

INDEX

- abolitionist objection 12
- absolute moral equality 29
- access to free legal counsel 110
- accidental criminal objection 44
- accountability principles 130, 151
- adequate response to violation 112
- admission cost regulation 24
- aggregative utilitarianism 40
- aggressive war 1, 4, 22
- aleatoric procedures 132–3
- Allied Powers 7, 57
- Altman, Andrew 50, 59–60
- Anderson, Scott 87
- Annan, Kofi 11
- Appel, Benjamin 164
- Argentinian military dictatorship 28
- Armenian genocide 1915, 7
- Arusha 10
- assault on person's humanity 54
- Austin, John 32
- authority and coercion 85–98
- authority to punish 26, 36, 51, 56–60, 158, *see also* deterrence
 - international harm principle 51–9
 - natural duty view 59–64
 - sovereignty and human rights 47–51
 - state of nature 64–74
 - state punishment 117
- Bashir, Omar al-, 11
- basic human rights 48–9, 53, 61, 96, 109
 - enforcement 114
 - mass violations 50
 - violations 50
- Bogdandy, Armin von 150–1, 153–5
- bounded consent 104–5
- Brighouse, Harry 141
- brutal punishment 27, *see also* punishment
- brute force 88
- Buchanan, Allen 77, 79, 81–3, 93, 97, 99–100, 134, 147–8
- Bureau 10
- bureaucratic discretion 100
- Byrd, Sharon 38
- champagne-quality justice 115–17
- Chirac, Jacques 10
- Christiano, Thomas 103–4, 106–7, 144, 159–60
- Churchill, Winston 5
- civilian casualties 51
- Clinton, Bill 10
- coercion 75, 85–98
- coercive international institutions 93
 - categories 98
- collective autonomy 131
- compensations 23, 63
- competitive punishment 65, 69
- complementarity 135
- complex consent view 107
- consensual special rights 31
- consent
 - constraint, 101
 - theory 101, 103
- cooperative scheme 15
- Corradetti, Claudio 165
- crimes
 - against humanity 22, 48, 55, 57
 - individual, against 53
 - state or collective entity 54
- criminal act 25
- criminal legislation 140

- criminal prosecution 20, 111, 113, 158
 - international 53
 - Nazis 58
 - William II, Kaiser 7
- criminal punishment 124
 - systems of 41
- criminal responsibility, determination
 - of 129
- criminal trials 5
- criminalization 24
- cross border crimes 51

- Dahl, Robert 140
- Dancy, Geoff 162, 165
- decision-making process 128, 134
- defence witnesses 116
- degree of autonomy 63
- degree of criminalization 63
- Deitelhoff, Nicole 140, 146
- deliberation 140
- democratic control 131–2
- democratic decision-making
 - 142
- democratization 148
- destruction of property 51
- detection of violations 112
- deterrence 25, 33
 - arguments 38
 - climate of 35, 38
 - prosecutorial 163–4
 - punishment and 37, 68, 117
 - social 164
- Dirty War (1974–1983) 28
- disproportional punishment 38
- disruption of social and
 - cultural life 51
- domestic hate crimes 55
- domestic judicial bodies 116
- Duff, Antony 116–17
- duty view 17
- Dworkin, Ronald 94–5, 99, 103

- egalitarianism 42
- El secreto de sus ojos* (movie) 28
- enforcement
 - adequate 112
 - basic human rights 114
 - gap filling 112
- human rights 13
 - punishment 67
 - punishment by ICJ 112
- equal availability of political influence
 - (EAPI) 141
- equality
 - authority 30
 - non-subordination 128–36
 - trials 109
- Erdemović, Dražen 137

- fairness
 - procedural 11, 123–4
 - trials 109–20
- Feinberg, Joel 24
- fundamental human rights 47, 63
 - necessity of 47
 - protection 35, 41
 - violations 47, 103
- fundamental liberty 119

- Gacaca Court System, Rwanda 136
- Gaddafi, Muammar 11
- Gallant, Kenneth 129, 138
- genocide 22
- Genocide and Geneva Conventions 94
- German criminal justice system 6
- global constitutionalism 76
- global power structures 120
- Goering, Hermann 7
- Goodin, Robert 61
- Gosepath, Stefan 49
- Graf, Sinja 61
- group-based harms 55
- guilt determination 63, 110
- guilty mind 25
- Gur-Arye, Miriam 127

