Overview

Abbreviations				
1.	Introduction and scope of inquiry		25	
	1.2. 1.3.	Motives An inter-disciplinary and multi-language approach The Corrie case example References	25 28 29 30	
2.	The	commission of crimes by business actors	33	
	2.1. 2.2.	Preliminary remarks: Interpreting the Rome Statute Commission in Article 25 (3) RS in ICC jurisprudence and	34	
		scholarship	39	
		2.2.1. ICC jurisprudence on commission and Article 25 (3) RS	40	
		2.2.2. Commission and Article 25 (3) RS in scholarly contributions	48	
		2.2.3. Results and outlook: Implications for the scope of individual business actors' responsibility under the Rome Statute	54	
	2.3.	Review of perspectives on commission in ICC	56	
		jurisprudence and scholarship 2.3.1. The ambivalent text of the Rome Statute	56	
		2.3.2. The legal certainty perspective: More ambivalence2.3.3. The punishment perspective: A superior expressive capacity of modes of participation as degrees of	62	
		responsibility?	64	
		2.3.4. Commission and attribution: A comparative perspective under Article 21 (1) (c) RS?	66	
		2.3.5. Results and outlook: Towards overcoming ambivalence	75	

	2.4.	Law and reality structures: Re-conceiving commission	75
		2.4.1. Commission and the law's subject matter: A	70
		typological approach to perpetration	76
		2.4.2. The type of commission under the Rome Statute	94
		2.4.3. The subject-matter's influence on attribution,	
		criminality, and individual degrees of responsibility	128
		2.4.4. Commission and Article 25 (3) RS: Re-visiting the	
		text from a typological perspective	150
		2.4.5. Commission and joint criminal enterprise: Lessons	
		learned?	157
		2.4.6. Results and outlook: Business actors' individual	
		criminal responsibility for commission	168
	2.5.	Social value of conduct, Article 21 (3) RS and the ICC as a	
		just global institution	171
		2.5.1. The notions of proximity and remoteness	172
		2.5.2. Focusing on intent: The Rome Statute's alleged	
		underinclusiveness vis-à-vis acts of business	
		exchange	173
		2.5.3. The emergence of the risk standard	201
		2.5.4. Risk permissions from a human rights perspective:	201
		Liberty vs. security and business activity	212
			296
		2.5.5. Results	290
		2.5.6. Excursus: A customary law perspective on risk	
		permissions? Business activity post-Nuremberg	207
		under Article 21 (1) (b) RS	297
		Conclusion	299
	2.7.	References	300
3.	Busi	ness actors as civilian superiors	326
	3 1	Civilian «effective authority and control» in scholarship	
	5.1.	and jurisprudence	326
		3.1.1. Scholarly views on business actors as civilian	020
		superiors	327
		3.1.2. The Bemba case and ad hoc jurisprudence: A critical	341
			330
		prognosis	342
	2.2	3.1.3. Results and outlook	
	3.2.	Omission as a type and business actors as civilian superiors	343
		3.2.1. Schünemann's typological perspective on omission	343

		3.2.2. A typological perspective on omission under the	
		Rome Statute: The genesis of Article 28 RS and the	344
		Rome Statute's omission type	344
		3.2.3. Results and outlook: Business leaders as civilian	359
		superiors and the question of social desirability	360
	3.3.	A risk permission for civilian superiors?	361
		3.3.1. Scholarship on conscious disregard3.3.2. Balancing human rights as principles	362
		3.3.2. Balancing numan rights as principles 3.3.3. Result: No risk permission for business leaders as	0 0 -
		civilian superiors	363
	2 1	Conclusion	364
		References	364
	3.3.	References	
4.	Corporate criminal responsibility de lege ferenda?		369
	4.1.	The Rome Conference proposal and its discussion in	
		scholarship	370
	4.2.	Corporate criminal responsibility under the constraints of	
		reality	372
		4.2.1. Criminal sanctions against corporate actors: A	0 = 4
		disjunction between burden and responsibility?	374
		4.2.2. Non-criminal sanctions against corporate actors	
		under the Rome Statute: The Rome Statute as	201
		criminal law?	381
	4.3.	Excursus: The corporate organization as a black box?	384
		4.3.1. The «corporate veil»	385
		4.3.2and how to lift it	386
		4.3.3. Domestic experiences	387 387
		4.3.4. Result	388
		Conclusion	389
	4.5.	References	305
5.	Clo	sing remarks	396
6.	. Annex: Abstract and Theses		