

THE RIGHT TO PUNISH

What gives international courts the authority to punish individuals for international crimes? Through the lens of political philosophy, Luise Müller provides an original perspective on the justification of the authority of international criminal courts and tribunals. She argues that institutions of international criminal justice are permitted to pierce the sovereignty of states in order to punish high-profile politicians for genocide, crimes against humanity, war crimes, and other mass human rights violations. Their right to punish is justified by virtue of their function to deter mass violations of fundamental human rights. However, to legitimately exercise that right, international criminal justice institutions must fulfil two conditions: first, they must conduct criminal trials with the highest level of fairness; second, they must treat those who are subject to their authority as equals. This last condition can be satisfied by international criminal justice institutions by including procedures of democratic decision-making and democratic accountability.

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THE RIGHT TO PUNISH

Political Authority and International
Criminal Justice

LUISE MÜLLER

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ABBREVIATIONS

E, followed by book, chapter, and section number	John Locke, <i>An Essay Concerning Human Understanding</i>
ELN, followed by page number	John Locke, <i>Essays on the Law of Nature</i>
L, followed by paragraph number	Thomas Hobbes, <i>Leviathan</i>
MM, followed by page number	Immanuel Kant, <i>Metaphysics of Morals</i>
I or II, followed by paragraph number	John Locke, <i>Two Treatises of Government</i>