- Hanna, Nathan 67–8
- Harel, Alon 127
- harm to humanity 51, 53
- Hart, H. L. A. 23, 32, 38–9
- hate crimes 55
- Hillebrecht, Courtney 164
- Hirohito (Japanese emperor) 8
- Hitler, Adolf 7
- Hobbes, Thomas 23–5, 52
- Hofmański, Piotr 3–4

- human rights 23
 - basic 17
 - enforcement 13
 - fundamental 17, 21
 - protection 13, 149
 - violations 4, 60, 117, 163
- humanitarian military intervention 50
- humanity 54–5
- IKEA 88, 92
- illegitimate punishment 66
- impartial trial 111
- imprisonment 68
- incommensurability 14
- institutionalization of punishment 162
- international crimes 2, 4, 22, 53, 57, 59, 112
 - punishment for 75
- International Criminal Court (ICC)
 - 1–4, 9, 52, 81, 85, 137, 158
 - The Hague 4–11
 - jurisdiction 3
 - Nuremberg 4–11
 - political authority 11–16
 - vote to establish 10–11
 - warrants of arrest 1
- international criminal justice 4, 20, 23, 46, 157–8
 - accountability 137–55
 - authority 59
 - democratic control 137–55
 - equal opportunity to influence 137–55
 - equality as non-subordination 128–36
 - fairness in trials 109–20
 - institutions 74
 - instrumental approaches 120–8
 - permissibility 20
 - subordination complaint 120–8
- international criminal law 4, 7, 127, 156
 - security principle 52
- international criminal trials 162
- International Criminal Tribunal for the former Yugoslavia (ICTY) 9–10
- International Criminal Tribunal for Rwanda (ICTR) 9–10
- international harm principle 17, 51–9
- international institutions
 - authority and coercion 85–98
 - jurisdictional authority 120
 - legitimacy beyond states 75–85
 - morally mandatory aims and consent 98–108
- international legal system 99
- International Military Tribunal (IMT) 6
- International Military Tribunal for the Far East (IMTFE) 8
- international security, preservation of 103
- International Organization for Standardization (ISO) 75, 95–6
- international system of criminal law 124
- international tribunals 116
- Jeremy Waldron 125
- Jo, Hyeran 163–4
- Jodl, Alfred 8
- Jospin, Lionel 10
- jurisdictional authority 120
- justification of criminal justice 12
- Kant, Immanuel 38
- Kant's mixed theory of criminal law 39
- Kant's theory of punishment 39
- Kantian theory 139
- Katyn massacre 5
- Keohane, Robert 100, 134
- Khan, Karim 1
- Koenig-Archibugi, Mathias 141
- Kolodny, Niko 111, 122, 142, 145
- Ladwig, Bernd 62
- law of nature 34
- legal penalties 12
- legitimacy 77, 82, 95, 97, 109
 - assessments 77, 80
 - institutions 75–85
 - standards of 81
 - state institutions 83
- legitimate authority 79–80
- legitimate coercion 155
- legitimate institutions 77
- List, Christian 141
- Locke, John 17, 22, 26–31, 33, 35–7, 44, 113, 117, 150
- Locke's theory of punishment 69, 71–2

- Lorca, Rocio Ferrecio 34
 Lu, Catherine 156, 158, 160
 Luban, David 114–15, 117, 120, 133, 154
 Lvova-Belova, Maria 1
 Lyons, David 65
- majoritarianism 146
 Maliks, Reidar 151
 May, Larry 51–2, 54, 58–9, 73
 May's international harm principle 54, 56
 May's security principle 53
 Mayerfeld, Jamie 140
 metacoordination 77, 80
 metacoordination view 77
 mob justice 27
 Molotov, Vyacheslav 5
 Montal, Florencia 165
 moral conscience 32
 moral division of labour theory 61
 moral duties 31, 33
 moral equilibrium 157
 moral law 33
 moral rights 31
 morally mandatory aims
 98–109
 Moreno-Ocampo, Luis 136
 Morgenthau, Henry 8
 Morris, Madeline 4, 85, 139
 murder 56
 Murphy, Jeffrie 69
 mutual security 34
- naming and shaming campaign 88
 natural duties 73, 79, 107
 natural moral duty to preserve
 humanity 60
 natural procedural justice 110
 natural right to punish 27–37, 75
 natural rights 31
 Nazi leaders, prosecution 6–7
 Nino, Carlos 44, 165
 non-consensual special rights 31
 non-governmental organizations
 (NGOs) 78
 non-group-based harms 55
 non-subordination equality 128, 130, 134
 normative gap 123
 normative individualism 42–3
- Nozick, Robert 27, 87–9
 Nuremberg Trials 7–8
- optimality justification 13
- parking fines 24
 Pasha, Talaat 7
 penal sanctions 15
 penalties 23
 permissibility justifications 13, 15
 permissibility of international criminal
 justice 15
 non-compliance 15
 permissible punishment 26
 persuasion 140
 Pettit, Philip 24, 130, 136, 143–4
 political authority of ICJ institutions
 157
 political institution 118
 political legitimacy 117
 political violence 20
 politicization 152–3
 preservation of life 34
 private penal system 114
 procedural fairness 115–16, 124
 processes of argumentation 140
 prohibition of crime 111
 prohibition of genocide 48
 prohibition of punishment 111
 punishable crime 66
 punishment 12, 113
 aim of 26, 37–46, 118, 121
 criminal 124
 defined 23–6
 deterrent value of 113
 disproportional 38
 distribution of 17, 158
 enforcement mechanism 67
 genocidaires, 126
 individuals 51
 institutionalization of 162
 international crimes 75, 134
 international criminal justice and
 20–7, 112
 international criminals 126
 justification 25, 38, 113, 118
 Kant's theory of 39
 Lockean justification of 27

