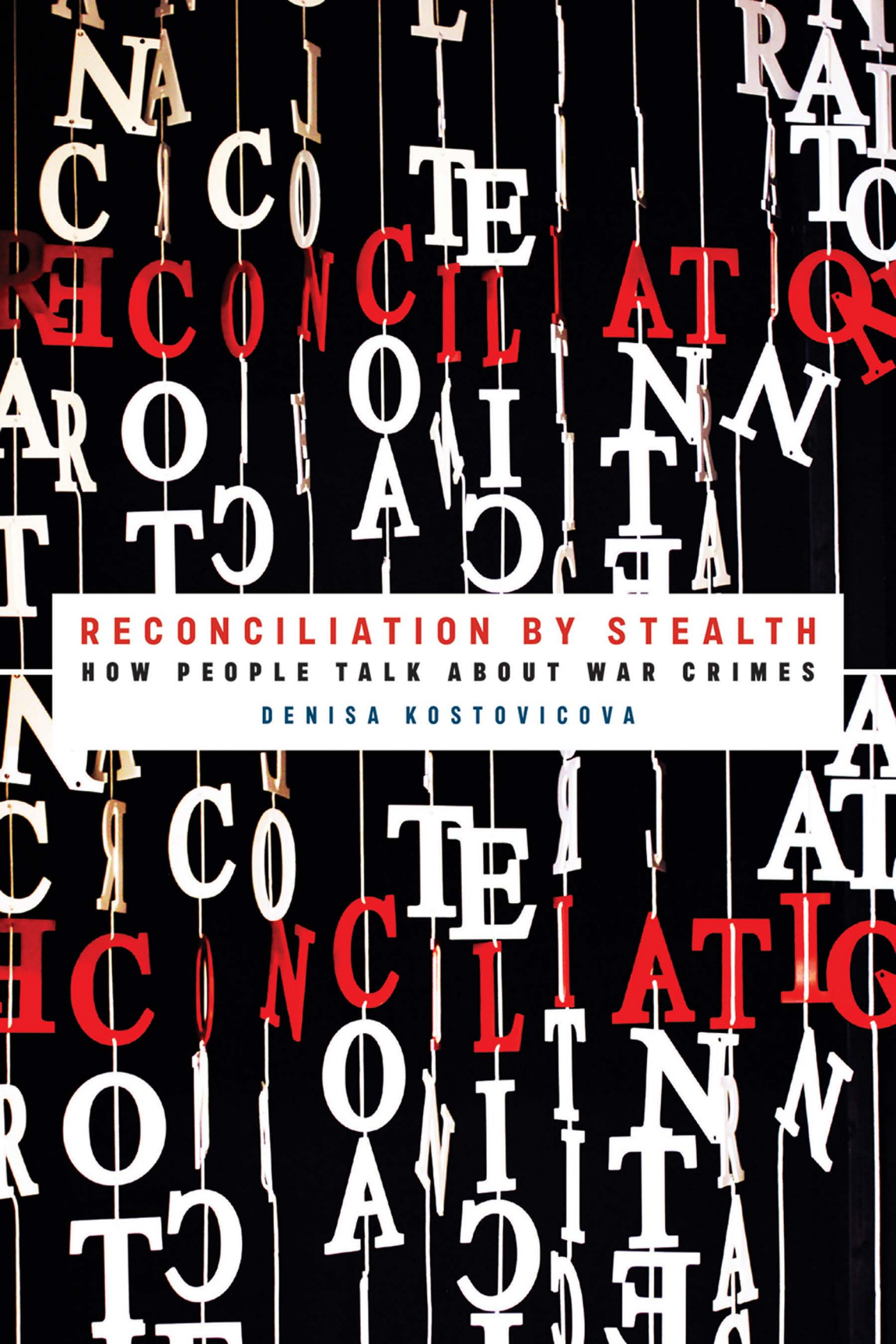
RECONCILIATION BY STEALTH
HOW PEOPLE TALK ABOUT WAR CRIMES
DENISA KOSTOVICOVA

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To those seeking justice after violence and to those helping them with their search

Contents

Acknowledgments

For a long time I had a strong urge to study whether civil communication in discussions about the painful legacy of violence is possible in the Balkans. Throughout the 1990s and early 2000s, I witnessed and researched violence in the region, which is when disagreements about the past and the future took a toll on civil communication between ethnic groups. After the violence ended, the war of words continued—in the newspapers, on TV, and later on social media. Justice for war crimes has become one of the most contentious issues in the countries that emerged from the former Yugoslavia's bloody breakup. The voices of those who denied or minimized wrongdoing prevailed. These dominant public discourses seemed to foreclose any possibility of reconciliation—I wanted to test that.

This is how I got interested in the multiethnic civil society initiative advocating for the Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia from January 1, 1991 to December 31, 2001 (RECOM), that is the subject of this book. I was drawn particularly to studying transcripts of the discussions that RECOM organized. These discussions involved people from all ethnic groups in the region, who were brought together to help design a bespoke mechanism to address their justice needs. To a researcher, the transcripts of these discussions, which RECOM made publicly available, provided an invaluable source of original data on real-life interactions in a postconflict zone. The transcripts recorded every word spoken in the RECOM consultations, amounting to millions of words—each line deserving of close attention. I am deeply grateful to the Leverhulme Trust for awarding me a Research Fellowship, which allowed me to take time out of my daily teaching and administrative duties at the London School of Economics and Political Science (LSE) and to dedicate my time to research. I immersed myself in the coding of the RECOM corpus for nearly eight months, traveling to conduct fieldwork and analyzing the data. I am also indebted to the Arts and Humanities Research Council for the grant "Art and Reconciliation: Conflict, Culture and Community," awarded jointly to the LSE, King's College London, and the University of the Arts London. This support allowed me to press on with fieldwork, analysis, and writing. In addition, I am grateful for the support I received for methods training, travel, and research

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I presented various parts of this book at many professional conferences: Association for the Study of Nationalities World Convention (New York); American Political Science Association Annual Meeting (Boston); Annual Conference of the Historical Dialogues, Justice, and Memory Network (Amsterdam); British International Studies Annual Conferences (Edinburgh, London, and Brighton); European Political Science Association Conference (Vienna); Central and East European International Studies Association-International Studies Association ISA Joint International Conference (Belgrade); Conflict Research Society Annual Conferences (Birmingham and Oxford); International Studies Association Annual Convention (Atlanta); Political Studies Association Political Methodology Group Annual Conference (University of Essex); WARM Festival (Sarajevo), and others. I thank the many discussants and audience members who asked questions and offered suggestions. Their and my colleagues' comments on various drafts and parts of the manuscript were immensely helpful to me as I refined and developed the arguments of this book. I thank Stefano Bianchini, Vesna Bojičić-Dželilović, Christine Chinkin, Marsha Henry, Anna Oltman, Mareike Schomerus, Eric Wiebelhaus-Brahm, and Reed Wood for their generous and constructive feedback. Collaboration within the "Arts and Reconciliation" project provided ample opportunity for critical and friendly exchanges. For these, I thank Tiffany Fairey, James Gow, Rachel Kerr, Paul Lowe, Milena Michalski, Nela Milić, Henry Redwood, and Ivor Sokolić. My colleagues at the European Institute made for an attentive audience. I am grateful for their intellectual curiosity, questions, and observations, including those from skeptics of deliberation.

Here I am particularly thankful to Chris Anderson, Simon Glendinning, Abby Innes, Waltraud Schelkle, and Jonathan White.

