

## Bibliography

- Akerson D & Knowlton N, "President Obama and the International Criminal Law of Successor Liability" (2009) 37 *Denver J Intl L & Pol'y* 615.
- Aksenova M, van Sliedregt E & Parmentier S, eds, *Breaking the Cycle of Mass Atrocities: Criminological and Socio-legal Approaches in International Criminal Law* (Hart, 2019).
- Alexander L & Kessler Ferzan K, *Crime and Culpability: A Theory of Criminal Law* (Cambridge University Press, 2011).
- Alexy R & Peczenik A, "The Concept of Coherence and Its Significance for Discursive Rationality" (1990) 3 *Ratio Iuris* 130.
- Amann D M, "In *Bemba* and beyond, Crimes Adjudged to Commit Themselves" (13 June 2018), online: [www.ejiltalk.org/in-bemba-and-beyond-crimes-adjudged-to-commit-themselves/](http://www.ejiltalk.org/in-bemba-and-beyond-crimes-adjudged-to-commit-themselves/).
- Amaya A, *The Tapestry of Reason: An Inquiry into the Nature of Coherence and Its Role in Legal Argument* (Hart, 2015).
- Ambos K, *Der Allgemeine Teil des Völkerstrafrechts* (Duncker & Humblot, 2002).
- Ambos K, "Superior Responsibility," in A Cassese, P Gaeta & J R W D Jones, eds, *The Rome Statute of the International Criminal Court: A Commentary, Vol 2* (Oxford University Press, 2002).
- Ambos K, "Remarks on the General Part of International Criminal Law" (2006) 4 *JICJ* 660.
- Ambos K, "Joint Criminal Enterprise and Command Responsibility" (2007) 5 *JICJ* 159.
- Ambos K, "Article 25," in O Triffterer, ed, *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, 2nd ed (Beck, 2008).
- Ambos K, "Critical Issues in the *Bemba* Confirmation Decision" (2009) 22 *LJIL* 715.
- Ambos K, "Toward a Universal System of Crime: Comments on George Fletcher's *Grammar of Criminal Law*" (2010) 28 *Cardozo L Rev* 2647.
- Ambos K, *Treatise on International Criminal Law, Vol I: Foundations and General Part* (Oxford University Press, 2012).
- Ambos K, "Punishment without a Sovereign? The *Ius Puniendi* Issue of International Criminal Law: A First Contribution towards a Consistent Theory of International Criminal Law" (2013) 33 *Oxf J L Stud* 293.
- Ambos K, "The ICC and Common Purpose: What Contribution Is Required?," in C Stahn, ed, *The Law and Practice of the ICC: A Critical Account of Challenges and Achievements* (Oxford University Press, 2015).
- Ambos K, "Article 25," in O Triffterer & K Ambos, eds, *The Rome Statute of the International Criminal Court: A Commentary*, 3rd ed (Beck, Hart, Nomos, 2016).

- Ambos K, "Complicity in War Crimes through (Legal) Arms Supplies?" (20 January 2020), online: [www.ejiltalk.org/complicity-in-war-crimes-through-legal-arms-supplies/](http://www.ejiltalk.org/complicity-in-war-crimes-through-legal-arms-supplies/).
- Ambos K & Steiner C, "On the Rationale of Punishment at the Domestic and International Level," in M Henzelin & R Roth, eds, *Le Droit Pénale à l'Épreuve de l'Internationalisation* (LGDJ, 2002).
- American Law Institute, *Model Penal Code: Official Draft and Explanatory Notes – Complete Text of Model Penal Code as Adopted at the 1962 Annual Meeting of the American Law Institute at Washington* (ALI, 1985).
- Anonymous, "The New Rule of Lenity" (2006) 119 *Harvard L Rev* 2420.
- Appiah K, *Cosmopolitanism: Ethics in a World of Strangers* (W W Norton & Co, 2006).
- Archibugi D, "Immanuel Kant, Cosmopolitan Law and Peace" (1995) 1 *Eur J Int'l Rel* 429.
- Archibugi D, Held D & Köhler M, *Re-imagining Political Community: Studies in Cosmopolitan Democracy* (Stanford University Press, 1998).
- Aristotle, *Politics* (Clarendon Press, 1910).
- Arnold R, "Command Responsibility: A Case Study of Alleged Violations of the Laws of War at Khiam Detention Centre" (2002) 7 *J Conflict & Sec L* 191.
- Arnold R & Triffterer O, "Article 28: Responsibility of Commanders and Other Superiors," in O Triffterer, ed, *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, 2nd ed (Beck, 2008).
- Ashworth A, "The Elasticity of Mens Rea," in C F H Tapper, ed, *Crime, Proof and Punishment: Essays in Memory of Sir Rupert Cross* (Butterworths, 1981).
- Ashworth A, *Principles of Criminal Law*, 5th ed (Oxford University Press, 2006).
- Ashworth A & Horder J, *Principles of Criminal Law*, 7th ed (Oxford University Press, 2013).
- Aukerman M J, "Extraordinary Evil, Extraordinary Crime: A Framework for Understanding Transitional Justice" (2002) 15 *Harvard HRJ* 39.
- Badar M E, "Just Convict Everyone! Joint Perpetration from *Tadić* to *Stakić* and Back Again" (2006) 6 *Int'l Crim L Rev* 293.
- Badar M E, *The Concept of Mens Rea in International Criminal Law: The Case for a Unified Approach* (Hart, 2013).
- Badinter R, "International Criminal Justice: From Darkness to Light," in A Cassese, P Gaeta & J R W D Jones, eds, *The Rome Statute of the International Criminal Court: A Commentary* (Oxford University Press, 2002).
- Bandura A, *Moral Disengagement: How People Do Harm and Live with Themselves* (Worth, 2016).
- Bantekas I, "The Contemporary Law of Superior Responsibility" (1999) 93 *AJIL* 573.
- Bantekas I, "On Stretching the Boundaries of Responsible Command" (2009) 7 *JICJ* 1197.
- Bantekas I, "Legal Anthropology and the Construction of Complex Liabilities," in C Jalloh, ed, *The Sierra Leone Special Court and Its Legacy: The Impact for Africa and International Criminal Law* (Cambridge University Press, 2014).
- Bassiouni M C, "The Normative Framework of International Humanitarian Law: Overlaps, Gaps and Ambiguities" (1998) 8 *Transnat'l L & Contemp Probs* 199.
- Bassiouni M C, *The Shari'a and Islamic Criminal Justice in Time of War and Peace* (Oxford University Press, 2013).
- Bayles M, "Mid-level Principles and Justification," in J R Pennock & J W Chapman, eds, *Justification* (New York University Press, 1986).
- Bayles M, "Moral Theory and Application," in J Howie, ed, *Ethical Principles and Practice* (Southern Illinois University Press, 1987).
- Beauchamp T & Childress J, *Principles of Biomedical Ethics*, 7th ed (Oxford University Press, 2012).

- Bederman D J, "The Pirate Code" (2008) 22 *Emory Int'l L Rev* 707.
- Beitz C R, *Political Theory and International Relations* (Princeton University Press, 1999).
- Beitz C R, "Social and Cosmopolitan Liberalism" (1999) 75 *International Affairs* 515.
- Benhabib S, *Another Cosmopolitanism* (Oxford University Press, 2006).
- Bergsmo M, Buis E J & Bergsmo N H, "Setting a Discourse Space: Correlational Analysis, Foundational Concepts, and Legally Protected Interests in International Criminal Law," in M Bergsmo & E J Buis, eds, *Philosophical Foundations of International Criminal Law: Correlating Thinkers* (Torkel Opshal Academic, 2018).
- Berman P S, *Global Legal Pluralism: A Jurisprudence of Law beyond Borders* (Cambridge University Press, 2012).
- Blake W, "Auguries of Innocence," in D H S Nicholson & A H E Lee, eds, *The Oxford Book of English Mystical Verse* (Clarendon Press, 1917).
- Bock S & Stark F, "Preparatory Offences," in K Ambos et al, eds, *Core Concepts in Criminal Law and Criminal Justice, Vol I* (Cambridge University Press, 2019).
- Bohlander M, "Commentary," in A Klip & G Sluiter, eds, *The International Criminal Tribunal for the former Yugoslavia 2000–2001* (Intersentia, 2003).
- Bohman J & Lutz-Bachmann M, eds, *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal* (MIT Press, 1997).
- Boister N & Cryer R, eds, *Documents on the Tokyo International Military Tribunal; Charter, Indictment and Judgments* (Oxford University Press, 2008).
- BonJour L, "The Coherence Theory of Empirical Knowledge" (1976) 30 *Philosophical Studies* 281.
- BonJour L, *The Structure of Empirical Knowledge* (Cambridge University Press, 1985).
- Boot M, *Genocide, Crimes against Humanity and War Crimes: Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of the International Criminal Court* (Intersentia, 2002).
- Bourdieu P, "Participant Objectivation" (2003) 9 *Journal of the Royal Anthropology Institute* 281.
- Brody B, "Quality of Scholarship in Bioethics" (1990) 15 *Journal of Medicine and Philosophy* 161.
- Brooks R E, "Law in the Heart of Darkness: Atrocity and Duress" (2003) 43 *Virginia J Int'l L* 861.
- Broomhall B, "Article 22, Nullum Crimen Sine Lege," in O Triffterer, ed, *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, 2nd ed (Beck, 2008).
- Brown D E, *Human Universals* (McGraw-Hill, 1991).
- Brudner A, *Punishment and Freedom: A Liberal Theory of Penal Justice* (Oxford University Press, 2009).
- Caldwell E, "Social Change and Written Law in Early Chinese Legal Thought" (2014) 32 *LHR* 1.
- Calnan A, "Beyond Jurisprudence" (2017) 27 *S Cal Interdisc LJ* 1.
- Capps P & Olsen H P, eds, *Legal Authority beyond the State* (Cambridge University Press, 2018).
- Cassese A, "Current Trends towards Criminal Prosecution," in N Passas, ed, *International Crimes* (Ashgate/Dartmouth, 2003).
- Cassese A, *International Criminal Law* (Oxford University Press, 2003).
- Cassese A, "The Proper Limits of Individual Responsibility under the Doctrine of Joint Criminal Enterprise" (2007) 5 *JICJ* 109.
- Cassese A, *International Criminal Law*, 2nd ed (Oxford University Press, 2008).

