

# TRANSNATIONAL LEGAL ORDERING OF CRIMINAL JUSTICE

Edited by

***Gregory Shaffer***

*University of California, Irvine*

***Ely Aaronson***

*University of Haifa*



**CAMBRIDGE**  
UNIVERSITY PRESS

1150719

**CAMBRIDGE**  
**UNIVERSITY PRESS**

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,  
New Delhi – 110025, India

79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)Information on this title: [www.cambridge.org/9781108836586](http://www.cambridge.org/9781108836586)

DOI: 10.1017/9781108873994

© Cambridge University Press 2020

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2020

*A catalogue record for this publication is available from the British Library.**Library of Congress Cataloging-in-Publication Data*

Names: Shaffer, Gregory C., 1958– editor. | Aaronson, Ely, 1973– editor.

Title: Transnational legal ordering of criminal justice / edited by Gregory Shaffer, University of California, Irvine [and] Ely Aaronson, University of Haifa, Israel.

Description: Cambridge, United Kingdom ; New York, NY, USA : Cambridge University Press, 2020. |

| "This book arose out of a series of workshops we held on the topic at the annual meeting of the Law and Society Association in Toronto and a two-day exchange at the University of California, Irvine, in 2018" – ECIP acknowledgements. | Includes bibliographical references and index.

Identifiers: LCCN 2019060069 (print) | LCCN 2019060070 (ebook) | ISBN 9781108836586 (hardback) | ISBN 9781108873994 (ebook)

Subjects: LCSH: Transnational crime – Law and legislation – Congresses.

Classification: LCC K5014.8 . T73 2020 (print) | LCC K5014.8 (ebook) | DDC 345/.0235–dc23

LC record available at <https://lccn.loc.gov/2019060069>LC ebook record available at <https://lccn.loc.gov/2019060070>

ISBN 978-1-108-83658-6 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

# CONTENTS

<i>List of Figures</i>	page xi
<i>List of Tables</i>	xii
<i>List of Contributors</i>	xiii
<i>Acknowledgments</i>	xv

## PART I INTRODUCTION

1 The Transnational Legal Ordering of Criminal Justice	3
ELY AARONSON AND GREGORY SHAFFER	

## PART II TRANSNATIONAL LEGAL ORDERING AND TRANSNATIONAL CRIMES

2 Why Do Transnational Legal Orders Persist? The Curious Case of Money-Laundering Controls	51
TERENCE HALLIDAY, MICHAEL LEVI, AND PETER REUTER	
3 Transnational Criminal Law or the Transnational Legal Ordering of Corruption? Theorizing Australian Corporate Foreign Bribery Reforms	84
RADHA IVORY	
4 Transnational Criminal Law in a Globalized World: The Case of Trafficking	120
PRABHA KOTISWARAN	
5 The Criminalization of Migration: A Regional Transnational Legal Order or the Rise of a Meta-TLO?	154
VANESSA BARKER	
6 The Strange Career of the Transnational Legal Order of Cannabis Prohibition	176
ELY AARONSON	

PART III    TRANSNATIONAL LEGAL ORDERING AND INTERNATIONAL CRIMES	
7    The Anti-impunity Transnational Legal Order for Human Rights: Formation, Institutionalization, Consequences, and the Case of Darfur	
JOACHIM J. SAVELSBERG	205
8    Colombian Transitional Justice and the Political Economy of the Anti-impunity Transnational Legal Order	
MANUEL ITURRALDE	234
PART IV    TRANSNATIONAL LEGAL ORDERING AND HUMAN RIGHTS STANDARDS IN CRIMINAL JUSTICE	
9    International Prison Standards and Transnational Criminal Justice	
DIRK VAN ZYL SMIT	261
10   The Transnational Legal Ordering of the Death Penalty	
STEFANIE NEUMEIER AND WAYNE SANDHOLTZ	293
11   Performance, Power, and Transnational Legal Ordering: Addressing Sexual Violence as a Human Rights Concern	
RON LEVI AND IOANA SENDROIU	333
PART V    CONCLUSION	
12   Conclusions: A Processual Approach to Transnational Legal Orders	
SALLY ENGLE MERRY	369
<i>Index</i>	381