

terrorist measures as much to stifle domestic dissent against their autocratic rulers as to combat terrorism.

A further weakness of the book is Rehman's inability to offer a full explanation of what he believes are the root causes of terrorism directed against Western interests originating in Muslim-majority countries. While he makes well-supported arguments that classical Islamic law and Islamic state practices both concord with mainstream international opinion on the terrorism issue, he does not adequately provide alternative rationales for why groups that define themselves as Islamic commit acts of terrorism. Rehman only suggests that certain American policies since 9/11 have exacerbated tensions between citizens of Islamic states and Western nations by undermining the human rights of Muslims throughout the world. He further mentions that socioeconomic factors and authoritarian policies are additional reasons why some Islamic states are fertile breeding grounds for terrorists, but Rehman never completely develops either of these assertions.

Despite these shortcomings, the book provides a comprehensive overview of two very relevant issues, namely: 1) the position of classical Islamic law toward terrorism and international law, and 2) Islamic state practices regarding terrorist activities. As one of a handful of texts that does justice to the complexities of the subjects present in this discourse, *Islamic State Practices, International Law and the Threat from Terrorism* offers a much-needed challenge to commonly held views regarding Islam's relationship with terrorism.

The Pinochet Effect: Transnational Justice in the Age of Human Rights. By Naomi Roht-Arriaza. Philadelphia: University of Pennsylvania Press, 2005. Pp. xiii, 256. Price: \$55.00 (Hardcover). Reviewed by Zachary D. Kaufman.

Naomi Roht-Arriaza, a professor at the University of California's Hastings College of Law, spent part of her childhood in Chile, and has since devoted much of her career to studying the country's tortured history. Roht-Arriaza has published before on the horrendous leadership of the late General Augusto Pinochet; her previous work has considered the intricacy and legacy of efforts to hold Pinochet accountable under the principle of universal jurisdiction.

In her book, *The Pinochet Effect: Transnational Justice in the Age of Human Rights*, Roht-Arriaza expands the scope of her research and reflections on the former dictator of Chile. During Pinochet's seventeen-year rule, Roht-Arriaza reports, "some five thousand people were killed, over a thousand detained and disappeared, tens of thousands were imprisoned and tortured or forced into exile" (p. vii). As Roht-Arriaza details with exceptional clarity and sensitivity, the effort to bring Pinochet to justice set an important precedent in international law and politics: leaders who committed crimes while in office could no longer shield themselves from prosecution behind the protection of sovereign immunity.

Roht-Arriaza tells a story that takes us all over the world—from the London Clinic where Pinochet was arrested on October 16, 1998, while recuperating after back surgery, to Spain, Belgium, the Netherlands, the former Yugoslavia, Chile, Argentina, Guatemala, Mexico, Chad, Senegal, Rwanda, South Africa, and the United States. Her narrative explores fascinating and often little-understood institutions like Scotland Yard, the European Court of Human Rights, the Inter-American Commission on Human Rights, the International Criminal Court (ICC), the International Court of Justice, the U.N. International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY), the U.N. Human Rights Commission (now the U.N. Human Rights Council), and Amnesty International. This account highlights, Roht-Arriaza argues, the “tenacity and ingenuity” (p. xiii) of “broad coalitions” (p. 208) of key individuals—such as Desmond Tutu, the Dalai Lama, and Baltazar Garzón, a Spanish investigating judge—to whom she refers as “norm entrepreneurs” (p. 215), invoking political science scholarship. Roht-Arriaza’s book alternately reads like a graduate-level introduction to international relations and international law, a history of recent atrocities in the Southern Cone, and a John le Carré thriller.

Roht-Arriaza’s expertise transcends the book’s primary focus on human rights, international criminal law, and international humanitarian law to include global and local environmental law and policy. Whereas many scholars and activists concerned with atrocities often treat their subject with too narrow a focus on law (to the detriment of ignoring politics, economics, and culture), Roht-Arriaza draws upon her interdisciplinary background to observe that issues of post-conflict justice “implicate our ideas about expiation of sin, reconciliation, forgiveness, and judgment” and involve political pragmatism, limited resources, the complications of writing history, the need for healing, calls for accountability, and the often competing demands for truth and justice (p. xi).

That said, Roht-Arriaza readily reveals her agenda: she urges legalistic solutions to massive crimes (p. xi), a viewpoint with which many, particularly lawyers and law professors, agree. This perspective pervades the book, sometimes at the expense of considering the non-legalistic issues, values, and objectives that she herself acknowledges are at play. Roht-Arriaza occasionally neglects to examine the benefits of non-judicial institutions, such as truth commissions, that many other scholars and practitioners believe can be as effective as—if not more so than—prosecutorial mechanisms in promoting post-conflict justice. Perhaps self-conscious of this criticism, Roht-Arriaza does acknowledge that transnational prosecutions “will never be the only mechanism for achieving justice. But they are one piece of the emerging architecture, an architecture with a number of pillars” (p. 198).

The penultimate chapter of the book discusses the legal legacy of Pinochet. Although Roht-Arriaza illustrates interconnections between efforts to bring Pinochet (and other Latin American dictators) to justice and a growing network of institutions and individuals, she neglects to mention one of the most obvious relationships. The first chief prosecutor of the ICC, Luis Moreno-Ocampo, was elected to his position in large part because of his role

from 1984 to 1992 in prosecuting senior officers of the Argentine junta (1976-83)—a regime Roht-Arriaza herself points out was deeply intertwined with Pinochet's.

