Preface

This book is really an endeavour to grapple with some of the thematic intersections between mass atrocity and international responses to them. The term ‘international criminal justice’ has grown in recent years into a discipline of its own, yet it is still often used synonymously with international criminal law, with a profound focus on war crimes trials, particularly international war crimes trials. As this book explains, international criminal justice is much more. It embraces a variety of legal disciplines, but also other disciplines, including politics, history, psychology and more.

Trying to make sense of the responses to mass atrocity and how to respond to them, the international community, its scholars and practitioners have considered many causes and many responses. Themes of retribution and restoration continually emerge, as does how and whether these core ideas can be merged. We begin by considering the seminal question of what is international criminal justice, to set a framework for the book and our analysis. An understanding of the history of this discipline is also important, so we consider some of the ancient historical roots of international criminal justice and how communities, and ultimately the international community, have evolved in their responses to mass atrocity over time.

It is often suggested that international criminal justice is poisoned by politics. Rather, politics is an inevitable and dynamic aspect of international criminal justice, and we consider not just the presence of politics, but also the nature and effect that politics has on international criminal justice. We also turn to the discipline of psychology to explore how concepts of individual deviance, identity, obedience, truth and social narrative interplay in the leading to and aftermath of mass atrocity.

While this book examines themes and disciplines, the impact of terrorism and responses to it have elevated the significance of this field such that it really is not possible any longer to discuss international criminal justice without also addressing the nature of modern terrorism, its positioning between war and peace, and how the international community has responded, or failed to respond, in a way that advances
the ideals of international justice. More broadly, conflict and mass atrocity naturally leave behind fractured communities facing a difficult transition, which calls for a discussion of existing mechanisms of transitional justice. These mechanisms, whether retributive or restorative, are hardly perfect but provide much needed avenues toward reconciliation.

It seems to us that tying up these themes and analyses is best done through the prism of hope, an abstract concept that infects much of the work of courts, politicians and scholars of international criminal justice. How does what has been done, and what is to come, leave the world? Can we really ameliorate the horror of mass atrocity; can our responses be seen as a normative shift toward more accountability and prevention? Or are we merely travelling in circles?

As ever, a book of this kind is not possible without the assistance of others, and some acknowledgements are warranted. We would like to offer special thanks to the contribution of key researchers who assisted in this work, Andrew Roe and Sylvester Urban, as well as the considerable contribution toward the end of this work by Evan Ritli. Others who made important contributions along the way include Ben Nelson, Patricia Saw, Sayomi Ariyawansa, Kiran Iyer, Amelia Hughes, Damien Bruckard and Melissa Kennedy.

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