- Cassese A, Gaeta P & Jones J, eds, *The Rome Statute of the International Criminal Court: A Commentary*, Vol 2 (Oxford University Press, 2002).
- Cavanagh E, "A Company with Sovereignty and Subjects of Its Own? The Case of the Hudson's Bay Company, 1670-1763" (2011) 26 *Can J L & Soc* 25.
- Chiao V, "What Is the Criminal Law for?" (2016) 35 *L & Phil* 137.
- Ching A, "Evolution of the Command Responsibility Doctrine in Light of the *Čelebići* Decision of the International Criminal Tribunal for the former Yugoslavia" (1999-2000) 25 *NC J Intl & Com Reg* 167.
- Choi TH & Kim S, "Nationalized International Criminal Law: Genocidal Intent, Command Responsibility, and an Overview of the South Korean Implementing Legislation of the ICC Statute" (2011) 19 *Michigan State J Int'l L* 589.
- Chouliaras A, "Bridging the Gap between Criminological Theory and Penal Theory within the International Criminal Justice System" (2014) 22 *Eur J Crime Cr L Cr J* 249.
- Christie H, "The Poisoned Chalice: Imperial Justice, Moral Relativism, and the Origins of International Criminal Law" (2010) 72 *U Pittsburgh L Rev* 361.
- Churchland P S, *Braintrust: What Neuroscience Tells Us about Morality* (Princeton University Press, 2011).
- Cogan J K, "The Regulatory Turn in International Law" (2011) 52 *Harvard Int'l LJ* 322.
- Coleman J, *The Practice of Principle: In Defence of a Pragmatist Approach to Legal Theory* (Oxford University Press, 2003).
- Cryer R, "International Criminal Law vs State Sovereignty: Another Round?" (2005) 16 *EJIL* 979.
- Cryer R, *Prosecuting International Crimes* (Cambridge: Cambridge University Press, 2005).
- Cryer R, "Superior Orders and the International Criminal Court," in R Burchill, N White & J Morris, eds, *International Conflict and Security Law: Essays in Memory of Hilaire McCoubrey* (Cambridge University Press, 2005).
- Cryer R, "The Ad Hoc Tribunals and the Law of Command Responsibility: A Quiet Earthquake," in S Darcy & J Powderly, eds, *Judicial Creativity at the International Criminal Tribunals* (Oxford University Press, 2010).
- Cupido M, *Facts Matter: A Study into the Casuistry of Substantive International Criminal Law* (Eleven International, 2015).
- Damaška M, "The Shadow Side of Command Responsibility" (2001) 49 *Am J Comp L* 455.
- Dana S, "Beyond Retroactivity to Realizing Justice: A Theory on the Principle of Legality in International Criminal Law Sentencing" (2009) 99 *JCLC* 857.
- Dan-Cohen M, "Responsibility and the Boundaries of the Self" (1992) 105 *Harvard L Rev* 959.
- Daniels N, "Wide Reflective Equilibrium and Theory Acceptance in Ethics" (1979) 76 *J Phil* 256.
- Danner A M, "When Courts Make Law: How the International Criminal Tribunals Recast the Laws of War" (2006) 59 *Vanderbilt L Rev* 1.
- Danner A M & Martinez J S, "Guilty Associations: Joint Criminal Enterprise, Command Responsibility and the Development of International Criminal Law" (2005) 93 *Calif L Rev* 75.
- Darcy S, "Imputed Criminal Liability and the Goals of International Justice" (2007) 20 *LJIL* 377.
- Davidson C, "How to Read International Criminal Law: Strict Construction and the Rome Statute of the International Criminal Court" (2017) 91 *St John's L Rev* 37.
- Davidson E, "Economic Oppression as an International Wrong and a Crime against Humanity" (2005) 23 *Neth Q Hum Rights* 173.
- de Magt S, "Reflective Equilibrium and Moral Objective" (2017) 60 *Inquiry* 443.

- DePaul M, "Two Conceptions of Coherence Methods in Ethics" (1987) 96 *Mind* 463.
- DePaul M, "The Problem of the Criterion and Coherence Methods in Ethics" (1988) 18 *Canadian J Phil* 67.
- DePaul M, *Balance and Refinement: Beyond Coherence Methods of Moral Inquiry* (Routledge, 1993).
- Dewey J, *The Quest for Certainty: A Study of the Relation of Knowledge and Action* (Putnam, 1929).
- Diaz P C, "The ICC in Northern Uganda: Peace First, Justice Later" (2005) 2 *Eyes on the ICC* 17.
- Dickstein M, ed, *The Revival of Pragmatism: New Essays on Social Thought, Law, and Culture* (Duke University Press, 1998).
- Diekmann S, "Moral Mid-level Principles in Modeling" (2013) 226 *Eur J Oper Res* 132.
- Dorsett S & McVeigh S, "Jurisprudences of Jurisdiction: Matters of Public Authority" (2014) 23 *Griffith L Rev* 569.
- Douzinas C, "Human Rights and Postmodern Utopia" (2000) 11 *L&C* 219.
- Dressler J, "Reassessing the Theoretical Underpinnings of Accomplice Liability: New Solutions to an Old Problem" (1985) 37 *Hastings LJ* 91.
- Dressler J, *Understanding Criminal Law*, 5th ed (LexisNexis, 2009).
- Drumbl M, "Toward a Criminology of International Crime" (2003) 19 *Ohio St J on Disp Resol* 263.
- Drumbl M, "Collective Violence and Individual Punishment: The Criminality of Mass Atrocity" (2005) 99 *Nw U L Rev* 539.
- Drumbl M, "Pluralizing International Criminal Justice" (2005) 103 *Michigan L Rev* 1295.
- Drumbl M, *Atrocity, Punishment and International Law* (Cambridge University Press, 2007).
- Drumbl M, "Collective Responsibility and Postconflict Justice," in T Isaacs & R Vernon, eds, *Accountability of Collective Wrongdoing* (Cambridge University Press, 2011).
- Drumbl M, "International Criminal Law and Moral Agency" (10 April 2013), online: <http://opiniojuris.org/2013/04/10/ljil-symposium-international-criminal-law-and-moral-agency/>.
- Dubber M, "A Political Theory of Criminal Law: Autonomy and the Legitimacy of State Punishment" (15 March 2004), online: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=529522](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=529522).
- Dubber M, "Theories of Crime and Punishment in German Criminal Law" (2005) 53 *Am J Comp L* 679.
- Dubber M, *The Sense of Justice: Empathy in Law and Punishment* (Universal Law, 2006).
- Dubber M, "Criminalizing Complicity: A Comparative Analysis" (2007) 5 *JICJ* 977.
- Dubber M, "Common Civility: The Culture of Alegality in International Criminal Law" (2011) 24 *LJIL* 923.
- Duff A, *Intention, Agency and Criminal Liability* (Blackwell, 1990).
- Duff R A, *Answering for Crime: Responsibility and Liability in the Criminal Law* (Hart, 2007).
- Dungel J & Ghadiri S, "The Temporal Scope of Command Responsibility Revisited: Why Commanders Have a Duty to Prevent Crimes Committed after the Cessation of Effective Control" (2010) 17 *U C Davis J Int'l L & Pol'y* 1.
- Duttwiler M, "Liability for Omissions in International Criminal Law" (2006) 6 *Int'l Crim L Rev* 1.
- Dworkin R, *Law's Empire* (Harvard University Press, 1986).
- Ebertz R, "Is Reflective Equilibrium a Coherentist Model?" (1993) 23 *Canadian J Phil* 193.
- Engel M Jr, "Coherentism and the Epistemic Justification of Moral Beliefs: A Case Study in How to Do Practical Ethics without Appeal to a Moral Theory" (2012) 50 *Southern J Phil* 50.

