



**Answering for International Crimes
Perspectives from Moral, Political and Legal Theory**

PluriCourts Workshop
University of Oslo
July 3-4, 2017

This workshop aims to bring together a generation of young legal and political theorists to discuss the core questions underlying the philosophy of international criminal law (ICL). The interdisciplinary orientation of the workshop seeks to build upon and draw together existing conversations in legal and political theory.

The existing legal theory literature concerning international criminality in recent years has focused on the distinction between domestic and international crimes. International offences—in contrast to domestic crimes—are subject to the jurisdiction of international courts and universal jurisdiction. This raises the question of what explains, from a philosophical standpoint, the distinctiveness of international crimes. The preamble to the Rome Statute establishing the International Criminal Court (ICC) offers some indication, describing the international offences subject to the Court’s jurisdiction as “atrocities that deeply shock the conscience of humanity”. But how does such a distinctive character justify the particular jurisdictional regime applicable these crimes? Debates have approached such questions primarily in relational terms: To whom should the accused wrongdoers answer for their crimes? Which community justifies criminal tribunals to call wrongdoers to account?

The existing political theory literature has rather focused on the legitimacy of international tribunals as a form of international institution beyond its penal character. This literature suggests that international institutions should not mirror domestic institutions, but should nevertheless fulfill a set of minimum criteria in order to be viewed as legitimate. In this respect, scholars have criticized, for instance: the selectivity of ICC prosecutions as arbitrary; the requirement of state consent as misplaced; the political influence of the UN Security Council as status quo entrenching; or the failure of international criminal processes to engage sufficiently with local communities and procedures. Building on these burgeoning lines of debate, the PluriCourts workshop aims to connect the legal and political theory of the ICL with a view to encouraging innovative and interdisciplinary scholarship.

Organizers:

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Schedule – Monday, July 3, 2017

- 8.45-9:15 Breakfast and introductory words (Alain Zysset & Andreas Follesdal)
- Session 1: War Crimes
Chair: **Nobuo Hayashi**
- 09.15-11.00 **Malcolm Thorburn** (University of Toronto)
“Crime, War, and Public Authority”
- Alejandro Chehtman** (Universidad Torcuato di Tella, Buenos Aires)
“Revisionist Just War Theory and the Concept of War Crimes”
- 11.00-11.15 Coffee break
- Session 2: Responsibility and Answerability
Chair: **Kjersti Lohne** (University of Oslo)
- 11.15-13.00 **Luise Muller** (Freie Universität Berlin)
“Responsibility for, and Disagreement about, Punishment”
- Ken Gallant** (University of Arkansas at Little Rock/PluriCourts)
“Answering for Crimes Committed by Persons outside the State Claiming Authority”
- 13:00-14:15 Lunch
- Session 3: Moral and Political Perspectives on ICL
Chair: **Carola Lingaas** (University of Oslo)
- 14.15-16.00 **Anthony Reeves** (Binghamton University)
“Impunity and Hope”
- Thomas Christiano** (University of Arizona)
“The Arbitrary Circumscription of the Jurisdiction of the International Criminal Court”
- 16.45-18.45 Boat trip (optional) in the Oslo fjord (Oslo – Hovedøya island and back)



Schedule – Tuesday, July 4, 2017

- 9.45-10.15 Breakfast and coffee
- Session 4: ICL, Human Rights and Sovereignty
Chair: **Andreas Follesdal** (PluriCourts)
- 10.15-12.00 **Alain Zysset** (PluriCourts)
“The Common Core between Human Rights Law and International Criminal Law: A Structural Account”
- Ryan Liss** (Columbia University)
“Crime at the Limits of Sovereignty: Redefining International Criminal Justice”
- 12.00-12.15 Staying in touch and publication project
- 12.15-13.00 Lunch and end of the workshop

List of participants:

- Alejandro Chehtman
Associate Professor, Universidad Torcuato di Tella, Buenos Aires
- Thomas Christiano
Professor of Law and Philosophy, University of Arizona
- Andreas Follesdal
Professor and Co-Director, PluriCourts
- Nobuo Hayashi
- Luise Mueller
Postdoctoral Fellow, Freie Universität Berlin
- Ken Gallant
Professor of Law, University of Arkansas at Little Rock / Fulbright Fellow, PluriCourts
- Kjersti Lohne
Postdoctoral Fellow, Institute for Criminology and Sociology of Law, University of Oslo
- Carola Lingaas
Ph.D Candidate, Department of Public and International Law, University of Oslo
- Ryan Liss
Associate-in-Law, Columbia Law School, Columbia University
- Anthony Reeves
Associate Professor of Philosophy, Binghamton University
- Malcolm Thorburn
Associate Professor, Faculty of Law, University of Toronto
- Gentian Zyberi
Professor, Norwegian Center for Human Rights
- Alain Zysset
Postdoctoral Fellow, PluriCourts



PRACTICAL INFORMATION

The conference will take place at PluriCourts - Domus Nova in room 571. PluriCourts is located at Domus Nova, 5th floor, St. Olavs plass 5. PluriCourts is on the 5th floor. There will be signs when you enter the building Domus Nova. You can find PluriCourts in Google Maps.

For participants with a Powerpoint presentation, please bring your USB stick.

Please inform us by email of any dietary requirement/allergy you may have.