

Grotius Centre Newsletter

Spring 2020



**Universiteit
Leiden**

Grotius Centre for
International Legal Studies

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Welcome To the Newsletter!



Grotius Centre
for International
Legal Studies



Dear colleagues,

What a year 2020 has turned out to be—the Corona situation has thrown a lot of challenges our way. But we are very happy to see that in these remarkable and difficult times, the bonds between us are stronger than ever. We have come together in the face of many new and unexpected challenges. But we have risen to all them.



We are exceptionally proud of all of you—for your hard work under pressure, for your adaptability, for your perseverance, and, most importantly, for your camaraderie.

The Grotius Centre would be nothing were it not for the ties that bind us in the collective spirit of collaboration. These ties do not exist as a matter of course—they are created and maintained each and every day by each and every one of you. The COVID-19 crisis has been unable to make a dent on them.



As always, you must not hesitate to contact us if we can help in any way, or if you just need a friendly voice on the phone. The world is a small place, and we are never far away.

The Grotius Centre Management Board

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Exploring the Frontiers of International Law Programme Coordinator



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Researching and Teaching in Times of Social Distancing

The last few months have been remarkable. Everyone has had to adapt to new ways of working and living. While we may have to be distanced physically, camaraderie and technology have brought us closer. Here, Grotius staff members share vignettes from their lives at home.

IN THESE SURREAL, uncertain times we are lucky to be academics, not owners of cafes, organisers of dance festivals or other professionals so loved by Corona. Sure, teaching suffers these days: nothing can compare to the real thing in the KOG or elsewhere. But we still have surrogates called Kaltura, or in my case videolecturing by smartphone. For research, in my case it is true what Churchill once must have said: 'never waste a good crisis.' I am working on a book about the Security Council at 75, provisionally entitled 'Saving future generations from the scourge of war'. It should go to the publisher this summer. Colleagues who are interested and/or do research in this field: feel free to get in touch. I would like to discuss

this in the absence of Grotius dialogues, lunches at the KOG and birthday coffees in our Juridisch café. As always, you only really start appreciating things fully once they are no longer there ... So I am looking forward to the day that Corona and Rutte allow us to return to the KOG. I have therefore suggested to our dean to organise a half day meeting in the KOG, one of the first days it is reopened, and she liked the idea. The meeting is called 'Corona en het recht'. I will invite researchers who have done articles, blogs etc. these weeks and months, to give a short presentation on Corona and their specific expertise, and to celebrate our return collectively. Certainly there should also be someone from international

law. Although the meeting will mostly be in Dutch, a contribution in English would be fine, if only not to forget these days of intense nationalism that we need international cooperation (and international organizations). Any volunteers?

Stay healthy, and I hope to be in touch with you soon.

 *Niels Blokker*

TODAY I ATTENDED the PhD defence of Xuechan Ma. Of course, when I say 'attended' I mean that I watched everything remotely in a Kaltura Live Room, while the committee members joined from Geneva, London, Amsterdam, The Hague, Oegstgeest, and Leiden.

I'm delighted for Xuechan, who performed so well under the pressure of not only a defence, but an online defence. But after being involved in Xuechan's supervision for years, I can only feel mixed about the experience of the remote defence. These online platforms allow us to overcome the obstacles thrown up by the corona virus, and to move on with our academic business. And in this sense, they're amazing. And yet, I miss shaking hands, looking someone in the eye, and even the simple acts of standing up and down during a ceremony. I miss the individual chats before and after and the lovely setting. I'm glad and relieved that it's possible at all to hold a defence in these times, but the online experience is simply a different thing altogether!

📍 *Cecily Rose*

I WAS NEVER A FAN of home office. When the lockdown came, I was initially afraid I might feel too isolated working from home, but was surprised to see how tight the Grotius Centre community actually is. Emails, calls, and online coffee breaks make me feel like we are all still quite close. Having a tight community has been very helpful in adapting to working from home and now this really feels like a 'new normal'. I have not developed any new hobbies—which is intimidating, since so many people seem to have become almost professional bakers in such little time! But I did manage to make time for old hobbies that were put away due to having a busy schedule and am very happy to have done so, since they give me nice breaks from the news and work.

