unidentified university object". Lawyers do not lack humour but even an admittedly amusing definition can fail to satisfy.

One is prone to forget Albert Camus' famous prophecy: naming things badly only adds to the misfortune of the world ("*Mal nommer les choses c'est ajouter au malheur du monde*").

Reductive simplicity harms the prospect of full self-realisation which sometimes can only be achieved through self-definition.

To self-define

Self-definition, on the contrary, rescues lawyers from the spell of constant categorization and would allow the newly-created *Sorbonne Arbitrage* freely to develop its essence.

After all, a parent's first duty under the law is twofold : to declare the birth of the newborn and to name their offspring. Both have been fulfilled by Professor Clay in his role as the *pater* of *Sorbonne Arbitrage*.

Professor Thomas Clay named the newborn and named it well. Against all odds, since international arbitration forms a multicultural and multilingual community, the new legal initiative bears a French name.

However, once legal parental duties have been duly fulfilled, parents have a limited say as to the future of their child. What matters most is a simple parental blessing of longevity and prosperity, which Professor Clay has a fittingly given to *Sorbonne Arbitrage*, wishing it to continue bringing together lawyers passionate about arbitration, even a hundred-and-fifty years from now.

What will the trajectory of *Sorbonne Arbitrage* be, on its path of self-definition? One can only hope it will tend towards greater enrichment and greater academic freedom since, as Professor Clay has stated, *Sorbonne Arbitrage* is a federation where everyone leads and everyone has the same level of responsibility to bring up the newborn. It is a pure example of participatory democracy, leaving room for imagination, where inventiveness is rewarded.

The chosen method of governance shapes the essence of the thing governed and contributes to its self-definition: participatory democracy will be implemented through discussions over newly published books and articles, conferences, feedback from arbitrators on non-confidential cases, organising moots, webinars, discussing new doctoral theses in the field of arbitration and inventing other formats such as "one day, one judgment" ("*un jour, un arrêt*") to discuss the most recent French or foreign caselaw.

Through these initiatives, *Sorbonne Arbitrage* will live and define itself. More lively than a think tank, more diverse than a school of thought, *Sorbonne Arbitrage* will be a scientific pilgrimage. It will also be a scientific umbrella which covers a cohesive gathering of intellects and serves as a shelter for independent and irreducible spirits.

And on this path of scientific pilgrimage and self-definition, *Sorbonne Arbitrage* will reassert the place of Paris as world center for international arbitration.

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