

Book Review: The Justice Facade: Trials of Transition in Cambodia by Alexander Laban Hinton

In The Justice Facade: Trials of Transition in Cambodia, Alexander Laban Hinton examines the extent to which transitional justice and international law respond to local understandings of 'justice' through an analysis of the Extraordinary Chambers in the Courts of Cambodia (ECCC). This is a welcome and highly useful contribution to the field, finds Ebru Demir, that invites readers to critically unpack their own assumptions and consider how the neglect of power and the complexities of everyday life can serve to offer little more than a 'justice facade'.

***The Justice Facade: Trials of Transition in Cambodia.* Alexander Laban Hinton. Oxford University Press. 2018.**

Find this book: 

In *The Justice Facade*, Alexander Laban Hinton questions the extent to which transitional justice and international law respond to local understandings of 'justice' by using the case of Cambodia. Hinton mainly scrutinises the role of the Extraordinary Chambers in the Courts of Cambodia (ECCC) in providing 'justice'. The book highlights the tensions between local understandings and experiences of justice and those that the hybrid tribunal is aiming to achieve. By exploring the ways in which the procedures within the ECCC conflict with the justice conceptions of Cambodians, Hinton challenges readers to deconstruct their own transitional justice imaginaries and ponder on the assumptions which are naturalised within them.

The Justice Facade is not only the title of the book, but also a new term proposed for the field of transitional justice. Hinton uses 'the justice facade' as a metaphor 'highlighting the exteriorization and the imagined fulfilment of the imaginary's universalist dream, imperative, and desire' (21). Another conceptual contribution of the book to the transitional justice terminology is the 'transitional justice imaginary'. This asserts a progressive aspiration which is based on an imagined transformation from authoritarianism to democracy in societies after conflict. The transitional justice imaginary, in contrast with a 'phenomenological transitional justice', glosses over the lived experiences embedded in historical, social and political contexts by assuming an invariable imaginary with liberal democratic ends. According to Hinton, the transitional justice imaginary provides a distanced and surface-level view which masks power and the complexities of everyday experience: that is, it offers only a *justice facade* (25).

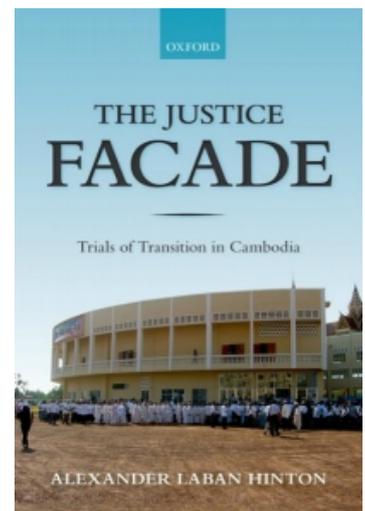


Image Credit: 49th day of the Duch-trial before the Extraordinary Chambers in the Courts of Cambodia, 22 July 2009, courtesy

of the Extraordinary Chambers in the Courts of Cambodia ([Khmer Rouge Tribunal CC BY 2.0](#))

The transitional justice imaginary brings forward the idea of progress ‘in the sense of a singular movement from a time and place to “a better” time and space’ (63). This is exactly where the transitional justice imaginary and Edward Said’s notion of ‘Orientalism’ intersect in the *depoliticisation and dehistoricisation* of the past. In the case of Cambodia, for example, the transitional justice imaginary depicts the nation through an Orientalist discourse under a facade-like gaze, such that Cambodia is often represented as ‘a culture of violence’, ‘a despotism’, ‘a culture of impunity’ and as savage (17). This imaginary is ‘counterposed to their binary “Western” (Occident, Civilization, Globalization)’, characterised by the ‘rule of law’, ‘good governance’, ‘peace’ and ‘democracy’ (17). Thus, (rule of) law is perceived as a neutral and universal way to deal with past atrocities in post-conflict societies. As highlighted in the wider literature, the perception of ‘the depoliticized way in which (transitional) justice can operate’ is problematic ([Nagy 2008, 279](#)). ‘Regard(ing) the law as playing a role that is distinct from that of politics’ masks *power* ([Turner 2013, 195](#)) and, as Hinton argues, diverts ‘the attention from geopolitical interest, domestic manipulations, and structural violence’ (7).