- natural right 27–37
- nature of 23–4
- penalty and 24
- permissibility 16
- political context 26
- political institution and 118
- practice of 17, 21
- private penal system 114
- protection of human rights 23
- severity of 63
- supranational 154
- unfair 114
- vigilante-like enforcement of 124
- Putin, Vladimir 1, 2–3, 11
- Radtke, Mitchell 164
- rape 56
- Rawls, John 12, 15, 24, 38–9, 41, 47–8, 79, 110, 125, 138
- Rawls's *Theory of Justice* 61
- Rawlsian human rights-based position of state sovereignty 53
- Raz, Joseph 79
- reasonable disagreement 125
- reasonable pluralism 63
- reasonableness 126
- Reidar, Maliks 139
- Renzo, Massimo 54, 56
- residual responsibility 63
- retribution 26
- retributivism 21
- right to freedom from harm 44
- right to punish 36, 75
- rights violation 45
- rights-violating states 51
- Risse, Thomas 140
- Robert Jackson 6
- Rome Conference 10
- Rome Statute 1–4, 9, 52, 139, 160, 162, 164
- Rome Treaty 94
- Roosevelt, Elliott 5
- Roosevelt, Franklin D. 5
- Russian invasion of Ukraine 1
- Samaritanism 119–20
- Security Council 9
- security principle 52
- self-defence 34
 - natural right to 52
- Sikkink, Kathryn 162
- Simmons, A. John 12–13, 15, 118
- Simmons, Beth 163–4
- social cooperation 48
- social justice 125
- social pressure 26
- socio-economic equality 63
- Song, Jiewuh 112–14, 120, 154
- sovereignist objection 12
- sovereignty
 - human rights 47–51
 - nature of 59
 - powers of 50
 - states 12, 17, 50, 52, 58
- Stalin, Joseph 5
- standard of state consent 18
- state of nature 29
- Stilz, Anna, 135
- structural injustice 157
- subordination complaint 111, 120–8
- supranational democracy, 140
- supranational punishment, 154
- Teheran Conference 1943, 5
- The Hague 9
- Thomas Christiano 95
- torture 56
- trade liberalization 83
- Treaty of Versailles 7
- trial fairness 115
- trial-governing rules 109
- Truman, Harry 8
- Ukraine 2
- UN Charter 94
- UN peacekeeping missions 102
- unfair punishment 114
- United Nations Security Council 1, 81, 85, 95, 160
- United Nations Security Council resolution 2
- Universal Declaration of Human Rights 48
- universal jurisdiction 112, 114
- unpleasant treatment 23

184

vengeance 24
Venzke, Ingo 150–1, 153–5
vigilantism 27, 121
violations
 adequate response to 112
 detection of 112

wannabe sovereigns 122
war crimes 1, 22, 157
 prohibition of 49
warrants of arrest 1
 Lvova-Belova, Maria 1
 Putin, Vladimir 1, 2–3, 11

INDEX

Wellman, Christopher 17, 44, 50,
 59–60, 79, 117–18, 120, 123, 154,
 159–60
Westphalian conception
 of state 59
William II, Kaiser 7
World Bank 95
World Health Organization
 81
World Trade Organization (WTO) 81,
 95
World Wide Fund for Nature (WWF)
 78