- Epps V, "The Soldier's Obligation to Die When Ordered to Shoot Civilians or Face Death Himself" (2003) 37 *New England L Rev* 987.
- Erskine T, "Kicking Bodies and Damning Souls: The Danger of Harming Innocent Individuals While Punishing Delinquent States," in T Isaacs & R Vernon, eds, *Accountability of Collective Wrongdoing* (Cambridge University Press, 2011).
- Eser A, "Individual Criminal Responsibility," in A Cassese, P Gaeta & J R W D Jones, eds, *The Rome Statute of the International Criminal Court: A Commentary*, Vol 2 (Oxford University Press, 2002).
- Estreicher S & Stephan P B, "Foreword: Taking International Law Seriously" (2003) 44 *Virginia J Int'l L* 1.
- Fanselow R, "Self-Evidence and Disagreement in Ethics" (2011) 5 *J Ethics Soc Philos* 1.
- Fenrick W, "Some International Law Problems Related to Prosecutions before the International Criminal Tribunal for the former Yugoslavia" (1995) 6 *Duke J Comp & Int'l L* 103.
- Fenrick W, "Article 8, War Crimes," in O Triffterer, ed, *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, 2nd ed (Beck, 2008).
- Fichtelberg A, "Liberal Values in International Criminal Law: A Critique of Erdemović" (2008) 6 *JICJ* 3.
- Fisher K J, *Moral Accountability and International Criminal Law: Holding the Agents of Atrocity Accountable to the World* (Routledge, 2012).
- Fletcher G, *Basic Concepts of Criminal Law* (Oxford University Press, 1998).
- Fletcher G, *Rethinking Criminal Law*, 3rd ed (Oxford University Press, 2000).
- Fletcher G, "Liberals and Romantics at War: The Problem of Collective Guilt" (2002) 111 *Yale LJ* 1499.
- Fletcher G, "The Fault of Not Knowing" (2002) 3 *Theoretical Inq L* 265.
- Fletcher G, "Collective Guilt and Collective Punishment" (2004) 5 *Theoretical Inq L* 163.
- Fletcher G, *The Grammar of Criminal Law: American, Comparative and International*, Vol 1 (Oxford University Press, 2007).
- Fletcher G, "New Court, Old Dogmatik" (2011) 9 *JICJ* 179.
- Fletcher G & Ohlin J D, "Reclaiming Fundamental Principles of Criminal Law in the Darfur Case" (2005) 3 *JICJ* 539.
- Fletcher L, "From Indifference to Engagement: Bystanders and International Criminal Justice" (2005) 26 *Michigan J Int'l L* 1013.
- Fletcher L & Weinstein H, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation" (2002) 24 *HRQ* 573.
- Foka Taffo F, "Analysis of Jean-Pierre Bemba's Acquittal by the International Criminal Court" (13 December 2018), online: [wwwaccord.org.za/conflict-trends/analysis-of-jean-pierre-bembas-acquittal-by-the-international-criminal-court](http://wwwaccord.org.za/conflict-trends/analysis-of-jean-pierre-bembas-acquittal-by-the-international-criminal-court).
- Ford R T, "Law's Territory (A History of Jurisdiction)" (1998–99) 97 *Michigan L Rev* 843.
- Fournet C, "When the Child Surpasses the Father: Admissible Defences in International Criminal Law" (2008) 8 *Int'l Crim L Rev* 509.
- Fox C T, "Closing a Loophole in Accountability for War Crimes: Successor Commanders' Duty to Punish Known Past Offences" (2004) 55 *Case W Res L Rev* 443.
- Frost R, "Centenary Reflections on *Prince's Case*" (1975) 91 *LQR* 540.
- Fruehwald E, "A Biological Basis of Rights" (2009) 19 *S Cal Interdisc LJ* 195.
- Frulli M, "Are Crimes against Humanity More Serious than War Crimes?" (2001) 12 *EJIL* 329.
- Fuller L, *The Morality of Law*, 2nd ed (Yale University Press, 1969).
- Gaeta P, "The Defence of Superior Orders: The Statute of the International Criminal Court versus Customary International Law" (1999) 10 *EJIL* 172.

- Gallant K, *The Principle of Legality in International and Comparative Criminal Law* (Cambridge University Press, 2009).
- Gardner J, "Complicity and Causality" (2007) 1 *Crim L & Philos* 127.
- Gardner J, "Introduction," in H L A Hart, ed, *Punishment and Responsibility*, 2nd ed (Oxford University Press, 2008).
- Gardner J, "Justifications under Authority" (2010) 23 *Can JL & Jur* 71.
- Gardner J, *Law as Leap of Faith* (Oxford University Press, 2012).
- Garraway C, "Command Responsibility: Victors' Justice or Just Deserts?," in R Burchill, N D White & J Morris, eds, *International Conflict and Security Law: Essays in Memory of Hilaire McCoubrey* (Cambridge University Press, 2005).
- Grabert A, *Dynamic Interpretation in International Criminal Law: Striking a Balance between Stability and Change* (Herbert Utz Verlag, 2014).
- Graham R, "Politics and Prices: Judicial Utility Maximization and Construction" (2007) 1 *Indian J Const L* 57.
- Green L C, *The Contemporary Law of Armed Conflict* (Manchester University Press, 2000).
- Green L C, *The Authority of the State* (Clarendon Press, 1988).
- Greenawalt A K A, "The Pluralism of International Criminal Law" (2011) 86 *Indiana LJ* 1063.
- Greenawalt A K A, "International Criminal Law for Retributivists" (2014) 35 *UPa J Int'l L* 969.
- Greenberg J & Sechler M J, "Constitutionalism Ancient and Early Modern: The Contributions of Roman Law, Canon Law, and English Common Law" (2013) 34 *Cardozo L Rev* 1021.
- Greenwood C, "Command Responsibility and the *Hadžihasanović* Decision" (2004) 2 *JICJ* 598.
- Grover L, "A Call to Arms: Fundamental Dilemmas Confronting the Interpretation of Crimes in the Rome Statute of the International Criminal Court" (2010) 21 *EJIL* 543.
- Grover L, *Interpreting Crimes in the Rome Statute of the International Criminal Court* (Cambridge University Press, 2014).
- Guilfoyle D, "Responsibility for Collective Atrocities: Fair Labelling and Approaches to Commission in International Criminal Law" (2011) 64 *Current Legal Problems* 255.
- Guilfoyle D, "Of Babies, Bathwater, and List B Judges at the International Criminal Court" (13 November 2019), online: [www.ejiltalk.org/of-babies-bathwater-and-list-b-judges-at-the-international-criminal-court/](http://www.ejiltalk.org/of-babies-bathwater-and-list-b-judges-at-the-international-criminal-court/).
- Gustafson K, "ECCC Tackles JCE" (2010) 8 *JICJ* 1323.
- Haan V, "The Development of the Concept of Joint Criminal Enterprise at the International Criminal Tribunal for the Former Yugoslavia" (2005) 5 *Int'l Crim L Rev* 167.
- Habermas J, *Moral Consciousness and Communicative Action*, trans C Lenhart & S Weber Nicholson (MIT Press, 1990).
- Habermas J, "Kant's Idea of Perpetual Peace, with the Benefit of Two Hundred Years' Hindsight," in J Bohman & M Lutz-Bachmann, eds, *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal* (MIT Press, 1997).
- Hakimi M, "Constructing an International Community" (2017) 111 *AJIL* 317.
- Hall J, *General Principles of Criminal Law* (Bobbs Merrill, 1947).
- Hall J, *General Principles of Criminal Law*, 2nd ed (Bobbs Merrill, 1960).
- Hamdorf K, "The Concept of a Joint Criminal Enterprise and Domestic Modes of Liability for Parties to a Crime" (2007) 5 *JICJ* 208.
- Hart H L A, *Punishment and Responsibility: Essays in the Philosophy of Law*, 2nd ed (Oxford University Press, 2008).
- Hart H L A & Honoré A M, *Causation in the Law*, 2nd ed (Clarendon Press, 1985).
- Hauser M D, *Moral Minds* (Harper Collins, 2006).

