Durkheim’s moral individualism and international criminal justice: a critical appraisal of humanity’s savages, victims and saviours

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Introduction

Last year marked the 20th anniversary of the Rome Statute for the International Criminal Court, the founding treaty of the world’s first global and permanent International Criminal Court (ICC). ‘Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity’, the Rome Statute’s Preamble promises to ‘put an end to impunity for the perpetrators…of the most serious crimes of concern to the international community’: genocide, crimes against humanity, and war crimes. By doing so, the ICC vows to protect ‘humanity’ – ‘peoples…united by common bonds, their cultures pieced together in a shared heritage’ in concern that ‘this delicate mosaic may be shattered at any time’ (The Rome Statute Preamble). The establishment of the ICC has since come to be celebrated by its promoters as the apex of global justice – ‘a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law’. As such, it embodies how the fight against impunity has become a metric of progress for global human rights (Engle, Miller, & Davis, 2016), and how the notion of crimes against humanity is set up as natural law – the jus cogens – for our age (Hopgood, 2013).

The criminalization of international crimes and the institutionalization of a transnational field of international criminal justice has recently led to a growing literature within international criminology and victimology (Hoyle & Ullrich, 2014; Letschert, Haveman, De Brouwer, & Pemberton, 2011; Parmentier & Weitekamp, 2007; Savelsberg, 2010; Smeulers & Haveman, 2008). Particularly, this literature is concerned with etiological understandings of perpetrators and their criminality (Houge, 2015; Smeulers, Weerdesteijn, & Holá, 2019), the needs of victims following their crimes (Pemberton, Letschert, de Brouwer, & Haveman, 2015), and the courts and institutions of justice and reconciliation (Hagan, 2010; see Parmentier, 2011). However, in spite of this engagement, international crimes and criminal justice occupy a marginal position in the mainstream criminological imagination. The ‘extraordinariness’ and ‘exceptionality’ of international crimes are considered of little analytic bearing for ‘ordinary’ crime, punishment, and justice (see Posner & Vermeule, 2004). Part of the explanation may be that international criminal justice upsets one of criminology’s fundamental truisms, namely that the power to punish rests in the nation-state (Zedner, 2016). It is perhaps of no surprise, then, that scholars of

1 Since 17 July 2018, the ICC also has jurisdiction over states that have ratified the amendment to the Rome Statute on the crime of aggression (see de Hoon, 2017; Kreß, 2018)
2 Statement by the United Nations Secretary-General Kofi Annan at the Ceremony Held at Campidoglio Celebrating the Adoption of the Statute of the International Criminal Court, 18 July 1998 (http://www.legal-tools.org/doc/8b0ab6/).
sociology of punishment has remained strangely absent from the study of international crimes and criminal justice (but see Findlay, 2008; Lohne, 2018; Savelsberg, 2018).

However, mindful of the need to understand the emerging and multifaceted roles of penal power under the global condition (Franko, 2017), this chapter revisits one of sociology (of punishment’s) classics – Émile Durkheim – in a sociological interpretation of international criminal justice. It builds on data and analysis conducted as part of an ethnographic study of international criminal justice, with particular attention to the ICC’s intervention into the conflict in northern Uganda, a region tormented by a protracted humanitarian crisis and armed conflict between the rebel group Lord’s Resistance Army (LRA) and the Ugandan government (Lohne, 2019). Specifically, the chapter offers an interpretation of how international criminal justice, in the name of humanity, works to reinforce an imaginary of global moral community. Combining critical scholarship in international criminal law, human rights and humanitarian studies (e.g. Douzinas, 2007a; Schwöbel, 2014) with ‘radicalizations’ of Durkheim’s work in criminology (Garland, 1990; Smith, 2008), the chapter offers discursive analysis of the tripolar metaphor of ‘savages, victims, and saviors’ (Mutua, 2001) in international criminal justice. It argues that ‘humanity’ is split by breaking into representational parts pitting ‘good’ against ‘evil’ in a manner that obscures the fact of politics, reflecting, instead, a dominant moral order. It concludes by noting on how such disguise of politics raises difficult questions going forward for the protection of the ‘delicate mosaic’ of a pluralized humanity as declared in the Rome Statute’s Preamble.

