

LAW AND MINIMUM WORLD PUBLIC ORDER. By Myres S. McDougal and Florentine P. Feliciano. With an Introduction by Harold D. Lasswell. [New Haven: Yale University Press. 1962. xxvi + 828 pp. U.S. \$12.50]

Readers of some of the leading United States law journals will already be aware of the special approach to international law, particularly its language, that has been adopted by what may be termed the McDougal-Lasswell school. *Law and Minimum World Public Order* is a major contribution to this school of study and is concerned with an analysis of 'The Legal Regulation of International Coercion'. It seeks to set out the machinery available to the international community, particularly through the medium of the United Nations, to ensure the maintenance of peace and the establishment of international order.

Although the learned authors believe that 'international law may be most realistically observed, and fruitfully conceived, as a process of authoritative decision transcending state lines by which the peoples of the world seek to clarify and implement their common interests in both minimum order, in the sense of the prevention of unauthorised coercion, and optimum order, in the sense of the promotion of the greater production and wider distribution of all values, they are

7. They are now designated Local Courts.
8. The Local Courts Act, 1963, has in effect repealed the Native Courts Ordinance. The Local Courts now have jurisdiction over non-natives and where there is no adequate provision under general law, customary law will apply to non-natives to such extent as may be necessary to avoid substantial injustice (s. 13(2)).

sufficiently practical to be aware of the realities of a bipolarised world — and of the fact that those who are neutralist and uncommitted may go either way, and may ‘decelerate’ the two power confrontation.

The realism of the two authors is perhaps most clear in their approach to the law of war and the problem of illegal weapons. They emphasise that it is not pieces of paper that ensures compliance with this branch of international law, but the common interests of the belligerents. They remind us, at a time when various proposals are being put forward for the destruction of out-of-date weapons, that generally speaking it is only weapons that have become obsolete, indecisive or militarily inefficient that tend to be illegal. Only recently there have been reports to suggest that it may be necessary to re-examine the Hague ban on explosive bullets.

At a time when Malaysia is suffering attacks from Indonesia, one can only agree with writers who believe that ‘the emphasis in the United Nations Charter upon “armed attack” as the precipitating event for the legitimate recourse to self-defence may appear most unrealistic’, particularly if the attacker maintains that the offensive has been launched by private marauders. It would be as well if the members of the Security Council bore in mind — in this and similar cases — that ‘for the overriding purpose of securing public order, in its most elementary sense, basic community policy seeks to protect from destructive unilateral reconstruction those patterns of value allocation that actually exist and manifest at least a minimum degree of stability.’ They should also remember that ‘what is crucial is priority in the exercise by certain operations and with certain perspectives, of destructive coercion which reasonably creates in the target state — as reasonableness can be tested by third parties — expectations that it must react with violence to conserve its own values’.

People in this part of the world will also be interested in the view that ‘economic warfare, though ultimately directed against the enemy belligerent, is frequently immediately directed against non-participating states constituting, as they do, the only external source of supply upon which the enemy belligerent can draw. ...The experience of two global wars realistically indicates...that the imposition of embargoes of varying degrees of comprehensiveness has become part of those expectations of uniformities and rightness called customary law. The lawfulness of the objective of embargoing, more or less comprehensively, commerce with the enemy being thus established, the lawfulness of any particular modality of achieving this objective in possible future contexts rationally depends upon appraisal of the relative destructiveness of such modality as compared to any other available alternative modality, rather than upon conformity to practices technologically obsolete. Such an appraisal, essentially an appraisal of reasonableness in detailed contexts, entails the careful relation of specific components of contexts to the relevant competing policies of military effectiveness and minimum destruction of values’. These comments are of equal validity in time of war and in the twilight of war and peace which the Indonesians call confrontation.

In this review, it has been the purpose of the writer to draw attention only to one or two matters that are of special interest in Malaysia. Even these, however, are of general validity. *Law and Minimum World Public Order* is a monumental contribution to the jurisprudence and practice of international law in the field of world order, which may be ignored by practitioners, students, statesmen and the like only at their peril.

L.C. GREEN.