- Hayden P, "Cosmopolitanism and the Need for Transnational Criminal Justice: The Case of the International Criminal Court" (2004) 104 *Theoria* 69.
- Hegel G W F, *Elements of the Philosophy of Right*, ed A Wood (Cambridge University Press, 1991).
- Held D, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Polity, 1995).
- Heller K J, *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford University Press, 2011).
- Heller K J, "Why the ICTY's 'Specifically Directed' Requirement Is Justified" (2 June 2013), online: <http://opiniojuris.org/2013/06/02/why-the-ictys-specifically-directed-requirement-is-justified/>.
- Heller K J & Dubber M, *The Handbook of Comparative Criminal Law* (Stanford Law Books, 2011).
- Hencaerts J M & Doswald-Beck L, *Customary International Law, Vol II: Practice* (Cambridge University Press, 2005).
- Henley K, "Abstract Principles, Mid-level Principles and the Rule of Law" (1993) 12 *L & Phil* 121.
- Hirsh D, *Law against Genocide: Cosmopolitan Trials* (Routledge, 2003).
- Hobbes T, *Leviathan*, ed C B MacPherson (Penguin Books, 1985).
- Horder J, "Gross Negligence and Criminal Culpability" (1997) 47 *U Toronto LJ* 495.
- Horder J, *Ashworth's Principles of Criminal Law*, 8th ed (Oxford University Press, 2016).
- Hunt D, "High Hopes, 'Creative Ambiguity' and an Unfortunate Mistrust in International Judges" (2004) 2 *JICJ* 56.
- Hurley S, *Natural Reasons: Personality and Polity* (Oxford University Press, 1989).
- Husak D, "Omissions, Causation and Liability" (1980) 30 *The Philosophical Quarterly* 318.
- Husak D, *Philosophy of Criminal Law: Selected Essays* (Oxford University Press, 1987).
- Hyland B, "The Impact of the *Bemba* Appellate Judgment on Future Prosecution of Crimes of Sexual and Gender-Based Violence at the ICC" (25 May 2019), online: <https://iccforum.com/forum/permalink/116/31935>.
- International Commission of Jurists (ICJ), *Corporate Complicity and Legal Accountability, Report of the International Commission of Jurists Expert Legal Panel on Corporate Complicity in International Crimes* (ICJ, 2008).
- International Committee of the Red Cross (ICRC), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Martinus Nijhoff, 1987).
- Isaacs T, "Individual Responsibility for Collective Wrongs," in J Harrington, M Milde & R Vernon, eds, *Bringing Power to Justice? The Prospects of the International Criminal Court* (McGill-Queen's University Press, 2006).
- Isser D, ed, *Customary Justice and the Rule of Law in War-Torn Societies* (USIP Press, 2011).
- Jackson M, *Complicity in International Law* (Oxford University Press, 2015).
- Jackson M, "The Attribution of Responsibility and Modes of Liability in International Criminal Law" (2016) 29 *LJIJ* 879.
- Jackson M, "Commanders' Motivations in *Bemba*" (15 June 2018), online: [www.ejiltalk.org/commanders-motivations-in-bemba/](http://www.ejiltalk.org/commanders-motivations-in-bemba/).
- Jackson M, "Geographic Remoteness in *Bemba*" (30 July 2018), online: [www.ejiltalk.org/geographical-remoteness-in-bemba/](http://www.ejiltalk.org/geographical-remoteness-in-bemba/).
- Jackson M, "Virtuous Accomplices in International Criminal Law" (2019) 68 *Int'l & Comp LQ* 818.
- Jain N, "The Control Theory of Perpetration in International Criminal Law" (2011) 12 *Chicago J Int'l L* 159.



- Jain N, *Perpetrators and Accessories in International Criminal Law* (Hart, 2014).
- Jain N, *Principals and Accessories in International Criminal Law: Individual Modes of Responsibility for Collective Crimes* (Hart, 2014).
- Jain N, "Judicial Lawmaking and General Principles of Law in International Criminal Law" (2016) 57 *Harvard Int'l LJ* 111.
- James W, *Pragmatism* (Longman Green & Co, 1907).
- Jaspers K, *The Question of German Guilt*, trans E B Ashton (Fordham University Press, 1947).
- Jeschek H, "The General Principles of International Criminal Law Set out in Nuremberg, as Mirrored in the ICC Statute" (2004) 2 *JICJ* 38.
- Jia B B, "The Doctrine of Command Responsibility Revisited" (2004) 3 *Chinese J Int'l L* 1.
- Kadish S H, "Complicity, Cause and Blame: A Study in the Interpretation of Doctrine" (1985) 73 *Calif L Rev* 323.
- Kagan S, *Normative Ethics* (Avalon, 1998).
- Kahn P W, *Putting Liberalism in Its Place* (Princeton University Press, 2005).
- Kahombo B, "Bemba's Acquittal by the Appeals Chamber of the International Criminal Court: Why Is It So Controversial?" (9 July 2018), online: [www.icjafrika.com/single-post/2018/07/09/Bemba%E2%80%99s-acquittal-by-the-Appeals-Chamber-of-the-International-Criminal-Court-Why-is-it-so-controversial](http://www.icjafrika.com/single-post/2018/07/09/Bemba%E2%80%99s-acquittal-by-the-Appeals-Chamber-of-the-International-Criminal-Court-Why-is-it-so-controversial).
- Kamel T, "The Principle of Legality and Its Application in Islamic Criminal Justice," in M C Bassiouni, ed, *The Islamic Criminal Justice System* (Oceana, 1982).
- Kant I, *The Metaphysics of Morals*, trans M Gregor (Cambridge University Press, 1996).
- Kant I, *Groundwork of the Metaphysics of Morals*, trans M Gregor (Cambridge University Press, 1998).
- Kant I, "On a Supposed Right to Lie from Philanthropy," in *Practical Philosophy*, trans M J Gregor (Cambridge University Press, 1999).
- Karnavas M G, "Forms of Perpetration," in P Behrens & R Henham, *Elements of Genocide* (Routledge, 2013).
- Kelsen H, "Will the Judgment in the Nuremberg Trial Constitute a Precedent in International Law?" (1947) 1 *Int'l LQ* 153.
- Kennedy D, "Strategizing Legal Behaviour in Legal Interpretation" (1996) 3 *Utah L Rev* 785.
- Kissinger H, "The Pitfalls of Universal Jurisdiction" (2001) 80 *Foreign Affairs* 86.
- Kiyani A G, "International Crime and the Politics of Criminal Theory: Voices and Conduct of Exclusion" (2015) 48 *NYU J Int'l L & Pol* 187.
- Kloppenber J T, "Pragmatism: An Old Name for Some New Ways of Thinking?," in M Dickstein, ed, *The Revival of Pragmatism: New Essays on Social Thought, Law, and Culture* (Duke University Press, 1998).
- Knop K, "Statehood: Territory, People, Government," in J Crawford & M Koskenniemi, eds, *The Cambridge Companion to International Law* (Cambridge University Press, 2012).
- Koch C Jr, "Judicial Dialogue for Legal Multiculturalism" (2004) 25 *Michigan J Int'l L* 879.
- Kochenov D, "The Just World," in D Kochenov, G de Búrca & A Williams, *Europe's Justice Deficit?* (Hart, 2015).
- Koller D, "The Faith of the International Criminal Lawyer" (2008) 40 *NYU J Int'l L & Pol* 1019.
- Koskenniemi M, *From Apology to Utopia: The Structure of International Legal Argument* (Reissue with new epilogue) (Cambridge University Press, 2005).
- Koskenniemi M, "Humanity's Law, Ruti G. Teitel" (2012) 26 *Ethics & International Affairs* 395.
- Kreß C, "On the Outer Limits of Crimes against Humanity: The Concept of Organization within the Policy Requirement: Some Reflections on the March 2010 ICC Kenya Decision" (2010) 23 *LJII* 855.

- Kreß C, *Towards a Truly Universal Invisible College of International Criminal Lawyers* (Torkel Opsahl Academic, 2014).
- Krieger H, "International Law and Governance by Armed Groups: Caught in the Legitimacy Trap?" (2018) 12 *Journal of Intervention and Statebuilding* 563.
- Kuhn T, *The Structure of Scientific Revolutions* (University of Chicago Press, 1962).
- Kutz C, "Causeless Complicity" (2007) 1 *Crim L & Philos* 289.
- Lacey N, *State Punishment: Political Principles and Community Values* (Routledge, 1988).
- Lamb S, "Nullum Crimen, Nullum Poena Sine Lege," in A Cassese, P Gaeta & J R W D Jones, eds, *The Rome Statute of the International Criminal Court: A Commentary* (Oxford University Press, 2002).
- Lang A F, "Punishing Genocide: A Critical Reading of the International Court of Justice," in T Isaacs & R Vernon, eds, *Accountability of Collective Wrongdoing* (Cambridge University Press, 2011).
- Langston E, "The Superior Responsibility Doctrine in International Law: Historical Continuities, Innovation and Criminality – Can East Timor's Special Panels Bring Militia Leaders to Justice?" (2004) 4 *Int'l Crim L Rev* 141.
- Larcom S, "Accounting for Legal Pluralism: The Impact of Pre-colonial Institutions on Crime" (2013) 6 *LDR* 25.
- Lehrer K, "Justification, Coherence and Knowledge" (1999) 50 *Erkenntnis* 243.
- Liss R, "Crimes against the Sovereign Order: Rethinking International Criminal Justice" (2019) 113 *AJIL* 727.
- Liu Y, *Origins of Chinese Law: Penal and Administrative Law in its Early Development* (Oxford University Press, 1998).
- Lorton D, "The Treatment of Criminals in Ancient Egypt: Through the New Kingdom" (1977) 20 *Journal of Economic and Social History of the Orient* 2.
- Lu C, "Cosmopolitan Liberalism and the Faces of Injustice in International Relations" (2005) 31 *Review of International Studies* 401.
- Luban D, "Contrived Ignorance" (1999) 87 *Georgetown LJ* 957.
- Luban D, "State Criminality and the Ambition of International Criminal Law," in T Isaacs & R Vernon, eds, *Accountability of Collective Wrongdoing* (Cambridge University Press, 2011).
- Luban D, Strudler A & Wasserman D, "Moral Responsibility in the Age of Bureaucracy" (1992) 90 *Michigan L Rev* 2348.
- Lucas J, Graif C & Lovaglia M, "Misconduct in the Prosecution of Severe Crimes: Theory and Experimental Test" (2006) 69 *Soc Psychol Q* 97.
- MacCormack G, *Traditional Chinese Penal Law* (Edinburgh University Press, 1990).
- MacCormack N, "Coherence in Legal Justification," in A Peczenik, L Lindahl & B van Roermund, eds, *Theory of Legal Science* (Reidel, 1984).
- Maier-Katkin, D, Mears D P & Bernard T J, "Towards a Criminology of Crimes against Humanity" (2009) 13 *Theoretical Criminology* 227.
- Malekian F, "The Homogeneity of the International Criminal Court with Islamic Jurisprudence" (2009) 9 *Int'l Crim L Rev* 607.
- Mani R, *Beyond Retribution: Seeking Justice in the Shadows of War* (Wiley, 2002).
- Manning J G, "The Representation of Justice in Ancient Egypt" (2012) 24 *Yale J L & Humanity* 111.
- Martinez J S, "Understanding *Mens Rea* in Command Responsibility: From *Yamashita* to *Blaškić* and beyond" (2007) 5 *JICJ* 638.
- May L, *Crimes against Humanity: A Normative Account* (Cambridge University Press, 2005).
- May L, "Collective Punishment and Mass Confinement," in T Isaacs & R Vernon, eds, *Accountability of Collective Wrongdoing* (Cambridge University Press, 2011).