📍 *Paula Baldini Miranda Da Cruz*

IN LIFE WE SHOULD always think about the positive side of things and what can we learn in complex situations. Staying focused on work during the corona crisis has not been easy. I think especially for those of us who have fam-

ily abroad, our thoughts are always with them. I have tried to maintain daily meditation routines as well as a weekly academic activity schedule. I try every weekend to do virtual meetings with my friends. I live on the Haarlemmestraat so through my window I have been able to see people's behaviour. It is admirable how we have all done our best to be at home and if we have to go out keep the 1.5 meters distance. Now that spring has come, little by little things begin to come alive. Today a street musician sang 'Yesterday' from The Beatles. It seemed so appropriate for this moment. Stay safe!

📍 *Paula Cortés*

JASON RUDALL AND I enthusiastically started co-teaching our International Economic Law and Sustainable Development course in the LLM Adv at the beginning of March. Our students were very involved and asked great questions during our lectures, triggering lively debates. Two weeks into our teaching, it became clear that we had to migrate everything online using the Kaltura platform. Our colleague Joseph Powderly managed wonderfully to familiarise us all with the platform quickly. During my first live session teaching the class online, I was rather frustrated, as having the camera on caused the programme to disconnect me. However, our students were extremely patient and understanding (very thankful for that!).



📍 *Paula Cortés' view*

The following sessions we decided not to use the camera, which was an improvement and made it manageable. Although it was a major adjustment for everyone, one advantage was that students could actively contribute to the course by pre-recording their presentations, which we incorporated into the course. We would not have been able to do it without the students' flexibility, patience and continued enthusiasm! Following my experience, the Law Faculty interviewed several of us about their experience with teaching online. [The interview can be found here.](#)

📍 *Anna Marhold*



☞ Letizia's drawing

IF LIFE WAS A SONG – my pre-COVID life would be *Don't Stop Me Now* by Queen, and my present life would definitely be a calmer ballad, perhaps *Another Day in Paradise* by Phil Collins. As of mid-March 2020, a different rhythm has been playing in daily life. This does not necessarily mean less workload. On the contrary, work hours have been longer than before. Yet, the time to accomplish our to-do-list may even appear more generous to some. Spatiality has changed for all though. As many other academic colleagues, I used to travel a lot before the pandemic broke out. Now many meetings moved online and distance shortened in many respects! This entailed unprecedented opportunities to me. For instance, I virtually attended the launch of Philippe Sands' latest book *The Ratline* in London, I joined a EUI group on intellectual history, I participated in the High-Level Virtual Convening on the UN Counter-Terrorism & Human Rights. This would have not been easy to

squeeze in my schedule under pre-COVID circumstances. The time indoor led me to read more, and in a variety of fields. These days, *Empires of the Atlantic World: Britain and Spain in America 1492-1830* by J H Elliott sits on my bedside table. Sporadically, I also found the time to cultivate the passion for drawing that I have since I was little. I saw many opportunities materialising during this period, and many more are yet to come if one adopts a right angle! To quote another song by Collins, "I can see there is so much to learn, it's all so close and yet to far".

☞ Letizia Lo Giacco

EARLY IN THE PANDEMIC I was experimenting with finding a cheaper flat. But after several weeks of uncharacteristically sunny Dutch weather, I realised two things. Firstly, that we are living in a simulation created by someone with a strange sense of humour. More importantly, that by never leaving home I had come to

attribute more value to my tree-facing terrace. And so I turned my attention from apartment-hunting to bird-watching, as these industrious nesters became my live entertainment. I've done a lot of writing out there—in a jacket at first—while my partner uses our only large surface to sketch flowers, some received from Leiden colleagues. As Americans, we've looked at the Netherlands with newfound admiration. And I'm looking forward to working with researchers around the world on the next phase of my postdoc, thanks to the generosity of the S J Visser Fund of Leiden's Praesidium Libertatis I Foundation.

