

Agency, Responsibility, and Culpability: The Complexity of Roles and Self-representations of Perpetrators

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Abstract: How much agency perpetrators have during genocide is highly contested and significant for dealing with the past after the end of conflict. In this context, ascriptions of roles such as perpetrators, bystanders and victims are drawn upon to delineate responsibility and innocence. Yet, this simple, black-and-white categorization belies the complexity of roles which individuals can take on and the actions they engage in during genocide and mass violence. Naturally, there are many actors who fit neatly into categories as perpetrators who kill, victims who are killed or heroes who rescue. However, people can often be more aptly located in the 'grey zones' between these categories. This article explores the various types of actions in which former low-level cadres of the Khmer Rouge engaged and looks at how they represent these actions. Former Khmer Rouge portray themselves only rarely and indirectly as perpetrators, but more often as victims and sometimes as heroes; this article uncovers various strategies they employ to justify these self-representations. These various actions and self-representations are drawn upon to reflect on the notion of agency of low-level perpetrators within the context of an oppressive genocidal regime.

Keywords: perpetrators, genocide, agency, Cambodia, Khmer Rouge

Introduction

Raul Hilberg's trichotomy of perpetrators, bystanders and victims is often the starting point for thinking about various types of actors involved in genocidal violence.¹ Such rudimentary classifications suggest static and simple allocations of responsibility and culpability, with perpetrators being solely responsible, victims wholly innocent, and bystanders perceived as only passive and beyond the remit of action. Yet, this black-and-white categorization belies the complexity of roles that individuals can take on and the actions they engage in during genocide and mass violence. Naturally, there are many actors who fit neatly into categories as perpetrators who kill, victims who are killed, and passive bystanders on the sidelines. However, this ignores people who engage in acts of rescuing; furthermore, people can often be more aptly located in the 'grey zones' between these categories, or in more nuanced positions. These nuances have informed emerging work on complex

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1 Raul Hilberg, *Perpetrators, Victims, Bystanders* (New York: Harper-Collins, 1992).

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political actors, both theorized as complex political perpetrators and complex political victims, that emphasizes how responsibility and culpability need not be allocated in quite such a straightforward manner.² This paper seeks to engage more with these complex categories and unpack what agency can mean within and between them.³

To interrogate the complexity of roles and agency, the case of the Khmer Rouge regime (1975–1979) in Cambodia, known as Democratic Kampuchea, is particularly pertinent as large grey zones exist regarding who was a perpetrator, victim and bystander, and how responsibility and agency can be ascribed. In interviews in the context of a project on perpetrator motivations conducted in 2014 and 2015 across ten provinces of the country, former Khmer Rouge cadres revealed a startling array of actions that call into question their role as strictly ‘perpetrator’, ‘victim’, or ‘bystander’. Exploring some of the ambivalences for this particular case from the perspective of the perpetrator as represented in interviews, specifically, two questions are central:

1. How do low-level participants of the Khmer Rouge in Cambodia represent themselves?
2. What consequences do these self-representations have for ascriptions of agency in the aftermath?

This article displays the multifaceted types of actions that Khmer Rouge cadres could and did engage in, and discusses how these are represented by the individuals themselves. This discussion of self-representations goes beyond just a portrayal of the actions themselves, as these have consequences for how people perceive their responsibility for violence and their part in it, in particular for the agency – and equally culpability – that can be ascribed to them in these situations. As I will show, former Khmer Rouge I interviewed variously argue that they had no agency during the Khmer Rouge regime; they invoke this in order to avoid the label of the perpetrator and to claim victimhood, while at other times they claim to have had enough agency to engage in acts of rescuing. This ambivalence in how agency is ascribed, and how it is portrayed as constrained depending on the situation the individual is in, has

- 2 Erin Baines, ‘Complex Political Perpetrators’, *The Journal of Modern African Studies*, 47.2 (2009), 163–91; Erica Bouris, *Complex Political Victims* (Sterling, VA: Kumarian Press, 2007); Erin Jessee, *Negotiating Genocide in Rwanda: The Politics of History* (New York: Palgrave Macmillan, 2017); Timothy Williams, ‘“I Am Not, What I Am.” A Typological Approach to Individual (in)Action in the Holocaust’, in *Probing the Limits of Categorization: The Bystander in Holocaust History*, ed. by Christina Morina and Krijn Thijs (New York: Berghahn, 2019); Timothy Williams, ‘Thinking beyond Perpetrators, Bystanders, Heroes: A Typology of Action in Genocide’, in *Perpetrators and Perpetration of Mass Violence: Dynamics, Motivations and Concepts*, ed. by Timothy Williams and Susanne Buckley-Zistel (London: Routledge, 2018), pp. 17–35.
- 3 For an excellent discussion of this complexity at the ECCC, see Julie Bernath, ‘Complex Political Victims’ in the Aftermath of Mass Atrocity’, *International Journal of Transitional Justice*, 10.1 (2016), 46–66.

manifest consequences for how the former Khmer Rouge argue their responsibility and culpability after the conflict, and how we can theorize this as scholars.

The focus is explicitly on low-level perpetrators who, as many ‘small cogs,’ allowed the larger machinery of the Khmer Rouge system to work. Tying into the micro-turn in studying genocide, a focus on these individuals, who actually implemented the genocidal policies of the regime by performing the acts necessary to make them a reality, provides an individual-level foundation for understanding the broader societal dynamics.⁴ Such a distinct treatment of low-level perpetrators is necessary as agency and responsibility are attributed very differently for high-level perpetrators who, in these roles, have more capacity to shape the system.⁵

To begin with, I will briefly introduce the case of Cambodia and the fieldwork underlying this research, before describing the various roles that low-level Khmer Rouge cadres were assigned during the regime. I will then explore how these former Khmer Rouge portrayed themselves in the interviews, distancing themselves from the label of perpetrator and claiming victimhood, while at the same time also pointing to acts of rescue that they engaged in. Ultimately, the article discusses what these various self-representations mean for questions of agency and responsibility in the context of the Khmer Rouge.

An Action-Orientated Perspective on Perpetration and Agency

Searching for answers to the research questions given above demands an action-oriented perspective.⁶ This means that to understand violent dynamics and their meanings, it is less useful to approach the subject matter by studying people as temporally-consistent actors. Instead, I argue that it is more useful to acknowledge the fact that any one individual actually engages in a series of many different actions that do not

