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Keywords.
transitional justice, Cambodia

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Recommended Citation

Williams, Timothy (2019) "Book Review: *The Justice Façade: Trials of Transition in Cambodia*," *Genocide Studies and Prevention: An International Journal*: Vol. 13: Iss. 2: 152-154.

DOI:

<https://doi.org/10.5038/1911-9933.13.2.1652>

Available at: <https://scholarcommons.usf.edu/gsp/vol13/iss2/15>

Book Review: *The Justice Façade: Trials of Transition in Cambodia*

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The Justice Façade: Trials of Transition in Cambodia
Alexander Laban Hinton
Oxford, Oxford University Press, 2016
302 Pages; Price: 29.00€

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In his new book *The Justice Façade* Alexander Hinton addresses how the ‘transitional justice imaginary’—the ideas underlying international criminal law and internationally led efforts to deal with violent pasts—is confronted by ‘local’ understandings and practices. In particular, it looks at how the transitional justice imaginary becomes embedded in these local understandings, is adapted to them and is used by them. The book adopts a phenomenological approach that “can help reveal the taken-for-granted assumptions (and erasures) of the transitional justice imaginary and its justice facade enactment.”¹ Thus, the book is part of a broader ‘critical turn’ in the study of transitional justice and human rights that provides a nuanced understanding of the power relations in which ‘global’ or ‘international’ ideas are circulated globally and the resonance they experience in the spaces in which they are implemented. The book interrogates these ideas in the context of the transitional justice process in Cambodia, specifically the Extraordinary Chambers in the Courts of Cambodia (ECCC). This critical engagement with interaction between the ‘global’ and the ‘local’ provides an important contribution to the transitional justice literature that will also be interesting to broader audiences interested in international relations, international law, peacebuilding or development. Empirically, it also ties in with other recent work looking at how transitional justice is perceived by and what meaning it has for its beneficiaries in Cambodia.²

Hinton elegantly complexifies the ideas implied by the ‘transitional justice imaginary’ by engaging with local perceptions and meanings of this transitional justice process and the practices within which it becomes embedded in Cambodia. It is from this perspective that Hinton studies various individual activists, non-government organisations (NGOs) and their projects, outreach activities of the tribunal itself, as well as the stories of several of the victims of the Khmer Rouge who participated in the transitional justice process. One key strength of the book is founded on Hinton’s anthropological background and the level of detail regarding the various organisations and individuals; for readers interested in the ins and outs of the Cambodian transitional justice process in the 1990s and early 2000s and certain key individuals involved in it, these descriptions are extremely useful. However, for a broader readership these details can—at times—be overwhelming or irrelevant. As such, this anthropological depth is also a weakness in terms of accessibility for readers beyond the Cambodian context as they in some parts mask the extremely valuable theoretical contributions that the book makes.

Hinton’s analysis is particularly revealing and convincing with regard to how the transitional justice imaginary paints the situation country, here Cambodia, as a ‘backward’ space that through the transitional justice intervention shall undergo a teleological transformation to overcome its

¹ Alexander Laban Hinton, *The Justice Façade: Trials of Transition in Cambodia* (Oxford: Oxford University Press, 2016), 24.

² Rachel Killean, *Victims, Atrocity and International Criminal Justice: Lessons from Cambodia* (London; New York, NY: Routledge, 2018); Peter Manning, *Transitional Justice and Memory in Cambodia: Beyond the Extraordinary Chambers* (London; New York, NY: Routledge, 2017); Timothy Williams, Julie Bernath, Boravin Tann and Somaly Kum, *Justice and Reconciliation for the Victims of the Khmer Rouge? Victim Participation in Cambodia’s Transitional Justice Process* (Marburg: Centre for Conflict Studies; Phnom Penh: Centre for Study of Humanitarian Law; Bern: swisspeace, 2018).

'backwardness' and progress to the enlightened world of liberal democracy. Hinton evocatively shows throughout the book, how these tropes of backwardness and transformative zealotry are pervasive in the Cambodian transitional justice process.

Conceptually, the book is a critique of Kathryn Sikkink's *Justice Cascade* that theorises the global spread of human rights prosecution and its positive implications for democratic transformation, part of what Hinton terms the 'transitional justice imaginary.' Hinton takes up the metaphor of the cascade to structure his own book, adding to Sikkink's streams and streambeds the ideas of vortices, turbulence and eddies. While this engagement with the metaphor is intriguing, it may 'muddy the waters' a little in terms of the theoretical clarity of Hinton's arguments and these three concepts remain somewhat opaque. The book chapters are structured around a variety of theoretical ideas including progression, time, space, aesthetics, performativity, discipline, subjectivity, normativity and disposition. These theoretical anchors are discussed more in some chapters, less in others, always in interaction with the thick descriptions of NGO projects, or narratives about transitional justice entrepreneurs, individual activists, victims etc. Several of the aspects also transcend the chapter boundaries and appear across the text, particularly temporality, aesthetics and performativity, and Hinton delves into these issues again and again from different perspectives. While the theoretical ideas are most often excellently interlaced with the thick descriptions of transitional justice actors, this also renders the insights more tied to the data and less accessible to an audience who is more interested in transitional justice generally, than the specifics in Cambodia. The book has interesting insight but would have been well-served by these theoretical contributions being analytically compressed as transferable ideas at some point.