- Mayr E, "International Criminal Law, Causation and Responsibility" (2014) 14 *Int'l Crim L Rev* 855.
- McGonigle Leyh B, "Pragmatism over Principles: The International Criminal Court and a Human Rights-Based Approach to Judicial Interpretation" (2018) 41 *Fordham Int'l LJ* 697.
- Mégret F, "Politics of International Criminal Justice" (2002) 13 *EJIL* 1261.
- Mégret F, "Prospects for 'Constitutional' Human Rights Scrutiny of Substantive International Criminal Law by the ICC," Paper presented at Washington University School of Law, February 2010.
- Mégret F, "Too Much of a Good Thing? ICC Implementation and the Uses of Complementarity," in C Stahn & M El-Zeidy, eds, *The International Criminal Court and Complementarity: From Theory to Practice* (Cambridge University Press, 2010).
- Mégret F, "What Sort of Justice Is 'International Criminal Justice'?" (2015) 13 *JICJ* 77.
- Meloni C, "Command Responsibility: Mode of Liability for the Crimes of Subordinates or Separate Offence of the Superior?" (2007) 5 *JICJ* 619.
- Meloni C, *Command Responsibility in International Criminal Law* (TMC Asser, 2010).
- Merges R, *Justifying Intellectual Property* (Harvard University Press, 2011).
- Merges R, "Foundations and Principles Redux: A Reply to Professor Blankfein-Tabachnik" (2013) 101 *Calif L Rev* 1361.
- Meron T, "Revival of Customary Humanitarian Law" (2005) 99 *AJIL* 817.
- Mettraux G, "Crimes against Humanity in the Jurisprudence of the ICTY and ICTR" (2002) 43 *Harvard Int'l LJ* 237.
- Mettraux G, *International Crimes and the Ad Hoc Tribunals* (Oxford University Press, 2005).
- Mettraux G, *The Law of Command Responsibility* (Oxford University Press, 2009).
- Mill J S, "Utilitarianism," in M Lerner, ed, *Essential Works of John Stuart Mill* (Bantam Books, 1961).
- Mill J S, "Bentham," in A Ryan, ed, *Utilitarianism and Other Essays* (Penguin Random House, 1987).
- Misak C, *The American Pragmatists* (Oxford University Press, 2013).
- Mohamed S, "Of Monsters and Men: Perpetrator Trauma and Mass Atrocity" (2015) 115 *Columbia L Rev* 1157.
- Mohamed S, "Leadership Crimes" (2017) 105 *Calif L Rev* 777.
- Møllmann M, "Who Can Be Held Responsible for the Consequences of Aid and Loan Conditionalities? The Global Gag Rule in Peru and Its Criminal Consequences," Michigan State University's Women and International Development Program Working Paper #29 (2004).
- Moloto B J, "Command Responsibility in International Criminal Tribunals" (2009) 3 *Publicist* 12.
- Moore M S, *Placing Blame: A General Theory of Criminal Law* (Oxford University Press, 1997).
- Moore M S, "Causing, Aiding, and the Superfluity of Accomplice Liability" (2007) 156 *U Pa L Rev* 395.
- Moore M S, *Causation and Responsibility: An Essay in Law, Morals and Metaphysics* (Oxford University Press, 2009).
- Morse S J, "The Moral Metaphysics of Causation and Results" (2000) 88 *Calif L Rev* 879.
- Morss J R, "Saving Human Rights from Its Friends: A Critique of the Imaginary Justice of Costas Douzinas" (2003) 27 *Melbourne U L Rev* 889.
- Nagel T, *Mortal Questions* (Cambridge University Press, 1979).
- Napoleon V & Friedland H, "Indigenous Legal Traditions: Roots to Renaissance," in M D Dubber & T Hörnle, eds, *The Oxford Handbook of Criminal Law* (Oxford University Press, 2014).

- Nerlich V, "Superior Responsibility under Article 28 ICC Statute: For What Exactly Is the Superior Held Responsible?" (2007) 5 *JICJ* 665.
- Nersessian D, "Whoops, I Committed Genocide! The Anomaly of Constructive Liability for Serious International Crimes" (2006) 30 *Fletcher F World Aff* 81.
- Neurath O, "Anti-Spengler," in M Neurath & R Cohen, eds, *Empiricism and Sociology* (D Reidel, 1973).
- Nickel J W, "Are Human Rights Utopian?" (1982) 11 *Phil & Pub Aff* 246.
- Nollkaemper A & van der Wilt H, eds, *System Criminality in International Law* (Cambridge University Press, 2009).
- Nouwen S, "International Criminal Law: Theory All over the Place," in A Orford & F Hoffman, eds, *Oxford Handbook of the Theory of International Law* (Oxford University Press, 2016).
- Nsereko D, *Criminal Law in Botswana* (Kluwer, 2011).
- Nybondas M L, *Command Responsibility and Its Applicability to Civilian Superiors* (TMC Asser Press, 2010).
- Ohlin J D, "Three Conceptual Problems with the Doctrine of Joint Criminal Enterprise" (2006) 5 *JICJ* 69.
- Ohlin J D, "MJIL Symposium: A Response to Darryl Robinson by Jens Ohlin" (15 November 2012), online: <http://opiniojuris.org/2012/11/15/mjil-symposium-a-response-to-darryl-robinson-by-jens-ohlin/>.
- Ohlin J D, "Second-Order Linking Principles: Combining Vertical and Horizontal Modes of Liability" (2012) 25 *LJIL* 771.
- Ohlin J D, "Co-perpetration: German Dogmatik or German Invasion?," in C Stahn, ed, *The Law and Practice of the International Criminal Court: A Critical Account of Challenges and Achievements* (Oxford University Press, 2015).
- Ohlin J D, "Specific Direction Again" (17 December 2015), online: <http://opiniojuris.org/2015/12/17/specific-direction-again/>.
- Ohlin J D, van Sliedregt E & Weigend T, "Assessing the Control Theory" (2013) 26 *LJIL* 725.
- Olásolo H, "Developments in the Distinction between Principal and Accessory Liability in Light of the First Case Law of the International Criminal Court," in C Stahn & G Sluiter, eds, *The Emerging Practice of the International Criminal Court* (Brill, 2009).
- Olivelle P, *Dharmasutras: The Law Codes of Apastamba, Gautama, Baudhayana, and Vasistha* (Motilal Banarsidass, 2003).
- O'Reilly A T, "Command Responsibility: A Call to Realign the Doctrine with Principles of Individual Accountability and Retributive Justice" (2004-05) 40 *Gonzaga L Rev* 127.
- Orford A, "Jurisdiction without Territory: From the Holy Roman Empire to the Responsibility to Protect" (2008-09) 30 *Michigan J Int'l L* 981.
- Orie A M M, "Stare Decisis in the ICTY Appeal System: Successor Responsibility in the Hadžihasanović Case" (2012) 10 *JICJ* 635.
- Osiel M, *Obeying Orders: Atrocity, Military Discipline and the Law of War* (Routledge, 2002).
- Osiel M, "Modes of Participation in Mass Atrocities" (2005) 38 *Cornell Int'l LJ* 793.
- Osiel M, "The Banality of Good: Aligning Incentives against Mass Atrocity" (2005) 105 *Columbia L Rev* 1751.
- Osiel M, *Making Sense of Mass Atrocity* (Cambridge University Press, 2009).
- Parks W H, "Command Responsibility for War Crimes" (1973) 62 *Military L Rev* 1.
- Paust J J, "Content and Contours of Genocide, Crimes against Humanity, and War Crimes," in S Yee & W Tieya, *International Law in the Post-Cold War World: Essays in Memory of Li Haopei* (Routledge, 2001).