Durkheim and the religion of humanity

The legacy of Émile Durkheim (1857-1917), the very first professor in Sociology, is as immense as it is invaluable. This chapter harbours no intention to provide an overview of his work, nor of the richness of their interpretations (see Lukes, 1985). The objective with invoking his scholarship (which many criminologists consider outdated for reasons of its functionalist and consensus-oriented nature) is threefold: First, I deeply appreciate his epistemological point of departure, putting crime and punishment at the centre of analysis of the social. With international criminal justice, crime and punishment has ‘gone global’. Yet, there has been far too little reflection on what this may mean for the constitution of ‘global society’. Second, international criminal justice lends itself very well to a Durkheimian analysis by enabling attention to its expressivist and integrative functions. However, the (re)integrative functions of international courts and punishment on a global scale remain largely except from critical sociological analysis (Madsen, 2014). Finally, and conscious of how Durkheim himself operated within a nation-state framework in sociology, in his later work he identified a moral individualism – a ‘cult of man’ or ‘religion of humanity’ – to be the overarching and necessary system of beliefs to ensure moral unity within society. This moral individualism epitomizes the human rights discourse (Cotterrell, 2015) that has since animated the field of international criminal justice. As Tallgren observes, (2013, p. 138) international criminal justice ‘is spellbound Durkheimian in its construction, in its potential, in its superb ambition’. Although consequentialist and retributive arguments for international prosecutions certainly do exist (see generally Drumbl, 2007), the

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3 This moral individualism is interchangeably referred to as the ‘cult of the individual’ (culte de l’individu), the ‘cult of man’ or the ‘religion of humanity’ in his writing (É. Durkheim & Lukes, 1969).
expressivist justification for the fight against impunity for international crimes has become dominant in both policy and scholarship, arguably in response to the failure of international criminal justice to live up its deterrent and retributivepromises (Houge, 2018; Sander, 2016). Therefore, a question must be asked of how Durkheimian perspectives can provide further insight over the sociological processes that animate the workings of international criminal justice.

Durkheim viewed law primarily as an expression of social values, and of morality in particular. In his view, the materiality of law was an observable manifestation of society’s ‘collective consciousness’ (conscience collective), that is, the ‘totality of beliefs and sentiments common to the average members of a society [which] forms a determinate system with a life of its own’ (É. Durkheim, 1984, pp. 38-39). In modern society, the hold of the collective consciousness over individuals is established by people’s distinct roles and contributions to society. By producing social solidarity among its members, differentiation was seen to serve an important social function in modern society. Few aspects of social life are as differentiating as crime and punishment. In a Durkheimian view, crimes violate the collective consciousness, as ‘attacks upon something which is transcendent, whether this is a being or a concept’; and punishment, by extension, become not an act of ‘personal vengeance, but rather vengeance for something sacred which we vaguely feel is more or less outside and above us... Thus by taking vengeance for them it is indeed society and not ourselves that we are avenging (É. Durkheim, 1984, pp. 56-57). Punishment thus come to reinforce the collective consciousness and strengthen its moral bonds, acting as a form of social glue for society’s internal coherence. In this way, Durkheim saw punishment and society’s morality to operate in a self-energizing, organic, manner. Yet, ‘when some cherished belief of ours is at stake we do not allow, and cannot allow, violence to be done to it with impunity’ (É. Durkheim, 1984, p. 54): Impunity, in other words, is a sign of weakness in the social corpus.

Similarly, ‘the most serious crimes of concern to the international community as whole must not go unpunished’ (Rome Statute Preamble). The moral force to prosecute and punish resonate deeply with the impetus of international criminal justice, and which may be described as the fight against impunity movement. Elsewhere I have written on the humanitarian reason behind this globalized penal power (Lohne, 2018, 2019), and how the fight against impunity has become a panacea for the human rights movement in the face of global injustice (Engle et al.,

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4 The term has been translated into English as both ‘collective consciousness’ and ‘collective conscience’, and should not be interpreted as reflective of any psychological state. Durkheim treats the concept of collective consciousness in various ways in his writings. For example, whereas he sees it as a mode of integration in The Division of Labour, he treats it more as a general condition of society in The Rules of Sociological Method (É. Durkheim & Catlin, 1966), and replaces it with ‘collective representations’ in his later work – which is first discussed in Suicide (É. Durkheim, 1951) – to refer to the realm of social facts in society, along with his cultural or ideational intellectual trajectory (see Lukes, 1982; Nemedi, 1995).