☞ Brian McGarry

I AM CONTINUING to work on my thesis. It's a slow, gradual process. Early in the lockdown, I followed a couple of the BKO courses, which were helpful.

I've been getting into lino printing lately,



☞ Cale has been lino printing

which has created a lot of mess on my floor (not paint, thankfully!)—there's something quite meditative about slowly cutting away at a lino block in the evenings or over lunch. I have also been cycling a lot and enjoying this excellent weather!

Food has also become a more important part of my life. I have been cooking a lot. And I've recently purchased a Chemex and am drinking far too much coffee—not necessarily because it's coffee; but because the act of making a pot is very relaxing!

🌱 *Cale Davis*

LOCKDOWN LIFE FOR ME has been coloured by the constant, very lively presence of my three-year-old. Precious moments of quiet time were spent not only on trying to progress ongoing projects, but also on research and some writing on the role of international law in encouraging a transformational and green recovery from this pandemic. Another small task I have taken on is transferring knowledge about best practices in online teaching from my previous academic home, the University of the South Pacific, to Leiden. While celebrating our access to technologies that mitigate the impact of social distancing, I sorely miss 'real' interaction and very much look forward to meeting colleagues and students again in person.

🌱 *Margaretha Wewerinke-Singh*





Symposium on COVID-19 and International Law

The COVID-19 pandemic has raised a lot of questions concerning healthcare and public policy: but what is the role of international law? Jason Rudall and Barrie Sander put together an *Opinio Juris* symposium on COVID-19 and international law to explore the ramifications.

ON 30 MARCH 2020, my co-editor Barrie Sander (FGV Rio, Brazil) and I launched a two-week symposium exploring COVID-19 and international law on the blog site *Opinio Juris*. Through the symposium, we sought to start a conversation, draw on expertise, and provoke insights on the multi-faceted international legal dimensions of this new pandemic. We also strove to hear from a diversity of voices and we were delighted that, by the end of the symposium, there were 43 contributors and 38 posts.

Each contribution assessed the impact of COVID-19 from different perspectives of international law. Many of the authors questioned whether international law, or its failure,

was complicit in the COVID-19 crisis. Others asked how international law could or should respond to the pandemic. At such an early stage in the COVID-19 crisis, most contributors provided the first commentary from whichever perspective they wrote from.

We were very happy with the response to the symposium. All of the authors wrote their pieces in record time and under challenging circumstances. Moreover, so many were generous with positive feedback as the posts were shared widely online. We were also deeply grateful for the efficiency, flexibility and professionalism of our colleagues at *Opinio Juris*, who helped make the symposium such a success.

Since the symposium took place, the conversation has continued on many other platforms and even appears to be influencing practice given that it has been referred to by the Legal Research Service of the German Parliament. We hope that the contributions in the Symposium on COVID-19 and International Law will continue to inspire other commentary on, thinking about or solutions to this defining event.

[The entire Symposium on COVID-19 and International is available as a PDF.](#)

✂ Jason Rudall



Kalshoven-Gieskes Forum on International Humanitarian Law

The Kalshoven-Gieskes Forum on International Humanitarian Law has continued its work over the first half of 2020—bringing 5 new projects to the IHL Clinic while adapting to the challenges of current times!

THE FIRST HALF of the year 2020 has brought a lot of new challenges to the Kalshoven-Gieskes Forum on International Humanitarian Law (KGF) – not only in terms of the format of our work (switching to online teaching and supervision, virtual team meetings, virtual meetings with cooperation partners) – but also on a more positive note it has brought a total of five new exciting projects to our Leiden IHL Clinic.

This Spring term, we started IHL clinic projects which included amici curiae submissions to two judicial institutions, one strategic litigation project, a project about research and guidelines on digitally derived evidence, as well as assistance with an investigation in the

context of an on-going humanitarian crisis. A total of 20 students of the Advanced and Regular LL.M. in Public International Law were engaged with the Forum's IHL Clinic projects under the supervision of our KGF staff. In this regard, the KGF team was happy to welcome Ms. Sharon Pia Hickey as our new Research and Teaching Associate and Ms. Sofia Larriera Santurio and Ms. Alla Ershova as Guest Researchers.