Reflexivity in the research and writing process is integral to projects addressing sensitive topics. I benefited a great deal from lively discussions with Eleanor Knott about questions related to research ethics. Comments and questions about the book by Vesna Bojičić-Dželilović and Mary Martin encouraged me to press on. Conversations and research collaborations with Mary Kaldor focused on the ambiguous role of civil society during conflict and in its aftermath were formative for my work. They revealed to me the particular significance of empirical evidence for the claims in this field, which is not only normatively contested but also highly politicized.

My engagement with policy makers helped guide my thinking about the practical challenges involving public policy approaches to reconciliation in divided postconflict societies. I thank my interlocutors working on the Balkans and on global postconflict reconstruction challenges from the European Union, the United Nations (the Department of Political and Peacebuilding Affairs and the United Nations Development Programme), and the British Parliament. Specifically, I learned from engagements with policy makers within the scope of the Balkans inquiry by the House of Lords Select Committee on International Relations. Numerous discussions with research analysts from the Foreign, Commonwealth and Development Office were especially useful.

In this book I explore ideas that were previously published in the articles "Seeking Justice in a Divided Region: Text Analysis of a Regional Civil Society Initiative in the Balkans," *International Journal of Transitional Justice* 11, no. 1 (2017): 154–75, https://doi.org/10.1093/ijtj/ijw023, and "Gender, Justice and Deliberation: Why Women Don't Influence Peacemaking," *International Studies Quarterly* 65, no. 2 (2021): 263–76, https://doi.org/10.1093/isq/sqab003, the latter of which I coauthored with Tom Paskhalis. I thank Oxford University Press for permission to reuse this material.

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all who engaged with me, even briefly, here I single out by name Nataša Kandić and Vesna Teršelić. They have been generous with their views, insights, and self-criticism. More than that, it is they who sparked my interest, back in the early 2000s before RECOM was created, in what can happen when civil society activists recognize the necessity of connecting across borders to pursue justice for all victims.

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I was not alone on this journey of research and writing. I especially thank Dave for his unwavering support, his probing engagement with my ideas and their execution, as the book became a part of our daily conversations, and, as importantly, for holding the fort when I was away. Our children's offers to help and curiosity about my work, even when too little to understand, have spurred me on all along. I am also thankful to them for not reproaching me for missing

those important school plays and sports games because of fieldwork. I am grateful to my parents-in-law, Angela and Robert, and to my parents and my brother, for their keen interest in my work and their generous help when needed, and especially to my mother for her support and for teaching me perseverance and compassion.

Note on Transliteration

All names of places in the main text are in their anglicized form. All personal names in the main text are spelled as in the original language. All place names and personal names in the notes and the bibliography are as they appear in original references.

RECONCILIATION BY STEALTH

RECONCILIATION THROUGH PUBLIC COMMUNICATION

All around me I can see people who used to look at each other across a barrel of a gun. Now they are sitting together and discussing what needs to be done so that we can move forward.

—Participant in the RECOM consultation in Macedonia, December 18, 2010

We saw the exit out of the Balkan darkness.

—Participant in RECOM consultations from Montenegro, September 2, 2016

Shoes were all Lush Krasniqi found at the site where his two brothers and an uncle were killed.[1] The mass grave next to a pile of shoes belonging to them and other victims was empty. Lush's relatives were among over 350 Albanian civilians—men, women, and children—who perished at the hands of Serbian security forces in a single armed operation in the villages of western Kosovo in the spring of 1999.[2] Lush, a primary school teacher, escaped with his life but was expelled by Serbian forces from his village. After the North Atlantic Treaty Organization (NATO) military operation ended the Kosovo war, he returned home and embarked on a long search for the bodies of his relatives and for justice. The remains of his brothers and his uncle were eventually found in a secondary mass grave, hundreds of miles away from their Kosovo village where they were killed, on the grounds of a special police training center near Serbia's capital, Belgrade.[3]

To avoid being brought to justice for war crimes, Serbs organized a systematic cover-up of their atrocities committed during the 1998–99 Kosovo war that took over 10,000 lives, the vast majority of them Albanian.[4] They used diggers to excavate the bodies of Albanian victims from mass graves in Kosovo. Heaps of bodies, body parts, and personal belongings were then transported beyond Kosovo's borders. They were reburied in secondary mass graves in two locations not far from Belgrade, like the bodies of Lush's relatives.

A Serbian fisherman discovered the cover-up while fighting was still going on in Kosovo in the spring of 1999. He noticed a freezer truck in the River Danube, unaware that it contained the bodies of Albanian victims.[5] This discovery remained secret until the ousting of Serbia's strongman leader, Slobodan

Milošević, in the autumn of 2000. His nationalist policies stoked ethnic tensions, leading to the violent dissolution of the former Yugoslavia and a series of conflicts in the Balkan region in the 1990s and early 2000s, including in Kosovo.[6] A few months after Milošević's fall, gruesome details of the gravest crimes Serbs committed against Albanians in Kosovo and of the extent of their cover-up began to emerge.[7] A Serbian journalist, an author of an exclusive report on the cover-up, commented on the power of disclosed facts about the war crimes: "the problem with the dead is that they can shout very loudly and demand justice."[8] Lush was eventually able to identify his relatives and return their bodies home. Along with other Kosovo Albanian victims, they were given a dignified burial in their local village in 2005.[9]

In his search for justice for his relatives, Lush Krasniqi joined a multiethnic transitional justice initiative led by civil society in the Balkans. It is known by its acronym RECOM, which stands for its goal of the creation of an official record of all victims of the conflicts surrounding the breakup of the former Yugoslavia: the Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia from January 1, 1991 to December 31, 2001. RECOM's restorative, victim-oriented approach to transitional justice was motivated by weaknesses in addressing past wrongs through trials.

Justice pursued in the trial chambers of the International Criminal Tribunal for the Former Yugoslavia in The Hague (ICTY) left many victims across the region unsatisfied.[10] Despite the evidence uncovered by ICTY, all ethnic groups in the Balkans continued to emphasize and often exaggerate war crimes committed by the other side(s) while minimizing their wrongdoing. Empathy remained reserved for victims belonging to one's own ethnic group, while the suffering of victims from other ethnic groups was denied or, at best, contested.[11] RECOM's mission was driven by a need to acknowledge the suffering of all victims in the region, regardless of their ethnic identity.

There was no sense of justice for victims in Lush's family, even after ICTY found some Serbian military and police officers guilty of war crimes in Kosovo. Dozens of other members of Serbian security forces whose criminal involvement was alleged during the trial evaded accountability.[12] Lush told me that even the national authorities in Kosovo turned a deaf ear to his pleas to restore his relatives' dignity by preserving their personal effects and their memory.[13] With official avenues to justice closed, Lush turned to a civil society-led, justice-seeking process that involved people from all ethnic groups impacted by Balkan conflicts. Participants came together as representatives of various civil society groups, associations, and nongovernmental organizations (NGOs), or as individuals: human rights activists, lawyers, prosecutors, journalists, youth, and above all,

victims and family members of the missing and the killed, like Lush Krasniqi. RECOM's regional approach to transitional justice was also uniquely tailored to the needs of victims affected by the cross-border violence in the region.[14] RECOM's regional fact-finding was a response to the regional dynamics of the Balkan conflicts, where fighters crossed borders to commit atrocities, people fled across borders in search of safety, and perpetrators transferred victims' remains, as was the case with the bodies of Lush's relatives, to evade accountability.