5 In contract to in ‘mechanic’ societies, where solidarity is achieved through similarity and collective practices.

6 Italics inserted by the author.
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The way international criminal justice has come to signify global solidarity – in which humanity, rather than the nation-state stand for ‘society’ in the Durkheimean sense – resonate with another, much later, aspect of Durkheim’s scholarship. Towards the end of his scholarship, he saw a moral individualism – a ‘cult of man’ or ‘religion of humanity’ – representing the autonomy and dignity of all human beings, to be the overarching and necessary system of beliefs to ensure solidarity and moral unity within society.

The human person, whose definition serves as the touchstone according to which good must be distinguished from evil, is considered as sacred, in what one might call the ritual sense of the word. It has something of that transcendental majesty which the churches of all times have given to the Gods...Such a morality is therefore not simply a hygienic discipline or a wise principle of economy. It is a religion of which man is, at the same time, both believer and God (É. Durkheim & Lukes, 1969, pp. 21-22).

The moral individualism put forward by Durkheim can thus be seen as the prototype of the human rights discourse which since has developed (Cotterrell, 2015), albeit one in which the ‘religion of humanity’ is not philosophical and transcendent, but rather ‘a social institution like all known religions’ (É. Durkheim & Lukes, 1969, p. 28). However, in spite of recognizing a ‘universal consciousness’, Durkheim acknowledged that the ‘dream of an ideal of human brotherhood “cannot be satisfied unless all men form part of one and the same society’” (Cotterrell, 1999, p. 195). Until then, the religion of humanity would remain attached to the nation-state, standing at the head of the cult and acting as a local agent vis-à-vis the idea of a united humanity. While he saw the cult of man as the ‘only possible candidate’ in an increasingly complex and fragmented society where ‘there remains nothing that men may love and honour in common, apart from man himself’ (É. Durkheim & Lukes, 1969, p. 26), the question of whether the religion of humanity would be able to unify citizens morally in a world society remained ‘only partly answered at the end of Durkheim’s career’ (Cotterrell, 1999, p. 195).

A century later, these questions harbour particular significance. Today, through institutionalized cosmopolitanism such as international (criminal) courts, (human) rights, and normative Responsibility to Protect doctrines, it is often the international rather than the national that is viewed as the principal agent for acting out of humanitarian concern towards individuals. This shift is exemplified by the ICC’s Principle of Complementarity, which stipulates that cases and situations are only eligibly for investigation and prosecution by the Court if nation-states are unable or unwilling to proceed with their own genuine proceedings (subject to the Court’s assessment). In this way, the ICC challenges the view of the nation-state as protector of

7 ‘The reason is that individualism itself is a social product, like all moralities and all religions. The individual receives from society even the moral beliefs which deify him. This is what Kant and Rousseau did not understand. They wished to deduce their individualist ethics not from society, but from the notion of the isolated individual’ (É. Durkheim & Lukes, 1969, p. note 1).
the ‘cult of man’. It also, crucially, constitutes the individual at the centre of the world. It not only holds individuals criminally accountable for international crimes, but, as is most evident in the category of crimes against humanity, ‘constitutes the paradigmatic case of the protection of values that result from the cult of the individual, as it is precisely the aspect of the individual shared with all of humankind that is protected here’ (Nimaga 2007, 594-595).

However, as much as the project of international criminal justice is ‘a Durkheimian edifice also means that it carries the fragilities and fallacies of its master’s ideas’ (Tallgren 2013, 138). Durkheimian scholar Lukes observes that as regards conflict, power and unpredictability, ‘the truly extraordinary thing about Durkheimian sociology is that it can find no place for these; they escape the grid of its conceptual structure’ (Lukes, 1982, p. 23). Durkheim treats the collective consciousness as a ‘social fact’ and a point of departure for his analysis; not the result of historical, political, and social struggles that are themselves worthy of critical attention. David Garland and later Phillip Smith have both argued for a ‘radicalization’ of Durkheim to make room for discourses on power. Garland (1990, p. 53) for example, suggests that ‘[I]nstead of depicting the conscience collective as an emergent property of “society-as-a-whole”, we ought to conceive of a dominant moral order which is historically established by particular social forces’. In this way, social forces constitutive of the dominant moral order become central to the sociological analysis of international criminal justice.