Amici Curiae submissions

In March 2020, the Forum together with the IHL Clinic students submitted two amici curiae submissions to the International Criminal Court in The Hague and the Special Juris-

diction for Peace in Bogota, respectively.

Specifically, Dr. Robert Heinsch and Dr. Giulia Pinzauti with the support of a group of five IHL Clinic students, submitted their [Observations in the Situation in the State of Palestine](#) to Pre-Trial Chamber I of the International Criminal Court on 16 March 2020. The observations elaborated on (1) the status of the State of Palestine within the legal regime of the Rome Statute; (2) the relevance of the law of occupation in determining Palestine's statehood; and (3) the scope of the Court's territorial jurisdiction in respect of the Occupied Palestinian Territory.

Furthermore, Dr. Robert Heinsch together with three of our IHL Clinic students, submit-

ted an [amicus curiae brief to the Special Jurisdiction for Peace](#) in Bogota, Colombia, on 27 March 2020. The amicus brief addresses several questions, including the meaning and scope of war crimes in international law and the Colombian Criminal Code, the possibility of amnesties for IHL violations, and the status and treatment of police forces in non-international armed conflicts.

Digitally Derived Evidence project

Students working under the supervision of Dr. Emma Irving, Ms. Sharon Pia Hickey and Ms. Alla Ershova on the [Digitally Derived Evidence \(DDE\)](#) project examine the different legal standards of evidence applicable at various international accountability fora. Photographs, videos, aerial and satellite images, call data records, emails and social media posts – these are just a few examples of DDE that has already been used in different cases. Seeing that it is a rapidly developing area, it is crucial to ensure that the potential presented by DDE for accountability efforts is met, while at the same time ensuring that the dangers presented by this evidence are avoided. The research is hence informed by criminal law, human rights law and the framework governing international humanitarian law fact finding. It aims at informing these legal frameworks with a comparative overview and analysis of how different evidentiary standards applicable at different accountability fora can accommodate the growing body of digitally derived evidence of atrocities.

The IHL Clinic students working on the DDE project have now prepared comprehensive legal summaries of cases using digital evidence, and based on their findings, they are currently creating guidelines on different types of DDE that legal practitioners can refer to in the future when being confronted with this type of evidence. In Summer 2020, the KGF has also

taken four summer interns on board to continue the research and further develop the DDE guidelines. The project is also planning to host a workshop of experts to review and provide comments on the guidelines and devise a way to present the information in a database for practitioners.

Strategic Litigation project

For three months, between March and May 2020, six students from the Advanced LL.M., under the supervision of Ms. Ciara Laverty, Grotius Centre PhD candidate, and Ms. Sofia Larriera Santurio, KGF Guest Researcher, further developed one of the KGF's Strategic Litigation projects initially launched in 2019. Using the previous report as a starting point, the team conducted extensive research aiming to identify countries that allow for the prosecution of international crimes under universal jurisdiction. The team's work resulted in a final report containing an overarching legal analysis of crimes to be prosecuted and domestic laws of universal jurisdictions, as well as challenges and recommendations for further research.

Investigation into serious violations of IHL and human rights in an ongoing conflict situation

A group of seven IHL Clinic students, under the supervision of Dr. Robert Heinsch, Ms. Johanna Trittenbach and Mr. Mahan Charmshir, engaged with an internationally established mechanism in its investigation into serious violations of IHL and human rights in an ongoing armed conflict situation. Students carried out comprehensive legal analyses with regard to specific methods of warfare, hereby sometimes entering almost uncharted territory. The IHL Clinic team also established the facts and circumstances surrounding alleged violations and abuses, hereby contributing to our client's comprehensive examination of law and facts in

this armed conflict.