RECOM's mission crystallized through a unique regional process of public consultations from 2006 to 2011. This interethnic, civil society-led process aimed to identify an appropriate mechanism for addressing the violent past. It spawned an initiative to create a regional record of all victims.[15] The legitimacy of this strategy rested on the perceived credibility of facts, and their ability to help heal divisions in the region.[16] Eventually, the consultation process resulted in the adoption of the Draft Statute of the regional fact-finding commission. Some 6,000 people from all ethnic groups involved in the wars of Yugoslavia's dissolution took part in these discussions, which were organized at regional, national, and local levels in all former Yugoslav states.[17]

Civil society activists then sought to gain support from the leaderships of the post-Yugoslav states for the fact-finding commission, envisioned as an interstate body. Official state participation was deemed essential to bestowing legitimacy on the regional record of war dead. Soon, however, it became clear that support from post-Yugoslav states would not be forthcoming.[18] RECOM turned to the European Union (EU) for help. The EU endorsed RECOM's fact-based, victim-oriented approach to reconciliation in the region, but it too withheld strong political support. The founding of this interstate, regional fact-finding commission is still out of reach.

It is not surprising then that some scholars have seen in RECOM evidence of the failure of transitional justice and reconciliation in the Balkans, focusing on RECOM's inability to reach its goal of establishing the regional fact-finding commission. They have explained the failure of this grassroots justice-seeking effort as being a result of the imposition of a global norm of transitional justice and associated human rights language, which alienates local victim communities. Others have dismissed the need for regional justice-seeking altogether, or prioritized a national over a regional approach to addressing past wrongs.[19] An appraisal of the RECOM initiative as a failure fits neatly into the dominant research agenda in the field of transitional justice centered on the inability of transitional justice efforts to bring about either justice or reconciliation.

From the sidelines of the RECOM regional meetings, I listened to how people engaged with each other across ethnic lines. On one occasion, two veterans who had fought on opposing sides in the Bosnian war sat behind me in the audience.

They conversed quietly, leaning closely into each other to avoid disturbing the proceedings. I repeatedly heard from people who participated in the RECOM consultations how transformative it had been for them to engage with people from adversary ethnic groups in search of justice for past wrongs. For many, it was their first experience of talking across ethnic lines after the war. One woman described what took place in the consultations as "revolutionary."[20] I found scholarly assessments of the RECOM process a failure to be wide of the mark. Above all, they missed how the RECOM consultations had repaired torn interethnic relations.[21] The contentious issue of justice for war crimes discussed by people taking part in the RECOM consultations could have divided people further into already polarized ethnic groups. However, people engaged across ethnic lines, discussed their differences, and agreed on a transitional justice strategy. How they engaged with each other arguably constitutes one form of reconciliation.

This book relies on mixed method research, including the analysis of a new dataset I created by coding a large multilanguage corpus comprising the original transcripts of over half a million words of RECOM consultations and extensive fieldwork in five Balkan countries.[22] I systematically study how people talk about war crimes and advance the concept of *reconciliation by stealth*.[23] Reconciliation through public engagement with former adversaries has been overlooked because scholars have focused on what people say when they discuss past wrongs. This book is motivated by a need to understand and explain how the pursuit of transitional justice can deliver on its normative goal of advancing peace by promoting reconciliation.

Argument in Brief

In this book I employ the concept of reconciliation by stealth to explain the repair of interethnic relations. The concept denotes that reconciliation can occur but remain undetected by scholars because of their theoretical and methodological choices. Anchoring the concept of reconciliation in mutuality, which refers to norms of civility and recognition in public communication, this book directs attention to features of discourse in transitional justice consultations involving former adversaries. People's sense of ethnic identity is heightened after a conflict. I focus on how people enact their ethnic identities in interethnic interactions and show that reconciliation occurs through the combination of deliberative rationality and discursive solidarity.

Deliberative rationality, which refers to upholding deliberative virtues of equality, reason-giving, respect, common good orientation, and reciprocity in interethnic communication, can help advance the search for justice in postconflict societies. On its own, however, it cannot achieve reconciliation. To reconcile,

people also need to show that their moral horizons, once narrowed by conflict, have expanded beyond a commitment to their own ethnic group. Reconciliation requires discursive solidarity, which entails granting recognition and dignity to members of adversary ethnic groups, and which we can infer from how people enact their identities during deliberation.

Using mixed methods research, including multicountry fieldwork in the Balkans and quantitative content analysis of the transcripts of real-world discussions about war crimes across ethnic lines, I show that a sense of difference along the ethnic identity axis figures prominently despite evidence of high quality of deliberation. If ethnicity forms a line of division in postconflict societies, how can deliberation about the legacy of interethnic violence promote reconciliation? Adopting an ethical perspective, I demonstrate that people enact their ethnic identity in ways conducive to the emergence of solidary bonds across ethnic lines. These discursive identity practices offset divisive identity politics and make way for reconciliation during deliberation about war crimes.

The evidence of reconciliation by stealth advances the study of deliberation in divided societies by demonstrating how identities matter during interethnic deliberation. This research connects with efforts focused on identifying and theorizing processes, places, and agents that can contribute to what Roger Mac Ginty calls "strong everyday peace."[24] As Joanna Quinn points out, thickening transitional justice by cultivating an understanding of the experiences of the Other in conflict is an integral part of peace and reconciliation.[25] By quantifying discourse in transitional justice, this book also adds to empirical efforts to measure the quality of peace from the perspective of citizens in postconflict contexts.[26] Lastly, reconciliation by stealth has implications for practitioners dedicated to assisting postconflict recovery of societies afflicted by mass atrocity. These lessons emerge after refocusing our efforts to understand how transitional justice can deliver on its normative goals.

Reversing the Puzzle in Transitional Justice

Transitional justice has developed as a distinctly normative field of study and practice. It rests on the foundational assumption that "countries should initiate a response to mass violence and repression to promote societal rebuilding."[27] The pursuit of justice in response to mass violence and brutality has become normalized.[28] The response encompasses legal instruments such as international, domestic, and hybrid war crimes trials, nonlegal restorative mechanisms embodied by truth commissions or reparations, as well as symbolic forms such as memorialization and artistic practice. Transitional justice is an emancipatory concept. The consensus that "societies must explicitly address their legacies of

violence" in order to transition to democracy applies to states and societies transitioning from an illiberal regime to democracy and those emerging from war.[29] This "determined connection related to the normative goal[s]" has been the one constant in the study of postauthoritarian and postcommunist transitions, on the one hand, and postconflict transitions, on the other.[30]

Along the way, the study of postconflict justice as a form of peacebuilding has emerged as a subfield. This development recognizes that "the practical dilemmas actors face in peacebuilding can be quite different from those involved in the instauration of democratic citizenship and the transformation of an abusive state security apparatus."[31] Conceptualizing justice as integral to peace draws attention to the complexity of the postconflict context within which justice is pursued.[32] The postconflict environment is replete with political, economic, and social dynamics that can derail the pursuit of transitional justice and undermine its normative aspirations.

International and domestic war crimes trials, truth commissions, and traditional instruments of justice are often used to promote narrow political interests and marginalize victims. The discourse of division overtakes discourse of reconciliation, and further traumatization of victims takes the place of healing. What is intended to be transitional justice ends up being "transitional injustice."[33] Paradoxically, injustice in this sense is not a consequence of the lack of transitional justice practices. Rather, it results from the pursuit of transitional justice. Scholarly preoccupation with unmet normative expectations now defines the agenda in the field of transitional justice that has grown into a vibrant, multifaceted, and multidisciplinary research program.

