

Aggression and Crimes against Peace

In this volume, the third in his multi-volume project on the philosophical and legal aspects of international criminal law, Larry May locates a normative grounding for the crime of aggression – the only one of the three crimes charged at Nuremberg that is not currently being prosecuted – that is similar to that for crimes against humanity and war crimes. He considers cases from the Nuremberg trials, philosophical debates in the Just War tradition, and more recent debates about the International Criminal Court, as well as the hard cases of humanitarian intervention and terrorist aggression. May argues that crimes of aggression, sometimes called crimes against peace, deserve international prosecution when one State undermines the ability of another State to protect human rights. His thesis refutes the traditional understanding of aggression, which often has been interpreted as a crossing of borders by one sovereign state into another sovereign state. At Nuremberg, charges of crimes against humanity were pursued only if the defendant also engaged in the crime of aggression. May argues for a reversal of this position, contending that aggression charges should be pursued only if the defendant's acts involve serious human rights violations.

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Contents

<i>Acknowledgments</i>	<i>page ix</i>
PART A. PACIFISM AND JUST WARS	
1 Introduction: Between the Horrors and Necessity of War	3
I. <i>Condemning War but Fighting for Peace</i>	6
II. <i>War and Contemporary International Law</i>	9
III. <i>Many Unjustified Wars but Few Criminal Leaders</i>	13
IV. <i>Minimalism, Consensus, and Solidarity</i>	17
V. <i>Summary of the Arguments of the Book</i>	21
2 Grotius and Contingent Pacifism	25
I. <i>Grotius on Just Wars</i>	27
II. <i>Grotius on Justifiable Killing in War</i>	30
III. <i>The Idea of Contingent Pacifism</i>	33
IV. <i>An Objection to Contingent Pacifism</i>	37
V. <i>Contingent Pacifism and International Law</i>	40
3 International Solidarity and the Duty to Aid	46
I. <i>A Historical Note</i>	47
II. <i>The Idea of an International Community</i>	51
III. <i>Solidarity of the International Community</i>	55
IV. <i>Objections</i>	60
V. <i>The Duties of Solidarity</i>	64
PART B. RETHINKING THE NORMATIVE AD BELLUM PRINCIPLES	
4 The Principle of Priority or First Strike	73
I. <i>Gentili and the Justification of Offensive War</i>	75
II. <i>Grotius on Fear of Attack</i>	78

	<i>III. First Strikes: The Priority Principle</i>	81
	<i>IV. Last Resort as the Ultimate Restraint</i>	84
	<i>V. Contemporary Warfare and the Priority Principle</i>	87
	<i>VI. International Law and the Priority Principle</i>	90
5	The Principle of Just Cause	94
	<i>I. Conversion of Heathens and Promotion of Democracy</i>	96
	<i>II. Paradigmatic Just Causes: Individual and Collective Self-Defense</i>	100
	<i>III. Reconceptualizing the Principle of Just Cause</i>	103
	<i>IV. Just Cause and the Element of State Aggression</i>	107
	<i>V. The Bifurcated Normative Principles of Jus ad Bellum</i>	110
	<i>VI. Rethinking the Separation of Jus ad Bellum and Jus in Bello</i>	113
6	The Principle of Proportionality	117
	<i>I. Proportionality in Traditional Just War Theory</i>	119
	<i>II. Necessity and Proportionality in International Law</i>	124
	<i>III. Self-Defense and Proportionate Response</i>	126
	<i>IV. Proportionality and Minor Jus ad Bellum Principles</i>	129
	<i>V. Connecting Proportionality, Priority, and Just Cause</i>	133
PART C. THE PRECEDENT OF NUREMBERG		
7	Custom and the Nuremberg “Precedent”	141
	<i>I. Just War Theory and Aggression</i>	142
	<i>II. The Nuremberg “Precedent”</i>	146
	<i>III. Rules in International Law</i>	149
	<i>IV. Jus Cogens Norms and the Crime of Aggression</i>	152
	<i>V. The Conservative Approach to Custom</i>	156
	<i>VI. The Rules of the International Community</i>	159
8	Prosecuting Military and Political Leaders	163
	<i>I. The Admiral Doenitz Case</i>	165
	<i>II. Doenitz’s Defense</i>	168
	<i>III. The Ministries Case</i>	171
	<i>IV. Political Ministers and Waging War</i>	174
	<i>V. Roles and Actus Reus</i>	177
	<i>VI. A Successful Prosecution: Admiral Raeder</i>	181
9	Prosecuting Civilians for Complicity: The Krupp and I. G. Farben Cases	185
	<i>I. The Case against Krupp</i>	186
	<i>II. The Case against I. G. Farben</i>	191