The remainder of this chapter approaches humanity as a collective consciousness discursively constituted by and reflective of a dominant global moral order, rather than a given social fact. This should not be read as an attempt to undermine the suffering inflicted upon and violence perpetrated by our human kind. Instead, the intention is to offer a sociological interpretation of some of the social processes and political contingencies that animate the pursuit of global social order, and the role of global violence and victimization therein. Specifically, I analyse the work of representational imaginaries in the fight against impunity for international crimes. Showing how ‘humanity’ is split, differentiated into ‘savages, victims, and saviors’ (Mutua, 2001), it is suggested that the representational dichotomy between victims and villains of global violence serve to mark out the terrain of cosmopolitan society (Sagan, 2010). Punishing in the name of humanity, international criminal justice aspire to reinforce a dominant moral order and to sustain an imaginary of global moral community.

**Humanity’s Savages, Victims, and Saviors**

**Savages**

The first split of humanity is the recognition of inhumanity in its midst. ‘ Humanity suffers because parts of it are evil, degenerate, cruel and inflict indescribable horrors upon the rest’ (Douzinas, 2007a, p. 12). Our societies are replete with violence – of destructive inequalities concerning resources, rights, and risks. Yet, out of all this harm, what kind of violence is recognized as inhumane; what are the subjectivities that are called out as beyond the boundaries of humanity’s normative agency?

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8 But see E. Durkheim (1915), written two years before his death, where he may be working towards a concept of State power. Thanks to Andy Aydin-Aitchison for making me aware of this.
There is no doubt that being wanted or prosecuted by an international criminal court attaches, as Megret has pointed out, a ‘special stigma’ (2015). They are considered hostes humani generis – enemies of the human race: the quintessential Other. Currently, all of the ICC’s pending cases are against African nationals and all but one of its eleven situations under investigation take place on the African continent. As Sagan (2010, p. 19) observes, ‘the image of African impunity has been essential to constructing the criminal in every case before the ICC’, linking it to wider analytical and historical tropes of civilization and barbarism in the constitution of international law (Koskenniemi, 2001). In a representational delineation of civilization and barbarism, the African savage emerges from the ‘global borderlands’ (Duffield, 2001), the imagined geographical space of breakdown, brutality, and excess. As such, he epitomizes Nils Christie’s portrayal of society’s ‘suitable enemies’ – black against the (metaphorically) white victim: ‘He is a dangerous man coming from far away. He is a human being close to not being one’ (1986, p. 26).

Joseph Kony, the commander of the LRA embodies the image of the African savage. For over 20 years, Kony’s LRA tormented the Acholi population in northern Uganda, abducting approximately 30,000 children over the years to counter their depleting ranks. The kidnapped children were often forced to kill and mutilate family and friends to ensure their compliance to the rebel group. In this way, they would have nothing to return home to. The excessive brutality that surrounded the LRA made it seem like an easy first case for the newly established ICC. In October 2005, the ICC unsealed its first ever arrest warrants for what it considered the five top commanders of the LRA, including Joseph Kony. Moreover, from being the ‘world’s most forgotten humanitarian crisis’, the situation in Northern Uganda received massive international attention in 2011 as Invisible Children, a US-based humanitarian advocacy NGO launched a campaign video detailing the brutality of the LRA. Premised on the fundamental assumption of humanitarian advocacy that knowing about suffering causes political action, the KONY2012 campaign set out to ‘make Kony famous’. The video went viral, and has to date over a billion views on YouTube, generating more attention than any news outlet would ever dare dream.

While it is impossible to downplay the violence that Kony and the LRA has inflicted upon people and communities in northern Uganda and its bordering regions, it is, however, only half the story. Through several ‘counter-insurgency’ efforts throughout the years, the Ugandan government has likewise caused great harm. For example - and under the pretence of protection – the government forcibly displaced almost the entire northern population of Uganda into so-called protection camps. Anyone outside the camps would be considered a rebel, and risked being killed. Moreover, the camp’s poor food and sanitary conditions caused widespread sickness and death. Indeed, the conditions have been paralleled to concentration camps and genocidal intent, ‘given that internment is an explicit government policy that targets the Acholi as a group and has led to tens, or even hundreds, of thousands of deaths and to the slow destruction of an entire ethnic group’ (Branch, 2007, p. 182). Rather than one-sided inexplicable irrational violence, the conflict in northern Uganda was a de facto civil war, with the civilian Acholi population in the

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midst of it. However, this aspect of the Ugandan situation was absent from the international ‘official’ discourse on the conflict in northern Uganda (Finnström, 2008).