This research agenda has also revealed a gap in our knowledge. Scholarship with various disciplinary viewpoints has enhanced our understanding of how the pursuit of postconflict justice through different mechanisms further antagonizes ethnic groups previously involved in a conflict and stymies postconflict reconciliation. By contrast, our grasp of how interethnic reconciliation can be achieved remains more limited. This book reverses the puzzle focused on unintended consequences of transitional justice and asks how a transitional justice process can promote reconciliation. The answer hinges on sharpening our conceptual and methodological tools to refine our evaluation of transitional justice and its effects in postconflict societies.[34] This endeavor starts with specifying what in this book is meant by reconciliation.

Reconciliation: Definition and Operationalization

Reconciliation marks the fulfillment of normative aspirations of postconflict transitional justice.[35] It commonly denotes overcoming past wrongs and the

prospects for life in a future without violence. As a relational concept, reconciliation is invested with the capacity for change in the engagement with former adversaries on a journey from war to peace.[36] However, whether reconciliation should merely encompass behavioral change when interethnic contact becomes routinely nonviolent, or requires a change of a moral outlook toward wrongdoers, is a matter of debate. Although there is no resolution about the meaning of reconciliation, we have gained clarity about the lines of scholarly divisions on how to conceptualize reconciliation. This is helpful when it comes to making and justifying conceptual and methodological choices in our study of reconciliation.

Debates on reconciliation are framed by dichotomies that concern its breath, nature, and locus. Trudy Govier puts a range of possible conceptualizations of reconciliation on a spectrum. One end is characterized by emotional richness and the "thickness" of the concept, which incorporates notions of healing and forgiveness. At the other, "thinner" end of the spectrum, focus shifts from attitudes and feelings to institutional and behavioral factors related to institution-building and nonviolent coexistence.[37] Recognition of the values requisite for reconciliation has broadened discussions to include the role of remorse, repentance, and mercy in the process of reckoning with one's own wrongdoing, while the religious underpinnings of these attitudes have prompted debates about the role of religion in reconciliation.[38] Scholars are divided over whether to understand reconciliation as a process or an end-state. Reconciliation as a process assumes a series of steps that will eventually lead to a conclusion, whereas reconciliation as an outcome presupposes "the stage at which the relationship in question has been repaired."[39] Lastly, from the perspective of those harmed by violence, reconciliation as justice "aims to bring repair to persons and relationships that political injustices have wounded."[40] Another point of contention is whether reconciliation obtains at the individual or collective level.[41] This raises additional questions about whether the concept of reconciliation can be transposed from one level to another.[42] The matter is complicated by the recognition that reconciliation encompasses both intergroup and intragroup processes, and that these occur both at a community and institutional level.[43]

Scholars have bemoaned the lack of definitional and conceptual clarity, both for the theory and the practice of reconciliation. Different operationalizations of reconciliation have resulted in its different evaluations in societies that have suffered gross human rights violations.[44] These, in turn, have produced different understandings of obstacles and paths to reconciliation. Contested understandings of reconciliation by local actors in postconflict environments have further complicated the task of supporting reconciliation as a part of peacebuilding.[45] Given the lack of a consensus on the concept of reconciliation, how can the study of reconciliation be advanced? Vigorous debate in the extant scholarship

on reconciliation points to two needs: one is for a rigorous definition and operationalization of the concept of reconciliation; the other is to extend the evidence base for claims about the effectiveness of transitional justice and apply appropriate methods to capture these effects.

How should scholars deal with the multiple definitions of reconciliation? Should one definition be adopted over all others? I propose that it is counterproductive to do so when investigating a concept that takes shape in diverse political, social, and cultural contexts as a response to various manifestations of violence and its consequences. Rather than insisting on *the* concept of reconciliation, I approach the task in this book by studying *a* conceptualization of reconciliation. To define reconciliation, I take as my starting point Jens Meierhenrich's observation that "the problem of conceptualization has been neglected in the study of reconciliation—to the detriment of theory and practice." Although there is no single prescribed way to go about conceptualization, conceptual rigor is paramount. Conceptual ambiguity has operational consequences that, in turn, affect the measurement of reconciliation.[46]

This book grounds the concept of reconciliation in the principle of mutuality in public communication. Understanding reconciliation as a particular kind of public communication requires us to distinguish the concept from mere negative peace, which refers to nothing more than the cessation of violence.[47] Reconciliation embodies Christian Davenport's idea of peace as mutuality, unlike conflict conceptualized as the state of being in opposition.[48] Furthermore, communication is by definition interactive. Reconciliation rooted in mutuality in public communication departs from minimalist perspectives that equate reconciliation with nonlethal coexistence.

Communication must be more than simply an exchange of views in order to be reconciliatory. Overcoming interethnic conflict, Donald Ellis points out, requires arguing cooperatively rather than "oppositionally," which refers to "a decision to be more adaptive to others and privilege argumentative practices that show concern for satisfactory conclusions based in both interests."[49] From this perspective, the principle of mutuality in which I ground the concept of reconciliation requires "complex reasoning and important concessions." Such communication guards against polarization and facilitates acknowledgment of wrongdoing.[50]

When grounded in mutuality, reconciliation involves particular values associated with its "thicker" meaning. According to Daniel Philpott, "restoring the persons and relationships wounded by political injustices requires a countercommunication that nullifies this injustice and recognizes the dignity of the wounded in the eyes of the political order."[51] Although this ethical requirement falls short of demanding forgiveness and apology, it is conditional on reversing

the diminishing of a person by recognizing that "legitimacy may lie in more than one's own perspective."[52] Accordingly, healing can be understood as "the mutual respect and tolerance for fellow citizens who together deliberated and decided on the common good," which is a "tremendous accomplishment" in a divided postconflict society.[53]

Ultimately, reconciliation through public communication highlights the role of language in peacebuilding as mutuality-building, whereas "situations of mutuality put forward constant references to a shared sense of identity and a common mission."[54] Achievement of national unity in a postconflict society may be a utopian goal. As Louis Kriesberg notes, "reconciliation is never total, never including all members of antagonistic parties, not including every dimension of reconciliation completely, nor being fully reciprocal between parties."[55] Recognizing that the process of reconciliation is incomplete does not lessen its significance for peacebuilding. It still represents "a radical way of confronting the past."[56] A change in communication between former antagonists from negative to positive indicates a shift toward mutuality, and thus toward reconciliation as it is conceptualized in this book. Grounded in mutuality, the concept of reconciliation in this book is operationalized as deliberation.[57]

To explain reconciliation by analyzing how people talk about war crimes, I use the theory of deliberative democracy and extend its existing applications to divided societies. Transitional justice as a field of study without a unified theory has thrived by borrowing theories from related fields.[58] Such an eclectic approach to theory-building in transitional justice is appropriate for this multidisciplinary field. It has resulted in a great theoretical breadth of inquiry of transitional justice and its effects in postconflict societies. However, borrowing from cognate fields to study transitional justice has also had its pitfalls, including the descriptive use of the theory of deliberative democracy.

