

**30**  
1987-2016

# Ethics & International Affairs

VOLUME 30 • NUMBER 4 • WINTER 2016

## SYMPOSIUM: Allen Buchanan's *The Heart of Human Rights*

*Pietro Maffettone, David Miller, Andrea Sangiovanni,  
Jesse Tomalty, Lorenzo Zucca, and Allen Buchanan*

### ESSAY

**Ending Statelessness  
Through Belonging: A  
Transformative Agenda?**

*Kristy A. Belton*

**Taking Sides in  
Peacekeeping: Impartiality  
and the Future of the  
United Nations**

*Emily Paddon Rhoads*

REVIEW BY RUBEN REIKE

### FEATURE

**Trials as Messages of  
Justice: What Should Be  
Expected of International  
Criminal Courts?**

*Tim Meijers and Marlies Glasius*

**The Planet Remade: How  
Geoengineering Could  
Change the World**

*Oliver Morton*

REVIEW BY GERNOT WAGNER

### REVIEW ESSAY

**The Lessons of Effective  
Altruism**

*Jennifer C. Rubenstein*

**Migration in Political  
Theory: The Ethics of  
Movement and Membership**

*Sarah Fine and Lea Ypi*

REVIEW BY SHELLEY WILCOX

### REVIEWS

**On War and Democracy**

*Christopher Kutz*

REVIEW BY JOHN KEANE

**The Hillary Doctrine: Sex &  
American Foreign Policy**

*Valerie M. Hudson and*

*Patricia Leidl*

REVIEW BY KRISTEN P. WILLIAMS

# Ethics & International Affairs

VOLUME 30 · NUMBER 4 · WINTER 2016

**CARNEGIE COUNCIL**  
*The Voice for Ethics  
in International Affairs*

# Ethics & International Affairs

THE JOURNAL OF THE CARNEGIE COUNCIL

EDITOR IN CHIEF *Joel H. Rosenthal*  
EDITOR *John Tessitore*  
MANAGING EDITOR *Adam Read-Brown*  
ASSISTANT EDITOR *John Krzyzaniak*  
GUEST EDITOR *Jesse Tomalty*  
EDITORIAL FELLOW *Tina Cai*  
EDITORIAL INTERN *Jake Palmer*  
COPY EDITOR *Meghan Lynn*  
BUSINESS MANAGER *Eva Becker*

## EDITORIAL ADVISORY BOARD

<i>Christian Barry</i>	<i>Nikolas Gvosdev</i>	<i>David Rodin</i>
<i>Alex J. Bellamy</i>	<i>Ian Hurd</i>	<i>S. Prakash Sethi</i>
<i>Allen Buchanan</i>	<i>Anthony F. Lang, Jr.</i>	<i>Henry Shue</i>
<i>Deen K. Chatterjee</i>	<i>Anthony Langlois</i>	<i>Jennifer Welsh</i>
<i>Robyn Eckersley</i>	<i>David Luban</i>	<i>Leif Wenar</i>
<i>Ann Florini</i>	<i>David R. Mapel</i>	
<i>Joy Gordon</i>	<i>Darrel Moellendorf</i>	

## Carnegie Council for Ethics in International Affairs

The Carnegie Council for Ethics in International Affairs is an independent, nonpartisan, non-sectarian, tax-exempt organization founded in 1914 by Andrew Carnegie. Since its beginnings, the Carnegie Council has asserted its strong belief that ethics, as informed by the world's principal moral and religious traditions, is an inevitable and integral component of all policy decisions, whether in the realm of economics, politics, or national security. The interrelationship of ethics and foreign policy is thus the unifying theme of all Carnegie Council programs. By promoting a greater understanding of the values and conditions that ensure peaceful relations among nations, the Carnegie Council hopes to contribute to a better life for people everywhere.

## BOARD OF TRUSTEES

<i>Kathleen Cheek-Milby</i>	<i>Stephen D. Hibbard,</i>	<i>Amir Pasic</i>
<i>Niovi Christopolou</i>	<i>Vice Chairman</i>	<i>Joel H. Rosenthal,</i>
<i>Jonathan E. Colby</i>	<i>Haris Hromic</i>	<i>President</i>
<i>Barbara Crosse</i>	<i>Bruce W. Jentleson,</i>	<i>Robert G. Shaw,</i>
<i>Michael W. Doyle</i>	<i>Vice Chairman</i>	<i>Chairman</i>
<i>Richard A. Edlin,</i>	<i>Zachary Karabell</i>	<i>Michael J. Smith</i>
<i>Treasurer</i>	<i>Susan King</i>	<i>Robert P. Smith</i>
<i>Jonathan Gage</i>	<i>Violy McCausland-Seve</i>	<i>James P. Wind</i>

HONORARY TRUSTEE *Maurice S. Spanbock, Esq.*  
INTERNATIONAL HONORARY TRUSTEE *Eiji Uehiro*

