

forthcoming to aid an individual's right to informational self-determination in the age of ubiquitous algorithms. They see it as a David and Goliath battle. As inspiring as this take may be, their proposal nevertheless provides few practical solutions. However, as the title of the volume reminds the reader, this is not a legal textbook, but an exploration of the meeting of the philosophies of law and technology.

One weakness of the volume may be the lack of definition of what exactly is meant by its sweeping subtitle, as neither branch of philosophy is ever explained. That said, while there can be no expectation that the anthology should offer a comprehensive mapping of each of the topics surveyed, its contributors do a fine job of weaving in scholarship relevant to their observations and arguments. Katja de Vries notes in her introductory chapter that all of the contributors refreshingly reject data minimisation as the long preferred panacea to the many problems associated with data processing, recognising that the ambition to control all unforeseen future uses of data may be a legislative fantasy. Instead, the authors point to the uncomfortable truth that, in the fields of technology, privacy and data protection, law and reality often diverge.

The volume could do with slightly fewer nods to the previous work of one of its editors, which make certain sections appear almost as a digest of material published elsewhere. It is perhaps most significant that the contributors do not adopt a unified philosophical view. Instead, they explore a myriad of incremental solutions to the problems they have identified. All of these may be feasible to some extent, but none clearly pave a new direction for the development of data protection and privacy law. The lack of dogmatic faith in one answer is indeed one of the volume's core strengths, as the provocations in the chapters themselves should suffice to stir up debate. Although there is a danger that the technical landscape described may soon be outdated, the authors pose enough fundamental questions that the volume merits being consulted in any future legislative reforms.

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Transitional Justice in Latin America: The Uneven Road from Impunity towards Accountability. By ELIN SKAAR, JEMIMA GARCÍA-GODOS and CATH COLLINS (eds.) [Abingdon: Routledge, 2016. 318 pp. Hardback £85.00. ISBN 978-1-138-85324-9.]

The development of a distinct field of transitional justice has been followed by interest in evaluating the effectiveness of its measures. This mounting attention has sparked many research projects devoted to determining whether measures implemented to respond to grave human rights violations (criminal trials, truth-finding institutions, amnesties, reparation programmes) have worked and what is the best combination and sequence of measures. Hitherto, most such projects either collected limited evidence of a large number of countries or concentrated in depth on the success or failure of a specific case. *Transitional Justice in Latin America* attempts to bridge that gap by examining the impact of policies adopted to deal with human rights violations in nine Latin American countries. The limited number of cases allows for a more nuanced analysis of the transitional justice trajectory of each country while the sample is large enough to draw meaningful comparisons. Impunity is the benchmark against which the transitional justice performance of these Latin American countries is measured. The authors of the nine country studies have

been asked to evaluate to what extent the implementation of prosecutions, truth-finding mechanisms, reparations programmes and amnesties has achieved accountability in the country in question.

The point of departure of the book is the shift from impunity to different degrees of accountability that has taken place in Latin American countries over the last 20 years. The book is an attempt to explain that shift by comparing the trajectory in nine countries in the region. While most studies that aim at measuring the impact of transitional justice focus on broader societal goals such as democracy, peace or the rule of law, the book concentrates on the more immediate goal of accountability.

The editors focus on Latin America for two reasons. First, the region has been very influential in the development of transitional justice as a field. Secondly, Latin America offers a good balance of difference and similarity between countries that lends itself to meaningful comparative analysis. The nine case studies are divided into three clusters according to their historical background: those in which democracy has replaced dictatorial regimes (Argentina, Brazil, Chile, Paraguay and Uruguay); those that have experienced an internal armed conflict (El Salvador, Guatemala and Peru); and the one in which the conflict is still ongoing (Colombia).

After introducing the book, the editors devote a chapter to setting out the scope of the book and explaining the common framework used to measure the impact that transitional justice measures have had on accountability in the different case studies. The editors define accountability as “an explicit acknowledgement by the state that grave human rights violations have taken place and that the state was involved in or responsible for them”. They conceive of accountability and impunity as ideal types with a continuum stretching between them. Full accountability would mean the most complete level of repudiation of past human rights violations, while complete impunity would include silence or denial of past atrocities.

The editors tasked the authors of the case studies with locating the countries on the spectrum both in terms of each individual mechanism (prosecution, truth-seeking, reparations and overcoming amnesties) and the assessment of the combined effect of all transitional justice mechanisms. The authors had to rank them on a scale from 0 to 10. They also took into account the impact on accountability of contextual factors, such as government policies, configurations of power, institutional design and prevailing norms. The level of accountability was also traced diachronically from the date of the transition until the end of 2014. This analysis shows that there has been a general movement in Latin America towards the accountability end of the spectrum.

Among post-dictatorial cases, countries display varying degrees of progress in achieving accountability. Argentina and Chile are the countries that have scored the highest due to their comprehensive transitional justice policies. Argentina is considered the most successful example because of its extensive prosecutions, despite persistent difficulties in exposing the role of economic actors in the crimes of the 1976–83 dictatorship, providing adequate support to witnesses and victims, and mainstreaming a gender perspective. Uruguay has a mixed score sheet with progress in all areas but still failing to carry out widespread prosecutions for human rights violations. Paraguay and Brazil are ranked as the least successful. While the former shows lack of progress in all areas, the latter has implemented adequate reparations programmes but has failed to overturn the amnesty.