More than 23,000 people have joined our online course

The Kalshoven-Gieskes Forum's first Massive Open Online Course (MOOC) on '[International Humanitarian Law in Theory and Practice](#)', launched in November 2018 together with Leiden University's Centre for Innovation has now more than 23.000 enrolled students only 1.5 years after it was published on Coursera. The course has received extremely positive reviews and its audience includes not only legal practitioners but also journalists, members of armed forces and humanitarian aid workers who want to refresh their knowledge of IHL or want to get further detailed information. Through this MOOC, the KGF continues to contribute to the further dissemination of IHL on a global scale.

IHL CLINIC

SPRING 2020



KGF SUPERVISION TEAM





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Leiden came 4th in the world in the 2020 ICC Moot Court Competition, as well as picking up two Memorial prizes. This is a wonderful achievement and one of which the University can be very proud!

LEIDEN UNIVERISTY had another successful year in the ICC Moot Court Competition. The team, consisting of Caoimhe O'Hagan, Marion de Nanteuil, Marie Bassine, Shraddah Dubey, and Emeline Vanhooren placed 4th in the world—a wonderful achievement! In addition, the team received two additional awards: Best Defense Counsel Memorial, and First Runner-up Best Government Counsel Memorial.

These results cement Leiden's place as one of the world's leading institutions for international criminal law and advocacy training. This result follows on from the 2019 competition, which Leiden won.

The 2020 competition took an unusual format this year. Because of the COVID-19

pandemic, it was unfortunately not possible to have all 71 teams from 50 countries gather in The Hague for the international rounds. As such, the international rounds were conducted on the papers—with no oral argument component.

In their comments, the assessors noted that the memorials were “a pleasure to read”, “extremely well-organised”, “highly persuasive”, and showed “a full understanding and sharp analysis of the facts and issues of the case”. The students' attention to detail, hard work, and commitment paid off!

Of course, it's nice to receive prizes, but university mootings are ultimately a pedagogical exercise. What matters is not so much the end

result, but rather the skills the students learn. At the end of a mootings programme, the students will have honed their teamwork, research, time management, written, and oral advocacy skills that will give them an excellent foundation for whatever career they choose to pursue (be it in the law or elsewhere).

The 2020 ICC Moot Court Competition team was coached by Jel Samar and Cale Davis.



Hora

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The COVID-19 situation has meant that PhD defences have had to occur digitally—so we were unfortunately not able to gather in person to congratulate Andrea Varga, Andres Sarmiento Lamus, Darryl Robinson, Xuechan Ma, and Beth van Schaack on their successful defences!

Beth van Schaack

Imagining justice for Syria: Water always finds its way

This dissertation situates the war in Syria within the actual and imagined system of international criminal justice. It explores the legal impediments and diplomatic challenges that have led to this tragic state of affairs and reviews a number of accountability solutions being explored within multilateral gatherings, by states, and by civil society actors, including innovations of institutional design; the re-activation of a range of domestic jurisdictional principles (including universal jurisdiction in Europe); the emergence of creative investigative and documentation techniques, technolo-

gies, and organizations; and the rejection of state consent as a precondition for the exercise of jurisdiction. Engaging both law and policy around international justice, the text offers a set of justice blueprints, within and without the International Criminal Court. It also considers the utility, propriety, and practicality of establishing an ad hoc tribunal and pursuing a transitional justice program without a genuine political transition. All told, the book attempts to capture the creative energy radiating from members of the international community intent on advancing the accountability norm in Syria even in the face of geo-political blockages within the U.N. Security Council.

