Contents

List of Contributors xi
Preface xv
List of Abbreviations xvii

1 Introduction: The Need for a Robust and Consistent Theory of International Punishment 1
Julia Geneuss and Florian Jeßberger

2 The Practical Importance of Theories of Punishment in International Criminal Law 12
Silvia Fernández de Gurmendi

PART I SETTING THE FRAMEWORK: CRIMINOLOGICAL, HISTORICAL AND DOMESTIC PERSPECTIVES

3 Criminology of International Crimes 25
Frank Neubacher

4 Punishment Rationales in International Criminal Jurisprudence: Two Readings of a Non-question 45
Sergey Vasiliev

5 Punishment and the Domestic Analogy: Why It Can and Cannot Work 81
Elies van Sliedregt
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Authors</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Not Much, but Better than Nothing – Purposes of Punishment in International Criminal Law: A Comment on the Contributions by Frank Neubacher, Sergey Vasiliev and Elies van Sliedregt</td>
<td>Kai Ambos</td>
<td>103</td>
</tr>
<tr>
<td>7</td>
<td>The Why Question in International Criminal Punishment – Framing the Landscapes of Asking: A Comment on the Contributions by Frank Neubacher, Sergey Vasiliev and Elies van Sliedregt</td>
<td>Immi Tallgren</td>
<td>113</td>
</tr>
<tr>
<td>8</td>
<td>Is International Criminal Law Special? A Comment on the Contributions by Frank Neubacher, Sergey Vasiliev and Elies van Sliedregt</td>
<td>Jochen Bung</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td><strong>PART II RATIONALES FOR PUNISHMENT IN INTERNATIONAL CRIMINAL LAW: THEORETICAL PERSPECTIVES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>‘Can I Be Brought before the ICC?’: Deterrence of Mass Atrocities between Jus in Bello and Jus ad Bellum</td>
<td>Jakob v.H. Holtermann</td>
<td>137</td>
</tr>
<tr>
<td>10</td>
<td>An Argument for Retributivism in International Criminal Law</td>
<td>Mordechai Kremnitzer</td>
<td>161</td>
</tr>
<tr>
<td>11</td>
<td>An Expressive Theory of International Punishment for International Crimes</td>
<td>Daniela Demko</td>
<td>176</td>
</tr>
<tr>
<td>12</td>
<td>We’re Exhausting Ourselves, Let’s Get Busy Instead: A Comment on the Contributions by Jakob v.H. Holtermann, Mota Kremnitzer and Daniela Demko</td>
<td>Mark A. Drumbl</td>
<td>196</td>
</tr>
<tr>
<td>13</td>
<td>Positive General Prevention and the Idea of Civic Courage in International Criminal Law</td>
<td>Klaus Günther</td>
<td>213</td>
</tr>
</tbody>
</table>
## Contents

   **Andreas Werkmeister**  
   228

15. The Right to Punishment for International Crimes  
   **Jens David Ohlin**  
   257

**Part III Consequences for the Practice of the International Criminal Court**

16. Prosecution Strategy at the International Criminal Court in Search of a Theory  
   **Alex Whiting**  
   285

17. Selectivity in International Criminal Law: Asymmetrical Enforcement as a Problem for Theories of Punishment  
   **Harmen van der Wilt**  
   305

18. Theories of Punishment in Sentencing Decisions of the International Criminal Court  
   **Gerhard Werle and Aziz Epik**  
   323

19. Theories of Punishment at The Hague: A Comment on the Contributions by Alex Whiting, Harmen van der Wilt and Gerhard Werle and Aziz Epik  
   **Silvia D’Ascoli**  
   353

20. From Punitive to Restorative Justice: Victims’ Participation, Reparations and Theories of Punishment  
   **Philipp Ambach**  
   364

   **Florian Jeßberger and Julia Geneuss**  
   380

**Select Bibliography**  
387

**Index**  
391