- 4 Lee Ann Fujii, *Killing Neighbors: Networks of Violence in Rwanda* (Ithaca, NY: Cornell University Press, 2009); Alexander Laban Hinton, *Why Did They Kill?* (Berkeley, CA: University of California Press, 2005); Omar McDoom, ‘Antisocial Capital’, *Journal of Conflict Resolution*, 58.5, 865–93; Omar McDoom, ‘Who Killed in Rwanda’s Genocide?’, *Journal of Peace Research*, 50.4 (2013), 453–67; Scott Straus, *The Order of Genocide* (Ithaca, NY: Cornell University Press, 2006); Scott Straus, ‘Is a Comparative Theory of Perpetrators Possible?’, in *Perpetrators and Perpetration of Mass Violence*, ed. by Williams and Buckley-Zistel (London: Routledge, 2018), pp. 204–10; Timothy Williams, *The Complexity of Evil: Modelling Perpetration in Genocide*, PhD thesis, Marburg University, 2017.
- 5 Naturally, the actions of low-level perpetrators also constitute the system and their compliance thus also shapes the system, but this is a qualitatively different impact given that only the cumulative impact of many low-level perpetrators add up to systemic change, rather than the actions of a single high-level actor. At this point, an important caveat should be given: understanding perpetrator perspectives in no way legitimizes their actions and I am not sanctioning their discourses, merely analysing them.
- 6 Christian Gudehus, ‘On the Significance of the Past for Present and Future Action’, in *Theorizing Social Memories: Concepts and Contexts*, ed. by Gerd Sebald and Jan Wagle (London: Routledge, 2016), pp. 84–97; Gudehus, ‘Violence as Action’, in *Perpetrators and Perpetration of Mass Violence*, ed. by Williams and Buckley-Zistel, pp. 36–57; Timothy Williams, ‘Thinking beyond Perpetrators, Bystanders, Heroes: A Typology of Action in Genocide’.

need to consistently and consequently follow each other. For example, one individual can engage in actions that support the implementation of genocidal policies, such as arresting people or killing them at one point in time; at another point he or she can act in a way that contributes to saving members of the victim group. Moreover, this same individual can also perform actions that are more commonly associated with bystanders, passively (or actively)⁷ supporting the unfolding events, or watching them with a detached eye.⁸

The differentiation between the person and the action is important in our context here, not only because of the analytical consequences, but also because they reflect in the self-representations of the individuals themselves. It is precisely this focus on actions that allows people, who had official roles within the Khmer Rouge and whom we can thus classify most easily as perpetrators, to highlight the other actions they engaged in. Perpetrators do this firstly in an attempt to portray themselves as rescuers, bystanders or victims, and secondly to discuss the agency (or, better, lack of agency) that they perceive themselves to have had within their positions. Both of these are attempts to reduce the responsibility they purport to have had for their actions, and by extension, their culpability for violence.

Fundamentally, agency is concerned with individuals' capacity to act. In essence, having agency says that an 'individual could, at any phase in a given sequence of conduct, have acted differently. Whatever happened would not have happened if that individual had not intervened.'⁹ Here, the men and women who were cadres of the Khmer Rouge can be said to have had agency if they had the capacity to act differently to how they did, and that there was an element of choice to their participation in various actions. Essentially, agency also entails the 'ability of an individual to act or refrain from acting intentionally in a particular context',¹⁰ meaning that not acting can be equally intentional and as much an expression of agency as acting. This capacity to act 'is not exercised in a vacuum but rather in a social world in which structure shapes the opportunities and resources available in a constant interplay of practices and discourses'.¹¹ Annika Björkdahl and Johanna Mannergren Selimovic argue that, in order to understand gendered differences in agency between men and women, it is important to consider the spatial and temporal context within which action occurs to thus be able to identify enabling and disabling factors. However, this point is relevant

7 While bystanders are sometimes seen as primarily passive individuals, I have argued elsewhere that some forms of bystanding indeed are active, see Timothy Williams, 'Thinking beyond Perpetrators, Bystanders, Heroes: A Typology of Action in Genocide'.

8 Fujii; Jessee; Timothy Williams, 'Thinking beyond Perpetrators'.

9 Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge: Polity, 1984), p. 9.

10 Ernesto Verdeja, 'Moral Bystanders and Mass Violence', in *New Directions in Genocide Research*, ed. by Adam Jones (London: Routledge, 2012), pp. 153–68 (p. 160).

11 Annika Björkdahl and Johanna Mannergren Selimovic, 'Gendering Agency in Transitional Justice', *Security Dialogue*, 46.2 (2015), 1670.

more broadly than just for the difference between men and women when theorizing the agency of low-level perpetrators 'from below'. Lee Ann Fujii aptly describes these contextual interactions with agency:

Social relations thus provide the basis for locating agency at the 'neighbor' level. How these relations define and structure contexts, perspectives, identities, and actions allows us to situate actors and the different possibilities for acting in precise moments. Agency [...] was not a binary state that was either 'off' or 'on,' but a shifting set of possibilities that had as much to do with objective realities as subjective and intersubjective understandings of changing conditions and pressures.¹²

As such, we are able to discuss the agency that an individual has when performing specific actions, rather than their agency overall, allowing fluctuating constraints on agency to become visible. In addition, it becomes possible to think about breaks in agentic action, when individuals suddenly become more or less constrained within the broader structure and this changed agency impacts what actions become perceivable and are chosen. Furthermore, differing constraints on agency can be rendered observable, such as how gendered social roles can constrain women's agency regarding participation in certain forms of action, but facilitate others;¹³ or how they can engage in shaping the post-conflict narratives about the past.¹⁴ A further constraint to agency that is particularly relevant in the Cambodian context is that children have a diminished capacity for critical decision-making and thus a constrained form of agency; the Khmer Rouge systematically recruited children as they believed they were uncorrupted by the previous regimes, and thus easier to indoctrinate; many of the individuals I interviewed were child recruits.

As this article will demonstrate, former cadres self-represent their agency as extremely constrained within the hierarchical structure of the Khmer Rouge. Indeed, the cadres did have strong constraints within which they were acting, and threats of coercion were credible, with many people being killed for perceived disobedience; however, the manifold acts of resistance also discussed here demonstrate that (within these constraints) agency did exist for these individuals.

¹² Fujii, p. 18.

¹³ Miranda Alison, 'Women as Agents of Political Violence: Gendering Security', *Security Dialogue*, 35.4 (2004), 447-63; Evelyn Gertz, Hollie Nyseth Brehm, and Sara E. Brown, 'Gender and Genocide: Assessing Differential Opportunity Structures of Perpetration in Rwanda', in *Perpetrators and Perpetration of Mass Violence*, ed. by Williams and Buckley-Zistel, pp. 133-50; Megan MacKenzie, 'Securitization and Desecuritization: Female Soldiers and the Reconstruction of Women in Post-Conflict Sierra Leone', *Security Studies*, 18.2 (2009), 241-61.

¹⁴ Björkdahl and Mannergren Selimovic.

Talking to Former Khmer Rouge

The self-representations of former Khmer Rouge have been collected during fieldwork I conducted between July 2014 and January 2015, as well as several subsequent visits to the field between 2015 and 2018.¹⁵ Semi-structured interviews were conducted with fifty-eight former low-level cadres of the Khmer Rouge across ten provinces of the country, often multiple times. Of these, only three former Khmer Rouge were women and the remaining fifty-five were men.¹⁶ The sample was selected in order to assure a diversity of individuals who had been Khmer Rouge cadres, particularly ensuring that it included both individuals in positions that were close to the violent processes (such as security centre personnel, militias, etc.), and individuals who had been in administrative/leadership roles in the collectives, responsible for life-or-death decisions regarding the people under their jurisdiction. Representative of the broader population of Khmer Rouge cadres, many of my interviewees were recruited as children, the youngest being only twelve years old when he was recruited, and many others being between fourteen and eighteen.