Darryl Robinson

Exploring Justice in Extreme Cases: Criminal law theory and international criminal law

This thesis is about the criminal law theory of international criminal law (ICL). More specifically, the thesis focuses on one area of inquiry within criminal law theory: the fundamental moral constraining principles of criminal law (such as the culpability or legality principles). The main contribution of this thesis is to advance a method for identifying and clarifying the fundamental principles appropriate for ICL. I show that the most familiar sources of guidance are unreliable, and that efforts to find solid grounding are untenable. I

propose a 'coherentist' method, which stipulates that we do not necessarily need a foundational ethical theory, or bedrock for beliefs. Instead, we can work productively at a middle level, using all of the available clues – including patterns of practice, normative arguments, and considered judgments. Currently prevailing understandings of the principles are contingent human constructs, but nonetheless we can make fruitful progress in applying and refining the best available constructs. The method is illustrated through an examination of command responsibility, an important but hotly contested doctrine. The inquiry shows problems in ICL jurisprudence and generates prescriptions for a law that responds fairly and effectively to a particular danger of human organization.

Xuechan Ma

Moving towards Coexistence and Cooperation: The Spratly Islands and international law

This thesis investigates the extent to which international law provides a normative framework for the management of the Spratly Islands area in the absence of agreed maritime delimitation, with the aim of maintaining peaceful coexistence of the disputant States and promoting international cooperation. In addition to the introductory and concluding chapters, this thesis consists of two parts: Part I (Coexistence) and Part II (Cooperation). Part I, comprising chapters 2-4, seeks to set out a predictable territorial order and a permissible scope for unilateral behaviours to ensure peaceful coexistence of the disputant States. Part II, including chapters 5-7, outlines international legal frameworks for inter-State cooperation in resource and pollution management concerning the Spratly Islands area. This thesis concludes that the functions of international law in managing this region can be

achieved through the interaction between its substantive and procedural elements, despite its limitations resulting from the classic 'territoriality' model of jurisdiction. This thesis will hopefully provide a balanced perspective on the roles of international law and advocate a blueprint of cooperation that can be undertaken at a relatively low level of efforts or changes by making use of the existing international instruments or available cooperative mechanisms as much as possible.

Andrea Varga

Establishing State Responsibility in the Absence of Effective Government

Under international law, the state is generally only responsible for the conduct of public authorities and not of private actors. But when a state loses effective control over part of its territory, that loss is often accompanied (or even caused) by an enhanced role for private actors, such as armed groups, secessionist entities, or even informal community institutions. Under the current system, these actors cannot be held directly responsible when they commit, for instance, human rights abuses. At the same time, states are rarely completely absent from the picture: the government may try to reassert control or enlist the help of militias; foreign powers may support rebel groups or prop up separatist regimes. Against this backdrop, the dissertation explores when states can be held responsible in connection with private conduct in such situations, and how any remaining accountability gaps can be narrowed in cases where a state is involved. In doing so, it focuses on three bases of responsibility: violating a duty to prevent and/or redress private conduct; complicity in private conduct; and the transformation of private into public conduct, through its attribution to the state. The analysis delves into the work of the International Law Commission and international jur-

isprudence, including the hitherto largely underexplored case law of regional human rights courts on these issues. To narrow the accountability gap, the dissertation argues that there should be a general rule prohibiting state complicity in the wrongful conduct of private actors; in the meantime, complicity should in certain limited cases form the basis for attribution.

Andres Sarmiento Lamus

The Proliferation of Dissenting Opinions in International Law: A comparative analysis of the exercise of the right to dissent at the ICJ and IACtHR

International law and international relations have experienced the phenomenon on the judicialization of international relations and the subsequent proliferation of international courts and tribunals. One of the most significant aspects of this phenomenon, is the diversity in the institutional settings of each of the international courts and tribunals. These differences in the mandate, jurisdictional and institutional design make each of these judicial institutions unique. Despite these differences, there is one aspect that is common to nearly all the existing international courts and tribunals: the right for judges and arbitrators to append dissenting opinions. Differences exist, however, as to how this right is regulated, designed and exercised across international courts and tribunals. While at some courts and tribunals dissenting opinions should be anonymous, at others their content should be strictly limited to the aspects addressed in the majority judgment. Likewise, judges do not always exercise their right to append dissenting opinions for the same reasons. Based on these differences, the dissertation sets out to investigate whether there are differences in the exercise of the right to append dissenting opinions that can be traced back to differences in the mandate, jur-