As in his previous work, Hinton emphasises the 'redactions,' as he labels them in his previous book *Man or Monster*,³ the silences and voids that are created by the transitional justice process, aspects that are masked by the overarching justice facade. These can be lived experiences that do not fit the framework, understandings rooted more deeply in religious practice, and many other facets of meaning-making beyond the realm that can be grasped by the transitional justice imaginary. The book particularly emphasises how the transitional justice process can be understood in Buddhist terms: besides the often discussed Buddhist symbols in the tribunal's crest, Hinton also discusses the ECCC's spirit house, as well as the many meanings that participating individuals ascribe both to the justice-making process as a whole and to their place within it, for example in terms of testifying. Hinton's cultural analysis is extremely helpful in embedding the transitional justice process in the various meanings they can take on for the purported beneficiaries in Cambodia. One excerpt shall serve as an example:

"Im [his interviewee] was making a direct link between making offerings to the dead (the dark world) and legal justice (the light world), with monks and judges serving as the conduits (the 'bridge') to a justice that was linked to karma (dark world) and law (light world). For some Cambodians, then, the ECCC trials were understood as a sort of legal *bangsokol* that yielded an offering to the dead and facilitated healing of the sort that a *bangsokol* might deliver. The trial, Im stated, 'is just like a *bangsokol*.'" ⁴

As such, the book's main argument and greatest strength is that it renders visible the processes, ideas, understandings, and practices that are masked in the justice facade by the transitional justice imaginary. By making these visible, it allows an explicit theorisation of vernacularisation processes, for example, that allow global ideas, that are purported through the transitional justice imaginary, to be 'translated' into local cultural precepts. This 'translation process' of transitional justice can mask experiences and understandings in various ways and is performed by intermediaries located between the global and the local. As such, "transitional justice may be 'hijacked' by state actors or selectively appropriated by intermediary organizations and actors to achieve different and even contrary goals."⁵ Hinton richly described how the various backgrounds of these intermediaries

³ Alexander Laban Hinton. *Man or Monster? The Trial of a Khmer Rouge Torturer* (Durham: Duke University Press, 2016).

⁵ *Ibid.*, 27.

inform their propagation of the transitional justice imaginary or counter-ideas, and how they deal with merging them in different ways, but these discussions remain less rigorously analysed and under-theorised.

Buddhist conceptions are particularly virulent in the translation of transitional justice conceptions for local understandings in Cambodia, as well as for understanding people's interactions with the tribunal. For example, Hinton argues that emotions are perceived and expressed differently by Cambodians and internationals within the tribunal. In the process of translation both linguistically and conceptually, the meanings assigned to emotion are lost. For example, suffering is rendered biomedical in the sense of Post-Traumatic Stress Disorder (PTSD), in a manner that is more fitting to the transitional justice imaginary of the 'backward' sufferer, whereas in Cambodian conceptions these emotions are tied more to Buddhist connotations of imbalance, turbulence and humoral flows.

With its *en detail* focus on individual narratives of certain experiences and the minute developments of specific projects, the book also strongly emphasises individual pathways and the agency that individual activists have in setting agendas within the transitional justice field, unsettling the universal claims of the transitional justice imaginary further. Here also the conflictual nature of competing claims of how best to 'translate' the imaginary are discussed. A notable omission in the book is the fraught relationship between DC-Cam and other NGOs, as well as its mixed relationship to the tribunal, including its predominant registering of complainants rather than civil parties. As such, the focus on cultural interactions and meanings do not render local conflicts invisible but provide a nuanced underpinning for understanding them better within the transitional justice context.

The idea of the justice facade is certainly appealing as a critique of the transitional justice imaginary's discursive power, and yet Hinton demonstrates throughout the book that this imaginary is constantly challenged and complemented. But there are many examples in the book of transitional justice actors inserting local traditions, without this juxtaposing the process itself, such as the construction of a spirit house at the ECCC and witnesses taking oaths by it. As such, of course, at times the transitional justice imaginary masks other conceptions of justice and more locally rooted practices, but it is questionable to what degree a facade indeed exists, and to what degree transitional justice processes are always a product of the globally propagated transitional justice imaginary's interaction with these local understandings and practices. Is it really a facade that is created or is what Hinton really describes a negotiation between interpretations, understandings, meanings and practices that at times compete at times complement each other in informing the transitional justice process?

As I pen this review, the ECCC is poised to announce the verdict in Case 002/02 against Nuon Chea and Khieu Samphan, much as I wrote my review of Alexander Hinton's previous book just as the ECCC Supreme Court Chamber upheld large parts of the judgement in Case 002/01 against the same defendants. I relish this parallelism in my writing schedule as Hinton himself describes the two books themselves as "companion volume[s]." ⁶ (vii). Both books focus more strongly on Case 001, which is naturally of particular interest as the ECCC's first case and due to the lower number of civil parties providing a more intense dynamic of victim participation. This book goes further than *Man or Monster* to include more recent dynamics, but a more sustained reflection on the how the higher number of civil parties, uncertainties about Cases 003 and 004 and the now more institutionalised processes within the NGO sector and at the tribunal impact the practices and understandings analysed in so much depth in this book, would be of great academic value. Given the *longue durée* of Hinton's engagement with the transitional justice process in Cambodia, one can only hope for a further monograph along these lines in the future.

⁶ *Ibid.*, vii.