Structural violence is glossed over by the transitional justice imaginary in this regard. This is one of the key points that is underlined by the defence at the ECCC. The Tribunal’s narrow focus on Democratic Kampuchea (DK – the period of Khmer Rouge rule) during the period 1975-79, according to the defence team, ‘masks critical background dynamics and root causes of the violence’ (43). Hinton points out that:

French colonialism, the Vietnam War, Vietnamese, Thai, and Asian regional interest, Soviet, US, and Chinese geopolitical interests, class antagonisms, poverty, landlessness, Cold War politics, and the US interference in and carpet-bombing of Cambodia during the civil war

all become invisible when the ECCC neglects the reasons facilitating the Khmer Rouge’s rise to power (43). Here, the book aligns itself with the critical literature within the transitional justice field criticising transitional justice for being very short-term and for ignoring the reasons that triggered the violence in the first place (see also [Gready 2010](#); [Gready and Robins, 2014](#); and [Evans, 2016](#)).

The narrow focus of the Tribunal on the DK period also creates monolithic notions of good and evil. Hinton, along with his preceding book *Man or Monster? The Trial of a Khmer Rouge Torturer*, objects to the binary categories which the transitional justice imaginary conceives. Hinton presents examples illustrating the fact that a number of Khmer Rouge victims between 1975 and 1979 were themselves Khmer Rouge before this specific period. Such ‘grey zones’ were immediately dismissed by the ECCC because of the Tribunal’s temporal jurisdiction (183), which discards the root causes of the violence and also creates categorical abstractions alienated from real-life experiences. The victim and the perpetrator are often sharply polarised and positioned as oppositional in the transitional justice imaginary. To become a ‘true’ victim, pure innocence (meaning ‘faultless passive victimhood’) is required (see also [Baines, 2011](#); [McEvoy and McConnachie, 2012](#); [Helms, 2013](#); and [Simić, 2016](#)). Hinton calls this ‘justice as deformation’, which edits out complex local realities and lived experiences, and constructs and reproduces victimhood itself (184).

Based on his almost decade-long experience in the field, Hinton scrutinises the meaning of justice in Cambodian society. Having conducted more than 300 interviews, he elaborates the local understandings of ‘justice’ and finds a disparity between these and global understandings. In Cambodian society, in contrast with the transitional justice imaginary, a court is not a place for reconciliation or for justice. Such an adversarial space creates a barrier between perpetrators and victims on the way to reconciliation (238). For example, in the understanding of ‘Karma’ (which is prevalent in Cambodia), anger and antagonism are pointless since the people who commit bad deeds will bear the consequences of their acts. At the ECCC, people who lost their loved ones mostly try to learn the places where they are buried. This is because it is believed that the dead can only be reborn if their bodies undergo a cremation ceremony led by monks. Thus, we see in the book that the principal aim of witnesses is to ask the perpetrators whereabouts their loved ones might have been buried, whereas the Tribunal instructs witnesses and ‘victims’ to frame their statements strictly around the facts (195). The transitional justice imaginary ultimately tries to direct society in a less Buddhist and more secular direction, which remains distant from Cambodians’ own conceptions of ‘justice’.

Consequently, the concept of ‘the justice facade’, among others offered in the book, is very useful in describing the idealised imaginaries which alienate lived experiences on the ground. Local expectations and understandings are edited out or masked by the justice facade. Hinton asks readers to unpack their own transitional justice imaginaries and their facade-like renderings to consider more deeply the meanings and purposes of ‘justice’, ‘peacebuilding’ and transitional justice measures. This book is therefore a very welcome contribution to critical transitional justice studies.

Ebru Demir is a third-year PhD student and Associate Tutor at University of Sussex, Law School. Her research areas are transitional justice; transformative justice; women, peace and security; and peacebuilding in Bosnia and Herzegovina. [Read more by Ebru Demir.](#)

Note: This review gives the views of the author, and not the position of the LSE Review of Books blog, or of the London School of Economics.