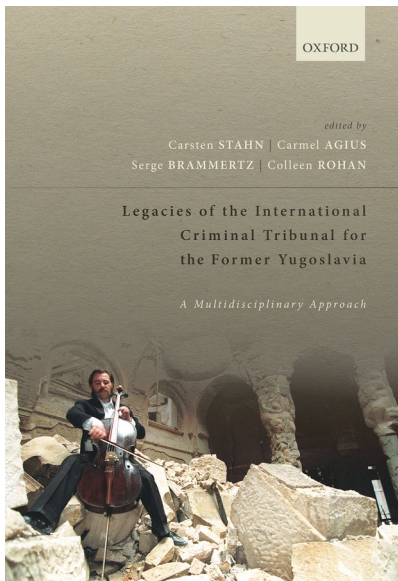
isdictional and institutional design of the international court or tribunal in which they were rendered. This research aim is made through a focus on two courts that are notable for their differences, namely, the International Court of Justice and the Inter-American Court of Human Rights.



Legacies of the International Criminal Tribunal for the Former Yugoslavia

Carsten Stahn, Carmel Agius, Serge Brammertz, and Colleen Rohan

With a Forward by Antonio Guterres

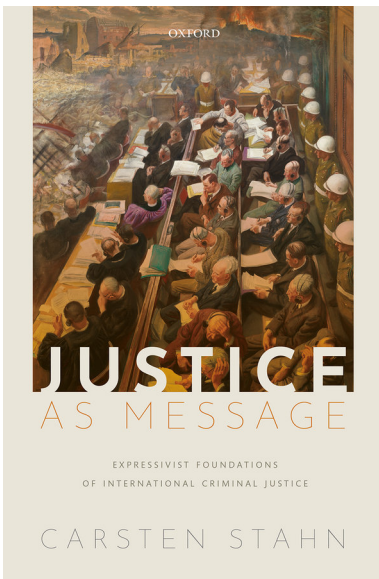


The International Criminal Tribunal for the former Yugoslavia (ICTY) is one the pioneering experiments in international criminal justice. It has left a rich legal, institutional, and non-judicial legacy. This edited collection provides a broad perspective on the contribution of the tribunal to law, memory, and justice. It explores some of the accomplishments, challenges, and critiques of the ICTY, including its less visible legacies.

The book analyses different sites of legacy: the expressive function of the tribunal, its contribution to the framing of facts, events, and narratives of the conflict in the former Yugoslavia, and investigative and experiential legacies. It also explores lesser known aspects of legal practice (such as defence investigative ethics, judgment drafting, contempt cases against journalists, interpretation and translation), outreach, approaches to punishment and sentencing, the tribunals' impact on domestic legal systems, and ongoing debates over impact and societal reception. The volume combines voices from inside the tribunal with external perspectives to elaborate the rich history of the ICTY, which continues to be written to this day.

Justice as Message

Carsten Stahn



International criminal justice relies on messages, speech acts, and performative practices in order to convey social meaning. Major criminal proceedings, such as Nuremberg, Tokyo, and other post-World War II trials have been branded as 'spectacles of didactic legality'. However, the expressive and communicative functions of law are often side-lined in institutional discourse and legal practice. This innovative work brings these functions centre-stage, developing the idea of justice as message and outlining the expressivist foundations of international criminal justice in a systematic way.

Professor Carsten Stahn examines the origins of the expressivist theory in the sociology of law and the justification of punishment, its articulation in practice, and its broader role as method of international law. He shows that expression and communication is not only an inherent part of the punitive functions of international criminal justice, but is represented in a whole spectrum of practices: norm expression and diffusion, institutional actions, performative aspects of criminal procedures, and repair of harm. He argues that expressivism is not a classical justification of justice or punishment on its own, but rather a means to understand its aspirations and limitations, to explain how justice is produced and to ground punishment rationales. This book is an invitation to think beyond the confines of the legal discipline, and to engage with the multidisciplinary foundations and possibilities of the international criminal justice project.