In this chapter, Roht-Arriaza succeeds where some other human rights advocates and scholars fail: she acknowledges the reality constraining efforts to bring suspected atrocity perpetrators to justice. In reviewing a number of cases (some of which were unresolved at the time of publication) that “seemed to be natural extensions of the *Pinochet* precedent,” Roht-Arriaza describes how these cases would “come up against the political and legal limits of prosecution based on universal jurisdiction” (p. 170). For only if we address the limitations Roht-Arriaza identifies—such as the potential for politically-motivated or frivolous cases and the inherent diplomatic, legal, and logistical challenges in coordinating transnational judicial efforts (especially those against sitting heads of state or directed against uncooperative countries)—will we be able to build mechanisms that effectively promote truth, justice, and peace.

However, Roht-Arriaza fails to acknowledge just how complicated the picture truly is, in part because she seems to be biased by her own preferences. For example, Roht-Arriaza criticizes the ICTY and the ICTR, which are located, respectively, in The Hague and Arusha, Tanzania, for “being far, geographically and culturally, from their ‘target’ populations” (p. 203). She also criticizes these tribunals for a lack of publicity about their proceedings—which are often long, technical, and otherwise difficult for average people, including victims, to understand. Roht-Arriaza does not concede that the exact same criticisms could be made of cases tried on another continent under universal jurisdiction or in The Hague by the ICC. As another example, Roht-Arriaza makes no secret of her support for the ICC, even if she proposes that it merely supplement and “jumpstart” domestic and transnational accountability mechanisms (pp. 198-202). However, the ICC has been severely criticized by humanitarian organizations, such as Oxfam, for prioritizing international prosecution over peace efforts and local reconciliation processes, especially in northern Uganda, one of its first three cases. Roht-Arriaza again leaves these significant concerns unaddressed.

Roht-Arriaza also overstates acceptance of the legacy of litigation efforts against Pinochet. She claims that the “*Pinochet* cases established the legitimacy of transnational prosecutions based on both universal and passive personality jurisdiction” (p. 197). Many would disagree with that assertion. Despite the fact that the U.S. government itself permits a form of universal jurisdiction through cases brought under its Alien Tort Statute, as Roht-Arriaza points out, the U.S. government—like many other governments, including the governments of Israel and Sudan—is driven largely by self-interest in opposing the universal jurisdiction of other states. After all, as a result of the U.S.-led wars against Iraq in 1991 and 2003, several current and former U.S. officials, including former president George H. W. Bush, current Vice President Richard Cheney, and former Secretary of State Colin Powell, were sued in Belgium for alleged war crimes. In response, the U.S. threatened to withdraw NATO headquarters from Belgium, which subsequently reacted

by amending its laws effectively to bar such cases (p. 190). Roht-Arriaza also mentions, without explanation, U.S. opposition to the ICC (p. 198). The legitimacy of the *Pinochet* precedent is certainly not as widely held as Roht-Arriaza would suggest.

The controversial and complex principle of universal jurisdiction will remain a subject of discussion, largely because it is already so widely codified in domestic laws. As Roht-Arriaza points out, more than 120 countries have universal jurisdiction provisions (p. 192). Many policymakers, scholars, activists, and victims are desperate to try any innovative tool to bring alleged atrocity perpetrators to justice. If we are to believe Roht-Arriaza, the *Pinochet* case heralds a new “age of human rights”—one with the hope that universal jurisdiction will effectively deter and hold accountable those who follow in the blood-soaked footsteps of Chile’s former dictator.

Skeptics may assert, however, that the *Pinochet* case is yet another example of sovereign impunity for atrocities, as Pinochet ultimately returned to live out his life in his home country under the relatively mild penalty of house arrest. Furthermore, many other alleged atrocity perpetrators all over the world, from Sudan to the Democratic Republic of Congo to Uganda and elsewhere, have yet to be brought to justice. The subtitle of Roht-Arriaza’s book thus begs the question of whether we are, in fact, in an age of human rights. The *Pinochet* case may merely portend some foreign travel annoyance for certain current and former officials. The advent of universal jurisdiction and the ICC may be promising, but they are no panacea for the many problems—legal, political, cultural, economic, moral, logistical—of cases like Pinochet’s that Roht-Arriaza explores.

Roht-Arriaza’s book could not be more timely. Pinochet died on December 10, 2006, ironically the annual “International Human Rights Day,” which commemorates the December 10, 1942, adoption of the Universal Declaration of Human Rights. He ultimately succumbed to his health problems, suffering a fatal heart attack, and therefore escaping efforts to hold him accountable in the same way Slobodan Milošević recently did. Roht-Arriaza’s book would benefit from a revised edition in which she reflected upon the significance and impact of Pinochet’s death for transitional justice generally and Chile, in particular—including the impact on the country’s recent economic success, which many credit to Pinochet’s free-market policies.

Roht-Arriaza is a rare—and refreshing—blend of idealist and realist, willing to identify many (but not all) of the theoretical and practical weaknesses of the very ideas and institutions she champions. Her scholarship adds great value to the expanding literature on transitional justice, although it does not satisfactorily address some of the inherent problems and tensions in this emerging field.