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## Book Review of Studies in World Public Order

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## STUDIES IN WORLD PUBLIC ORDER

By MYRES S. McDUGAL AND ASSOCIATES. New Haven: Yale University Press, 1960. xx, 1033 pp. \$15.00.

*Studies in World Public Order* is a scholarly, voluminous attempt to unify twelve essays into what Professor McDougal calls "a contextual, policy-oriented jurisprudence, postulating as its overriding goal the dignity of man in an increasingly universal public order." While the book as a whole does not accomplish the aforementioned unity, several of the twelve essays themselves must be considered significant contributions to the revelation of the complexities inherent in establishing an international jurisprudence based on human dignity.

In the first essay in the book, Professor McDougal suggests a series of tasks which the scholar must perform by way of clarifying and implementing the goal of a universal order of human dignity, "a social process in which values are widely and not narrowly shared, and in which private choice, rather than coercion, is emphasized as the predominant modality of power." Briefly stated, these tasks are to define the values of present society, to note the contemporary trends which have furthered or deterred said values, to explore the factors which condition the attainment of these values, to ascertain what will be the limits of the achievement of the goal, and to determine what policy alternatives will maximize the goal. The above then is the framework of inquiry upon which the remaining essays are to be based, albeit somewhat loosely as must necessarily be the case since some of the essays were published up to 14 years before the framework of inquiry was promulgated.

Perhaps the most interesting essay from the point of view of the law student and certainly one of great concern to law professors is Professor Lasswell's "Legal Education and Public Policy." The theme of this essay is that a free society must put its own values into practice and control the factors that condition the attainment of these values. To accomplish this end, it is important that legal education become more policy oriented, that the concern of law schools be more than merely method. In short,

Professor Lasswell feels that the lawyer should be well aware of the values of our society as he must formulate the policy which will implement these values. Without going into any explanation, it might be noted that power, respect, knowledge, income, and safety are listed as the representative values of our civilization.

The remaining ten essays cover topics ranging from those which are historically controversial to subjects whose entry into the sea of debate has been quite recent. Among the former is an article dealing with the foreign affairs power of the United States under its Constitution in which emphasis is placed on executive agreements as a more effective vehicle in matters of international policy than the treaty provisions requiring two-thirds Senate approval. Still another article deals with the impact of International law on national law and points out that the old theories (of the relationship of international law to municipal law) "are but reflections of preferences for nationalism or internationalism."

As contrasted to the above essays, the relatively new law of space is reviewed with suggestions as to possible trends in the field. There are also articles on the law of war and the law of the sea which seem to comprise a compact statement of the past and proposed future methods of settling controversies. Moreover, the legality of the United States' hydrogen bomb tests and the validity of the United Nations' Korean resolutions are discussed and justified in two other works. The justification of the hydrogen bomb tests of the United States in the Pacific is based on the idea that our security demands these tests and the use of the high seas by one nation exclusively can be justified if the grounds for said use are reasonable. As our security is vital to the entire free world, the grounds for exclusive use of the high seas are reasonable, so the argument runs. Admitting that the above is an oversimplification of the argument presented, the essay on the hydrogen bomb tests was still probably the least convincing to this reviewer.

While falling short of establishing a jurisprudence based on human dignity, the value of *Studies in World Public Order* lies in its outlining of the necessary steps needed to reach a goal of a world public order. In addition, by suggesting in no uncertain terms that the values of this public order should be the same ones as those on which the United States is based, Professor McDougal

and associates are in keeping with what is a growing trend towards boosting the values of our American heritage rather than degrading America's values.

While the theories of the author are frequently couched in such terms as to be difficult to comprehend, the theme of the book emphasizing the urgent need for thoughtful and scholarly research into a world public order, comes through clearly.

RONALD L. BUCKWALTER

### CIVIL PRACTICE IN MUNICIPAL AND COUNTY COURTS

By JUDGE CALVIN W. BERRY. Charlottesville, Va.: The Michie Co., 1961. 328 pp. \$20.00.

PERHAPS the greatest transition in the legal world is that from the classroom to the courtroom. To a similar degree, problems arise to face the practicing attorney, whether of great or limited experience, when natural limitations of time make it impossible to adequately prepare for the range of various cases which are processed in the inferior tribunals of the state. To aid in spanning such formidable chasms, Judge Calvin W. Berry of the Municipal Court of Danville, has produced a new and unique quick-reference book which will prove to be a continuing asset to lawyers in Virginia.

*Civil Practice in Municipal and County Courts* is a needed and welcome arrival which should soon be in demand by attorneys throughout the state. Compiled from guiding notes accumulated by the Judge over a ten-year period while sitting on the Danville bench, the book reflects both the practicality and technicality within the procedural law. Further, such reflection could only be achieved by someone in the position of the author; certainly no more reliable evaluation is possible than by one who daily observes and corrects the procedure of the court room.