



Internal War and the Search for Normative Order

Roscoe Ralph Oglesby

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The present study is concerned with the development and the applications of legal norms to situations of civil strife. It also deals in a less intensive way with problems of adjustment of these norms when the ambiance of the system changes. In particular it deals with the concept of belligerent recognition, a standard well-suited to the needs of the international system under a balance of power arrangement and to what extent this norm, which became fully developed during the nineteenth century, has been altered to meet the needs of the new international system which has been called a loose bipolar system. Revolution has been a classic theme of social and political thinkers throughout history. Some have regarded revolutions as completely unjustifiable, while others view them as a force for progress, if not the sole agent for major social adjustment. Political evolutionists regard revolutions which erupt in social violence as necessary social conditioning, as a way of selecting the political elite. Those who regard social violence as healthy and good, proceed to layout prudential rules for the conduct and successful conclusion of revolutions. Those who regard social violence as unhealthy and bad, tend to stress the norms of "law and order"; and to hurl at revolutionists the imprecations of a moral law which enjoins necessary obedience to authority. The present treatise pursues none of these interesting possibilities.

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