

Book Review

ARI AFILALO*

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Reviewing:

Philippe Currat, *Les Crimes contre l'humanité dans le statut de la Cour Pénale Internationale*,¹ Schultess Medias Juridiques, Bale, 2006.

Philippe Currat's book is a *tour de force*, combining in an elegantly-written volume the history, political theory, philosophy, psychology and law of crimes against humanity. Indeed, its only fault lies in a dry title and Spartan cover, both indicative of a classically arid French treatise confined to a mechanical description of statutes, case law and prior scholarly interpretation. Instead, the book feels like a passionate Mahler symphony, exploring with impeccable technique grand themes of transformation and redemption and (literally) conveying to its audience the current state of our humanity. This is the first and only work of its kind in the French language, and a must-have reference for anyone practicing or interested in the field of international criminal law, or international law and relations in general.

Currat's book is organized around two principal themes: a review of the elements of crimes against humanity, both generally and in the context of specific crimes; and an exploration of individual responsibility for those crimes and of the ICC's ability to hold accountable key decision-makers as well as those who acted under order from superiors. In both instances, Currat shows how the Rome Statute transformed the international legal playing field by providing rules of

* Associate Professor, Rutgers School of Law, Camden.

¹ In English: Crimes Against Humanity in the Statute of the International Criminal Court.

law and an institution designed to systemically define and punish acts of savagery that, historically, have eluded the reach of the law.

The first part of the book touches on each category of crimes covered by the Rome Statute: genocide and extermination, systematic attacks against civilian populations, enslavement, mass rape and other forms of sexual violence, deportation and forced transfers, torture, persecution, forced disappearances, and other crimes deemed of sufficient seriousness to be against humanity as a whole rather than against an individual or a discrete group.

In each instance, Currat thoroughly explores the normative content of the crime. He grounds his analysis on the preparatory works and other materials directly relevant to the Rome Statute, but also explores the treatment of the crime at issue in other contexts such as decisions of *ad hoc* international tribunals (Rwanda, Yugoslavia) or other courts. From a doctrinal standpoint, each chapter leaves the reader with a comprehensive understanding of the practical workings of the relevant Statute, and how it departs from prior law and removes obstacles to bringing war and other mass criminals to justice.

Currat further enlightens the practitioner by including case studies that illustrate the applicability of the rule. Ever the good teacher, Currat draws his examples from controversies that are well known to international criminal jurists, thereby applying the new norm in a context with which most readers can relate instinctively. This organizational method allows Currat to depict with unimpeachable accuracy the history and evolution of each principle.

In the second part of the book, Currat tackles the treatment of the thorny issues related to individual responsibility for crimes against humanity. With the same doctrinal *verve* as in part I he reviews the rules applicable to each actor on the hierarchical line, from the Head of State to the low-level torturer, via military chiefs and their assistants.

Currat's greatest strength is his contextualization of the doctrines and rules in an inter-disciplinary web drawing from historical, philosophical, psychological and theoretical materials. Quoting Terence, Currat opens his book with a definition of humanity in the broadest possible sense: "Je suis homme, rien de ce qui est humain ne m'est étranger".² Indeed, Currat proceeds to applying this definition throughout his work, linking law to each field relevant to explaining its evolution and current state.

² "I am a man. Nothing that is human is alien to me." (p. 5).

Currat explores the psychological motivations of war crimes, ranging from the combatant's subconscious need to dehumanize the enemy so as to assuage his conscience to the cold and calculated use of savage acts to humiliate and demoralize the enemy. The breadth of the historical illustrations that he adduces is simply astounding. Currat shows how the atrocities dealt with by the Rome Statute have marred conflicts dating from the Antiquity to post-modern wars, in a narrative that weaves both theoretical analysis and anecdotal details.

Currat also does not shy away from political theory. For instance, he addresses (in concrete doctrinal context) the extent to which an international organization such as the ICC can infringe on state sovereignty. His analysis on this front is as pertinent to international criminal law as it would be to, say, international trade, regional integration or other fields of international law. Likewise, when addressing the individual's legal accountability for acts ordered by hierarchical superiors, Currat provides a striking philosophical account of the boundaries of moral responsibility that is as relevant to criminal law as to the philosophy of other legal fields.

In sum, drawing from Voltaire, Primo Levi, Cicero, Gandhi or Grotius, and countless other historical figures, Currat has written a brilliant inter-disciplinary volume that is as unique, forward-looking and innovative as the Treaty that it analyzes. Given the current state of the world, there (sadly) is little doubt that we will be called upon to wrestle with and respond to the crimes that Rome has internationalized. Currat has provided what is sure to be a classical companion to those who will set down that road.