Scholars of peacebuilding have embraced the theory of deliberative democracy to envision reconstruction of societies divided by conflict. Specifically, they have put forth a deliberative conception of justice to address the divisive past and reconstruct postconflict societies.[59] These scholars have introduced the concept of democratic deliberation into the field of transitional justice and peacebuilding because of their faith in deliberative virtues: rational justification, reciprocity, respect, equality, and interest in the common good that overcomes self-interest. These normative cornerstones of deliberation, it is argued, promote societal healing and interethnic reconciliation. Yet, when applying a deliberative perspective to transitional justice, scholars have dropped these deliberative standards from the analysis.[60] The concept of deliberation to date has been used merely descriptively in the field of transitional justice.

Even when scholars have referred to deliberation over transitional justice, they have actually studied debates about transitional justice. A debate in this context is nondialogical communication. It is an exchange of monologues, where one side defends its positions, and the other attacks them. Debates do not primarily aim to change the preferences of interlocutors, even though they can influence the views of those listening to them.[61] If, as James Fearon points out, "deliberative" is taken to mean "that more people should be brought into a richer conversation about public policy and politics . . . the term then becomes merely a site for fighting over what should be done and why."[62] The descriptive use of the concept of deliberation in transitional justice and peacebuilding has been consequential theoretically and empirically.

When using the concept of deliberation descriptively, scholars have shown that discourses about justice for past abuse are contested.[63] Robust debates that expose different views on redress for past wrongs are important in the recovery from war to peace. There is nothing wrong with arguing, Fearon adds. However, this sort of communication is not deliberation, because, he reminds us, deliberation is "a particular sort of discussion—one that involves the careful and serious weighing of reasons for and against some proposition."[64] Consequently, transitional justice scholars have not been able to show whether postconflict societies can discuss past wrongs deliberatively nor to assess empirically whether deliberation can lead to reconciliation. They have deployed the theory of democratic deliberation but slipped onto the well-trodden analytical path that focuses on what is being said about war crimes.

The theoretical premise in this book is that the phenomenon of reconciliation can be grasped by studying how people talk about war crimes in search of justice, which pivots on the fulfillment of deliberative virtues in interethnic communication. This book's focus on deliberative virtues and the measurement of the quality of discourse involving former adversaries discussing justice for war crimes overcomes the limitation of descriptive approaches to deliberation in transitional justice scholarship. However, by operationalizing reconciliation grounded in mutuality as deliberation, this book goes beyond "the give-and-take of deliberation."[65] It advances the scholarship on deliberation in divided societies by accounting for how ethnic identities matter during deliberation about war crimes. Unlike existing scholarship on deliberation in divided societies focused predominantly on issues that can unite communities, such as education or peace, the analysis in this book turns to discussions of wartime harm—usually the most polarizing issue in societies emerging from conflict. It needs to be addressed rationally and morally in order to lead to the repair of interethnic relations.[66]

This book shows how deliberative discussion involving former adversaries about the legacy of war crimes yields reconciliation. To infer reconciliation by

studying *how* people talk about war crimes, we need to observe deliberative virtues in interethnic communication, alongside the ethics of solidarity, which recognizes and restores the dignity of the ethnic Other—the argument I lay out in chapter 2. At the same time, advancing the theories of reconciliation also involves extending the empirical evidence base for normative claims with appropriate methods. To this end, I investigate an understudied area of transitional justice practice: transitional justice consultations.

Reconciliation and Transitional Justice Consultations

Postconflict transitional justice is a matter of global public policy. All components of transitional justice specified by the United Nations (UN)—prosecutions, truth commissions, reparations, institutional reform, and national consultations—aim "to ensure accountability, serve justice and achieve reconciliation."[67] By contrast, the scholarship on reconciliation is narrowly based on the study of the effects of criminal prosecutions and truth commissions. Consultations are the least understood of the formal components of transitional justice.

The UN considers national consultations "a critical element of the human rights-based approach to transitional justice."[68] The exercise of this "right to be consulted" supports broader peacebuilding goals; consultations enable people affected by conflict to take ownership of the transitional justice strategy and contribute to designing a locally responsive approach to criminal legacy.[69] Consultations can also support postconflict democratization by creating opportunities for the freedom of expression and including marginalized voices such as those of the victims.[70] Consulting the opinions of conflict-affected populations is critical for ensuring the normative and political legitimacy of a transitional justice policy. Within the limited set of studies about consultations, scholars have been preoccupied with whether consultations legitimize the selection of a transitional justice instrument.[71] However, consultations can also plausibly promote reconciliation themselves.

According to the UN, "national consultations are a form of vigorous and respectful dialogue whereby the consulted parties are given the space to express themselves freely, in a secure environment, with a view to shaping or enhancing the design of transitional justice programmes." The UN specifies that "such processes must respect and promote the fundamental dignity of every human being, based on the principles of equality and nondiscrimination on the grounds of race, colour, gender, language, religion, opinion, national or social origin, property, birth or other status."[72] These are high aspirations for divided societies

emerging from conflict. Nonetheless, if these values are upheld in consultations that represent "public deliberation on human rights," then they can also contribute to the repair of relations.[73] Participation in transitional justice practices holds "the prospect of transformation" of those involved and of the processes themselves.[74] Empirical assessment can demonstrate whether this applies to transitional justice consultations.

Before discussing the empirical approach of this book, it is important to distinguish consultations from what Nevin Aiken calls "instrumental reconciliation initiatives" centered on intercommunal contact and dialogue.[75] Interethnic dialogues aim to restore relations with the Other by enhancing the understanding of the Other and of the conflict "as a mutual problem," rather than directly attempting to resolve conflict.[76] They are distinct from transitional justice consultations that are aimed primarily at decision making on a transitional justice strategy in which ethnic groups have a high stake. Although consultations, like interethnic dialogues, foreground the deepest of moral disagreements, in consultations disagreement is accentuated by an imperative for parties to influence decision making.[77]

This book shows that people in divided societies can deliberate about the nuts and bolts of the transitional justice strategy, and that this process can bring them together even when they hold different views on the subject. It demonstrates that major benefits to postconflict societies derive not only from sharing the experiences of harm but also from discussing how those experiences should be addressed.

Research Design and Methods

This book uses a convergent, parallel, mixed method design.[78] In this type of research design, the same case or topic is investigated at each stage of the research process, with different methods used in parallel and given equal status in the analysis. I conducted a quantitative content analysis of a large corpus of over half a million words of multilanguage text data consisting of transcripts of the RECOM transitional justice consultations; and qualitative analysis drawing on my fieldwork in five Balkan countries, including semi-structured interviews, focus groups, participant observation of RECOM meetings, and a discussion-focused workshop with stakeholders.

In transitional justice research, a focus on methods is key to closing "a huge gap in our empirical knowledge with respect to what transitional justice may or may not do for reconciliation."[79] This gap reflects the enduring challenge of being "scientifically precise about the importance of the various [transitional justice]

measures," including transitional justice consultations.[80] Using both quantitative and qualitative analytical tools provides a complete understanding of the research problem compared to either method individually.[81] It also allows for validation of the assumptions made in theory development.[82]

Quantifying discourse to examine reconciliation furthers the existing quantitative study of transitional justice, whose expansion has been largely based on surveys, survey experiments, and field experiments.[83] I use content analysis as a "means of measuring or quantifying dimensions of the content of messages," specifically, to measure the quality of deliberation about war crimes involving former adversaries, as discussed in chapter 3.[84] Content analysis uncovers patterns in the text and "offers the possibility of tapping complex, latent constructs," such as reconciliation.[85] Content analysis also enhances our understanding of the role of discourse in constructing the social "through its focus on being systematic and quantitative."[86] Qualitative research in this book is attuned to the discursive engagement with the ethnic Other and probes relations between actors, which are the staple of qualitative discourse analysis.[87] Discourse entails a set of practices implicated in the social production of reality that we can glean from the use of language in social settings.[88] This book focuses on the microlevel production of solidary relations during interethnic deliberation, presented in chapter 6.

