Retributive Justice

Definition and History of Retributive Justice

Retributive justice is the theory that considers punishment a morally acceptable response to crime, as long as it is proportionate to the offense. In our everyday lives, retributive justice often applies to law enforcement. The maxim, "Let the punishment fit the crime" often summarizes the principle adopted in western society that a penalty, as punishment for a breach in the law, should be such that it functions as a deterrent. Applied to the international stage, retributive justice represents the type of justice that international institutions such as the International Criminal Court (ICC) attempt to realize.

The International Criminal Court is an independent permanent international tribunal that was established to prosecute individuals responsible for committing crimes against humanity. It was first recognized during the Paris Peace Conference in 1919, when it became apparent that there was a need for a presiding purveyor of justice that transcended political boundaries. The ICC was active in spearheading the prosecutions against the Nazis at the culmination of WWII, and has since brought retributive justice upon many who have violated human rights and humanitarian law. However, despite its intentions, there are also many who do not see eye to eye with the ICC, and argue that their approach to bringing about retributive justice is often ineffective.

The administration of retributive justice can even extend beyond national institutions like the ICC to the point of involving entire nations. As shown in the case of the United States formally declaring the LRA as an internationally recognized terrorist organization, retributive justice can be administered at almost any level of political structure. However, we must remain aware of what exactly the ramifications of retributive justice are. In the case of the LRA, the repercussion of being recognized as a terrorist organization was the Ugandan military counter-insurgency offensive called, "Operation Iron Fist". Despite its intention of eradicating the threat of the LRA's violence in Northern Uganda, the only real outcome of this operation appears to be a resurgence of the seemingly pointless violence and butchery of innocent civilians, and their displacement into refugee camps.

Oliver Gard-Murray

Uganda through the Lens of Retributive Justice

Case study on the situation in Uganda as described with retributive justice in mind.

Criticisms of Retributive Justice

Discussion and criticism of the International Criminal Court and the international community as actors in retributive justice.