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Falk & Mendlovitz: The Strategy of World Order

Rosalyn Higgins

Royal Institute of International Affairs

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BOOK REVIEWS

THE STRATEGY OF WORLD ORDER. 4 vols. Edited by *Richard A. Falk* and *Saul H. Mendlovitz*. New York: World Law Fund. 1966. Pp. lxiv, 2296. Paper, \$12.

Writing under the auspices of the World Law Fund, Professors Falk and Mendlovitz have produced four volumes—some two thousand and more pages—on what they term “the strategy of world order.” The first volume is entitled *Toward a Theory of War Prevention*; the second *International Law*; the third *The United Nations*; and the last *Disarmament and Economic Development*. The method adopted in each is the use of selected writings by a wide range of authors, arranged by chapters or “themes.” At the end of each chapter is a selection of “coordinate reading” in Clark and Sohn’s *World Peace Through World Law*, which is used as a model for assessing the various contributions. Moreover, following each contribution, the editors have appended a list of questions, which are admirable in that they go beyond questioning the reader’s understanding of the material he has just read: he is asked to compare certain ideas in that piece with ideas in another, to conceptualize, choose, and explain. These questions will serve excellently as a prod to the too-facile scholar and as an appropriate focus for the student. Through their introductory comments and these carefully planned questions, the editors have thus managed to channel the directions of the study without becoming too obtrusive. One should also mention, as a further merit of this study, the thoughtful and stimulating Forewords written for each volume by Harold Lasswell, Wolfgang Friedmann, Oscar Schachter and J. David Singer respectively.

These are not a random collection of readings; nor are they even a collection of opposing views on particular themes. Rather, they are writings which were selected for their contribution towards a systematic study of world order. Each of the selections brings to bear a relevant skill to this integrated examination of international order, and the skills are varied, including those of the political scientist, lawyer, sociologist, historian, economist, and physical scientist. The writers are further required to contribute to one of the following three tasks: to make an intellectual contribution by reference to the accumulated knowledge on the subject; to postulate future alternatives; or to suggest methods of bridging future recommendations to present practices. It is this threefold structure—“study of the existing international system, of a postulated alternative system designed to achieve the objectives of war prevention, and the means available to transform the one into the other” (vol. 1, p. vii)—that leads the editors to identify their volumes as a study in international systems theory. It is arguable that this designation is a trifle pretentious in

this context: apart from fundamental controversies as to whether it is appropriate to treat the international community as a "system," "models" are provided only in the broadest sense and are not appraised per se, but rather, in part, by implication by other contributions. Moreover, the deliberate exclusion (and consequent failure to deal with) so-called "realist" writings makes this appear something other than a study in systems theory, although the reviewer has no doubts as to the correctness of the decision *not* to include such materials. Thus, while one can debate whether these volumes are really to be designated as falling within "international systems theory," their faithfulness to their main purpose cannot be doubted. To Falk and Mendlovitz, world order is neither static nor an end in itself: world order is "the strategy by which one system is transformed into another more in accord with a posited set of human values (*e.g.*, survival, peace, welfare, human dignity)" (vol. 1, pp. vii-viii). This broad conception of the world order binds the contributors to each other and to their editors, and they have well succeeded in providing material for our better understanding of this process. There remains, of course, sufficient latitude for conceptual disagreements,¹ but the editors concentrate instead on what can be brought to the common endeavour.

Mendlovitz and Falk, by disposition, bring different skills to their task and one senses the influence of their respective enthusiasms. Falk, while greatly interested in theory and systems analysis, instinctively seeks to appraise the compatibility of specific actions by specific states with postulated values and accepted norms of commitments. His writings on Vietnam,² the Dominican Republic, and the *Shimoda* case are cases in point. On the other hand, Mendlovitz urges us to transform our world view and is sceptical about the "conventional wisdom" of gradualism. He is inclined to believe in the need for dramatic structural change and argues that, so far as study is concerned, this merits at least as much consideration as do the "step by step" plans to war prevention. There are really two problems here: one concerns the implications for world order of a particular radical constitutional plan; the other concerns all those factors—rational and irrational, psychological as well as political—which militate

1. One may compare, for example, Hoffman's emphasis on rules, with McDougal's identification of authoritative processes of decision-making (vol. 2, pp. 116-66). See also the differences between Fisher's approach to "norms" and those of the McDougal school, in Burke, *The Legal Regulation of Minor International Coercion*, in *ESSAYS ON INTERVENTION* 87-125 (Stanger ed. 1964); McDougal, *The Changing Structure of International Law*, 65 *COLUM. L. REV.* 812 (1965). One notes, too, the non-inclusion of C. W. Jenks in the quoted materials. See Falk & Mendlovitz, *Some Criticisms of C. Wilfred Jenks' Approach to International Law*, 14 *RUTGERS L. REV.* 1-36 (1959).

