
Genocide: A Normative Account, by Larry May, Cambridge University Press, 2010, 296 pp., ISBN: 978-0-521-12296-2

Book Review by Scott Nicholas Romaniuk¹

Abstract: *Academics studying genocide are required, amid the exigency of predicting and preventing further instances of this crime, to extend their efforts so as to connect with policy makers, provide vital information, respond to particular instances of genocide or state-inspired genocidal campaigns, and prompt a political will to intervene at any stage in this crime. May² starts by placing genocide studies in the normative foundation of this discipline. In this work, which stands as the fourth volume of a broader project that assesses the “conceptual and normative underpinnings of this ‘crime of crimes’”, genocide is treated as the most serious of all international crimes. May calls for additional work to be performed to include other forms and conceptualizations of genocide such as cultural genocide and ethnic cleansing. The book outlines the fundamental concepts behind the crime, its study, and the discipline, while offering a unique presentation of “special problems of genocide”. It also considers steps that should be taken forward with the view of facilitating reconciliation. May refers to war as the final response to genocidal situations, not the first, stating that, “there are situations where there is not unambiguous groups of victims”. Thus, humanitarian intervention, as a viable approach to mitigating acts of genocide, is still difficult to justify.*

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The study of genocide as an exceptional academic discipline still faces scores of challenges irrespective of its attempts to build upon critical knowledge and understanding amid the exigency of predicting and preventing further instances of this crime. Consequently, academics working in this discipline are required, to an overwhelming degree, to extend their efforts well beyond the ivory tower so as to connect with policy makers in government positions, provide vital information about crimes against humanity, respond to particular instances of genocide or state-inspired genocidal campaigns, and bring about the creation of a political will to intervene at any stage in this crime. Presently, however, a rather poor track record has been displayed within the paradigm of genocide studies when it comes to prohibiting genocides on multiple levels and in all categories of intensity and scale.

In order to make a rare contribution to the many debates stemming from the field of genocide studies, May starts by placing the inherent problems of this discipline within

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the context of its normative, moral, and international criminal law foundations. Originally conceived of as what he describes as a paper-length project, this work stands as the fourth volume of a much broader project that brilliantly and cogently assesses the “conceptual and normative underpinnings of this ‘crime of crimes’” (p. 1). Genocide is treated as the most serious of all international crimes, yet May considers genocide no less serious than other international crimes, and calls for additional work to be performed in continuing to change and broaden the status of these studies. The ultimate aim of these efforts should be the inclusion of other forms and conceptualizations of genocide such as cultural genocide and ethnic cleansing while the list of protected groups should also be expanded so that others like gender and political groups are included.

This book is comprised of thirteen concise chapters developed in order to fit neatly into categories that cleanly outline the fundamental concepts behind the crime, its study, and the discipline as engaged with actual cases. The latter section of the work offers a unique presentation of “special problems of genocide” that connects with some of the problems that have surfaced as a result of reasonably attempting to assuage the motivation of perpetrators of past acts. It also considers steps that should be taken forward with the view of facilitating reconciliation. Examining a case of genocide trials brings a range of problems to the fore when it comes to tackling complicity in the grander processes of reconciliation, especially in war-torn societies such as Rwanda.

In the first and second parts, May takes a look at the type of groups that have been and can be harmed during different stages of genocidal campaigns. This part concerns itself primarily with group identification while taking into consideration nominalist approaches and various kinds of nominalism. The views of some of the first nominalist philosophers like William of Ockham and the prominent nominalist political philosopher Thomas Hobbes are used to construct accounts of constituent groups. The Holocaust serves as a strong mechanism for analysis of genocide for how it acts as a dominant example of a paradigm case of genocide, and given that, “those for drafting the Genocide Convention, which occurred only a few short years after the end of the Second World War, were similarly and strongly influenced by the Holocaust” (p. 79).

The third and fourth parts confront genocidal acts and illustrate multiple modalities of the crime, including acts of cultural genocide, acts of ethnic cleansing, varieties of collective intent, the ties between individual and collective intent, and revisions of the mental element of the crime of genocide. May produces a lively discussion that merges ideas that are inadequately connected. Elements of motive and intent are two such striking examples of those ideas ultimately surfacing a fleet of questions with respect to how and to what extent individual motive can be considered an element in the collective nature of the crime, and how the severity of punishment might fit various motives that are part of the overall crime and production of large-scale killing.

Multiple fields of legal complicity and the examination of difficult cases (Rwanda) set the basis for exploring actions that should be undertaken against various levels of perpetrators of genocide. “Complicity,” according to May, “is a vague concept in criminal law as well as in common parlance, but the vagueness of this concept is in my view an important part of its meaning” (p. 158). This leads to May’s address of various styles of complicity and

how one's (in)actions are fused to the responsibility of another in the execution of a crime of this nature. In this vein, May states that, "a distinction among those who are present, at least in a constructed way, which is very useful in genocide cases, distinguishes between those who aid or abet, on the one hand, and those who are merely present, on the other" (p. 159). Assistance, here, is a contentious component of the overall debate as measures of assistance are called into question for determining criminal liability "for what the principle does" (p. 159).

The final part of this work centres on what the author refers to as "special problems of genocide" (p. 223). In doing so, an exploration is made of humanitarian intervention, and the specific intervention that took place while the Rwandan massacres were sweeping. Consideration is given to the supposed limits of intervention as a form of defence against genocide. As demonstrated in the previous part and taken steps further in the final chapters, May refers to war as the final response to genocidal situations, not the first, stating that, "there are situations where there is not unambiguous groups of victims, because of the very widespread complicity that exists in many genocides" (p. 238). Thus, humanitarian intervention, as a viable approach to mitigating acts of genocide, is still difficult to justify despite what some might currently believe.

The discussions presented in this work are essentially continuations of previous deliberations in earlier volumes. This should be summoned when reading the volume. The analysis deals exclusively with issues related to the Rwandan genocide and might be considered lacking in dimension given the fact that swathes of complementary instances of genocidal campaigns exist with which the examination in this work can be buttressed. Notwithstanding other cases that could well be used as part of this study, those drawn upon in the Rwandan context are useful for providing a contemporary enlightenment of what the author refers to be as "robust political reconciliation," which raises interesting points for the reason that, "the two ethnic group affiliations did not match up with victim and perpetrator groups in the society" (p. 267). Rwanda also shows the inherent difficulty in undertaking and guiding reconciliation processes through successful and positive ends, particularly in war-ravaged societies because there can sometimes be no clear view of which sides should be reconciled with.

A praiseworthy note should be made on May's methodology. The approach is clearly outlined at the beginning of this work, and reference to preceding sections and chapters are frequently made as the volume progresses. It therefore presents a positive overlay of points of view, argumentation, and potential objectives. None of the chapters should be considered limited in discussion; rather, appreciable depths of concentration are given to the many roots of genocide and how these roots sprout variable measures, acts, and definitions. While the argument can be made that further examination of Rwanda does not necessarily signify a fresh approach to genocide studies, the issue of humanitarian intervention is a timely one and a notable instance of this form of relief can be contrasted with another. May has compiled a volume that addresses questions and objections to the study of genocide as it fits neatly into a specific category of scholarship and practice. As such, the work will lend itself promisingly to multiple academic disciplines while demonstrating a clear-cut approach to a topic that is constantly changing and presents intricate puzzles to academics and practitioners alike.