The interviews were semi-structured and followed the trajectory of the life histories of my interviewees, although with a marked focus on their lives from 1970-1979. Interviews started by discussing childhood memories and their lives until the beginning of the civil war, followed by discussions of how they experienced the civil war, the Khmer Rouge's rise to power and how they were recruited into the Khmer Rouge. The largest focus was placed on their everyday life in the Khmer Rouge, the actions they engaged in and the meanings these had for them, as well as their perceptions of others during this time; finally, their post-genocide lives were discussed. The interviews were conducted in Khmer with the assistance of a trained historian who translated summaries of the responses. It was possible to record and transcribe most interviews, allowing me to code and qualitatively analyse the precise wording of responses.¹⁷

15 The author did not receive official ethics approval for this research as this is not customary at German universities. However, the project relied upon extensive peer feedback within his research cluster prior to undertaking the research with human subjects to ensure that it was conducted in a reflective and ethically-responsible manner.

16 Despite a concerted effort, it was not possible to recruit more women for interview. On the one hand, this is because the Khmer Rouge disproportionately assigned men to violent tasks, the focus of the research project at the time, despite their purported aspirations of gender equality. On the other hand, it is harder to identify women in these positions today as patriarchal structures and gendered assumptions on action mean that women are much less likely to admit to having engaged in such actions.

17 For a more in-depth methodological and ethical reflection on the challenges of interviewing former Khmer Rouge, see Timothy Williams, 'Visiting the Tiger Zone: Methodological, Conceptual and Ethical Challenges of Ethnographic Research on Perpetrators', *International Peacekeeping*, 25.5 (2017), pp. 610-29.

Cambodia under the Khmer Rouge

It would go beyond the scope of this article to give a comprehensive historical introduction to this case study, and a certain familiarity with the case is presumed for most readers. Excellent introductory works exist.¹⁸ Most discussions focus on the period from 1975–1979 when the Khmer Rouge held power in the entire country; but for most Cambodians, 1970 is a significantly more important demarcation, as the popular King Sihanouk, who had navigated seeming neutrality in the neighbouring Vietnam War, was ousted from power by his Prime Minister Lon Nol.¹⁹ Most importantly, this move allowed Lon Nol to steer a pro-American course from 1970 onwards that led to the US military dropping more than 100,000 tonnes of bombs on Cambodian soil²⁰ and killing up to 150,000 Cambodian civilians.²¹ From this point onwards, the Khmer Rouge established themselves as a rebel army and their recruitment propaganda emphasized reinstating Sihanouk, while their socialist rhetoric was restrained.²² Ultimately, a surge of support allowed the Khmer Rouge to steadily gain control of various parts of the country over the next five years.²³ On 17 April 1975, the Khmer Rouge invaded Phnom Penh and established a totalitarian regime that immediately expelled everyone from the cities.²⁴ As part of their Maoist-nationalist peasant revolution, the entire population was supposed to farm the land; religion was abolished, as were traditional hierarchies and family structures; and forced labour, collective living and collective eating were introduced. All areas of life became controlled by *Ângkar*, literally ‘the organization’ but used to refer to ‘those higher up’. The common understanding was that any higher ranking cadre than oneself was called *Ângkar*, but that a person never thought of himself or herself as part of *Ângkar*.

The regime implemented a meticulous system of violence and oppression that attempted to radically enforce conformist behaviour and thinking within all members of society,²⁵ including obligatory self-study and criticism sessions.²⁶ To ensure absolute conformity, first all military and administrative functionaries of the previous

18 Daniel Bultmann, *Kambodscha unter den roten Khmer: Die Erschaffung des perfekten Sozialisten* (Paderborn: Schöningh, 2017); David Chandler, *A History of Cambodia*, 4th edn (Boulder, CO: Westview, 2008); Ben Kiernan, *The Pol Pot Regime* (New Haven: Yale University Press, 1996).

19 David Chandler, *A History of Cambodia*, pp. 233–54; Kiernan, p. 17.

20 Chandler, *A History of Cambodia*, p. 252.

21 Kiernan, p. 24.

22 Bultmann, *Kambodscha unter den Roten Khmer*, p. 9.

23 David Chandler, *Brother Number One* (Boulder, CO: Westview, 1999), p. 88.

24 Chandler, *A History of Cambodia*, p. 256; Kiernan, p. 8.

25 Bultmann, *Kambodscha unter den roten Khmer*.

26 Kosal Path and Angeliki Kanavou, ‘Converts, Not Ideologues? The Khmer Rouge Practice of Thought Reform in Cambodia, 1975–1978’, *Journal of Political Ideologies*, 20.3 (2015), 304–32; Serge Thion, ‘The Cambodian Idea of Revolution’, in *Revolution and Its Aftermath in Kampuchea. Eight Essays*, ed. by David Chandler and Ben Kiernan (New Haven: Yale University Southeast Asia Studies, 1983), pp. 10–33.

regime were executed,²⁷ then members of ethnic minorities were targeted for elimination, and from September 1976 purges began against people deemed to be ‘microbes’ or ‘internal enemies’ trying to undermine the revolution,²⁸ and who were mostly identified as coalescing with Vietnam.²⁹ This increasing violence was combined with horrific economic policies that were based upon unattainable agricultural targets and led to widespread starvation and disease,³⁰ leaving between 1.7 and 2.2 million Cambodians dead by the end of the regime.³¹

Democratic Kampuchea was ended by the invasion of Cambodian defectors and Vietnamese troops in January 1979, prompting a new civil war between the Khmer Rouge and the new government armies, as well as a host of other armed groups, which lasted until the late 1990s.³² The new government strongly legitimized itself (and continues to do so) through its liberation of the country. In the context of the ongoing civil war, and in an attempt to rally the country around the war effort and garner international support, the government engaged in demonizing rhetoric towards the Khmer Rouge that portrayed the 1975 revolution as being right but hijacked by criminals. Prominent examples of this are the People’s Revolutionary Tribunal, which was seen as a show-trial by Western states and focused culpability on the leadership of Democratic Kampuchea;³³ the introduction of the 20th May as the ‘Day of Anger’;³⁴ and the construction of Tuol Sleng Genocide Museum and Choeng Ek (more com-

27 David Chandler, *Voices from S-21* (Chiang Mai: Silkworm, 2000), p. 45.

28 Chandler, *Voices from S-21*, pp. 45–76.

29 David Chandler, Ben Kiernan, and Chanthou Boua, *Pol Pot Plans the Future* (New Haven: Yale University, 1988), p. xii.

30 Chandler, *A History of Cambodia*, pp. 262–65.

31 Ewa Tabeau and They Kheam, ‘Demographic Expert Report: The Khmer Rouge Victims in Cambodia, April 1975 – January 1979. A Critical Assessment of Major Estimates’ (Phnom Penh: ECCC, 2009), p. 19.

32 For an introduction see Daniel Bultmann, *Inside Cambodian Insurgency* (Farnham: Ashgate, 2015); David Chandler, *A History of Cambodia*, pp. 277–95; Craig Etcheson, *After the Killing Fields* (Westport, CT: Praeger, 2005).

33 Evan Gottesman, *Cambodia After the Khmer Rouge: Inside the Politics of Nation Building* (New Haven: Yale University Press, 2003), p. 65; Rachel Hughes, ‘Ordinary Theatre and Extraordinary Law at the Khmer Rouge Tribunal’, *Environment and Planning D: Society and Space*, 33.4 (2015), 714–31 (pp. 4–6); Peter Manning, ‘Governing Memory: Justice, Reconciliation and Outreach at the Extraordinary Chambers in the Courts of Cambodia’, *Memory Studies*, 5.2 (2011), 165–181 (p. 169); Peter Manning, *Transitional Justice and Memory in Cambodia. Beyond the Extraordinary Chambers* (London: Routledge, 2017), p. 67.