Peru is considered the most successful post-conflict case, with a commended truth commission, substantial reparations and some prosecutions. However, Peru is a unique case because the end of the armed conflict coincided with the end of the Fujimori dictatorial regime. This dual transition enabled the new democratic regime

to implement a more robust response to the human rights violations that took place during the conflict. In contrast, following the end of their conflicts and despite support from the United Nations, Guatemala and El Salvador have not been able to make much progress in transitional justice, especially regarding prosecutions. Colombia stands alone as the only country in which transitional justice policies were implemented before the end of the conflict. Despite the difficult context, the author considers that Colombia has been reasonably successful in combating impunity.

In the last chapter, the editors draw together the insights of the individual case studies using the framework developed at the beginning. In general, they conclude that there has been a trend towards more accountability in Latin America, especially from the turn of the millennium. While no country was able to achieve significant accountability in all areas at the time of the transition, they have all made some progress since. By the end of 2014, all countries had implemented three or more transitional justice measures. The editors conclude that the shift towards accountability has been prompted by more favourable political preferences, the changing role of the military in the region, the existence of an independent and qualified judiciary, and the positive influence of the Inter-American Court for Human Rights.

This edited book offers a comprehensive and up-to-date survey of transitional justice developments in Latin America. The sample of countries covers the most influential cases in the region, such as Argentina, Chile, Colombia and Guatemala, as well as other less known ones. This combination adds significantly to the appeal of the book. While the case studies of paradigmatic countries are useful because they include the latest developments, those of less studied countries, such as Paraguay and Brazil, offer an insight into little known transitional justice experiences. Another commendable feature of the book is that it takes into account the impact and quality of transitional justice measures, rather than focusing merely on their existence. This allows for a more nuanced analysis of the progress made towards achieving accountability.

The case studies are well researched and clearly written. The individual authors succeed in providing self-contained country studies that give an outline of the historical background to the violence, describe the process of the transition and examine the different transitional justice measures implemented across time. The case studies are thus a useful source of comprehensive information on transitional justice in the region. Furthermore, the editors succeed in drawing the individual country studies together in the introductory chapters and the conclusion. The comparative framework they develop to assess how four transitional justice measures (prosecutions, truth-finding, reparations and amnesties) have contributed to accountability in each country helps to give coherence and a sense of purpose to the whole volume.

The individual chapters reveal interesting similarities in the experiences of different Latin American countries. Human rights non-governmental organisations appear as crucial actors for mobilising victims and pressuring the governments to adopt and support transitional justice measures. The existence of a vigorous and autonomous human rights movement seems an important factor to explain high levels of accountability. Similarly, reforming the judiciary to have independent and technically qualified professionals would make successful prosecutions more likely. Another noteworthy insight, given that no country exists in a vacuum, is into the ways in which regional and international law developments have influenced how individual countries have dealt with the past violations human rights. In particular, the jurisprudence of the Inter-American Court of Human Rights has played a key role in prompting states to repeal amnesty laws, carry out prosecutions and provide reparations for victims.

While the framework of the book allows for the comparison of the trajectories of different countries, it also precludes engagement with other forms of transitional justice. Some questions of dealing with past violations, such as addressing land dispossession, which is critical in the context of Colombia, are not included in the study because they do not fall squarely within one of the four measures. Among the measures included, amnesty appears as the odd one out. Although it is considered a transitional justice measure, it is negatively assessed as a hurdle that needs to be overcome to achieve accountability. The potential of amnesties to bring combatants to the negotiating table or to induce people to come forward with information about the violations is not taken into account. This is perhaps inevitable given the book's focus on accountability as the goal of transitional justice.

The choice of accountability as the benchmark for success presents another potential difficulty. The contribution of transitional justice measures to larger goals such as peace, reconciliation or democracy may be harder to assess, but limiting the analysis of transitional justice to its impact on accountability risks abstracting these measures from the wider social function they are meant to perform. More importantly, the focus on accountability can serve to elide difficult questions. Having more transitional justice mechanisms would certainly promote accountability but, depending on the circumstances, this might also undermine peace, democracy or the rule of law. An exclusive focus on accountability would not be helpful to decide whether the costs of transitional justice outweigh the benefits. By way of example, in the book, Chile and Uruguay do not score that well in overcoming amnesties because their judiciaries have not declared the amnesty laws null and void, and have only prosecuted those crimes excluded from them. While, from an accountability point of view, more prosecutions would be better, in refusing to disregard the amnesty laws, the judges could be trying to avoid undermining the rule of law and fundamental principles of criminal law. This difficult balancing act is not captured by the book's framework. However, the book cannot possibly measure all goals of transitional justice measures and all comparative exercises necessitate some simplification.

Transitional Justice in Latin America: The Uneven Road from Impunity towards Accountability is an important contribution to the literature on the impact of transitional justice measures, especially for its regional focus and nuanced analysis of the case studies. It is an indispensable resource for those scholars and practitioners interested in transitional justice processes in Latin America.

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The Reform of Civil Litigation. By RUPERT JACKSON [London: Thomson Reuters, 2016. xxviii + 259 pp. Paperback £79. ISBN 978-0-414-05686-2.]

On 3 November 2008, Sir Rupert Jackson was invited to conduct an inquiry into civil costs. It was an inspired choice. No one could have foreseen the enormous and sustained intellectual and practical work which that request would trigger. This short, cogent and exquisitely crafted book is the culmination of that remarkable effort. Here, Jackson, the architect of radical change, becomes the historian of the reform process and the sharp-eyed critic of the new costs system.

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