

# Opening Reflection

## The Elegance of International Law

*Laurel E. Fletcher\**

The title for our conference comes from a 2012 talk David Caron delivered at the American Society of International Law Conference when he was president of the society. Titled “Confronting Complexity, Valuing Elegance,” David urged that we approach complex legal problems with the aim of arriving at elegant solutions.<sup>1</sup>

Complexity, for David, was the notion that there are non-obvious relationships embedded in the phenomena we are trying to tackle. Whether it be complexity in nature, like climate change, or man-made complexity, like the technology revolution.

David advised that to surmount the ambiguity and indeterminacy of complex problems, we need to approach the effort with skill and humility; devotion and insight. Even when we cannot fully comprehend our challenge, we must continue on our path of discovery. As David was speaking to colleagues, the destination of that path was to find elegant solutions to legal challenges.

Borrowing from fields as diverse as architecture and mathematics, David argued that an elegant solution was one that solved multiple problems simultaneously—even problems we did not believe to be related. What distinguished a merely adequate solution from an elegant one was that the latter would mask the hard work required to devise it: it would appear to be an effortless achievement.

In reading his words, I was struck by how quintessentially “David” his advice to us was. He relied on a range of literatures, but I felt that the fundamental text he cited to us was his heart. Everything else was derivative.

---

DOI: <https://doi.org/10.15779/Z389P2W645>

Copyright © 2019 Regents of the University of California

\* Clinical Professor of Law and co-Director of the Miller Institute on Global Challenges and the Law, University of California, Berkeley, School of Law

1. David Caron, Opening Welcome and Remarks, *Confronting Complexity, Valuing Elegance*, 106 AM. SOC’Y INT’L L. PROC. 214, 21 (2013).

In short, David's meditation on complexity and elegance was autobiographical. His remarks were a blueprint for not just how David pursued his scholarship, but the principles that guided David's brand of leadership, and the quality of his friendship.

We are here because David has enriched our lives in all those capacities. We have benefited individually and collectively from his wisdom. Therefore, I want to take this opportunity to relay some of his advice, that I think is particularly apt to the present moment of remembering and celebrating our friend and colleague.

David wrote that, when it comes to complex legal problems, elegant solutions require that lawyers must "take responsibility for the costs of law and for the workability of our proposals in the face of complexity."<sup>2</sup> In other words, the most worthy plans for legal change entail responsibility and leadership in their implementation. In his roles as scholar, institutional leader, and mentor, David modeled these principles in action and we were the beneficiaries. We read David's work, listened to his ideas, and followed his advice not just because it made sense, but because we knew that he understood what he asked of us and that he stood by us as we moved forward. He accepted responsibility for his ideas and their impact.

He is guiding us still. I could not shake the feeling when I read back over his remarks that David had prepared us for this very moment. He wrote that in confronting complexity with elegance, we must expect and prepare for the "unexpected" and "occasional collapse."<sup>3</sup> None of us thought David would be gone so soon. Neither could we see the relationship between his words at the time he wrote them and our need for them today. However, like complexity, his advice is laden with unobservable relationships.

David wrote that to cope with the unexpected, we needed to build resilience. I can think of no better way to do so than by gathering in community to celebrate David's work pursuing elegant solutions to a wide range of legal problems.

The three panels today do just that. Each addresses an area of David's work: (1) international dispute resolution; (2) legitimacy in international law and institutions; and, (3) law of the sea and international environmental law. These are areas that David worked in deeply, but certainly not exclusively. Our panels are supplemented by two keynotes. Lucy Reed will speak to David's work in international arbitration. Judge Charles Brower will reflect on David's work to build a new theory of international courts and tribunals. Each of today's speakers shares David's commitment to strengthening international law and institutions in service of a better world. We are grateful to them for sharing their insights.

---

2. *Id.* at 25.

3. *Id.*

2019]  
2019]

*OPENING REFLECTION*

7  
161

I will conclude with David's closing words to his 2012 talk in which he observed that "leadership . . . is fundamentally the work of bridging the present with the best of possible futures."<sup>4</sup> This is our task.

Our speakers will articulate their ideas for building elegant bridges to the future. But we are all architects in the same firm. I am honored and humbled to share this effort with you all.

---

4. *Id.* at 26.