# Contents

**Contributors** 415

**ESSAY** **Ending Statelessness Through Belonging: A Transformative Agenda?**

*Kristy A. Belton* 419

**FEATURE** **Trials as Messages of Justice: What Should Be Expected of International Criminal Courts?**

*Tim Meijers and Marlies Glasius* 429

**BOOK SYMPOSIUM:** **Introduction** 449

**THE HEART OF  
HUMAN RIGHTS**

**On Constitutional Democracy and Robust International Law**

*Pietro Maffettone* 451

**Human Rights and Status Egalitarianism**

*David Miller* 461

**Are Moral Rights Necessary for the Justification of International Legal Human Rights?**

*Andrea Sangiovanni* 471

**Justifying International Legal Human Rights**

*Jesse Tomalty* 483

**The Fragility of International Human Rights Law**

*Lorenzo Zucca* 491

**Human Rights: A Plea for Taking the Law and Institutions Seriously**

*Allen Buchanan* 501

**REVIEW ESSAY** **The Lessons of Effective Altruism**

*Jennifer C. Rubenstein* 511

**REVIEWS** ***On War and Democracy***

*Christopher Kutz*

REVIEW BY JOHN KEANE 527

***Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations***

*Emily Paddon Rhoads*

REVIEW BY RUBEN REIKE 529

***The Planet Remade: How Geoengineering Could Change the World***

*Oliver Morton*

REVIEW BY GERNOT WAGNER 531

***Migration in Political Theory: The Ethics of Movement and Membership***

*Sarah Fine and Lea Ypi*

REVIEW BY SHELLEY WILCOX 534

***The Hillary Doctrine: Sex & American Foreign Policy***

*Valerie M. Hudson and Patricia Leidl*

REVIEW BY KRISTEN P. WILLIAMS 536

**PEER REVIEWERS**    **2015–2016 Peer Reviewers** 539

**SUBMISSIONS**    **Guidelines for Submission** 541

**RESOURCES**    For additional Carnegie Council resources on the topics addressed in these pages, please visit [www.ethicsandinternationalaffairs.org](http://www.ethicsandinternationalaffairs.org).

ETHICS & INTERNATIONAL AFFAIRS (ISSN 0892-6794 print; ISSN 1747-7093 online).

**Publisher**

*Ethics & International Affairs* is published quarterly by Cambridge University Press,  
One Liberty Plaza, 20th floor, New York, NY 10006.

**Information for subscribers**

*Ethics & International Affairs* is published in four issues per year. Institutional subscription prices for 2016 are: Print & Online: US \$534 in the USA, Canada, and Mexico; UK £328 + VAT elsewhere. Institutions electronic only: US\$477 in the USA, Canada, and Mexico; UK£290 + VAT elsewhere. Individuals print only: US\$43 in the USA, Canada, and Mexico; UK£29 + VAT elsewhere. Correspondence concerning subscriptions should be sent to: Cambridge University Press, One Liberty Plaza, 20th floor, New York, NY, USA for customers in the USA, Canada, or Mexico. Customers elsewhere should contact: Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU, UK. The price includes online access to the current and all online back files to January 1st 1997, where available.

**Delivery Terms and Legal Title**

Prices include delivery of print journals to the recipient's address. Delivery terms are Delivered Duty Unpaid (DDU); the recipient is responsible for paying any import duty or taxes. Legal title passes to the customer on despatch by our distributors.

**Production Editor:** Diane Davis (email: [ddavis@cambridge.org](mailto:ddavis@cambridge.org)).

**Electronic Access** Access to this journal is available free online within institutions in the developing world through the AGORA initiative with the FAO, the HINARI initiative with the WHO and the OARE initiative with UNEP. For information, visit [www.aginternetwork.org](http://www.aginternetwork.org), [www.healthinternetwork.org](http://www.healthinternetwork.org), [www.oarescience.org](http://www.oarescience.org).

**Abstracting and Indexing Services** The Journal is indexed by Academic Search (EBSCO), Academic Search Premier (EBSCO), CSA Environmental Sciences & Pollution Management Database (CSA/CIG), CSA Sustainability Science Abstracts (CSA/CIG), Current Abstracts (EBSCO), Current Contents®/Social and Behavioral Sciences (Thomson Reuters), Expanded Academic ASAP (Thomson Gale), IBSS: International Bibliography of the Social Sciences (LSE), InfoTrac, International Political Science Abstracts (IPSA), Journal Citation Reports/ Social Sciences Edition (Thomson Reuters), OMNIFILE Full Text Mega Edition (OMNIFILE), PAIS: Public Affairs Information Service (CSA/CIG), Proquest 5000 (ProQuest), Proquest Discovery (ProQuest), Proquest Platinum (ProQuest), Proquest Research Library (ProQuest), Proquest Social Science Journals (ProQuest), Social Sciences Citation Index\* (Thomson Reuters), Social Sciences Index/Abstracts (HW Wilson), Student Resource Center College (w/ Academic ASAP), Wilson OMNIFILE Full Text Select (HW Wilson) and Worldwide Political Sciences Abstracts (CSA/CIG).

**Disclaimer** The Publisher, Carnegie Council, and Editors cannot be held responsible for errors or any consequences arising from the use of information contained in this journal; the views and opinions expressed do not necessarily reflect those of the Publisher, Council and Editors, neither does the publication of advertisements constitute any endorsement by the Publisher, Council and Editors of the products advertised.

**Copyright and Photocopying** Copyright © 2016 Carnegie Council for Ethics in International Affairs. All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: <http://www.cambridge.org/rights/permissions/permission.htm>  
Permission to copy (for users in the U.S.A.) is available from Copyright Clearance Center, <http://www.copyright.com>, email: [info@copyright.com](mailto:info@copyright.com).

Printed in USA by The Sheridan Press.

View this journal online at [journals.cambridge.org/EIA](http://journals.cambridge.org/EIA).

ISSN 0892-6794 (Print)

ISSN 1747-7093 (Online)

Ethics &  
International  
Affairs