Mixed method research needs to be explicit about the nature of mixing and integration, including its timing during the research process.[89] These decisions are reflected in how one approaches research questions.[90] This book's overarching question is: How do people talk about war crimes? This book aims to understand whether deliberative virtues can be attained in discussions across ethnic lines about war crimes in search of postconflict justice, and whether discursive identity practices offset the risks to reconciliation posed by identity politics. These aims map onto quantitative and qualitative subquestions: Can people deliberate about war crimes with members of adversary ethnic groups? And can people's enactment of ethnic identities during deliberation foster solidary bonds?

Lastly, the mixed method research design in this book relies on interpretive integration: insights that are generated by different methods and within the parameters of their own paradigm are "brought together at the level of analysis or theory to generate an overarching account of the phenomenon."[91] In line with this strategy, this book aspires to "expand insight of the phenomenon of interest."[92] Inferences based on the findings from quantitative and qualitative research are synthesized and form a meta-inference, which in this book points to a novel conceptualization of reconciliation.[93] An empirical micro-comparative analysis of discourse reveals how reconciliation can take place through public consultations about justice for war crimes. The discovery of reconciliation by stealth is strong evidence of the importance of sharpening our theoretical inquiry and

methodological strategy to capture normative gains of transitional justice, lest they continue to elude us.

Chapter Summary

Chapter 1 grounds the RECOM initiative within its historical and political context. It first provides an overview of the wars fought in the former Yugoslavia in the 1990s and early 2000s. It then discusses postconflict transitional justice efforts, and how these promoted ethnocentric justice in the post-Yugoslav states in the Balkans. This distortion of transitional justice prompted the emergence of the RECOM initiative as a victim-focused, civil society-led, and regional transitional justice process. The chapter details the consultations held by RECOM, including its recruitment of a wide range of participants from all ethnic groups. It also analyzes the pressures that RECOM encountered from within the process and from outside, as well as its inability to establish a regional fact-finding commission. The chapter concludes by pointing out the gap in our understanding of the RECOM consultation process and its contribution to repairing interethnic relations.

Chapter 2 lays out the theoretical framework for the analysis. It argues that reconciliation after conflict results from good-quality deliberation and discursive solidarity during a transitional justice process involving ethnic adversaries. Alongside a deliberative discussion of past wrongs, characterized by equality, reason-giving, reciprocity, common good orientation, and respect, reconciliation also requires recognition of the ethnic Other and their wartime suffering. This ethical perspective highlights the need for ethnic adversaries to expand their moral horizons that were narrowed by conflict. The argument responds to our limited understanding of the role of ethnic identities in postconflict deliberation, which this chapter attributes to scholars' neglect of conflict dynamics, tendency to approach ethnic identity as a fixed attribute, and overlooking how identity politics bears on deliberation. In conclusion, an interactional approach to the study of identity during deliberation is presented. It shifts attention to how people enact their identities in interethnic interactions, which can provide insight into whether deliberators can forge solidary bonds across ethnic lines and offset divisive effects of identity politics, leading to reconciliation.

Chapter 3 presents the empirical strategy for studying the quality of deliberation and introduces the corpus comprised of the transcripts of the RECOM consultations in the Balkans. It elaborates on the refinement of one measurement instrument, the Discourse Quality Index (DQI), and the creation of the Discourse Quality Index for the Study of Transitional Justice (DQITJ), to evaluate

the quality of cross-ethnic communication after a conflict. It also outlines the research design for the quantitative leg of this research, including the discussion of the textual data, sampling, and coding of 1,211 speech acts. Lastly, the chapter analyzes the deliberativeness of discourse based on the observed prevalence of deliberative virtues in the RECOM consultations. These empirical insights indicate an (unexpectedly) good quality of postconflict deliberation, despite the divisiveness of the subject and normative demands it makes of participants.

Chapter 4 assesses which factors predict good-quality deliberation about war crimes, focusing on how ethnic identities matter during deliberation. The analysis captures the effects of conflict dynamics and the linguistic features of discourse, a novel predictor of deliberativeness of interethnic discourse. The chapter first illustrates what good-quality deliberation about mass violence looks like by analyzing an excerpt from the RECOM corpus. It goes on to discuss predictors of good-quality deliberation and present the findings. They show that ethnically polarizing issues pertaining to redress for mass violence, ethnic diversity of discussions, and expressions of subjectivity in ethnic terms increase the quality of deliberation. These insights provide evidence that a discussion about justice for war crimes, the most divisive issue in divided societies, is compatible with a deliberative mode of communication. They also challenge the accepted assumption that the benefits of deliberation in divided societies accrue primarily from nonethnic and human rights-oriented discourse.

Chapter 5 investigates interactivity by focusing on the count and content of responses across ethnic lines. Certain tendencies can distort interethnic discourse and undermine the benefits of good-quality deliberation. If deliberators disagree with members from adversary ethnic groups and agree with their coethnics, and if they disagree with members from adversary ethnic groups disrespectfully, discourse can undermine prospects for reconciliation. The findings show, however, that there is no discursive ethnic enclavization, as greater interactivity exists across ethnic lines than between speakers belonging to the same ethnic group. Further probing the nature of interactivity reveals similar levels of agreement and disagreement in interethnic and intraethnic interactions, which is conducive to good-quality deliberation. Lastly, the results show no consistent pattern of disrespectful as opposed to respectful disagreement across ethnic lines, confirming the deliberative nature of transitional justice consultations.

Chapter 6 interrogates how people enact their identities during deliberation and whether this enactment can engender solidary bonds. It builds on the argument that to be reconciliatory, good-quality deliberation needs to be accompanied by recognition of the ethnic Other and their suffering. The qualitative analysis shows that discursive solidarity emerges from revealed differences between speakers, which dispel (mis)perceptions of opinion homogeneity of the

ethnic adversary group; from affective alignment, which leads to the acknowledgment of the suffering of ethnic Others by expression of empathy; and from blame aversion, which involves restraint in apportioning blame in interethnic engagement and prevents negative reciprocity in interethnic communication. The chapter demonstrates how discursive identity practices counter divisive effects of identity politics premised on the denigration of the ethnic Other during deliberation and lead to reconciliation.

The concluding chapter summarizes the book's main arguments and findings about reconciliation through good-quality deliberation and discursive solidarity in transitional justice consultations. It reflects on the scope of the research and charts directions for future research emerging from this book's contribution to the scholarship on transitional justice and peacebuilding from a deliberation perspective. In particular, it points to the role of identity talk in deliberation and makes a case for the study of deliberative intergroup contact to advance our understanding of interethnic communication in the reconstruction of postconflict societies. Lastly, it discusses policy implications, focusing on the role of deliberation as a specific type of discussion-based approach to postconflict reconciliation; the role of civil society actors in repairing interethnic relations; and the value of regional transitional justice efforts as a policy space for addressing legacies of human rights violations resulting from cross-border dynamics of violence in contemporary conflicts.

1

WARS, CRIMES, AND JUSTICE IN THE BALKANS

We killed each other regionally.

—Participant in RECOM consultations from Bosnia and Herzegovina, December 11, 2015

Nationalism is still exceptionally strong here, and influences how victims are perceived.