34 David Chandler, ‘Cambodia Deals with Its Past: Collective Memory, Demonisation and Induced Amnesia’, *Totalitarian Movements and Political Religions*, 9.2–3 (2008), 355–69; Rachel Hughes, ‘Memory and Sovereignty in Post-1979 Cambodia: Choeng Ek and Local Genocide Memorials’, in *Genocide in Cambodia and Rwanda: New Perspectives*, ed. by Susan Cook (New Jersey: Transaction, 2006), pp. 257–79; Manning, *Transitional Justice and Memory in Cambodia: Beyond the Extraordinary Chambers*, pp. 140–41. The government re-introduced this highly symbolic date in 2001 under the new name of the ‘Day of Remembrance’ and has used it for various political ceremonies; as of 2018 it has become a national holiday as part of the hybrid tribunal’s reparations in case 002/1.

monly known as the Killing Fields), with both places emphasizing the absolute barbarity of the Khmer Rouge regime.³⁵

Government policy changed in the 1990s with the development of Prime Minister Hun Sen's 'Win-Win Policy,' which aimed to bring the civil war to an end by offering amnesties to anyone defecting from the Khmer Rouge.³⁶ As such, only the very highest leaders were deemed responsible and the broad mass of the population, including all low- and mid-level Khmer Rouge, were not only not seen as perpetrators, but even as victims, tapping into the broad national discourses of victimhood already suggested at Tuol Sleng and Choeng Ek.³⁷ This trajectory is continued by the hybrid tribunal, the Extraordinary Chambers in the Courts of Cambodia (ECCC), as prosecution focuses narrowly only on the highest leadership; other former Khmer Rouge have even been able to become complainants or civil parties, receiving legal recognition for their victimhood.³⁸

This brief introduction to the history of the Khmer Rouge is important for contextualizing the experiences of my interviewees, as well as helping us understand the political and social climate within which they were speaking to me and the narratives they have been exposed to. As such, the following discussions of Khmer Rouge actions and their connotations for agency are the result of my in-depth interviews with them, but must be understood within the overarching political contexts that they have lived through since the experiences themselves.

35 Caitlin Brown and Chris Millington, 'The Memory of the Cambodian Genocide: The Tuol Sleng Genocide Museum', *History Compass*, 13.2 (2015), 31-39; Hughes, 'Memory and Sovereignty in Post-1979 Cambodia: Choeng Ek and Local Genocide Memorials'; Judy Ledgerwood, 'The Cambodian Tuol Sleng Museum of Genocidal Crimes: National Narrative', *Museum Anthropology*, 21.1 (2008), 82-98; Paul Williams, 'Witnessing Genocide: Vigilance and Remembrance at Tuol Sleng and Choeng Ek', *Holocaust and Genocide Studies*, 18.2 (2004), 234-54.

36 Gottesman, pp. 60-62.

37 Bernath; Rachel Hughes, 'Nationalism and Memory at the Tuol Sleng Museum of Genocide Crimes, Cambodia', in *Contested Pasts: The Politics of Memory*, ed. by Katharine Hodgkin and Susannah Radstone (London: Routledge, 2003), pp. 175-192; Hughes, 'Memory and Sovereignty in Post-1979 Cambodia: Choeng Ek and Local Genocide Memorials'; Timothy Williams, 'Perpetrator-Victims: How Universal Victimhood in Cambodia Impacts Transitional Justice Measures', in *Understanding the Age of Transitional Justice: Crimes, Courts, Commissions, and Chronicling*, ed. by Nanci Adler (New Brunswick: Rutgers University Press, 2018), pp. 194-212.

38 ECCC Internal Rule 23 bis, Revision 8, available at <https://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20%28Rev.8%29%20English.pdf> [accessed 15.08.2018]; for an analysis of some civil parties as complex political perpetrators see Bernath; Manning, 'Governing Memory: Justice, Reconciliation and Outreach at the Extraordinary Chambers in the Courts of Cambodia', p. 169; Peter Manning, 'Reconciliation and Perpetrator Memories in Cambodia', *International Journal of Transitional Justice*, 9.3 (2015), p. 387; Manning, *Transitional Justice and Memory in Cambodia: Beyond the Extraordinary Chambers*, p. 123.

Diversity of Assigned Roles among Low-Level Khmer Rouge

In order to allow us to discuss the issue of agency, the first step is to disaggregate what kinds of actions Khmer Rouge cadres actually engaged in. Once recruited to the ranks of the Khmer Rouge, few individuals were immediately in positions in which they were confronted with the genocidal action of the regime. Given the totalitarian nature of *Angkar's* rule during Democratic Kampuchea, all political and societal roles with any degree of authority or responsibility were filled by members of the Khmer Rouge. Thus, not all cadres were themselves party to the violence of the regime; rather, relatively few were part of the direct killing, but all cadres were part of the system of violent oppression which characterized the regime, albeit to varying degrees.

The majority of cadres were first assigned to engage in agricultural work, involved in the cycle of growing and harvesting rice; building dams and digging ditches for the improvement of the irrigation system; feeding animals; and growing vegetables or sugar palm or processing these products. These were the tasks that an overwhelming majority of the population was engaged in, both men and women. Others were engaged in manual labour, for example working in the garment workshops of the Phnom Penh ministries or as mechanics.

Furthermore, it was common for new cadres to undergo military and ideological training and education when they were conscripted. Some individuals received special political training beyond the usual indoctrination meetings obligatory for the entire population.³⁹ In due course, some were assigned to lead such education sessions, educating people in the villages about the aims and rules of *Angkar*, or to promote propaganda themselves in journalistic terms.

Other people worked at various levels of the administration, engaging in various actions. At each level, the leadership committee included a chief with overall responsibility and command; a deputy chief with responsibility for security; and a committee member responsible for the economic sector – who set targets, collected quotas, assigned rations and facilitated the exchange of products – as well as a committee member responsible for the political or social sector in charge of propaganda and education. These leadership positions afforded a certain degree of responsibility and power, and the chief of the commune or district was particularly powerful, giving the order to arrest and kill certain people, and signing off on lists of names to be arrested and handed over to the district security centres. Lower-level leaders were expected to report on the people within their sphere of authority and it was at their discretion whether to report people for being too lazy, too sick, suspicious, or any other reason for declaring them an enemy. Because such reports led to subsequent arrest, these people wielded significant – albeit indirect – power over life and death. As the work-

39 Stewart R. Clegg et al, 'Mundane Objects and the Banality of Evil: The Sociomateriality of a Death Camp', *Journal of Management Inquiry*, 22.3 (2013), 325-40.

ing groups, that the majority of the population were allocated to, were separated between men and women, many female Khmer Rouge recruits served as group leaders for these working groups. Even lower down the hierarchy, some interviewees assisted administrative leaders, took on clerk duties or supervised and managed certain facilities. Others served their administrative leaders as bodyguards, or were messengers between various administrative leaders or between the administrative leaders and their subordinates.

