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Alexander Laban Hinton, *Man or Monster? The Trial of a Khmer Rouge Torturer*, Durham and London: Duke University Press, 2016

More than a decade since the Extraordinary Chambers in the Courts of Cambodia ('ECCC') commenced operations, the hybrid international criminal tribunal established to prosecute the senior leaders and others most responsible for the Khmer Rouge crimes of the 1970s has spawned extensive scholarship in transitional justice and international criminal law, not to mention political and journalistic comment. A developing sub-theme of the literature has focused on the first accused to stand trial – Kaing Guek Eav (or Duch as he is more commonly known) – and the compelling narratives of evil, individual criminal responsibility, punishment and reconciliation.¹ Duch was convicted and ultimately sentenced to life imprisonment for his role in the Khmer Rouge crimes committed whilst he was Secretary of S-21, the notorious Phnom Penh security centre at which more than 12,000 people were tortured and executed.

In this book Hinton, a longstanding genocide scholar, brings an anthropologist's perspective to Duch's trial and to the ECCC, as he has previously to the disciplines of transitional justice and international criminal law.² He has written on the question of genocide in Cambodia before³ – in fact he gave expert testimony to the ECCC on the issue in 2016⁴ – but in contrast

¹ See for example: F. Bizot, *Facing the Torturer: Inside the Mind of a War Criminal* (Rider 2012); R. Carmichael, *When Clouds Fell from the Sky: A Disappearance, A Daughter's Search and Cambodia's First War Criminal* (Mason-McDonald Press 2015); T. Cruvellier, *The Master of Confessions: The Making of a Khmer Rouge Torturer* (Harper Collins 2014).

² Including A. Hinton, *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence* (Rutgers University Press 2010); A. Hinton, *Genocide: An Anthropological Reader (Wiley Blackwell Readers in Anthropology)* (Wiley-Blackwell 2001).

³ A. Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide (California Series in Public Anthropology)* (University of California Press 2004).

⁴ L Kijewski, 'Expert Says Evidence Suggests Genocide of Vietnamese Took Place' (*Cambodia Tribunal Monitor*, 15 March

to his earlier work, *Man or Monster* is both broader and narrower in scope. Hinton examines the behaviour and motivations of an individual accused, but in so doing offers a thoughtful analysis of the human condition and the tendency to redact and reduce in order to make sense of the complex. Hinton aims to challenge the reductive, or 'redactic', nature of retributive justice inevitably seen at the level of international criminal tribunals. Hinton's title is deliberately provocative: he challenges us to look beyond the familiar binary categorisation of guilt and innocence by offering what he describes as 'an anthropology of the redactic' (p.35).

This book will appeal to those interested in Cambodia and the ECCC, both as an exercise in hybrid international justice and as a belated attempt to reckon with the past. It will also interest scholars of transitional justice and international criminal law, and those looking to enrich their understanding of retributive justice and the adequacy of punishment from the unique perspective of anthropology. However, this is not a typical transitional justice monograph, despite the familiar themes. Rather than the standard detached academic or journalistic register, Hinton has made a conscious choice to utilise creative ethnographic writing, focusing on the arts-based research methodology of ethnodrama, the 'written transformation and adaptation of ethnographic research data into a dramatic playscript'.⁵ Thus, the 'Foreground' of the book sets out the themes for the audience: the paradox of alternates when considering the 'other' (good / evil; teacher / student; loyalty / deception; revolutionary / reactionary; victim / perpetrator; civilisation / savagery; order / chaos) as well as the possibilities of redemption, catharsis and transformation after egregious criminality.

Hinton then locates Duch's ECCC trial as the main dramatic narrative containing two 'acts'. Part one's 'Confession' describes both the modern-day trial and the Khmer Rouge era functioning of S-21 as stages of a drama; the

2016)<<http://www.cambodiatribunal.org/2016/03/15/expert-says-evidence-suggest-genocide-of-vietnamese-took-place/>> accessed 12 April 2017.

⁵ J. Saldaña, 'Ethnodrama' in L. Given (ed), *The SAGE Encyclopedia of Qualitative Research Methods* (SAGE Publications Inc 2008) 283-285; see generally P. Leavy, *Method Meets Art: Arts-based Research Practice* (Guilford Press 2009) and J. Saldaña, *Ethnotheatre: Research from Page to Stage* (Routledge 2016).

'Reconstruction' in part two discusses the experiences of victims of the crimes and the different articulations of Duch. He deftly intersperses his observations on the court proceedings and the *dramatis personae* (victims, witnesses, lawyers, prosecutors, judges), with reflections on both the historical and contemporary contexts, and with the occasional poetic and philosophical interlude. Completing the ethnodramatic method, Hinton concludes with an Epilogue that as he says 'backlights' the book, drawing together the strands of discussion leading him to consider how the question posed in the title might be answered.

The result is an engaging, if what might be for a traditional transitional justice audience disconcertingly lyrical, discussion of the principal themes of the book. Nevertheless, this is very scholarly and considered piece: Hinton's extensive fieldwork in Cambodia has been enriched by the fact that he speaks and writes Khmer, undoubtedly enabling him to pick up some of the nuances that would otherwise be lost in translation. His anthropological approach to core transitional justice questions – the simplistic and reductive nature of trials and the limits of the law in offering a response to mass criminality – offers an important contribution to the discourse. His ethnodramatic research methodology and writing technique echo the themes in Koskenniemi's work on show trials.⁶ However, unlike Koskenniemi's paradigmatic accused before international tribunals that seek an unambiguous historical truth,⁷ Duch was far from 'silenced' at the ECCC. As Hinton observes, 'a man accused of mass murder has become his nation's history teacher' (p.102); as a result the 'truth' that results from the verdict cannot completely redact the deep paradoxes Duch raised during the trial. The analogue of Eichmann and Auschwitz is obvious but necessary; Arendt's banality of evil becomes in Hinton's articulation a failure to think that is 'part of everyday life' (p31).

Man or Monster? is quintessentially a rhetorical as well as a provocative question. Rather than answer it definitively (which itself would be reductionist),

⁶ M Koskenniemi, 'Between Impunity and Show Trials' [2002] 6(1) *Max Planck Yearbook of United Nations Law Online* 1-32.

⁷ *Ibid* at 32.

at the heart of this book is Hinton's discussion of the difference between effacing conviction (redacting out that which is different or complex) and what he styles 'afacing' conviction (facing the other with openness, even if it may unsettle). Duch clearly practised the former, but as Hinton explains this is what most of us do, most of the time. The important point he makes is not that we could all be Duch in similarly coercive circumstances, but that we must resist the universally human instinct to redact and simplify, particularly when it comes to evaluating something as serious as the motivations leading to mass murder and the responses to it.