	<i>Contents</i>	vii
	<i>III. Judge Hebert's Concurring Opinion</i>	194
	<i>IV. Mens Rea and Conspiracy</i>	198
	PART D. CONCEPTUALIZING THE CRIME OF AGGRESSION	
10	Defining State Aggression	207
	<i>I. What Is Aggression?</i>	209
	<i>II. Historical Roots of the Idea of State Aggression</i>	212
	<i>III. Waging Aggressive War</i>	218
	<i>IV. The Wrong of Aggression</i>	222
	<i>V. Who Decides? Another Lesson from Nuremberg</i>	225
11	Act and Circumstance in the Crime of Aggression	229
	<i>I. The Problem of Acts</i>	230
	<i>II. State Aggression as a Circumstance</i>	234
	<i>III. Participating and Being Liable</i>	239
	<i>IV. Participating in the Circumstances of War</i>	242
	<i>V. Revisiting the Superior Orders Defense</i>	246
12	Individual <i>Mens Rea</i> and Collective Liability	250
	<i>I. Conspiracy at Nuremberg</i>	251
	<i>II. Intent to Wage War</i>	256
	<i>III. Two Intentions</i>	260
	<i>IV. Conspiracy to Wage Aggressive War</i>	263
	<i>V. Collective Liability Schemes</i>	266
	PART E. HARD CASES AND CONCLUDING THOUGHTS	
13	Humanitarian Intervention	273
	<i>I. Humanitarian Intervention in International Law</i>	275
	<i>II. Immunity, Complicity, and Collective Liability</i>	278
	<i>III. The Applicability of the Doctrine of Double Effect</i>	283
	<i>IV. Collective Responsibility of States</i>	286
	<i>V. Defending Humanitarian Wars</i>	289
	<i>VI. Should Anyone Be Prosecuted for Humanitarian Wars?</i>	293
14	Terrorist Aggression	297
	<i>I. Piracy and Terrorism</i>	298
	<i>II. Legitimate Authority and Non-State Actors</i>	302
	<i>III. Similarities between State and Non-State Actors</i>	306
	<i>IV. Prosecuting Terrorist Aggression</i>	308
	<i>V. Terrorists and Due Process Rights</i>	312
	<i>VI. Human Rights after September 11, 2001</i>	315

15	Defending International Criminal Trials for Aggression	319
	I. <i>Koskenniemi's Critique of International Criminal Law</i>	320
	II. <i>The Diversity of Norms Defense</i>	324
	III. <i>Drumbl's Arguments about Retribution and Deterrence</i>	329
	IV. <i>Political Leaders Defending Themselves</i>	333
	V. <i>International Criminal Trials and Aggression</i>	338
	<i>Bibliography</i>	343
	<i>Index</i>	351

Acknowledgments

With this volume, I bring to completion the third of a multi-volume project discussing critically the moral foundations of international criminal law. I began this project shortly before the Rome Conference that adopted the Statute of the International Criminal Court in the summer of 1998. The previous summer, I had been asked to address the topic of reconciliation at a conference in Calgary. There I met Richard Goldstone, the first prosecutor of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. It was during a lengthy after-lunch walk that I discussed some of my ideas with him and began to see the beginnings of a single-volume study of how collective liability becomes translated into individual criminal responsibility. Then right after the Rome Conference, I took an excellent course with Leila Sadat on the emerging field of International Criminal Law, and I was hooked.

What started out to be a one-volume study was transformed into a multi-volume work, the first three volumes of which tracked the crimes originally charged at the Nuremberg trials. The first volume, *Crimes against Humanity: A Normative Account* (2005), and the second volume, *War Crimes and Just Wars* (2007), have won awards in philosophy and in law. Both volumes were published by Cambridge University Press, whose editors, especially Beatrice Rehl, have been a pleasure to work with. Over the ten years I have been involved with these volumes, my work has gone from being about a fringe topic to the very center of public policy debates across the globe. I feel lucky to have stumbled on this topic just as it was about to catch fire – nearly every morning at the breakfast table there is a news story that inspires me to get down to the business of finishing this trilogy with the hope that I can contribute something positive to the search for international justice today. The fourth volume of this multi-volume work will concern genocide.

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