Various forms of violence were also constituent of Khmer Rouge actions. For example, some people were involved in the evacuation of Phnom Penh, herding people out of town and collecting items from their abandoned houses, as well as gathering the weapons of defeated Lon Nol units. Additionally, soldiers were involved with fighting at the front line against Lon Nol's troops and later against the Vietnamese army, also supported by people undertaking reconnaissance work, bringing supplies and messages to the front line or transmitting radio communications on the battlefield. Other actions sought to mitigate a variety of security concerns, such as guarding villages, roads, and food stores.

More targeted, genocidal violence was performed by a limited number of people, including militias known as *chhlop* that existed at every administrative level. Originally, these *chhlop* units were responsible for protecting their area from enemy soldiers or spies, particularly during the civil war period against Lon Nol. Later, these militias were tasked with investigating reports from the collectives on suspicious people and were supposed to gauge the veracity of the reports. As a former soldier and militiaman told me: 'If people did wrong, we arrested the people, but if the cadres themselves did wrong and reported wrongly, we arrested the cadres.' The *chhlop* had 'hidden' counterparts, Khmer Rouge affiliates who were 'undercover' operatives within the unaware population who were Khmer Rouge affiliates, and who were supposed to investigate and report on potential enemies.

When the *chhlop* decided someone was guilty, or they were given an order, the *chhlop* arrested these people. Sometimes, if a person's guilt was readily established and there was no interest in finding further enemies through interrogation, the *chhlop* could kill the person on the spot. Most, however, were 'sent to the higher', taken for further interrogation or simply disappeared; in the end, a vast majority of arrested people were then ultimately killed. The arrested people – now firmly established as internal enemies of the revolution (because *Angkar* made no mistakes in identifying enemies) – were then handed over to the next highest *chhlop* unit, and then the district *chhlop*, who placed them in security centres.

The security centres were staffed exclusively by men, as even in the purportedly gender-equal regime, gendered stereotypes about violent behaviour continued. Many staff began as either 'inside' or 'outside' guards. Outside guards were responsible for guarding the perimeter of the security centre, ensuring that no prisoners escaped,

and that no unauthorized individual entered or exited. Inside guards supervised prisoners in their cells and when they were outside the compound farming in lower-security facilities. As one former guard put it, their task was ‘to guard carefully and not allow the prisoners to commit suicide,⁴⁰ run away or break their locks’.

People were interned in the security centres in order to interrogate them, elicit their confessions as enemies and find the names of further enemies with whom the interrogated people were in contact. The ‘strings of agents’ that interrogators identified via torture were completely fictitious, as none of the arrested individuals were actually agents of the CIA, KGB or Vietnamese secret service. An interrogator asked questions and someone else recorded the confession on a typewriter. When the prisoner was recalcitrant, torture became necessary, as a former interrogator explains: ‘When we asked the prisoner but the prisoner did not answer, we called Ta Duch [the director of S-21 prison] by wire telephone and he came to interrogate and torture the prisoner. When the prisoner confessed, I just wrote it down.’ Torture methods included hitting the prisoners with sticks and sometimes giving them electric shocks.

When the interrogations were completed, the prisoners were transported to the killing site from the security centre. A special unit was assigned to conduct this transportation, particularly if it was a larger security centre or the site was located further away. One former group leader of a guarding unit described this task as follows:

I was there to receive the prisoners and transported those prisoners who had already been interrogated to be killed at Choeung Ek [killing fields associated with S-21]. [...] When I arrived, I wrote [the prisoners’] names. [...] I needed to clearly write the prisoners’ names. How many were transported there [from S-21] and how many arrived [at Choeung Ek] needed to be clearly mentioned in the list. If there was someone missing, I would be responsible for it.

The final task in this genocidal chain of action was the act of killing the victims. The former Khmer Rouge cadre quoted above, who was involved in the transportation of victims to the killing site, was not responsible for killing them; however, one time his superior demanded that he kill some people as well in order to prove that he ‘was able to cut his heart off.’ In the phraseology of the Khmer Rouge, this meant that he had to prove that he was emotionally not tied to or associated with the enemy, but instead his heart was ‘cut off’ and he served only the revolution and *Ângkar*. It is not entirely clear across the whole country as to which actors were given the responsibil-

40 While it may appear bizarre not to allow people to commit suicide, whom one wants dead anyway, suicide can also be seen as an act of defiance, ‘resistance by denying the perpetrators the right to decide over body and life of the victim’. See Matthias Bjørnlund, ‘“A Fate Worse Than Dying”: Sexual Violence during the Armenian Genocide’, in *Brutality and Desire: War and Sexuality in Europe’s Twentieth Century*, ed. by Dagmar Herzog (New York: Palgrave MacMillan, 2009), p. 28.

ity for making decisions about who could and should be executed; instead, it varied slightly from place to place, with some units and leaders being given higher degrees of discretion on this issue, allowing certain actors to kill where this was not possible elsewhere. As a rule of thumb, killing was allowed by district *chhlop*, sometimes also by commune *chhlop* after the victory of the Khmer Rouge, although more as an exception than a rule; furthermore, regional military in some places had the right to kill, while elsewhere it did not; also, the security centres and their associated killing fields were spaces of mass killing. Altogether, though, it was quite a narrowly defined group of people who made these decisions of who to execute or implemented these, while others had other non-lethal tasks assigned to them.

Former Khmer Rouge Self-Representations: Strategies to Avoid the Perpetrator Label

Despite the fact that all my interviewees engaged in a broad range of these actions – and thus the label of ‘perpetrator’ suggests itself quite easily from an analytical perspective – their self-representations extremely seldom assume this label. Two strategies are utilized to substantiate this claim of not being perpetrators. First, former Khmer Rouge cadres’ narratives focus narrowly on the specific actions that they were assigned to, discursively deflecting from the consequences of these actions in the broader context. There was indeed a strong division of labour under the Khmer Rouge, and while a division of labour is nothing unusual and is characteristic of most human organizational structures, this degree of division, with such narrowly defined tasks, is definitely unusual. For example, some guards at security centres were in charge of providing water for the prisoners, others the food, while others again were in charge of the keys for the locks or for allowing prisoners to go to the toilet. As such, a guard who was not in charge of food did not feel responsible for the conditions of starvation that the prisoners had to endure. Another example from the interrogation process sees one person in charge of asking questions, one for typing responses, and yet another one for punishing the questioned person if they were reticent; in transportation one person loaded and unloaded the truck, another signed off on the list, etc. This strong particularization of tasks enabled people to understand themselves as only responsible for their specific task, and negate any responsibility for the actions of others before or after them in this process. In the words of a former soldier and militiaman, ‘during that regime, I only knew my own work; I could not know other people’s tasks. They also did not know my tasks either. So, I don’t know about others.’ Most cadres refused to acknowledge that their actions were part of a broader, violent process and did not portray their actions as part of a process from arrest via incarceration to exe-

cution. Thus, there was also no realization that it was only through the performance of so many individual small tasks that the process as a whole occurred.

