

6-1-1980

## Human Rights and World Public Order: The Basic Policy of an International Law of Human Dignity by Myres S. McDougal, Harold D. Laswell, and Lung-Chu Chen

Joseph A. Gentile

Follow this and additional works at: <https://dc.law.mc.edu/lawreview>

---

### Custom Citation

2 Miss. C. L. Rev. 111 (1980-1982)

This Book Review is brought to you for free and open access by MC Law Digital Commons. It has been accepted for inclusion in Mississippi College Law Review by an authorized editor of MC Law Digital Commons. For more information, please contact [walter@mc.edu](mailto:walter@mc.edu).

## BOOK REVIEW

*Human Rights and World Public Order: The Basic Policy of an International Law of Human Dignity.* Myres S. McDougal,<sup>\*</sup> Harold D. Lasswell,<sup>\*\*</sup> and Lung-Chu Chen.<sup>\*\*\*</sup> New Haven and London: Yale University Press, 1980, Pp. 958. \$45.00.

*Reviewed by Joseph A. Gentile\*\*\*\**

As a prelude to any review of an international law treatise, it is wise to reiterate the unique niche the treatise has maintained in this area of law. Due to the lack of an absolutely powerful world tribunal, precedent and authority as they exist in "regular" municipal law, remain in short supply. The treatise writers' scholarship commonly fills this void, and often becomes primary authority for international tribunals. Such diverse subjects as the divorce of international law from theology and even the law of the seas share a common origin in the humble treatise, and through assimilation become part of the Law of Nations.

In this historical matrix, *Human Rights and World Public Order* may someday be of similar importance. The Law of Nations has traditionally shown a general apathy for individuals within the territory or jurisdiction of their own nation. With the rise of the nation-state this doctrine of sovereignty served to prevent unwelcome intrusion into municipal affairs, despite a lack of decent human treatment of a municipal citizen.

Myres McDougal, a native of Mississippi, joins the company of two other notable scholars, Harold D. Lasswell and Lung-Chu Chen, in penetrating this municipal boundary with a delicate touch. The authors' collective premise is that international order protects a basic set of human rights arising out of the universal demand for Respect, Power, Enlightenment, Well-being, Wealth, Skill, Affection and Rectitude. Deprivations and non-fulfillment of these broadly classified rights is per se violative of international order because the individual is a basic element of international order. Herein lies the severe alteration in the function of international law, equal no doubt to the rise of the nation-state; the ability of international law to, on proper occasion, set aside the old rule that nation-to-nation relations are the only proper discussion of international jurisprudence, and look at nation-to-person relations.

---

<sup>\*</sup>Sterling Professor of Law, Emeritus, Yale Law School; Distinguished Visiting Professor of Law, New York Law School.

<sup>\*\*</sup>Director, War Communications Research, Library of Congress, 1902-1978.

<sup>\*\*\*</sup>Professor of Law, New York Law School; Research Affiliate in Law, Yale Law School.

<sup>\*\*\*\*</sup>Past Clerk to State Supreme Court Chief Justice; B.B.A., Wilmington College, Delaware; J.D., 1978, Mississippi College School of Law. Presently Attorney-at-Law, Jackson, Mississippi.

As the authors willingly point out, recent rhetoric in Washington, D.C. and the United Nations has accented this principle in fact, if not in theory. Such laudatory or hated concepts as the Genocide Treaty stand as valid proof of international protectionism. Generally, as communication and the slow growth of international tribunals alter the traditional aloof nature of diplomacy from presidents to people, we are witnessing a growth in humanitarian concern by a Sovereignty for its own citizens. This volume is truly the first to put a sound judicial orientation to this humanitarian concern. In this sense, it is of prime impact to the municipal and international jurists due to its radical departure from the traditional staid view that a nation may do what it wills with its own citizens.

Undoubtedly, the conceptually oriented reader will find great fascination with these ideas. Conversely, the reality oriented reader will well wonder what bearing this will have on the portion of the world within his or her national frontiers. In an eclectic manner, the authors condemn the traditional liberal litany of condoned evils, i.e., racism, torture, hunger, ignorance, slavery, etc., and substitute their own dreams of a new humanistic world, which may provide a new mandatory substance for future transnational practice of law, even for the municipal isolationist.

My main criticism of this volume centers around this humanistic packet of dreams. One must note the real enemy of ideas is not other ideas, but stark reality. The inclusive philosophy of the treatise does not deal adequately with the hard fact that the international community is allowing a rapid growth of political and economic influence of the ad-soaked Islamic world. Islamic thought and theocracy allow but little space for the humanistic platitudes of western scholars who infringe on Islam's real and ancient traditions. Simplistically speaking, no United Nations action will secure for women the right to drive in Saudi Arabia. Our three authors persist in underestimating the jealousy of a nation over its internal dealings, and ignore the cultural slant of their own authorship.

As a conclusion, the volume is good reading for all those who either practice or retain an interest in transnational activity. *Human Rights and World Public Order* may be a harbinger of limited things to come. At bare minimum, it will alert the transnational practitioner and scholar to a prevailing, if not entirely practical trend, in the uncommon jurisprudence of international law.