- Pejic J, "The International Criminal Court Statute: An Appraisal of the Rome Package" (2000) 34 *International Lawyer* 65.
- Pellet A, "Applicable Law," in A Cassese, P Gaeta & J R W D Jones, eds, *The Rome Statute of the International Criminal Court: A Commentary* (Oxford University Press, 2002).
- Perova N, "Stretching the Joint Criminal Enterprise Doctrine to the Extreme: When Culpability and Liability Do not Match" (2016) 16 *Int'l Crim L Rev* 761.
- Piacente N, "Importance of the Joint Criminal Enterprise Doctrine for the ICTY Prosecutorial Policy" (2004) 2 *JICJ* 446.
- Piragoff D & Robinson D, "Article 30," in K Ambos, ed, *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, 4th ed (Beck, 2020).
- Pogge T W, "Cosmopolitanism and Sovereignty" (1992) 103 *Ethics* 48.
- Pollock F, *The Genius of the Common Law* (Columbia University Press, 1912).
- Posner R, "What Do Judges and Justices Maximize? (The Same Thing Everyone Else Does)" (1993) 3 *SCER* 1.
- Powderly J C, "Judicial Interpretation at the Ad Hoc Tribunals: Method from Chaos?," in J C Powderly & S Darcy, eds, *Judicial Creativity at the International Criminal Tribunals* (Oxford University Press, 2010).
- Powderly J C, "The Rome Statute and the Attempted Corseting of the Interpretative Judicial Function: Reflections on Sources of Law and Interpretative Technique," in C Stahn, ed, *The Law and Practice of the International Criminal Court* (Oxford University Press, 2015).
- Powderly J C, "Introductory Note to Prosecutor v Jean-Pierre Bemba Gombo" (2018) 57 *Int'l Legal Materials* 1031.
- Powderly J C, "International Criminal Justice in an Age of Perpetual Crisis" (2019) 32 *LJIL* 1.
- Powderly J C & Hayes N, "The Bemba Appeal: A Fragmented Appeals Chamber Destabilises the Law and Practice of the ICC" (26 June 2018), online: [humanrightsdoctorate.blogspot.com/2018/06/the-bemba-appeal-fragmented-appeals.html](http://humanrightsdoctorate.blogspot.com/2018/06/the-bemba-appeal-fragmented-appeals.html).
- Powles S, "Joint Criminal Enterprise: Criminal Liability by Prosecutorial Ingenuity and Judicial Creativity?" (2004) 2 *JICJ* 606.
- Prost K & Robinson D, "Canada," in C Kress et al, eds, *The Rome Statute and Domestic Legal Orders, Vol 2* (Nomos, 2000–05).
- Provost R, "Authority, Responsibility, and Witchcraft: From Tintin to the SCSL," in C Jalloh, ed, *The Sierra Leone Special Court and Its Legacy: The Impact for Africa and International Criminal Law* (Cambridge University Press, 2014).
- Provost R, *Rebel Courts: The Administration of Justice by Armed Insurgents* (Oxford University Press, forthcoming).
- Ramasastri A & Thompson R C, *Commerce, Crime and Conflict: Legal Remedies for Private Sector Liability for Grave Breaches of International Law – A Survey of Sixteen Countries* (FAFO, 2006).
- Rauter T, *Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege* (Springer, 2017).
- Rawls J, "Two Concepts of Rules" (1955) 64 *Philosophical Review* 3.
- Rawls J, *A Theory of Justice* (Oxford University Press, 1999).
- Rawls J, *Justice as Fairness: A Restatement*, ed E Kelly (Harvard University Press, 2001).
- Reisman W M, "Legal Responses to Genocide and Other Massive Violations of Human Rights" (1996) 4 *Law & Contemp Probs* 75.
- Richardson H, *Practical Reasoning about Final Ends* (Cambridge University Press, 1994).
- Rittich K, "Enchantments of Reason/Coercions of Law" (2003) 57 *U Miami L Rev* 727.
- Roach K, "Four Models of the Criminal Process" (1999) 89 *JCLC* 671.

- Roach S C, *Politicizing the ICC: The Convergence of Ethics, Politics and Law* (Rowman & Littlefield, 2006).
- Robbennolt J K, "Outcome Severity and Judgments of 'Responsibility': A Meta-Analytical Review" (2000) 30 *J Appl* 2575.
- Roberts P & MacMillan N "For Criminology in International Criminal Justice" (2003) 1 *JICJ* 315.
- Robertson G, *Crimes against Humanity: The Struggle for Global Justice* (The New Press, 2006).
- Robinson D, "The Identity Crisis of International Criminal Law" (2008) 21 *LJIL* 925.
- Robinson D, "Legality and Our Contradictory Commitments: Some Thoughts about the Way We Think" (2009) 103 *ASIL Proc* 104.
- Robinson D, "The Two Liberalisms of International Criminal Law," in C Stahn & L van den Herik, eds, *Future Perspectives on International Criminal Justice* (TMC Asser Press, 2010).
- Robinson D, "The Controversy over Territorial State Referrals and Reflections on ICL Discourse" (2011) 9 *JICJ* 355.
- Robinson D, "How Command Responsibility Got So Complicated: A Culpability Contradiction, Its Obfuscation, and a Simple Solution" (2012) 13 *Melbourne J Int'l L* 1.
- Robinson D, "Inescapable Dyads: Why the ICC Cannot Win" (2015) 28 *LJIL* 323.
- Robinson D, "Take the Long View of International Justice" (24 October 2016), online: [www.ejiltalk.org/take-the-long-view-of-international-justice/](http://www.ejiltalk.org/take-the-long-view-of-international-justice/).
- Robinson D, "A Justification of Command Responsibility" (2017) 28 *Crim L Forum* 633.
- Robinson D, "The Other Poisoned Chalice: Unprecedented Evidentiary Standards in the *Gbagbo* Case?" (5 November 2019), online: [www.ejiltalk.org/the-other-poisoned-chalice-unprecedented-evidentiary-standards-in-the-gbagbo-case-part-1/](http://www.ejiltalk.org/the-other-poisoned-chalice-unprecedented-evidentiary-standards-in-the-gbagbo-case-part-1/).
- Robinson D, "The Strangest Debate in Complementarity and the Better Debate Ahead," in C Stahn & M El Zeidy, eds, *The International Criminal Court and Complementarity: From Theory to Practice*, 2nd ed (Cambridge University Press, 2020).
- Robinson D & MacNeil G, "The Tribunals and the Renaissance of International Criminal Law: Three Themes" (2016) 110 *AJIL* 191.
- Robinson P H, *Criminal Law Defences, Vol I* (West, 1984).
- Robinson P H, "Imputed Criminal Liability" (1984) 93 *Yale LJ* 609.
- Robinson P H, "Fair Notice and Fair Adjudication: Two Kinds of Legality" (2005) 154 *U Pa L Rev* 335.
- Robinson P H, *Intuitions of Justice and the Utility of Desert* (Oxford University Press, 2013).
- Robinson P H, "Natural Law and Lawlessness: Modern Lessons from Pirates, Lepers, Eskimos, and Survivors" [2013] *U Illinois L Rev* 433.
- Robinson P H & Darley J M, "The Utility of Desert" (1997) 91 *Nw U L Rev* 453.
- Robinson P H & Kurzban R, "Concordance and Conflict in Intuitions of Justice" (2006-07) 91 *Minnesota L Rev* 1829.
- Root J, "Some Other *Mens Rea*? The Nature of Command Responsibility in the Rome Statute" (2013) 23 *Transnat'l L & Policy* 119.
- Rorty R, *Consequences of Pragmatism: Essays: 1972-1980* (University of Minnesota Press, 1982).
- Roth B, "Coming to Terms with Ruthlessness: Sovereign Equality, Global Pluralism, and the Limits of International Criminal Justice" (2010) 8 *Santa Clara J Int'l L* 231.
- Rothe D L & Mullins C W, "Toward a Criminology of International Criminal Law: An Integrated Theory of International Criminal Violations" (2009) 33 *IJCACJ* 97.
- Rundle K, *Forms Liberate: Reclaiming the Jurisprudence of Lon L Fuller* (Oxford University Press, 2012).

