

Unusual Source of Inspiration: Cooking International Law

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Hervé This is most well-known for being the founder—together with Nicholas Kurti—of ‘molecular gastronomy’, ie the scientific discipline that studies the chemical and physical transformations that take place during cooking processes. From his books, you may learn to add water to mayonnaise, to cook meat in a microwave or to avoid eggs in a *mousse au chocolat*. I discovered his books thanks to a friend, agronomist and winetaster, who recommended reading his first book—*Kitchen mysteries* that had originally been published in French in 1993.¹ And I was caught. I was fascinated by the possibility to apply scientific methods to something that is commonly perceived as mere repetition, as empirical tradition and at best as ‘art’. I was fascinated by the realization that what happened in the pot, in the pan, in the oven or in a dish could be understood and the taste that was produced could be explained. In other words, the production of flavours, infinite flavours, could be controlled and therefore reproduced. The novelty of molecular gastronomy is that you end up no longer combining salmon, eggs, flour or broccoli but water, proteins, oil, salt, glucose, colorants, etc. I was less impressed by the culinary tricks (such as obtaining ice cream in a few minutes by merely adding liquid nitrogen to orange juice), the new cooking methods (such as spherification) and the potential developments of this scientific branch. In the end, I am not a professional cook. But, certainly, I can say that reading *Kitchen mysteries* changed the way I cook; it added awareness; I now pay much more attention to the various stages that together lead to a specific taste, to shared emotions, to memories. . . .

International law had nothing to do with that. Not directly at least. Not until Pornichet. The readers of this editorial already know the story.² My modest contribution to that gathering was a reflection on cooking, especially what I had learned from the teachings of Hervé This, and its potential as a source of inspiration in my working with international law. I presented molecular gastronomy and international law as two separate worlds and explained my fascination with the chemistry and physics of culinary processes precisely as an intentional distraction from . . . well, simply work. Distractions are extremely important. They are mind-cleaners. They make a fresh start possible as they provide new energy. So, I declared that my culinary awareness and the many attempts in the kitchen (I have to admit, I had to eat a lot

¹ H This, *Les secrets de la casserole* (Belin, 1993). The English translation has been published by Columbia University Press in 2007.

² T Schultz, ‘Editorial Series on Unusual Sources of Inspiration for International Dispute Settlement’ 13 (2022) JIDS, 341.

of not very successful dishes . . . maybe not all of them) ultimately must have had a positive impact on my work. But that was not all to it.

Both during the discussion in Pornichet and the subsequent months, I realized that molecular gastronomy (and gastronomy more generally) had much more in common with international law, well beyond the culinary metaphors I use when I teach. It may tentatively be said that, in both cases, it is basically a matter of ingredients, methods (in the literal sense of ‘way to’ a destination, of ‘process’ aimed at a result), theories and social context. And in both cases, you need a lot of self-discipline. Among its many stated goals, molecular gastronomy aims to improve cooking techniques and education in its scientific field. Similar purposes have guided my study of international law.

Hervé This concluded a lecture at the Singapore University with the exhortation to ‘celebrate knowledge’. With the knowledge provided by molecular gastronomy, cooking no longer depends on the interpretation of ambiguous formulas that are so common in recipe books, such as ‘to taste’, ‘seasoning’ and ‘enough’ oil to coat the bottom of the pan. The ingredients are precisely identified as is the process that must be followed to obtain a certain result. Culinary superstition is eradicated and why you would better start the vinaigrette with stirring oil (and not vinegar) in the mustard becomes suddenly obvious.

Studying law, international law, especially procedure, requires a similar amount of rigour, patience and method to identify the legal ingredients (rules, institutions, legal systems, etc.) before the specific process of each reaction is addressed (law-making, dispute settlement, etc.) together with contextual factors (historical, geographical, economic, social, etc.). The idea is not new. Elihu Lauterpacht wrote in his Hague course: ‘Procedure is to litigation what cooking is to food’.³ Law in the end is nothing more than one of the instruments of social architecture.

It may seem mundane; gastronomy and international law share the fact of requiring and aiming at scientific investigation. When you write an article, just as when you test a new recipe, you never end up with exactly what you had expected in the beginning. The scientific process—the legal and the culinary—is in itself a source of inspiration, of innovation and in the end of learning.

And what I liked in molecular gastronomy was precisely its scientific approach to an object (cooking) that straddles disciplinary boundaries, that combines rigorous processes while leaving room for improvisation and innovation, where the method is used to create flavour and emotion. We know all too well the difficulties of applying the scientific method to legal relations at the international level when there are so many non-legal factors that have an impact on them. The legal analysis applies in our discipline to a factual context where the definition of law itself may be controversial, where the legal rules very much depend on the conduct and intention of the international actors having the power to shape them. Dispute settlement provides an excellent example of the crucial role played by historical, geographical, economic, political, linguistic and many more factors both on the choice of settlement means and on the actual outcome of litigation.

Seen from the standpoint of the researcher, other connections may exist between cooking and international law. In both cases, you find yourself at times in total solitude and at other times in the middle of busy social relations. The study and the investigation need dedication and concentration over a constant period of time. But the results of the research must be shared with an audience of students, colleagues, guests, etc. This dialogue is an essential part of the investigation itself. It provides feedbacks, criticism, reactions, suggestions . . . so that the contribution of each researcher can be integrated with the broader picture of the

³ H Lauterpacht, ‘Principles of Procedure in International Litigation’ 345 (2009) *Recueil des Cours* 406.

development of her/his scientific field. In the end, cooking is a source of inspiration because it is very similar to and at the same time a perfect distraction from international law.

I have been looking at the list of possible reasons for doing what we do,⁴ and I have been wondering. I would have spontaneously said: curiosity, because I want to know how the book ends. Even if law books sometimes require a second or a third reading to really understand it. And because, when you know it, your personal satisfaction is not enough. It has to be shared. That delicious new taste must be offered to your guests, and what you have learned must be passed on to your students.

⁴ T Schultz, 'Unusual Source of Inspiration: Springsteen' 13 (2022) JIDS 534.