Atrocity and Punishment

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The specific focus of this book involves the reasons that criminal justice institutions punish perpetrators of mass violence and whether the sentences levied by these institutions actually support these penological rationales. This focus is warranted given that little scholarly work has been undertaken in this area. In fact, whereas international criminal law scholarship brims with sophisticated work that explores the substantive crimes (e.g. genocide, crimes against humanity), the formation of institutions and their independence or effectiveness, and the impact of prosecuting those crimes on collective reconciliation and political transition, there is only isolated—and often conclusory—analysis on how offenders should be punished, what institutions say they are accomplishing by punishing and, most importantly, whether the punishments that are accorded actually attain the goals they are ascribed. Leading treatises on international criminal law barely devote any space to punishment and sentencing. The project that follows begins to address this surprising lacuna in the scholarly literature.