THE INTERNATIONAL CRIMINAL COURT, SOVEREIGNTY, AND THE UNITED STATES: GLOBAL POWER AND THE CASE FOR NON-PARTICIPATION

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by
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ABSTRACT

At the heart of the debate over the International Criminal Court lies the amorphous notion of globalization. Calling into question the normative assumptions driving international humanitarian efforts, the evolving conception of the sovereign state, strategic interactions among countries and the ability of the international community to work multilaterally towards a common vision of justice, the debate spans a broad range of issues concerning global governance. The United States’ rocky relationship with the International Criminal Court is a particularly revealing entry point. Is the United States’ opposition simply an expression of unilateralist arrogance and refusal to concede to an increasingly important system of global governance that much of the international community accepts? In fact, American non-support runs much deeper. Both a strategic approach to United States’ foreign policy objectives and an examination of the ideological incompatibilities between the United States’ Constitution and participation in the Court reveal the centrality of sovereignty in the debate. In a strategic sense, it is not in the interest of the United States to concede judicial autonomy to the International Criminal Court. In an ideological sense, the tensions are seemingly irresolvable. Both point to why the United States has become a global hegemonic power and how this hegemony plays out. Further, both reveal just how deeply the International Criminal Court renegotiates state sovereignty by shifting the standards of international human rights law. This thesis proceeds in three stages. First, it explores the position the International Criminal Court occupies in relation to the established tradition of international – and specifically human rights law. Second, it evaluates the argument against American participation in the Court examining the alleged dissonance with constitutional democracy and tangible threats the institution poses to US foreign-relations objectives. Finally, it places the debate in the context of
larger theoretical questions concerning sovereignty. Does the Court create an upheaval in the global order of sovereign nations *in general*? Or, does this claim of universality thinly veil the United States’ ultimately particular concerns about the maintenance of hegemony within a changing global order. This thesis ends by exploring the potential alternatives for creating better agreement between the most deeply held ideological concerns driving the United States’ foreign policy and the changing demands of international political environment while questioning the efficacy of international criminal adjudication in achieving human rights goals.
BIOGRAPHICAL SKETCH

Originally from Boston Massachusetts, Lauren Peritz began her studies at Cornell University in 1999 as an undergraduate student in the College of Engineering. She completed a B. S. degree in 2003 through the Engineering Physics department before directing her focus to the field of Political Science. As a graduate student in the Department of Government, Lauren studies the intersection of political theory and international law.
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