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Five Insights, The American Society of International Law

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Five Insights
Notes from the President

Welcome to the 106th Annual Meeting of the Society – “Confronting Complexity.” I am very excited about the program that our three hardworking and creative Co-Chairs, with the help of their distinguished Program Committee, have brought together to challenge and enlighten us. I wish all our attendees a fantastic week in our nation’s capital.

Five ‘Take-Aways’
As my term comes to end, friends have asked what I take away from my year as President Elect and two years as President. Let me share five insights about the Society.

ASIL Plays a Crucially Important Role
ASIL is crucially important both because of the centrality of the questions we address and because of the very special qualities ASIL possesses.

Obviously, I have always regarded ASIL as very important. But, nonetheless I was surprised to realize how unique, and therefore important, ASIL is.

First, although most would agree that law channels the shape of policy choices internationally, many serious public discussions in Washington take place without law. During my time in Washington, I attended discussions at several policy centers out of true interest and in part looking for the niche that ASIL occupies. Surprisingly, I found topics that are deeply channeled and formed by domestic and international law discussed in rooms not only empty of lawyers but with only the most superficial knowledge of the relevant law. The law is not the end all by any means, but its absence from otherwise serious discussions made very clear the special role ASIL has.

Second, our position of non-advocacy and non-partisanship in that environment is not a weakness but a tremendous strength. Some argue that non-advocacy is out of step in today’s climate not only in terms of the politics of the nation but also in terms of fundraising. This may very well be correct and yet that is precisely what makes these qualities of inestimable value to our mission. We not only supply the finest clear balanced analysis, we do so in what is virtually a vacuum. In providing balanced analysis, we examine our complex world not artificially privileging a particular aspect of the discussion, but rather looking more comprehensively as complexity requires.

Third, the Society is viewed as trustworthy and learned. And as a corollary, the Society possesses an astonishing convening power. Our Executive Director, Betsy Andersen is nourishing these capacities in ways that lead others to ask what has ASIL said on a particular point, a place of influence that thereby effectively magnifies the voices of our members.

Today’s challenges are tremendous and ASIL makes important contributions to thinking about these challenges in an almost unique way.

Broad ASIL Outreach Is Critical
Throughout my career, I have heard speeches and read articles saying that “but for Senator [insert your choice], the U.S. would do [insert your choice],” But the truth is that although a particular senator may do something that seems unfathomable to a particular group, there is a remarkable constancy to...
the wary eye cast by some portions of the U.S. Senate (and House) toward international law and international organizations. A reason for this constancy is that they often mirror distrustful constituencies.

For ASIL to promote international relations based on law and justice, it needs to engage not only with the policy communities in Washington, but also with communities nationwide that will set the boundaries of policy-making.

It is in part a consequence of this desire to engage with the nation more broadly, that Society moved its fall leadership meeting out of Washington D.C. and expanded it into a full mid year meeting – first in Miami in November 2010, and in Los Angeles in November 2011.

American attitudes toward international law and organizations at any given time are grounded in communities across the nation. An important task for the Society and its members is to better engage with those communities. We need to faith in the American people and with the knowledge that not everything with the label ‘international’ is necessarily either to be embraced nor rejected, but rather dispassionately evaluated on its merits.

ASIL Must Dream

The Society has accomplished fantastic things and taken on significant new initiatives over the past decade. This is a substantial accomplishment given that Tillar House and the budget of the Society have not grown for a substantial time. On the one hand, we clearly should continue to be efficient. On the other hand, we must resist the tendency to be satisfied, to not dream, to not think big.

It is too easy as one works day to day to not take the time to dream. Why is it that our nation does not have a research center similar to the Max Planck Institute where the promise and stars of a generation take up fellowships or spend sabbaticals together? What would the Society do if a very large gift were made? What is our pitch to such a potential donor?

To dream is to see possibilities. We must remember that a budget is simply the means to execute our plan. Your Society has a sound strategic plan and is executing it. But plans must also constantly evolve so as to leave open possibilities for our dreams.

At this meeting, you will hear of the 21st Century Campaign that is intended to move the Society to a new sustainable level of operations. It is important. It positions the Society to act, to seek growth from foundations, and to dream. This is our Society, our mission, and our dreams. I ask that you join in giving to this important campaign.

Dynamism Comes from Members

I have come to appreciate over these past few years that an engaged membership is more important to the long-term health of the Society than particular officers. Engaged members make things happen for the Society; they are the source of energy and ideas that make our community vibrant.

Examples of this abound; the members who shape the Annual Meeting into exciting intellectual feasts with new formats and approaches; those who have led so many Interest Groups to flourish; and the many members who every year produce extraordinarily helpful and influential “Insights.”

The strongest example for me these past two years is the effort to start the Research Forum, an event coupled with the 2011 meeting in Los Angeles to complement the format of the Annual Meeting by providing an opportunity for extended discussion of works in progress. But this did not start at the top, but rather from the suggestion of two members, Professors Laura Dickinson and Kal Raustiala. And it was they and their committee that carried the concept to great success this past November.

During the past two years many members have asked me how might they help. These offers were fantastic, often used, and always appreciated. My suggestion is that each member can go one step further in wishing to help by recognizing that this is their Society, that the Society thrives on the good ideas of its members, particularly when those members are ready to carry those ideas forward.

The ASIL is a Community of Relationships

For some of us, the Society can seem like the spokes of a wheel – we all look toward Washington. Members from the same state often see each other at the Annual Meeting, rather than at home. The initiative to go to a different location for its mid year meeting is in part aimed at giving ASIL a greater nationwide presence. But it is also aimed at fostering ASIL communities across the nation. It is done not with some specific master plan, but rather trusting in our members to know what each area of the nation most needs.

I am struck that in a world of ever-increasing electronic connectedness, the letter of recommendation from someone who knows the individual is still key. The internet allows more connections and strengthens ASIL, but our members will be a community through relationships begun when listening to a panel and nourished in hallway conversations.

The ASIL will continue to convene annual meetings where our relationships are renewed, but what I would love most to see is twice annual dinners of members in cities around the country, all of this continuing the tradition of a Society of relationships.

Thank You

This January I began a thank you letter to the many members who, without exception, stepped forward when the Society asked for their time and efforts. I set that letter aside as I soon realized that hundreds of individuals over the past two years answered that call. And if I extended the effort to likewise thank all those who have financially supported the Society, there would be hundreds more individuals.

So that letter became this note expressing my hopes for this community, my gratitude for what so many of you have given, and my thanks for the privilege of leading our community.

Thank you. My wife, Susan, and I look forward to sitting with you in the audience at the October mid year meeting in Georgia and to finding answers with you afterwards in the lobby (or at the bar).

David D. Caron