

## EDITORIAL: IT IS TIME FOR A CHANGE

Our readers can rest assured: the title of this editorial does not constitute a form of support for the political movement of a former French president who, as a candidate, had made it his slogan. In fact, what was in French a strangely catchy rhyme (“*le changement, c’est maintenant*”) takes on a completely different meaning when spoken in 2019. From a simple political formula, it has become the expression of a geopolitical observation. Climate crisis, political instability in certain states or regions, or social upheavals are some of the examples of this movement of transformation, the stakes of which are considerable. In this context, it may be difficult for lawyers to find their place and give meaning to their field. This is particularly true for students and young researchers, a category to which the author of these lines belongs and which is particularly affected by these developments. Lawyers, we are told, do not like change, which they perhaps associate with legal uncertainty that they consider problematic or even dangerous. This point of view is sometimes summarised by a peremptory formula borrowed from a former dean of the Paris faculty, according to whom “every lawyer is a conservative”<sup>1</sup>. In our opinion, this is not the function of the law. Over Georges Ripert's statement, we favour another one from the man whom, as then Secretary of State for Public Education of the Vichy government, he had shamefully revoked. Upon receiving his Nobel Peace Prize, René Cassin stated that “not to implement the measures already worked out, even if they are insufficient, would be playing into the hands of those who wish to block any progress. I do not believe there will be any ‘nights of August fourth’ in this tense and bitter world of uneasy transition. We must seize every opportunity to strengthen its unity”<sup>2</sup>. The role of lawyers is not to oppose change, but to accompany, guide and direct it, which first of all implies to understand it. Such is the theme under which this issue of the Review is placed, an issue shorter than the previous ones, but according to the obviously biased opinion of its Editor-in-Chief, just as interesting. Understanding change means, above all, having a relevant analytical framework to understand socio-political phenomena in law. This is precisely the purpose of the contribution of Grenfieth de Jésus Sierra Cadena, Professor of Public Law and Legal Theory at the University of Rosario (Colombia). His study takes a critical look at the main theoretical

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<sup>1</sup> G. Ripert, *Les forces créatrices du droit*, L.G.D.J., 1955, p. 8.

<sup>2</sup> R. Cassin, « The Charter of Human Rights », Speech at the Nobel Conference, 11 December 1968, available online: <https://www.nobelprize.org/prizes/peace/1968/cassin/26132-rene-cassin-conference-nobel/>.

currents of constitutional law in the context of globalisation and proposes the construction of a regional *jus publicum* based on “the coordination, the orderly harmonisation of legal values and traditions based on a dialogue of judges excluding any legal or economic dogmatism”. Understanding change also requires being able to understand its extra-legal modalities, even when they present a certain degree of complexity and expertise. This is particularly true in environmental law, where the development of a relevant regime is based entirely on the fundamentally evolving state of scientific knowledge. It is to this subject that Adeline Paradeise, doctoral student at the Sorbonne Law School, dedicates her contribution. Her article is part of a series on the theme of law and science that emerged from a conference organised last January at the Sorbonne, the following contributions of which will be published in the next issue. If it is impossible for the law to ignore science, should we go further and consider that the law itself is a science? This statement is obviously very divisive and can be declined into as many forms as there are authors to think about the concept. Synthesising the state of the art in this field is not an easy task and proposing an outcome is even less so. Yet, such is the aim of the contribution of Pierre Brunet, Professor at the Sorbonne Law School, who offers as an overture to the law and science cycle his “Variations on the ‘science of law’”. The role of the law is also to be a driving force for change. This is precisely the purpose of a contribution by Carlos Bernal, judge at the Constitutional Court of Colombia, who develops here the judicial strategies of transformative constitutionalism in terms of reducing poverty and inequality. This article translated into French by Arnaud Martin, lecturer at the University of Bordeaux, should obviously be read in parallel with Professor de Jesús Sierra Cadena’s contribution. This vision of a dynamic constitutionalism in the service of social progress, which in passing develops a constitutional doctrine of the “Global South” that does not always find the resonance it deserves on the old continent, is a source of inspiration for the lawyer. Change is certainly about transforming, but it is also about reforming. This is the guiding idea behind the contribution of Yannis M. Bourgeois, a graduate of the Sorbonne Law School, who has chosen a prime target: the legitimacy challenge of international investment arbitration. The author proposes here a realistic and concrete approach to the structural and material weaknesses of the subject in order to propose reforms that are often essential.

Beyond these substantial considerations, the title of this contribution takes on a special character for the author of these lines, who is writing here his last editorial. He will therefore be forgiven for taking this opportunity to pay special tribute to his predecessor who, three years ago, initiated this project and led the publication of the first issue. With an incredible strength

of character, an undeniable talent and a capacity for work that we envy, he succeeded in transforming a concept that had been mentioned so many times without any form of implementation (as good ideas always are) into a concrete reality. The reader may not have any idea of the task accomplished, but those who, like us, have witnessed it and modestly contributed know that they are greatly indebted to him. After carrying the burden of Editor-in-Chief and then Secretary-General, he is now definitively leaving this Review. May he be, on behalf of all the contributors, deeply thanked. After having been directed by its creator, then by one of its founding members, the Review will now be directed by a collaborator who joined us along the way. This change is welcome: it shows the ability of the publication to exist beyond its creators. Moreover, I am left with no doubt as to her qualities, which she has demonstrated to a very large extent in her role as Editor. I therefore wish her and the editorial team she has formed the best of luck!

The existence of this issue is the result of the will and energy of its collaborators, in particular the members of the Editorial Committee who surrounded me and gave me unflinching support, as well as the members of the Reading Committee who carry out their work with an absolute rigour. I sincerely thank all of them. I shall obviously not forget our Scientific Committee and the Sorbonne Law School and in particular its director and the administrators of the external relations department, without whom this review would simply not be possible.

I wish to end this long editorial by thanking the contributors with whom I have worked over the past three years and who have left the Review to pursue other objectives. I will now join them in this path: it is time for a change.

Paul Heckler  
Editor-in-Chief