- Russell-Brown S L, "The Last Line of Defense: The Doctrine of Command Responsibility and Gender Crimes in Armed Conflict" (2004) 22 *Wisconsin Int'l L J* 125.
- Ryngaert C, "Territory in the Law of Jurisdiction: Imagining Alternatives" (2017) 47 *NYIL* 49.
- SáCouto S, "The Impact of the Appeals Chamber Decision in *Bemba*: Impunity for Sexual and Gender-Based Crimes?" (22 June 2018), online: [www.ijmonitor.org/2018/06/the-impact-of-the-appeals-chamber-decision-in-bemba-impunity-for-sexual-and-gender-based-crimes](http://www.ijmonitor.org/2018/06/the-impact-of-the-appeals-chamber-decision-in-bemba-impunity-for-sexual-and-gender-based-crimes).
- SáCouto S & Viseur Sellers P, "The *Bemba* Appeals Chamber Judgment: Impunity for Sexual and Gender-Based Crimes" (2019) 27 *Wm & Mary Bill Rts J* 599.
- Sadat L N, *The ICC and the Transformation of International Law: Justice for the New Millennium* (Transnational Press, 2002).
- Sadat L N, "Can the ICTY *Šainović* and *Perišić* Cases Be Reconciled?" (2014) 108 *AJIL* 475.
- Sadat L N, "Fiddling While Rome Burns? The Appeals Chamber's Curious Decision in *Prosecutor v Jean-Pierre Bemba Gombo*" (12 June 2018), online: [www.ejiltalk.org/fiddling-while-rome-burns-the-appeals-chambers-curious-decision-in-prosecutor-v-jean-pierre-bemba-gombo/](http://www.ejiltalk.org/fiddling-while-rome-burns-the-appeals-chambers-curious-decision-in-prosecutor-v-jean-pierre-bemba-gombo/).
- Sadat L N, "Judicial Speculation Made Law: More Thoughts about the Acquittal of Jean-Pierre Bemba Gomba by the ICC Appeals Chamber and the Question of Superior Responsibility under the Rome Statute" (27 May 2019), online: <https://iccforum.com/responsibility>.
- Sadat L N & Jolly J, "Seven Canons of ICC Treaty Interpretation: Making Sense of Article 25's Rorschach Blot" (2014) 27 *LJIL* 755.
- Saland P, "International Criminal Law Principles," in R S Lee, ed, *The International Criminal Court: The Making of the Rome Statute* (Kluwer, 1999).
- Sander B, "Unravelling the Confusion Concerning Successor Superior Responsibility in the ICTY Jurisprudence" (2010) 23 *LJIL* 105.
- Sarch A, "Condoning the Crime: The Elusive *Mens Rea* for Complicity" (2015–16) 47 *Loy U Chi LJ* 131.
- Sartoria C, "Causation and Responsibility by Michael Moore" (2010) 119 *Mind* 475.
- Sayre F B, "Criminal Responsibility for the Acts of Another" (1930) 43 *Harvard L Rev* 689.
- Sayre-McCord G, "Coherentism and the Justification of Moral Beliefs," in M Timmons & W S Armstrong, eds, *Moral Knowledge* (Oxford University Press, 1996).
- Scanlon T M, *What We Owe to Each Other* (Harvard University Press, 1998).
- Schabas W, "Sentencing by International Tribunals: A Human Rights Approach" (1997) 7 *Duke J Comp Int'l L* 461.
- Schabas W, "General Principles of Criminal Law in the International Criminal Court (Part III)" (1998) 6 *Eur J Crime Cr L Cr J* 400.
- Schabas W, *Genocide in International Law: The Crime of Crimes* (Cambridge University Press, 2000).
- Schabas W, "Interpreting the Statutes of the Ad Hoc Tribunals," in L C Vohrah et al, eds, *Man's Inhumanity to Man* (Brill, 2003).
- Schaffer J, "Contrastive Causation in the Law" (2010) 16 *Legal Theory* 259.
- Schauer F, "Incentives, Reputation and the Inglorious Determinants of Judicial Behavior" (1999–2000) 68 *U Cincinnati L Rev* 615.
- Schechter F, "Popular Law and Common Law in Medieval England" (1928) 28 *Columbia L Rev* 269.
- Schmitt C, *The Concept of the Political* (Duncker & Humblot, 1932; trans and reprinted University of Chicago Press, 2006).
- Sepinwall A J, "Failures to Punish: Command Responsibility in Domestic and International Law" (2009) 30 *Michigan J Int'l L* 251.

- Sepinwall A J, "Citizen Responsibility and the Reactive Attitudes: Blaming Americans for War Crimes in Iraq," in T Isaacs & R Vernon, eds, *Accountability of Collective Wrongdoing* (Cambridge University Press, 2011).
- Shahabuddeen M, "Does the Principle of Legality Stand in the Way of Progressive Development of the Law?" (2004) 2 *JICJ* 1007.
- Shany T & Michaeli K R, "The Case against Ariel Sharon: Revisiting the Doctrine of Command Responsibility" (2001–02) 34 *NYU J Int'l L & Pol* 797.
- Simester A P & Brookbanks W J, *Principles of Criminal Law* (Thomson Reuters, 2002).
- Simester A P & Sullivan G R, *Criminal Law: Theory and Doctrine*, 3rd ed (Hart, 2007).
- Simons K, "Culpability and Retributive Theory: The Problem of Criminal Negligence" (1994) 5 *J Contemp Legal Iss* 365.
- Simpson G, "Politics, Sovereignty, Remembrance," in D McGoldrick, P Rowe & E Donnelly, eds, *The Permanent International Criminal Court: Legal and Policy Issues* (Hart, 2004).
- Simpson G, *Law, War and Crime: War Crimes Trials and the Reinvention of International Law* (Polity, 2007).
- Sivakumaran S, "Courts of Armed Opposition Groups: Fair Trials or Summary Justice?" (2009) 7 *JICJ* 489.
- Sivakumaran S, "Ownership of International Humanitarian Law: Non-state Armed Groups and the Formation and Enforcement of IHL Rules," in B Perrin, ed, *Modern Warfare: Armed Groups, Private Militaries, Humanitarian Organizations, and the Law* (UBC Press, 2012).
- Smandych R & Linden R, "Administering Justice without the State: A Study of the Private Justice System of the Hudson's Bay Company to 1800" (1996) 11 *Can J L & Soc* 21.
- Smeulers A, "What Transforms Ordinary People into Gross Human Rights Violators?" in S C Carey & S C Poe, eds, *Understanding Human Rights Violations: New Systematic Studies* (Ashgate, 2004).
- Smeulers A, "Why International Crimes Might Not Seem 'Manifestly Unlawful' to Low-Level Perpetrators" (2019) 17 *JICJ* 1.
- Smeulers A, "A Criminological Approach to the ICC's Control Theory," in K J Helleret al, eds, *Oxford Handbook on International Criminal Law* (Oxford University Press, 2020).
- Smeulers A & Grünfeld F, *International Crimes and Other Gross Human Rights Violations: A Multi- and Inter-disciplinary Textbook* (Martinus Nijhoff, 2011).
- Smeulers A & Haveman R, eds, *Supranational Criminology: Towards a Criminology of International Crimes* (Intersentia, 2008).
- Smeulers A, Weerdesteijn M & Hola B, "The Selection of Situations by the ICC: An Empirically Based Evaluation of the OTP's Performance" (2015) 15 *Int'l Crim L Rev* 1.
- Smeulers A, Weerdesteijn M & Hola B, *Perpetrators of International Crimes: Theories, Methods, and Evidence* (Oxford University Press, 2019).
- Smidt M, "Yamashita, Medina, and beyond: Command Responsibility in Contemporary Military Operations" (2000) 164 *Military L Rev* 155.
- Soares P P, "Tangling Human Rights and International Criminal Law: The Practice of International Tribunals and the Call for Rationalized Legal Pluralism" (2012) 23 *Crim L Forum* 161.
- Somer J, "Jungle Justice: Passing Sentence on the Equality of Belligerents in Non-international Armed Conflict" (2007) 89 *International Review of the Red Cross* 655.
- Stahn C, "Between Faith and Facts: By What Standards Should We Assess International Criminal Justice?" (2012) 25 *LJIL* 251.



- Stahn C, *A Critical Introduction to International Criminal Law* (Cambridge University Press, 2018).
- Stahn C, *Justice as Message: Expressivist Foundations of International Criminal Justice* (Cambridge University Press, 2020).
- Steer C, *Translating Guilt: Identifying Leadership Liability for Mass Atrocity Crimes* (TMC Asser Press, 2017).
- Stern P J, " 'A Politie of Civill & Military Power': Political Thought and the Late Seventeenth-Century Foundations of the East India Company-State" (2008) 47 *Journal of British Studies* 253.
- Stern R, "Coherence as a Test for Truth" (2004) 69 *PPR* 296.
- Stewart J, "The End of 'Modes of Liability' for International Crimes" (2011) 25 *LJIL* 165.
- Stewart J, "Overdetermined Atrocities" (2012) 10 *JICJ* 1189.
- Stewart J, " 'Specific Direction' Is Indefensible: A Response to Heller on Complicity" (12 June 2013), online: <http://opiniojuris.org/2013/06/12/specific-direction-is-indefensible-a-response-to-heller-on-complicity/>.
- Stewart J & Kiyani A, "The Ahistoricism of Legal Pluralism in International Criminal Law" (2017) 65 *Am J Comp L* 393.
- Sullivan M & Solove D J, "Radical Pragmatism," in A Malachowski, ed, *The Cambridge Companion to Pragmatism* (Cambridge University Press, 2013).
- Sunstein C, "Incompletely Theorized Agreements" (1995) 108 *Harvard L Rev* 1733.
- Sunstein C, "Is Deontology a Heuristic? On Psychology, Neuroscience, Ethics and Law" (2014) 63 *Jerusalem Phil Q* 83.
- Tadros V, *Criminal Responsibility* (Oxford University Press, 2010).
- Tallgren I, "The Sensibility and Sense of International Criminal Law" (2002) 13 *EJIL* 561.
- Tellenbach S, "Aspects of the Iranian Code of Islamic Punishment: The Principle of Legality" (2009) 9 *Int'l Crim L Rev* 691.
- Thagard P & Verbeugt K, "Coherence as Constraint Satisfaction" (1998) 22 *Cognitive Science* 1.
- Théodoridès A, "The Concept of Law in Ancient Egypt," in J R Harris, *The Legacy of Egypt*, 2nd ed (Clarendon Press, 1971).
- Thorburn M, "Justifications, Power and Authority" (2008) 117 *Yale LJ* 1070.
- Thorburn M, "The Criminal Law as Public Law," in R A Duff & S Green, eds, *The Philosophical Foundations of Criminal Law* (Oxford University Press, 2011).
- Timmons M, "Foundationalism and the Structure of Ethical Justification" (1987) 97 *Ethics* 595.
- Tooby J & Cosmides L, "The Psychological Foundations of Culture," in J H Barkow, L Cosmides & J Tooby, eds, *The Adapted Mind: Evolutionary Psychology and the Generation of Culture* (Oxford University Press, 1992).
- Trahan J, "Bemba Acquittal Rests on Erroneous Application of Appellate Review Standard" (25 June 2018), online: <http://opiniojuris.org/2018/06/25/bemba-acquittal-rests-on-erroneous-application-of-appellate-review-standard/>.
- Trechsel S, "Command Responsibility as a Separate Offence" (2009) 3 *Publicist* 26.
- Tremblay P, "The New Casuistry" (1999) 12 *Geo J Legal Ethics* 489.
- Triffterer O, "Causality, a Separate Element of the Doctrine of Superior Responsibility as Expressed in Article 28 Rome Statute?" (2002) 15 *LJIL* 179.
- Triffterer O & Arnold R, "Article 28," in O Triffterer & K Ambos, eds, *The Rome Statute of the International Criminal Court: A Commentary*, 3rd ed (Beck, Hart, Nomos, 2016).
- Tsagourias N, "Command Responsibility and the Principle of Individual Criminal Responsibility: A Critical Analysis of International Jurisprudence," in C Eboe-Osuji, ed,