The second strategy through which former Khmer Rouge challenge the label of ‘perpetrator’ is grounded in attempts to distance themselves from their own agency when performing these acts. Primarily, and unsurprisingly, interviewees refer to the coercive context within which they were acting as a justification for their actions. For example, one former guard at a security centre stated that: ‘I could not refuse. If we refused, they would say: “Anyone who is against *Ángkar*, they are the enemies of *Ángkar* and the cycle of history will roll over them.”’ Another former Khmer Rouge cadre, who also participated in the evacuation of Phnom, stated that ‘[When] they were ordered to kill that person, if they did not kill, they would be killed, too. So, for their safety, they had to kill.’ As such, this appeal to coercion reduces the agency of the individual and frames them as more passive subjects of the situation. In the context of perpetrators being tried at the International Criminal Tribunal for the Former Yugoslavia (ICTY), Mina Rauschenbach and colleagues made an observation which is relevant for the Cambodian context, too:

[There is an] implied lack of choice and sense of passiveness. Speakers present themselves as puppets submitted to the contingencies of the conflict. Actions are described as necessary, almost automatic reactions to sudden, uncontrollable, unverifiable, or unidentifiable elements. Interviewees seem to place themselves in a reactive, noninitiating [sic] subject position whereby they had no other choice than to act upon obscure facts or unmanageable conducts.⁴¹

Moreover, there was a strict framework of authority which rendered any order by a superior almost law-like, and which displaced the responsibility for the act itself to *Ángkar*. It would go beyond the scope of this article to explore this in depth, but even the nature of *Ángkar* itself supported this minimization of agency. *Ángkar* cannot be seen as an organization like Hitler’s NSDAP, or the Young Turks’ *Ittihad*, which perpetrated the genocide of the Armenians. Instead, it only ever refers to those who are higher up than oneself, meaning that superiors are all part of the organization, but no-one considers themselves to be. This makes claiming that *Ángkar* had commanded something an effective strategy for displacing responsibility and removing oneself from the equation. This displacement and rejection of agency allows perpetrators to distance themselves from the label of ‘perpetrator’, and is often seen for perpetrators in various cases; in Cambodia, however, my interviewees went further than just negating their agency, actively self-representing themselves as victims.

⁴¹ Mina Rauschenbach, Christian Staerklé, and Damien Scalia, ‘Accused for Involvement in Collective Violence: The Discursive Reconstruction of Agency and Identity by Perpetrators of International Crimes’, *Political Psychology*, 37.2 (2016), p. 226.

Former Khmer Rouge Self-Representations: Resistance

Going further than just distancing themselves from the perpetrator label, former Khmer Rouge also represented themselves as rescuers by emphasizing their righteous acts. This can be seen as part of an attempt to counteract the harmful actions they engaged in and excuse these. The Khmer Rouge regime was totalitarian and most former cadres argue this constrained their agency entirely. However, some people were able to carve out small spaces for resistance in some way or another, showing their capacity for agency. In this context, perpetration was the status quo and any action that diverged from that was active or passive resistance. At one end of the spectrum, some people engaged in active rescuing, while others, in taking a step back, more passively allowed fatal action *not* to occur; while usual conceptions of bystanders emphasize the permissiveness of bystanders allowing violence to happen, these people used their agency to explicitly avoid acts of perpetration, constituting a benevolent type of bystanding.⁴² It is to these different actions of resistance we now turn in order to understand how much agency was potentially present, even if most people decided not to engage in resistance.

The most basic form of resistance was to avoid fulfilling one's position, and with this any of the tasks which would be expected from this position. People tried to avoid recruitment in the first place, for example by running away from their designated unit, or pretending that an injury sustained during war had not fully healed. A former central committee member in Battambang province told me that 'I served the army until 1973 when I got seriously injured on my arm. When I was injured on my arm, I was allowed to rest. Then I also pretended [it continued to be serious], and I did not have to go back to the military anymore.' A further alternative, which takes significantly more courage in such a coercive setting, is to refuse orders, although this did most often lead to the individual being arrested and killed. A former guard at S-21 security centre tells of some guards who protested against orders they had been given: one stated that he could not guard outside and inside the prison at the same time, and another was accused of 'being lazy' by not building a wall that he was ordered to build. Both were killed for their refusals. However, under some circumstances a refusal could be less problematic; for instance, one cadre reports that someone refused to participate actively in killing because there were members of his family in the group to be killed. This refusal could be deemed acceptable if the person had been very active in fighting enemies previously and had distinguished himself enough; those who could not credit themselves with such achievements were then killed for their refusal, while the others were sent only for re-education and then transferred to other units. Another former cadre who was a soldier, bodyguard, and

42 I am grateful to Rhiannon Neilsen for bringing this to my attention.

then district committee member in charge of the economic affairs of his commune, implies that it was not sufficient solely to have these achievements, but that it was also necessary to 'ask politely' rather than protest the order directly. Finally, one cadre did not want to be assigned to the battlefield and, although he was accused of being 'disrespectful of the order,' he was nonetheless assigned instead as a security office guard. Even more vehement refusals could sometimes, albeit seldom, lead to success, such as when a former central committee member appealed to his superior to not kill all the former soldiers of Lon Nol, as they too had been soldiers during the civil war, even if for the opposing side; these people were then not executed, but exiled to another commune instead.

This taps into the discussion briefly touched upon above about *chhlop* units, which had a degree of discretion as to whether to aggressively pursue any and every misdemeanour that came to their attention, or whether to ignore it as a bagatelle. The decision of not reporting on people (and it can only be seen as a conscious decision on whether to seize this opportunity or not) had very real consequences for the potential victim, meaning the difference between life and death. Other local leaders allowed people who had been on arrest lists elsewhere to flee and to hide in their communes or villages, or re-integrate them without asking them any questions about their past or the mistakes they may have committed.

A relatively simple act of resistance within the regime was to save people by excusing their actions or vouching for them to *Ángkar* when they were being investigated or were suspected of being enemies of the revolution. The same former central committee member reports that he was able to have several accused people released again by emphasizing to the arresting group how helpful they had been to *Ángkar* in the past – for instance, by housing members of *Ángkar* or injured soldiers during the civil war. A former chief of a female unit told me that 'if they worked slowly [because they were ill], they were accused of being lazy. I could defend them and say they were doing their best – I could save them.'⁴³ Having said this, she did, however, go on to say that on occasion she would cease to defend them if she thought it would lead to accusations against her. Another interviewee, a former soldier and militiaman, was himself accused of moral misconduct for meeting up with a girl whom he knew from home; as he had been arrested and was being marched to be executed, his own wife vouched for him, and given her position as a Khmer Rouge chief in charge of a hand-craft and vegetable growing unit, she had the right to guarantee for him and thus saved him. He in turn vouched for his nephew when he was accused of being Vietnamese towards the end of the regime. When Khmer Rouge cadres from other areas came to investigate certain potential enemies, the various people, mostly cadres, they asked in the course of their investigations wielded great power over life and death.

⁴³ This interview was not recorded, but detailed notes were taken; thus, nuances in phrasing may diverge slightly from the original.

One former village chief maintains that he felt compelled to rule that any allegation of suspicion was true, lest he himself be accused of being associated with the potential enemy. Conversely, he also claims to have saved three people's lives by denying their guilt to the outsiders. In another village, none of the villagers accused each other at all, even if it was common knowledge that individuals among them had been Lon Nol soldiers. Given the outsiders' lack of local knowledge, these people were then spared.

Other acts of resistance included warning people who constituted potential enemies, such as former officials of the Lon Nol administration, about the dangers of the new regime, and how to best navigate the transition during the evacuation of Phnom Penh or telling people to flee when they were expected to be killed. Further, one former commune chief describes destroying an arrest list, saving the people on it: 'They listed down names by asking people who had done what [under the former regime ...]. But I destroyed it during that time. I got that book of name lists. But they only had the names but hadn't arrested them yet.'