—Participant in RECOM consultations from Serbia, September 25, 2014

In the mid-2000s the regional civil society initiative known as RECOM launched consultations about justice for war crimes and grave human rights violations perpetrated during the Balkan wars. The consultations represented a great leap into the unknown. The organizers of the RECOM process, who brought together people from all ethnic groups in the region, had a clarity of purpose. It arose from their critical stance toward denigration of victims of war in all states in the region, where for the most part sympathy remained reserved for members of one's own ethnic group. The RECOM consultations were motivated by a need to recognize all victims of the conflicts associated with the former Yugoslavia's dissolution. This conviction stood in contrast to the many uncertainties surrounding the interethnic process the initiative set into motion. Would participants in the RECOM consultations who belonged to opposing ethnic groups defy the ethnic politics of their environments? Would RECOM withstand the political censure that its advocacy of inclusive justice provoked? Would this civil society-led initiative win states over to its de-ethnicized conception of justice? At every turn, the RECOM process had to contend with the ethnic politics that informed dominant approaches to justice in the region that emerged from a decade of wars.

The RECOM consultations, which took place from 2006 to 2011, spawned the idea of documenting war crimes committed against all victims in the region. They led to the adoption of the Draft Statute—a blueprint for a regional fact-finding commission. RECOM's strategy of regional justice-seeking challenged prevailing ethnocentric notions and practices of justice, which had "no understanding for, or feelings for, the suffering of others."[1] Following the breakup of the multiethnic

Yugoslav federation, nationalist narratives of conflict constructed a sense of collective martyrdom centered on the harms endured by one's own ethnic group. These narratives suppressed acknowledgment of events that might complicate the clear-cut attribution of blame and innocence and invented new symbols of suffering to reinforce exclusive ethnic identities.[2] Victims were denied recognition of their suffering by opposing ethnic groups, both within their countries and in neighboring ones.

The transitional justice process that unfolded under the auspices of RECOM hit a nerve with purveyors of postconflict nationalism in the Balkans. RECOM's guiding idea—recognition of all victims regardless of ethnicity—was the anathema to local nationalists, both among elites and significant sections of local publics. Pursuing ethnocentric justice kept nationalism alive and served as a distraction from governance failures. In challenging ethnocentric justice, RECOM pioneered a regional approach to transitional justice. Its goal—the establishment of the record of all victims of the wars in the former Yugoslavia—was a response to the regional nature of conflicts in the Balkans. For advocates of RECOM, this regional response was the way to "break the vicious circle of ethnic interpretations [of violence] used by states and nations to speak only about their own victims."[3] RECOM's efforts to fulfill its goal encountered challenges both inside and outside the RECOM initiative.

This chapter situates the RECOM initiative within its historical and political context. It first provides an overview of the wars fought in the former Yugoslavia in the 1990s and early 2000s. It then discusses postconflict transitional justice efforts and how they promoted ethnocentric notions of justice in the post-Yugoslav states. This distortion of transitional justice prompted the emergence of the RECOM initiative as a civil society-led, victim-focused, and regional transitional justice process. The chapter details the consultations held by the RECOM, including its recruitment of diverse participants from all ethnic groups involved in the conflicts. It also analyzes the pressures RECOM faced, both from participants within the process and from outside the process, including the representatives of post-Yugoslav states as well as members of broader civil societies. These pressures explain how ethnic politics in the Balkan states has stymied RECOM's goal of establishing a regional fact-finding commission. At the same time, my analysis clarifies how remarkable it is that these pressures did not stymie interethnic consultations—the least understood part of the RECOM process and the main subject of this book.

Ethnicity and Violence in the Balkans

The Socialist Federal Republic of Yugoslavia—a communist federation often described as a "mosaic" of ethnic groups—unraveled through a series of conflicts

in the 1990s and early 2000s.[4] These conflicts pitted ethnic groups against each other. The new nation-states that took shape on the territory of the former Yugoslavia were homogenized along ethnic lines.[5] Violence separated ethnic groups within states, as in Bosnia and Herzegovina, and reduced the presence of minority ethnic group(s) in them, for instance, in Croatia.[6] As Ivo Banac notes, "ethnic cleansing and the construction of nationally homogenous states were not the consequence of but rather the aim of the war."[7] Ethnic nationalism fueled the violence. This kind of nationalism refuses to tolerate ethnic Others within the national state.[8] The ethnic mobilization that preceded the violence constructed the ethnic Other as an enemy. Consequently, ethnicity became "a matter of life or death."[9] Nonetheless, the ethnic logic of violence does not mean that ethnicity was a cause of conflicts.[10]

Voluminous scholarship has debunked essentialist and deterministic accounts of the Yugoslav wars as ethnic. Current debates concern the factors and contingencies that led to the mobilization of fear and grievances on an ethnic basis. Scholars have emphasized various historical, political, economic, and transnational dynamics within and beyond the former Yugoslavia.[11] Although debates about the causes of these wars persist, there is a broad consensus regarding their effects. The wars resulted in the primacy of ethnic identity, establishing its political currency in the countries faced with the challenge of providing justice for wartime harm.

A combination of human geography and federal administrative arrangements underpinned conflict in the former Yugoslavia. The Yugoslav federation, constituted after the end of the Second World War, comprised six republics: Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, and Macedonia.[12] A particular ethnic group dominated the population of each one. Serbia had an additional administrative layer, with two multiethnic autonomous provinces, Kosovo and Vojvodina. Yugoslavia's ethnic diversity was characterized by a misalignment of ethnic groups and administrative boundaries of constituent administrative units (republics and provinces) that help explain conflict dynamics. Yet this diversity also enabled the emergence of vibrant cosmopolitan culture and, to some extent, the anchoring of identities within an overarching framework of Yugoslavism.[13] However, cosmopolitan and narrowly nationalist currents and aspirations constantly competed with one another. Communist ideologues attempted to manage both trends, often with the brute force directed against nationalists and liberals.[14] Communist elites kept ethnic tensions in check as long as they believed their legitimacy and power rested on safeguarding the federal state.[15]

The demise of communism at the end of the Cold War changed the political calculation of elites in the former Yugoslavia. Nationalism rather than communism would give them legitimacy. Democracy was primarily understood as

the freedom to advocate and implement nationalist programs. Their dictum, one nation in one state, offered no security guarantees to minority populations. Nationalist leaders ensured broad political appeal for their new ideology through carefully targeted manipulation and amplification of past political and economic grievances.[16] They also instrumentalized the divisive legacy of previous interethnic violence that had punctuated the history of this multiethnic region and, in particular, the violence that took place in the shadow of geopolitical and ideological confrontation during the Second World War.[17] Crimes committed in this period were airbrushed by the ruling ideology of "brotherhood and unity."[18] The communist government attempted to control the country's ethnic diversity by balancing identification with socialist self-management—a core tenet of Yugoslav communist ideology—with "scrupulous respect for the national sensitivities, linguistic rights, and cultural needs of all of Yugoslavia's groups."[19]

In the late 1980s, the communists-turned-nationalists were quick to seize the opportunity to use the legacy of past violence to whip up nationalist sentiment and shore up their power amidst the deepening economic crisis. The strategy was effective in rallying support from many ordinary people. It also resonated among some quarters of civil society; many historians, artists, and journalists helped construct and perpetuate the sense of historical grievance among their own ethnic groups.[20] Meanwhile, liberal parties and civil society groups, who sought a democratic alternative to nationalist solutions and growing interethnic tensions, were systematically delegitimized, marginalized, and repressed.[21] The region edged closer to war. Nationalists tied ethnic diversity to conflict. Division along ethnic lines appeared to be an appropriate response to growing insecurity.[22] Neighbors turned against each other in cities, towns, and villages.[23]

