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## **State Sovereignty, International Legality, and Moral Disagreement**

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The foundational principle of the international legal order is the “sovereign equality” of states. “Sovereignty” in this sense refers, not to authority altogether beyond the reach of law, but to the reciprocal terms of the recognition that the members of an international legal order confer on one another. Although the predication of international order on respect for the sovereignty of each member entity is traceable to the 1648 Peace of Westphalia—a point frequently highlighted by those seeking to portray the notion as outmoded—the legal implications of this sovereignty have varied markedly from era to era.

The persistence of sovereign prerogative within international legal doctrine is especially unpopular with certain human rights-oriented scholars—advocates for expansive assertions of *jus cogens* (non-consent-based norms), universal jurisdiction, and humanitarian intervention—for whom international legality represents the promise of a global justice that transcends territorial limitations as well as political, ideological, and cultural differences.

Sovereign equality is an unromantic foundational principle, designed for an unromantic social reality. Its moral and pragmatic justifications are intertwined. The first section below will summarize the unifying account of the principle’s manifestations in international law. The second section will defend the principle as a morally sound response to persistent and profound disagreement within the international community as to the requirements of legitimate and just internal public order.