

Law and Minimum World Public Order

The Legal Regulation of International Coercion

BY MYRES S. McDUGAL AND FLORENTINO P. FELICIANO

Conceiving minimum world public order as the control of unauthorized coercion across state lines, the authors seek to bring the methods of policy-oriented jurisprudence to bear upon the most important problem of our time. Their principal thesis is that the basic distinction between impermissible coercion (aggression) and permissible coercion (police action, self-defense) can be clarified and perhaps sanctioned, in ways to enhance not only minimum world public order but perhaps an optimum order of human dignity.

The authors identify certain specific goals of sanctions strategy—prevention, deterrence, restoration, rehabilitation, and reconstruction—and recommend a comprehensive conception of sanctioning process, building upon the theory and findings of modern behavioral science. They observe that both the United Nations Charter and the contemporary interdependence of peoples have rendered the traditional doctrines of neutrality largely obsolete and have established a community goal of the widest possible sharing of responsibility for the maintenance of minimum order. They find that, even when hostilities occur, the principles of military necessity and humanitarianism may still be made to serve the common interests of all peoples.

Myres S. McDougal is Sterling Professor of Law at Yale University. Florentino P. Feliciano, formerly Lecturer at Yale University and an official in the Philippine government, now practices law in Manila and lectures at the University of the Philippines.

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