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**Guy Lancaster on Genocide: A Normative Account. By Larry May.
Cambridge: Cambridge University Press. 2010. 283 pp.**

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Abstract

A review of:

Genocide: A Normative Account. By Larry May. Cambridge: Cambridge University Press. 2010. 283 pp.

Keywords

Human rights, Genocide, United Nations Convention on the Prevention and Punishment of the Crime of Genocide, Law, Prosecution, International criminal justice

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Genocide: A Normative Account. By Larry May. Cambridge: Cambridge University Press. 2010. 283 pp.

In recent years, scholars and policymakers have much debated the continued efficacy of international legislation against genocide, in light of both recent experience and a growing body of scholarship on the subject. The experience of international inaction in Rwanda and the fear of its repetition in Darfur led many to question whether the United Nations 1948 Convention on the Prevention and Punishment of the Crime of Genocide was originally based too much upon the hierarchically driven model of genocide that was the Holocaust, in which genocidal acts constitute an official policy of national governments.

Alongside this trend, increased scholarly attention to the mass murder inherent in the colonial experience of Africa, as perhaps best exemplified by the December 2008 issue of *Development Dialogue*, has raised the question of whether millions of related deaths might not be defined as genocide, even if the victims were not specifically targeted for extermination but were simply worked to death on rubber plantations. Although these questions and others have occupied the careers of experts in the field of genocide studies and filled the pages of countless books and journals, few scholars have produced such a useful work outlining the philosophical and legal implications of the phenomenon as Larry May's Genocide: A Normative Account.

May insists in his introduction that “genocide should not be seen as morally unique and significantly worse than other serious international crimes” (1). Although genocide is popularly presented as the ultimate evil that can be perpetrated, there do exist numerous philosophical problems surrounding the concept of genocide, such as whether the destruction of a particular group is inherently worse than the murder of numerous unrelated individuals, how to determine genocidal intent, and how to prosecute the crime when responsibility is frequently diffused among those who instigated and those who killed.

May explicates each of these problems so as to provide a cogent means of recognizing genocide in the future and prosecuting its perpetrators. He begins by adopting a nominalist definition of groups, describing groups as related individuals “who are identifiable both to the members, and to those who observe the members, by characteristic features” (30). Therefore, the ability of both perpetrators and victims to recognize the group that is being attacked in genocide cases is sufficient for that group to exist and to be the object of destructive intent—in fact, May argues for thus expanding the Genocide Convention’s list of possible targets of persecution beyond national, ethnic, racial, and religious groups. For the survivor, the unique moral harm of genocide, as opposed to the mass murder of unrelated individuals, comes from the loss of status and identity that results from the destruction of one’s group. As May notes, “group identity forms a part of the mechanism by which people are recognized and identified in society,” as well as “a significant component in how a person acknowledges and remembers who he or she is” (89). Loss of that sense of connection results in a social death, if not a physical one.

Genocide links individual and collective intent, but how can an individual be prosecuted for the crime of genocide? May insists that “the question is not whether the individual has a genocidal intent, but whether there is a collective plan that the individual intends to participate in and knows the aims of, including the destruction of the group” (122). Distinguishing between intent

and motive, he includes among those prosecutable for genocide individuals who contributed to the destruction of a group even for motives perhaps more personal. May then outlines a theory of legal complicity that fulfills both the *actus rea* and *mens rea* requirements of a crime—that is, consisting of an action or inaction that increased the likelihood of harm, combined with the knowledge that such action or inaction would play a role in serious harm. May illustrates his concepts with examples from the case of Rwanda, as he argues how incitement to genocide should be understood and punished, even in those instances that lack centralized planning.

The book closes with two chapters on the special problems of humanitarian interventions, criminal trials, and the reconciliation process. In these, May offers only a limited defense of armed humanitarian intervention, noting that “if the genocide is perpetrated not by soldiers but by neighbors”—the Rwanda model rather than the Holocaust model—“armed response by foreign States will not have as clear an effect,” for putting an army between the warring parties will simply not be possible (228). With regard to trials, May admits the difficulty of charging an individual for a crime that was committed by an entire group, but asserts that criminal trials can serve as part of a larger reconciliation process, especially in the creation of a narrative that receives authentication by the public.

Some readers might find May’s normative account off-putting, recoiling as he runs the components of genocide through various thought experiments as if mass murder were like any other philosophical quandary. Too, those readers coming to this book from outside the disciplines of philosophy or law might find tedious the author’s careful, point-by-point account of, for example, the nature of groups or the types of legal complicity—seeming minutiae, especially when weighed against the horrific crime that is genocide. However, this book’s apparent weaknesses are also its main strengths, for, by the end of it, the reader feels that May has truly left no stone unturned in the construction of his normative account of genocide. Indeed, policy makers have long been needing just such a study of genocide in international law to guide them in resisting the increasingly politicized accusations of genocide or “genocidal acts” as well as popular media portrayals of genocide that present “evil” as its primary etiology, thus rendering this ostensible “crime of crimes” too horrible to comprehend. If, as Larry May insists, we actually can combat sensationalism with logic, even when confronting the horrors of murder on a massive scale, then we stand all the greater chance of seeing justice done for the countless victims of genocidal campaigns the world over.

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