- Essays in International Law and Policy in Honour of Navanethem Pillay* (Martinus Nijhoff, 2010).
- Tulkens F, "The Paradoxical Relationship between Criminal Law and Human Rights" (2011) 9 *JICJ* 577.
- Tyldesley J, *Judgement of the Pharaoh: Crime and Punishment in Ancient Egypt* (Weidenfeld & Nicolson, 2000).
- Uhler O & Coursier H, *Commentary on the Geneva Conventions of 12 August 1949, Vol IV* (ICRC, 1958).
- van der Wilt H, "Genocide, Complicity in Genocide and International v Domestic Jurisdiction: Reflections on the *van Anraat* Case" (2006) 4 *JICJ* 239.
- van der Wilt H, "JCE: Possibilities and Limitations" (2007) 5 *JICJ* 91.
- van der Wilt H, "Command Responsibility in the Jungle: Some Reflections on the Elements of Effective Command and Control," in C Jalloh, ed, *The Sierra Leone Special Court and Its Legacy; The Impact for Africa and International Criminal Law* (Cambridge University Press, 2014).
- van Dyke J M, "The Fundamental Human Right to Prosecution and Compensation" (2001) 29 *Denver J Int'l L & Pol'y* 77.
- van Hooff S, *Cosmopolitanism: A Philosophy for Global Ethics* (Cambridge University Press, 2009).
- van Schaack B, "Command Responsibility: A Step Backwards" (1998), online: [www.advocacynet.org/resource/369#Command\\_Responsibility:\\_A\\_Step\\_Backwards](http://www.advocacynet.org/resource/369#Command_Responsibility:_A_Step_Backwards).
- van Schaack B, "*Crimen Sine Lege*: Judicial Lawmaking at the Intersection of Law and Morals" (2008) 97 *Georgetown L Rev* 119.
- van Sliedregt E, "Joint Criminal Enterprise as a Pathway to Convicting Individuals for Genocide" (2007) 5 *JICJ* 184.
- van Sliedregt E, "Article 28 of the ICC Statute: Mode of Liability and/or Separate Offence?" (2009) 12 *New Crim L Rev* 420.
- van Sliedregt E, "Command Responsibility at the ICTY: Three Generations of Case Law and Still Ambiguity," in A H Swart, A Zahar & G Sluiter, eds, *The Legacy of the ICTY* (Oxford University Press, 2011).
- van Sliedregt E, *Individual Criminal Responsibility in International Law* (Oxford University Press, 2012).
- van Sliedregt E, "Pluralism in International Criminal Law" (2012) 25 *LJIL* 847.
- van Sliedregt E, "International Criminal Law," in M Dubber & T Hörmle, *The Oxford Handbook of Criminal Law* (Oxford University Press, 2014).
- van Sliedregt E, "International Criminal Law: Over-Studied and Underachieving?" (2016) 29 *LJIL* 1.
- van Sliedregt E & Vasiliev S, "Pluralism: A New Framework for International Criminal Justice," in E van Sliedregt & S Vasiliev, eds, *Pluralism in International Criminal Law* (Oxford University Press, 2014).
- van Sliedregt E & Vasiliev S, eds, *Pluralism in International Criminal Law* (Oxford University Press, 2014).
- Vanocore G, "Legality, Culpability and *Dogmatik*: A Dialogue between the ECtHR, Comparative and International Criminal Law" (2015) 15 *Int'l Crim L Rev* 823.
- Vasiliev S, "On Trajectories and Destinations of International Criminal Law Scholarship" (2015) 28 *LJIL* 701.
- Vasiliev S, "The Crises and Critiques of International Criminal Justice," in K J Heller et al, *Oxford Handbook on International Criminal Law* (Oxford University Press, 2020).

- Vernon R, *Cosmopolitan Regard: Political Membership and Global Justice* (Cambridge University Press, 2010).
- VerSteeg R, "The Machinery of Law in Pharaonic Egypt: Organization, Courts, and Judges on the Ancient Nile" (2001) 9 *Cardozo J of Int'l & Comp L* 105.
- Vetter G, "Command Responsibility of Non-military Superiors in the International Criminal Court" (2000) 25 *Yale J Int'l L* 89.
- Wall I, "Duress, International Criminal Law and Literature" (2006) 4 *JICJ* 724.
- Walsh A, "Evolutionary Psychology and the Origins of Justice" (2000) 17 *Justice Quarterly* 841.
- Weigend T, "Superior Responsibility: Complicity, Omission or Over-Extension of the Criminal Law?," in C Burchard, O Triffterer & J Vogel, eds, *The Review Conference and the Future of International Criminal Law* (Kluwer, 2010).
- Weigend T, "Perpetration through an Organization: The Unexpected Career of a German Legal Concept" (2011) 9 *JICJ* 91.
- Weigend T, "Mr Bemba's Acquittal: A Shortcut to Justice?" (25 June 2019), online <http://jamesgstewart.com/mr-bembas-acquittal-a-shortcut-to-justice/>.
- Wells C, "Swatting the Subjectivist Bug" (1982) 1 *Crim L Rev* 209.
- Werle G & Burghardt B, "Introductory Note" (2011) 9 *JICJ* 191.
- Werle G & Jessberger F, "'Unless Otherwise Provided': Article 30 of the ICC Statute and the Mental Element of Crimes under International Criminal Law" (2005) 3 *JICJ* 35.
- Werle G & Jessberger F, *Principles of International Criminal Law*, 3rd ed (Oxford University Press, 2014).
- Wessel J, "Judicial Policy-Making at the International Criminal Court: An Institutional Guide to Analyzing International Adjudication" (2006) 44 *Columbia J Transnat'l L* 377.
- Whiting A, "Appeal Judges Turn the ICC on Its Head with Bemba Decision" (14 June 2008), online: [www.justsecurity.org/57760/appeals-judges-turn-icc-head-bemba-decision/](http://www.justsecurity.org/57760/appeals-judges-turn-icc-head-bemba-decision/).
- Williams G, *Criminal Law: The General Part*, 2nd ed (Stevens, 1961).
- Williams G, "Conviction and Fair Labelling" (1983) 42 *Cambridge LJ* 85.
- Williams G, *Textbook of Criminal Law* (Sweet & Maxwell, 1983).
- Wilson R J, "Defences in Contemporary International Criminal Law" (2002) 96 *AJIL* 517.
- Womack B, "The Development and Recent Application of the Doctrine of Command Responsibility, with Particular Reference to the Mens Rea Requirement," in S Yee, ed, *International Criminal Law and Punishment* (University Press of America, 2003).
- Wright R W, "Causation: Metaphysics or Intuition?," in K Ferzan & S Morse, eds, *Legal, Moral and Metaphysical Truths: The Philosophy of Michael Moore* (Oxford University Press, 2016).
- Wu T & Kang Y S, "Criminal Liability for the Actions of Subordinates: The Doctrine of Command Responsibility and Its Analogues in United States Law" (1997) 38 *Harvard Int'l LJ* 272.
- Yahaya N, "Legal Pluralism and the English East India Company in the Straits of Malacca during the Early Nineteenth Century" (2015) 33 *Law & Hist Rev* 945.
- Zahar A, "Command Responsibility of Civilian Superiors for Genocide" (2001) 14 *LJIJ* 591.
- Zahar A, "Civilizing Civil War: Writing Morality as Law at the ICTY," in B Swart, G Sluiter & A Zahar, eds, *The Legacy of the International Criminal Tribunal for the Former Yugoslavia* (Oxford University Press, 2011).
- Zimbardo P, *The Lucifer Effect: Understanding How Good People Turn Evil* (Random House, 2007).