Some more subtle forms of resistance were also described to me. For example, a former chief of a female unit allowed members of her unit to forage and fish, so that they could supplement the meagre rations granted to them. Others, in relative positions of power in units requested that individuals be assigned to their own unit, so that they would not be assigned to other, more dangerous units, or units with more suspicious leaders. Furthermore, one former messenger took notes of his experiences within the Khmer Rouge on scraps of paper during the regime and hid these, even though this was highly dangerous and would have resulted in his execution. After the fall of the regime, he then collated the notes with his own memories into a thematically sorted collection, a 71-page notebook which he also shared with me.

Lastly, some of my interviewees at various points were suspected or accused of being enemies, or of having committed 'mistakes' and then arrested and imprisoned. They describe former comrades giving them food or cigarettes secretly while they were in prison, and being helped by others who were powerful and had shared family bonds, or who had been impressed with their previous work ethic.

Former Khmer Rouge Self-Representations: the Universal Victim

As mentioned above, it is characteristic across various cases for individual perpetrators to deny labels of 'perpetrator' and minimize their own agency, as well as for some to highlight their acts of rescuing. However, some former Khmer Rouge went further than this and presented themselves as victims of the system of which they a part. One former guard explicitly says 'I guarded the prison and I suffered too'. These claims are more easily put forward in the Cambodian context because there was no clear demarcation of the outgroup through ethnic or racial markers, as in other cases. While

ethnic minorities were specifically targeted, the majority of victims came from the ethnic Khmer majority and potentially anyone could become a victim. The claims to victimhood made by former Khmer Rouge were sometimes explicit, although more often implicit, by their referring to their experiences as fulfilling the same categories that other victims refer to in outlining their victimhood.⁴⁴

The most common claim to victimhood by former Khmer Rouge is that they lost family members during the regime, and this is an argument that is pervasive across almost all interviews. For example, a former office guard told me 'I am also the victim because they arrested my uncles'. This is unsurprising given that around one quarter of the population were killed across the entire country, comprising all ethnic groups and all social strata – albeit to varying degrees along all these dimensions. In this aspect, therefore, former Khmer Rouge differ in no way from their non-cadre compatriots. As many cadres were actually re-assigned to work in other areas, their home communities are not acutely aware of what kinds of tasks they had been involved with, but do strongly perceive the very visible absence of the lost family members in the community, facilitating a common victimhood of all despite their different roles during the Khmer Rouge period.

Another omnipresent claim to victimhood is that the cadres, like the rest of the population, were 'fearful for their security,' meaning that they feared that at any moment they, too, could be suspected of being an internal enemy, arrested and killed. This threat was highly credible, and indeed many Khmer Rouge were arrested, interned and killed, either as part of wider purges of whole units, e.g. in the Eastern Zone, or for their own 'treacherous' behaviour, although – as with the rest of the community – any minor infraction could suffice. For example, one of my interviewees explained that, in the security centre where he worked as a guard, of the 200 staff only 50-60 survived the regime. Several of my interviewees themselves were arrested at some point and they all feared that this would lead to their executions.

Finally, and more banally, Khmer Rouge cadres also suffered from many of the same 'everyday' problems as the rest of the population: there was not enough food; the food that they did receive had little nutritious value; and they felt constantly overworked and tired, leading to perpetual exhaustion. A former soldier explained that 'the most difficult thing during the regime led by Pol Pot and Khieu Samphan was overwork. We worked not only during the day but also at night. We slept less and worked hard.' This exhaustion, combined with a fear of being suspected of being an internal enemy for not working hard enough, led to strong degrees of persistent anxiety and insecurity.

44 For a broader discussion of victimhood claims of former Khmer Rouge, see Bernath; Meng-Try Ea and Sorya Sim, *Victims and Perpetrators? Testimony of Young Khmer Rouge Comrades* (Phnom Penh: Documentation Center of Cambodia, 2001); Manning, 'Reconciliation and Perpetrator Memories in Cambodia'; Timothy Williams, 'Perpetrator-Victims.'

One absence in the arguments made for victimhood is noteworthy: while many of my interviewees were children when they were recruited into the Khmer Rouge, and were thus child perpetrators (to use the term ‘child soldiers’ more applicably here), no-one refers to this as part of their narratives of victimhood. This is probably due to the fact that children in the entire country were engaged in forced labour, meaning that it does not seem noteworthy to them that they were recruited to the Khmer Rouge *as children*.

By presenting these many different experiences under the Khmer Rouge, former cadres equate their own experiences with those of non-cadres and implicitly claim victimhood for themselves. While this claim to victimhood conceptually does not undermine their possibility of being perpetrators, this is suggested discursively.

What Does This Mean for Agency and Culpability?

The actions that these former Khmer Rouge engaged in and their self-representations allow us to reflect on some issues regarding the degree of agency they possessed, and what consequences this could have for the culpability associated with their actions. Approaching these former Khmer Rouge through a framework of agency, understood as the fundamental capacity to act in a self-directed manner, allows us to gauge something of the conflict dynamics at the time, to think about alternative pathways for action, and to feed these thoughts into prevention attempts. A useful differentiation is between ‘strategic’ and ‘tactical’ agency, developed particularly for the case of child soldiers. Strategic agency is ‘based on a position of power in which longer-term decisions are taken based on planning and a degree of control over one’s circumstances,’ while tactical agency refers to ‘short term choices moment to moment, day to day, including moral and immoral choices about the lives of others’ within highly structured and constraining organizations and the instability of a conflict setting.⁴⁵

It is without question that the context within which these former Khmer Rouge cadres were acting was extremely constrained in terms of *strategic* agency, as they were low down in the hierarchy and had no capacity to change policy. However, as demonstrated above, within the allocation of responsibilities, individuals and units did have a certain degree of *tactical* agency, particularly regarding whether they reported anti-revolutionary behaviour or not, and to what degree they then pursued it and augmented its significance. Anything could be interpreted as ‘anti-revolutionary’ and thus any individual could be construed as an internal enemy – be it for something as banal as breaking a hoe while working, or picking up grass or a wild potato from the ground and eating it outside of communal eating. Some *chhlop* would reprimand

⁴⁵ Baines, pp. 179–80; see also Alcinda Honwana, *Child Soldiers in Africa* (Philadelphia: University of Pennsylvania Press, 2007).

the people doing this, or turn a blind eye; others, however, would take this further by defining the act as anti-revolutionary, and subsequently arresting or killing the person charged with the offence. Even tactical agency became considerably constrained when Khmer Rouge had been ordered to arrest someone, because by this point the person had already been defined as an enemy. If, at this point, the unit refused to arrest the person, then they themselves would possibly be accused of being enemies. Within these units, then came the question of who actually did the deed, and social dynamics within the group differed from unit to unit. One example of how the killing action was divided between cadres was told to me by one former district militiaman:

They ordered our group to arrest and kill people. If we could avoid the killing, we could stay as a member and this was also okay. Those who volunteered to kill, would be promoted. I could avoid the killing for the entire regime. I arrested people but I never killed them. Whoever wanted to kill, they could kill. They wanted to get higher positions so they killed. I successfully avoided killing. [...] This is what I honestly told you, during those years serving during the Pol Pot regime, I kept my hands clean without blood.

