A. Foundational Issues: Introducing Basic Concepts and Methods

1. On Substance: The Larger Theoretical Context

The world constitutive process\(^5\) has a very clear, simple and noble goal: this is the preservation and empowerment of the human person and the protection of his/her dignity. However, the fundamental question here is how far the global constitutive process has gone in meeting this sacred mission. Or, if this process has failed to do so, how could it be possible to rearrange the participants’ functions and perspectives, arenas or situations, strategies and processes that would best serve to approximate an order of human dignity.

The New Haven School, perhaps best known by its content-descriptive reference as “policy-oriented jurisprudence,” or its distinctively unique and comprehensive, yet highly contextual, and multidisciplinary feature of “law, science and policy,” has put forward the concept of human dignity and strategies to achieve it as its fundamental mission.\(^6\) It is this notion of human dignity that this book will make use of.

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\(^5\) The constitutive process is defined as “authoritative power exercised to provide an institutional framework for decision and to allocate indispensable functions.” Myres S. McDougal, Harold D. Lasswell & W. Michael Reisman, The World Constitutive Process of Authoritative Decision, in International Law Essays: A Supplement to International Law in Contemporary Perspective 191, 192 (1981).