**BOOK REVIEW**

**Man or Monster? The Trial of a Khmer Rouge Torturer**, by Alexander Laban Hinton, Durham and London: Duke University Press, 2016, 360 pp., £22.99 (pbk) ISBN: 9780822362739

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 his case gives rise to.[[1]](#footnote-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.

Duch’s trial is the object of this book: Hinton, a longstanding genocide scholar, brings an anthropologist’s perspective to the discussion, as he has previously to the disciplines of transitional justice and international criminal law.[[2]](#footnote-2) In his introductory ‘Foreground’ to the book, Hinton explains that by examining Duch’s trial as a case study he pursues two aims: to critique the reductive, or ‘redactic’, nature of retributive justice inevitably seen in transitional justice mechanisms (predominantly in international criminal tribunals), and to challenge our understanding not just of perpetrators but of ‘our humanity and everyday ways of thought’ (p.8).

However, this is not a typical transitional justice monograph. To explore familiar themes, Hinton utilises the arts-based methodology of ethnodrama, the ‘written transformation and adaptation of ethnographic research data into a dramatic playscript’.[[3]](#footnote-3) Thus, the structure of the book commences with the ‘Foreground’ that 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 catharsis, redemption and transformation after egregious criminality. The main part of the book is then divided into two sections, with Hinton locating Duch’s trial as the dramatic narrative in 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 ‘Reconstruction’ in part two discusses the experiences of victims of the crimes and the different articulations of Duch. He 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 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.

Hinton’s style is deliberately more literary and creative than usually appears in a standard scholarly text – he employs the first person narrative and poetic imagery to describe Duch’s trial and his extensive field trips around Cambodia – in an effort to capture the complexities of human behaviour as well as to highlight what is often missed in more traditionally-framed discussions of the subject matter (p.290). Most international trials lend themselves very well to ethnodrama as a methodology, given their highly public – even theatrical – spectacle; the complex, forceful characters add to this drama. Duch’s case is particularly suited to being viewed through an ethnodramatic lens, and there are echoes of Koskenniemi’s work on show trials,[[4]](#footnote-4) although unlike Koskenniemi’s paradigmatic accused before international tribunals that seek an unambiguous historical truth,[[5]](#footnote-5) Duch was far from ‘silenced’ at the ECCC. Rather, 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 obvious analogue is Eichmann: 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, the essence 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 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.

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. Hinton examines Duch’s trial proceedings in some detail, leaving only a somewhat brief final ten pages for his arguments explaining what he initially described as ‘an anthropology of the redactic’ (p.35). It would be interesting to develop this theme further in a comparative perspective with accused at other international criminal tribunals, but 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.

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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). [↑](#footnote-ref-1)
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). [↑](#footnote-ref-2)
3. J. Saldaña, ‘Ethnodrama’ in L Given (ed), *The SAGE Encyclopedia of Qualitative Research Methods* (SAGE Publications Inc 2008) 283-285. [↑](#footnote-ref-3)
4. M Koskenniemi, 'Between Impunity and Show Trials' [2002] 6(1) *Max Planck Yearbook of United Nations Law Online* 1-32. [↑](#footnote-ref-4)
5. Ibid at 32. [↑](#footnote-ref-5)