Nonetheless, this same former militiaman remembers that when he joined the group he believed there would be pressure put on him to kill some victims, and he thought:

one day it would be my turn [to kill]. And what could I do? Then I thought I would deal with it when it arrives. It was because I was also an educated person. If there was coercion, I would deal with it based on the situation.

By contrast, it appears that in the killing units in security centres it was expected that every member would participate, and that together they would then also carry out the other tasks, such as burying the victims in mass graves. The killing at security centres often took on a very routinized form, with as many as one hundred people being delivered from the holding cells, then being killed one after another and thrown into pits which had already been prepared.

Another facet that takes on particular prominence in the case of Cambodia is the fact that, as many of the Khmer Rouge were child cadres, they had even more constrained capacities to act in a self-determined way. Jeff McMahan argues that one should think of child soldiers as 'people who have a diminished capacity for morally responsible agency and who act in conditions that further diminish their personal responsibility for their actions in war',⁴⁶ even arguing that this precludes the legitimacy of fighting against them. While the fact that the Khmer Rouge pursued an explicit

46 Jeff McMahan, 'Child Soldiers: The Ethical Perspective', in *Child Soldiers in the Age of Fractured States*, ed. by Scott Gates and Simon Reich (Pittsburgh, PA: University of Pittsburgh Press, 2010), p. 34.

policy of recruiting young children as cadres in order to be able to better indoctrinate them, and ensure that they were not already 'corrupted' by the prior regime's ideology, this is discussed very little in the literature on Khmer Rouge cadres.⁴⁷ One victim, a civil party at the tribunal whom I interviewed, explained:

During the Pol Pot regime, the *chhlop* units were so small and the same size as me and they were around thirteen or fourteen years old; when they carried guns, it looked like they dragged their guns on the ground. It wasn't big or old people who killed us; they were so cruel and fierce like a cobra.

This quote demonstrates how the capacity of children to act in cruel ways is portrayed as not being diminished, and suggests a stronger degree of agency. Despite this potential for diminished responsibility for their actions, none of the interviewees used their status as children as an exculpatory strategy to reduce their agency. Furthermore, even the child cadres engaged in acts of rescue, demonstrating that they indeed *did* possess agency (at least to some degree) in various situations.

It is important to emphasize that the context within which agency became more or less constrained was affected by strong spatial and temporal variation. Thus, spatially, due to a very hierarchical structure similar to the patronage networks common to Cambodia previous to the regime (and since), low-level cadres were very much dependent on their direct superiors in terms of how they were expected to act and what degree of constraints their agency faced. This could vary at the lowest level geographically, but also at the highest level. Certain zones of the country were considerably more coercive towards cadres than others, constraining the agency of the individuals within those spaces. One could even go as far as to say that agency in general plays a secondary role in Cambodia, given that most social relations are embedded in strong hierarchies in which obedience is given highest precedence; this manifests itself most commonly in the form of strong patron-client networks. Consequently, it could be said that *culturally* there is less propensity to perceive of oneself as having self-determined capacity to act, but that one is seen as the extension of the patron's will in order not to lose access to protection and resources within these patron-client networks.⁴⁸ Nonetheless, the examples above show that individuals do from time to time indeed break out of these expectations, demonstrating a degree of agency.

Temporally, there was also a strong degree of variation regarding the agency individuals had. First, during the civil war period from 1970 to 1975, the Khmer Rouge only had partial control over parts of the country, considerably restricting the coercive potential of the organization, as too much coercion would have led to defections.

47 A welcome addition to the topic is a recent temporary exhibition "The Children of *Ângkar*" at Tuol Sleng Genocide Museum.

48 I am grateful to Kristina Chhim for these insights, personal correspondence in February 2018, Phnom Penh.

As the regime took power in April 1975, the potential for constraining cadre agency increased and over time, more and more control was indeed exerted over the entire population, including the organization of the Khmer Rouge itself. Second, at a more micro-temporal level, constraints to agency could vary from each individual situation to the next, depending on what other people were there, the time of day, and so on. As such, enabling opportunities for agency arose, often spontaneously, and could be seized, and it is here that the moral repercussions for the individual responsibility of cadres are most prominent. This is of particular import, as often resistance appears to primarily have occurred when it presented little or no actual danger to the individuals themselves.⁴⁹

Conclusion

The self-representations of former Khmer Rouge that have been discussed here show a high degree of diversity; critically, however, these individuals do not represent themselves as perpetrators. They do implicitly admit to many of the actions that they engaged in, but at the same time there is a marked attempt to distance themselves from the label of ‘perpetrator.’ Moreover, there is a clear attempt to minimize their agency by emphasizing the coercive environment, as well as that they were not really part of the system (not *Ángkar*) or not part of the violence (division of labour). Instead, almost all of these former low-level cadres implicitly or explicitly represent themselves as victims, albeit drawing on different categories to sustain this claim. Given common binary assumptions about innocence and guilt, a victim is often portrayed to have “had neither real choice nor agency, and is thus blameless, allowing him or her to retain moral rectitude.”⁵⁰ Furthermore, some former Khmer Rouge go further yet and highlight their actions of rescue and resistance.

This distancing from the perpetrator label and denying culpability for their actions, as well as claims to victimhood and rescue, are not surprising in an attempt to psychologically cope with one’s past actions. Indeed, these self-representations “are developed in order to keep intact their sense of self,”⁵¹ as is not atypical for other cases. What is interesting about these ‘grey zones’ in self-representation, and surprising about the Cambodian context, is that the self-representations of former Khmer Rouge are also perpetuated and strengthened by societal discourses, with their

49 Ultimately, of my interviewees no one refused orders, otherwise they would probably have been killed. This may constitute a slight bias to my sample, as anyone who did exert more agency in defying orders is likely to have been killed – and thus not part of my sample group.

50 Paul Williams, *Memorial Museums: The Global Rush to Commemorate Atrocities* (Oxford: Berg, 2007).

51 Stephanie Rauch, “I was a good German”: Agency, Identity and Justice in Oral History Interviews from the Perpetrator Side,’ Paper presented at the conference *Representing Perpetrators of Mass Violence*, Utrecht University, September 2016.

claims to victimhood being broadly accepted in society and reinforced by the legal mechanisms of the ECCC. This in turn has the consequence that – while possibly undermining justice – these self-representations have significantly facilitated reconciliation within the country, as has been discussed in more depth elsewhere.⁵²

Ultimately, the various roles that low-level cadres fulfilled during the Khmer Rouge regime all contributed (albeit to starkly differing degrees) to constituting and reinforcing the system of oppression and violence. Not all actions have equal connotations regarding responsibility and culpability. Even the same actions can potentially have different connotations at different times, depending on the level of agency we attribute to the individual at that moment. This article has sought to dive into this nexus of action and agency within the context of former Khmer Rouge cadres by discussing the perspective the former Khmer Rouge have on themselves pertaining to their agency during the violence, how they used it, and what consequences this has for their self-perceptions and, ultimately, self-representations. It is a limited perspective from the acting individuals themselves, but it is an important stone in the mosaic of understanding violence dynamics, and the perceived and actual possibilities for agency of the individuals involved in these situations.

52 Timothy Williams, 'Perpetrator-Victims.'

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