2. Falk, *American Intervention in Cuba and the Rule of Law*, 22 *OHIO ST. L.J.* (1961); Falk, *International Law and the United States Role in the Viet Nam War*, 75 *YALE L.J.* 1122 (1966).

against its acceptance. This latter aspect, as well as the former, is a relevant calculation in the allocation of time to be spent in the study of such war-prevention proposals. Unfortunately, the volumes seem to fail to come to grips with either issue. The editors themselves do not advance views on the intrinsic merits or demerits of the Clark-Sohn plan; rather, Mendlovitz limits himself to a plea for its usefulness as a teaching instrument: The plan has an emphasis upon transition which "makes clear the necessity of constructing and using a relevant utopia as a model of a war prevention system" (vol. 1, p. 386). Further, "even if the Clark-Sohn proposals should turn out to be impractical, the student is forced to consider what kind of stable war prevention system it is possible to attain; that is, the student must construct his own relevant utopia" (*Ibid.*). The misgivings of the doubters (which the editors fairly quote, *e.g.*, vol. 2, pp. 6-8, and among whom the reviewer numbers) are not answered by the statement that "The central hypothesis of this book [vol. 2] is that study of this ideal model demonstrates its relevance to the actual world and that the bridge between the two can be built, *either in the direction of the Clark-Sohn plan, or in some other way*" (vol. 2, p. 9) (emphasis added). The volumes do *not* examine whether the Clark-Sohn plan is a feasible bridge, nor does "some other way" clearly emerge. However, here again, we are wholly in the realm of what it is that the volumes are *purporting* to do: with what they *actually* do, I am totally delighted. Volume 2 is an admirable collection and guide to the best contemporary thinking on international law.

There will inevitably be those who will argue that the allocation of the largest of the four volumes to the United Nations is inappropriate and reflects the misconceptions of the editors. Such persons believe that insofar as the United Nations has any reference at all in the international system, it is dangerous because it warps power realities. Organized structures, it is argued, hamper the flexibility which nations need in restoring balances in changing international circumstances.³ It will readily be seen that international law—perceived by such persons as rigid sets of rules—is regarded in much the same fashion: that is, as marginal to state behaviour and as counterproductive of the common good at one and the same time. For such persons, 150 pages on the nature of international society (in vol. 1) will be insufficient and the two full volumes accorded to International Law (vol. 2) and the United Nations (vol. 3) wholly excessive. However, in the opinion of the reviewer, such a view is based on misconceptions about the nature of law and the role of minimal "vertical" structures (such as the United Nations) in a largely "horizontal" international society.

The volume on International Law is an excellent survey of the

3. See, *e.g.*, BURTON, *INTERNATIONAL RELATIONS, A GENERAL THEORY* (1965).

role and function of law in world order. It breaks free from the strait jacket of traditional preoccupation with "rules" and "exceptions," and, instead, presents clearly the views of those who perceive law as a dynamic social process. The editors explain, for example, that McDougal and Lasswell view law as a value-realizing process of decision-making and, with helpful guidance from the editors, the reader is encouraged to go to the abstract formulation of this particular legal philosophy (vol. 2, pp. 116-33) and to apply it to particular cases and problems. The materials in this volume are extremely well arranged and are geared to providing a conceptual understanding of the function of international law, rather than an examination of particular "rules." Though the views represented are diverse, they are all committed to the perception of law as a dynamic process, as part of the social fabric: the so-called "realists" or traditionalists find no place here. For the study of the role of law in the international community, there can now be no better teaching book.

The 850-page volume on the United Nations will also prove invaluable to teachers. The editors have gathered together some of the more thoughtful contributions under headings that have a traditional look to them—"Membership," "The Security Council," "The General Assembly," "The Secretariat and the Secretary-General," "Procedures for Pacific Settlement"—but are none the worse for it. The more conservative format is surely appropriate in this volume for no discussion of the United Nations and world order can be meaningful without a thorough understanding of the institutional structure of the organization. The volume, however, goes well beyond mere formal description, for once again an excellent choice of essayists provides both critical analysis and recommendations for each topic. Furthermore, there are included chapters on "the Relevance of Law to the Operations of the United Nations" and "Evaluating the United Nations." If students use this volume as the basis of their study of the United Nations, it will certainly be a step towards eradicating in the student generation most of today's misconceptions about that institution.

The fourth volume, *Disarmament and Economic Development*, does rather less than justice to the theme of economic development as a factor in world order. The 150 pages on this subject, as compared with the nearly 500 that are allotted to disarmament, are inadequate. Emphasis is given, perhaps correctly, to materials which emphasize trends and models. The editors' Notes and Questions are less assured, and the impression is that it is a spotty selection rather than a systematic enquiry of identified issues. By contrast, disarmament is well dealt with. The materials are very well arranged, commencing with an analysis of the concept of stable deterrence, and moving to an examination of various theories of arms

control and disarmament, and a discussion of transitional steps to disarmament. Chapters on general and complete disarmament and on the maintenance of security during disarmament, conclude the treatment. This is a most useful compendium of ideas, queries, and methods of approach; it is resolutely inter-disciplinary and ties in very well with the technique adopted throughout, namely, related reference to the Clark-Sohn plans as a model by which one's understanding may be enhanced.

It is essential that the term "world order" be understood not as an end, but as a strategy by which certain values may be realized. "Order" can exist—as we see in particular nations today—without justice, without human dignity, without freedom from hunger. Until this is appreciated, many political scientists will continue to proclaim that the search for world order is ephemeral and possibly counter-productive to "justice"; they will continue to view the role of law as a conservative agency maintaining the status quo. Until more lawyers perceive that international law is concerned with authoritative techniques for the realization of human values, they will give too much justification for this mistrust of political scientists, and, until political scientists and lawyers learn to talk a common tongue and to harness the skills of science, sociology, and technology, academic contributions to the strategy of world order will remain all too marginal.

Falk and Mendlovitz have done considerably more than provide a collection of interesting readings. They have successfully begun this essential inter-disciplinary venture. There now exists an excellent set of teaching books—not on international law, not on the United Nations, not on war prevention, or disarmament, but rather on the overall, interrelated strategy of world order. These volumes deserve to be widely used by teacher and student alike, and it is important that they should be so used.

*Rosalyn Higgins,
Royal Institute of
International Affairs**

* Dr. Higgins is author of, among other works, *The Development of International Law through the Political Organs of the United Nations* (1963).