While the ICC had indicted Kony and four other top commanders of the LRA long before Invisible Children set out to make him famous (on YouTube), the ICC contributed to reproduce the international ‘official’ narrative of the conflict. The Court only indicted individuals from one side of the conflict – the LRA – leaving the government army unaffected by its judicial intervention. According to a civil society representative in Gulu Town in northern Uganda, ICC representatives initially also travelled together with government security to do investigations, oblivious to how that affected the civilian population’s perception of the Court. Large segments of the northern population not only came to see the ICC as biased against the LRA, but also, essentially, to see the Court as yet another tool for the Ugandan government to help them win the war. As aptly put by Nouwen and Werner (2010: 949), ‘the ICC could turn the LRA from enemies of the Ugandan government into enemies of the international community as a whole’. This is a way in which the representation of the savage – of *hostes humani generis* - functioned to obscure the fact of politics.

**Victims**

The construction of the savage – of humanity’s enemy – does not exist without its binary: the victim. The figure of the victim stand for the part of humanity that suffers. She (there is a conspicuous gendered dimension here) represents what is at stake; it is her suffering that ‘deeply shock the conscience of humanity’ (ICC Preamble). In her ‘bare life’ (Agamben, 1998), she stands for humanity desacralized. To situate victimhood within a wider political economy in the context of the cultural (McGarry & Walklate, 2015, p. 19), questions must also be asked about how constructions of (gendered, hierarchical) victimhood are put to work for international criminal justice.

While victims are invoked as the *raison d’être* and telos of the work of the ICC by academics, practitioners and promoters of international criminal justice alike, as Kendall and Nouwen (2014) observe, there is considerable gap between the discursive invocation and representational image of ‘The Victim’ in international criminal justice, and its real-life effects. The figure of The Victim of international crimes is an abstract figure – distant, apolitical, helpless – yet whose highly publicized image is key to the humanitarian communication that feeds the fight against impunity (see also Houge & Lohne, 2017). At the same time, international crimes have a ‘heightened’ victim profile. It is not only the *direct* victim that is wronged, or only, by extension, the state – because of breaches to the domestic criminal code – but international crimes involve an elevated form of universal victimhood embodied in the notion of humanity. These are crimes against ‘us all’. The ‘new moral foundation for international criminal justice with “humanity” at its centre distinguishes the victim focus for international criminal justice from current trends to inject a higher victim profile into domestic criminal justice processes.’ (Findlay, 2011, p. 117). It is this ‘global’ or ‘universal’ victimization that justify – legally and legitimately – *doing something* about humanity’s suffering; intervening not only on behalf of direct victims of international crimes, but for the sake of humanity.

However, when ‘humanity’ becomes the victimized, it may be asked whether individual experiences of violence, suffering and of the quest for justice is devalued. Crucially, there are no
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...citizen rights at the international level. Yet, it is the international, rather than the national that is recognized to act out of humanitarian concern. In the move to the international, the production of a universal category of victims risk denying the political agency of individual victims as it is their very exclusion from political life that is the necessary condition for international intervention. While this scaling of criminal justice is meant to extend access to justice in situations where domestic criminal justice is perceived to fail, Clarke (2007, pp. 135-137) challenges us to reflect on what kind of victims the ICC require citizens to be, as the ‘jurisdictional claims of the ICC result in the production of a universalizing category of “victims” to be saved by “global” human rights institutions that recasts – and denies – the political agency of victims’.

As concerned the situation in Uganda, the ICC’s intervention certainly opened up a political discourse on justice and accountability, which should not be underestimated. However, it also came to epitomize one of international criminal justice’s most difficult dilemmas, namely the one between peace and justice. The ICC’s intervention disrupted ongoing peace talks between the LRA and the Ugandan government. Large segments of the Acholi population wanted peace, wanted amnesties for the abducted children. They wanted to move on with their lives. ‘Justice’, in the form of the international community disrupted this. In this way, the ICC’s involvement in the situation in Uganda also disclosed the contested relationship between ‘local’ and ‘global’ articulations of justice. In the name of humanity, the ICC’s representation of victims simultaneously functioned to undermine the political agency of the conflict’s survivors.

