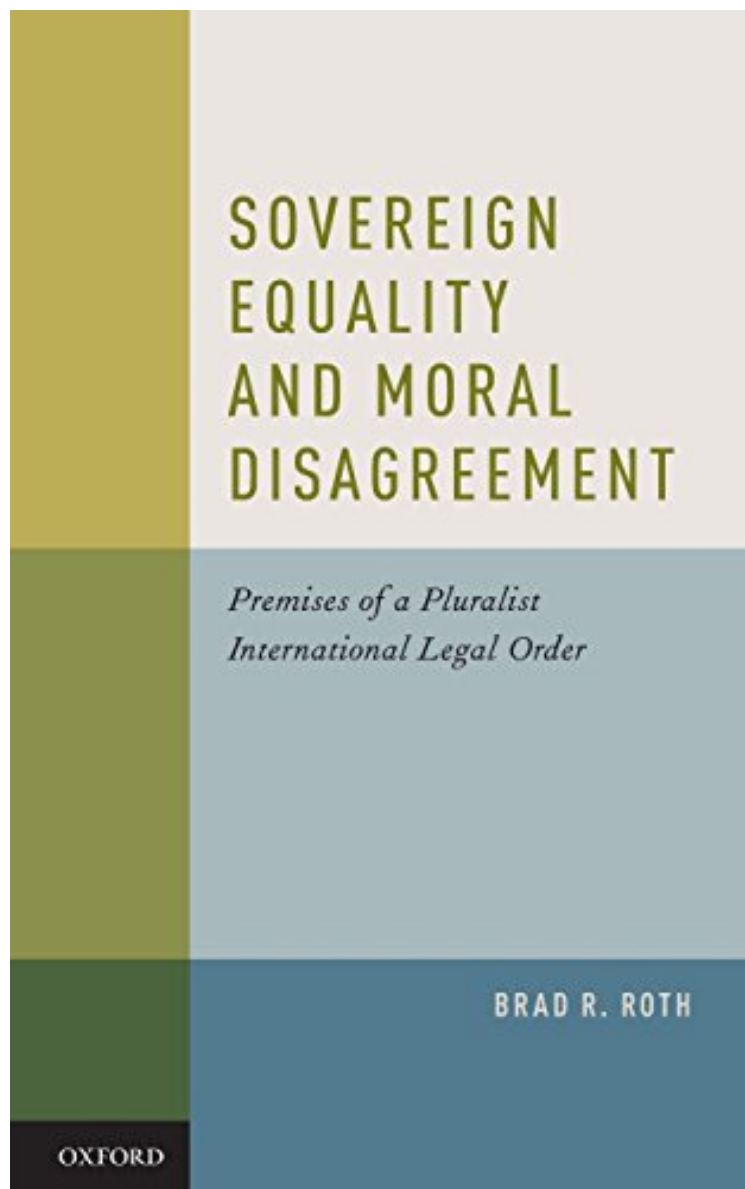


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Sovereign Equality and Moral Disagreement: Premises of a Pluralist International Legal Order

Brad R. Roth

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In *Sovereign Equality and Moral Disagreement: Premises of a Pluralist International Legal Order*, Professor Brad R. Roth provides readers with a working knowledge of the various applications of sovereign equality in international law, and defends the principle of sovereign equality as a morally sound response to disagreements in the international realm. The United Nations system's foundational principle of sovereign equality reflects persistent disagreement within its membership as to what constitutes a legitimate and just internal public order. While the boundaries of the system's pluralism have narrowed progressively in the course of the United Nations era, accommodation of diversity in modes of internal political organization remains a durable theme of the international order. This accommodation of diversity underlies the international system's commitment to preserving a state's territorial integrity and political independence, sometimes at the expense of efforts to establish a universal justice that transcends territorial boundaries. Efforts to establish a universal justice, however, need to heed the dangers of allowing powerful states to invoke universal principles to rationalize unilateral (and often self-serving) impositions upon weak states. In *Sovereign Equality and Moral Disagreement*, Brad R. Roth explains that though frequently counterintuitive, limitations on cross-border exercises of power are supported by substantial moral and political considerations, and are properly overridden only in a limited range of cases.

"This pioneering work in international legal theory offers a rare combination of sober lawyerly caution and high philosophical aspiration - leavened with plain common sense. *Sovereign Equality and Moral Disagreement* gives good reason for pause, especially to those of us who have made a mission of pushing the boundaries of international criminal and humanitarian law. Roth's is a novel, inspired defense of traditional rules upholding the sovereignty of states against recent demands from a putative 'international community.' It's a welcome antidote to new orthodoxies and sure to receive much attention, not least because it issues from someone long-identified with the international human rights movement." --Mark J. Osier Aliber Family Chair in Law, The University of Iowa College of Law "In this tour de force, Brad R. Roth returns to the first principles of international order and produces a rigorous defense of sovereignty, applicable to 21st century debates. A brilliant piece of work that will be required reading for international lawyers." --Tom Ginsburg Leo Spitz Professor of International Law and Professor of Political Science, University of Chicago Law School "In *Sovereign Equality and Moral Disagreement*, Brad R. Roth offers a unique and profound perspective on the place of the state in international law, politics and morality. His aim is to bring about a fundamental shift, to make clear that sovereignty is central to pluralism in the emerging global order. Not all will agree, but everyone's view will be richer afterward. The book is masterful, provocative, and important." --David D. Caron, President, American Society of International Law; C. William Maxeiner Distinguished Professor of Law, Berkeley Law, University of California "It is this clear-sighted interpretation of customary international law, combined with its firm theoretical grounding that makes Roth's work important. Professor Roth has given us a valuable tool to assess not only the current, but also future claims to modifications of these rules. Roth's work constitutes a convincing reminder that we must work towards an international legal order that will best serve the world that we have, rather than the world as we wish it was." --Hannah Woolaver, University of Capetown *British Yearbook of International Law* About the Author Brad R. Roth is a Professor of Political Science and Law at Wayne State University, where he teaches courses at the undergraduate, graduate, and professional levels in international law, human rights, political theory, and legal studies. A graduate of Harvard Law School, he served as a law clerk to the Chief Justice of the New Jersey Supreme Court and then as a practicing lawyer before earning an LL.M. from Columbia University and a Ph.D. from the University of California at Berkeley. He is the author of *Governmental Illegitimacy in International Law* (Oxford University Press, 1999), winner of the 1999 Certificate of Merit from the American Society of International Law as "best work in a specialized area," and the author of an array of journal articles and book chapters dealing with questions of sovereignty, constitutionalism, human rights, and democracy.