**Saviours**

This brings us to the final split, or differentiation, and the representational figure of the saviour. If one part of humanity suffers, the human as victim, than another part of humanity saves: the human as rescuer. ‘[H]umanity’s goodness depends on its suffering but without goodness suffering would not be recognized... There can be no redemption without sin, no gift without deprivation, no Band Aid without famine’ (Douzinas, 2007b, p. 12). In Mukua’s (2001, p. 201) deconstruction of the ‘damning metaphor’ of savages, victims and savours in the human rights story, the saviour is ‘the human rights corpus itself, with the United Nations, Western governments, INGOs, and Western charities as the actual rescuers, redeemers of a benighted world’. In spite of claims to the global and universal, it is deeply Eurocentric. It follows a historical trajectory of the European colonial project, also because it promotes the European ideal of political liberal democracy. ‘The metaphor is premised on the transformation by Western cultures of non-Western cultures into a Eurocentric prototype and not the fashioning of a multicultural mosaic’ (Mutua, 2001, p. 205). At the same time, he points out, the human rights story is oblivious to power and race. This seems also to be the case with how the ‘human rights story’ plays out in international criminal justice.

In my research on NGO advocacy vis-à-vis the ICC in The Hague, there was a significant discrepancy concerning who speaks for humanity – for the universal, if you will. Out of the ten main organizations, most of which were the large international human rights organization, only one representative had an African background. The remaining were Europeans (and one from Canada). At the time, a similar dynamics were mirrored at the ICC, where the five countries with the highest number of professionals working at the ICC were France (45), United Kingdom (27), The Netherlands (17), Canada (15) and Germany (13). By comparison, countries wherein the ICC
had intervened: Côte d’Ivoire, the DRC, Mali and Uganda had 2 professionals each (Lohne, 2017). Besides issues of geographical (mis)representations and power inequalities in who speaks for ‘us all’, there was also an issue of class. For example, this was conspicuous at entry-level jobs in international criminal justice – at the courts or in the NGOs lobbying them – where internships have become, as in so many other industries, a *rite de passage*. However, questions much be asked not only of who has a passport that enables entry and stay, but also about who can afford to live and work in The Hague, an expensive city in the midst of Europe, for free? In other words, in the name of humanity, there is a dimension of *situatedness* – of class and global inequalities – that is far less articulated than international criminal justice’ claims to the universal (Lohne, 2019).

**Conclusion**

This chapter has approached international criminal justice through a ‘radicalized’ Durkheimean perspective. Through crimes against humanity, criminal recognition of – moral outrage at – humanity’s suffering become a way of constituting humanity’s ‘essence’, as the assumption of a common global morality materializes through recognition of crimes committed against it. However, I have argued that humanity is split, that it breaks up into parts – into victims and savours, good and evil (Douzinas, 2007a), and that through the objectification of the violent landscape as ‘crimes against humanity’, ‘we, humanity’ situate ourselves as part of this landscape – as moral subjects. ‘From our position as witness, we help to mark out the terrain of what is good and what is evil’ (Razack, 2007, p. 381: 381). If ‘we, humanity’ remain silent and do nothing, ‘the collective beliefs and sentiments fade, endangering the existence of an audible “we”’ (Tallgren, 2015, p. 148: 148). Crimes against humanity, and efforts to punish them, therefore serve to reinforce the notion of ‘humanity’, and with that, the humanitarian imaginary of a global moral order. At the same time, the invocation of ‘humanity’ in international criminal justice functions to obscure the fact of politics – of its embeddedness in gendered, racial and economic inequalities on a global scale.

However, today, there is significant pushback against human rights and the ICC alike. The dominant moral order – as articulated by the liberal world order – hangs in the balance. While there are many elements to this development – most of which are beyond the scope of this chapter – it suffices to say that part of this pushback concerns the articulation of the political with which this chapter has been concerned. While it may show the potential of sociological probing – and of Durkheim’s relevance for contemporary problems –, it also reveals the vulnerability of the ‘delicate mosaic of humanity’. Thus, moving forward involves asking some difficult questions about maintain, protecting and augmenting solidarity beyond the nation-state, while being conscious of how attempts to remap the boundaries of community, justice, and punishment are constituted by social forces of historical and political struggles worthy of our critical attention.

**References**


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