The former Yugoslavia became an arena of competing nationalisms. Led by their nationalist leader, Serbs began to implement a program of uniting all Serbs in the territory of the former Yugoslavia under a single state, the so-called Greater Serbia. They destroyed the constitutional structure of the federal state as a prelude to a decade of conflicts that engulfed the federation. Serbian nationalists framed Serbs, the largest identity group within the federation, as emasculated victims. Other groups, such as Croats in Croatia and Albanians in Kosovo, had their own historical and political grievances. These grievances supported nationalist narratives and arguments in favor of independence from what they saw as Serbia's domination within the federation. Their programs for national independence did not sufficiently guarantee security to Serb minorities living in Croatia and Kosovo. In the most ethnically diverse republic, Bosnia and Herzegovina, the nationalism of Bosnian Serbs and Croats was amplified by support from their kin states Serbia and Croatia that border Bosnia and Herzegovina. Meanwhile, the Bosnian Muslim leadership tried to balance support for multiethnic Bosnia's

sovereignty with a Bosniak nationalist program preoccupied with Muslim issues and representation, which delegitimized its vision of multiculturalism for most of Bosnian Serbs and Croats.[24]

The violent dissolution of Yugoslavia unfolded in a series of conflicts: Slovenia in 1991, involving a conflict with the Serb-controlled Yugoslav Peoples' Army; Croatia in 1991–95, involving Croats and Serbs; Bosnia and Herzegovina in 1992–95, involving Bosnian Muslims, Bosnian Serbs, and Bosnian Croats; Kosovo in 1998–99, involving Serbs and Albanians; and Macedonia in 2001, involving Macedonians and Albanians. The severity of violence perpetrated by a range of state security forces, including the army and police, as well as nonstate actors such as local paramilitaries and foreign mercenaries had not been seen on Europe's soil since the end of the Second World War. The scale of the suffering was massive. The brutality was incomprehensible. It is estimated that some 140,000 people lost their lives in the conflicts within the territory of former Yugoslavia.[25] This number includes many civilians—men, women, and children. Many were tortured and perished in forced detention. More than 35,000 people went missing, according to the International Committee of the Red Cross.[26] Millions were expelled from their homes and found refuge within the former republics and provinces or with their ethnic kin in the neighboring states; others fled abroad. Sexual and gender-based violence was unleashed to create ethnically homogenous states.

After peace accords mediated by the international community in the 1990s and early 2000s ended the conflicts, the peoples, politics, and spaces in the region were profoundly transformed. Having been targeted based on their ethnicity, people retained a heightened sense of belonging to a particular ethnic group.[27] The election of political leaders from one's own ethnic group legitimized ethnic politics fueled by the legacy of interethnic violence. Identity-based politics was also promoted through various consociational power-sharing arrangements implemented to manage ethnic pluralism in Bosnia and Herzegovina, Kosovo, and Macedonia.[28] The physical landscape changed, too. Symbolic erasure of ethnic groups from territories was accomplished by intentionally destroying their religious temples and cultural institutions. Postconflict societies in the Balkans confronted the enormity of past violence and began to seek justice for past wrongs in the context of deep, persisting divisions along ethnic lines.

The Logic of Ethnocentric Justice

Considering that there was no radical break with the nationalist politics that led to violence in the former Yugoslavia, it is noteworthy, as Jasna Dragović-Soso

and Eric Gordy observe, that transitional justice initiatives ever occurred "on the meaningful scale" in the post-Yugoslav countries.[29] They developed incrementally after the ICTY in the Hague promoted accountability for past wrongs. Facing the past involved different retributive and restorative transitional justice initiatives. However, the pursuit of transitional justice resulted in a widespread sense of injustice. Ethnic groups viewed the question of justice for war crimes through the prism of ethnicity. The suffering of one's own ethnic group was prioritized.[30] In many ways these transitional justice practices widened divisions between ethnic groups, leaving victims bereft of the justice they sought. The RECOM transitional justice initiative challenged these prevailing ethnocentric conceptions of justice by seeking recognition of all victims.

Founded as an ad hoc international criminal tribunal during the Bosnian war in 1993, the ICTY was the sole transitional justice instrument when the fighting in the region ended. The European Union's ICTY conditionality policy made progress in the European integration process of the countries that emerged from the former Yugoslavia's dissolution conditional on cooperation with the ICTY. This policy accelerated the transitional justice process. Addressing impunity, albeit in a distant Hague court, made it impossible for political elites and societies in the Balkans to ignore past wrongdoing. However, coopted into collaboration with the ICTY through the European integration process, political elites were intent on undermining the court's legitimacy.[31]

Throughout the ICTY's twenty-four years of existence, elites attacked the tribunal for biasing particular ethnic groups.[32] The ICTY also struggled to win the endorsement of local victims' groups. Some were aligned with their ethnic elites' rejection of international justice, while others doubted the ICTY procedures. Evidence of fairness of the ICTY's legal process was overlooked.[33] Delegitimization of the ICTY relied on strategic misrepresentation of trials of individual war crimes suspects as trials of entire ethnic groups, and on people's suspicion of the foreign court combined with a lack of understanding of the legal process. The ICTY's ability to advance broader peacebuilding goals, including interethnic reconciliation, was undermined.[34]

Domestic war crimes trials were spurred by the transfer of cases from the ICTY after announcing of the international tribunal closing down. Ethnic politics also captured domestic prosecutions. This is illustrated by the prosecutorial strategy of disproportionately targeting Serbs in Croatia, or by the political strategy in Serbia of avoiding accountability for war crimes committed by Serbs.[35] In Kosovo and Bosnia, which were under international supervision, hybrid war crimes trials involved domestic and international legal practitioners. They were instituted to remedy the weaknesses of both international and domestic prosecutions, which they achieved with limited success.[36] Nonetheless, in all post-Yugoslav states

political elites, with individual exceptions, and large sections of local publics dismissed domestic prosecutions of members of their own ethnic group as treacherous and unjust.

Retributive justice initiatives were gradually complemented with restorative transitional justice practices, but these too suffered from ethnocentrism. An attempt to establish a national truth commission in Bosnia and Herzegovina faltered after political elites representing their ethnic constituencies appropriated the project, further entrenching ethnic divisions.[37] In Serbia, the failed truth and reconciliation project was a nationalist scheme in all but in its name, and was widely seen as an attempt to justify Serb involvement in the conflicts in the 1990s.[38] Similarly, the so-called Srebrenica commission in Republika Srpska, one of the constituent units of postwar Bosnia, reinforced the sense of injustice shared by the Bosniaks when it declined to classify the massacre of Bosniaks in Srebrenica as genocide.[39]

Ethnic politics also framed other transitional justice initiatives such as commemorations and reparations. In particular, commemorations polarized ethnic groups with their focus on the suffering of one ethnic group. The local geography of violence may have warranted such focus. However, other groups contextualized these events within their ethnocentric narratives of conflict, turning commemorations into arenas of interethnic competition and confrontation.[40] Furthermore, political elites' nationalist grandstanding on these occasions resulted in further marginalization and manipulation of victims by their own ethnic group. Victims felt that politicians were quick to use their suffering to gain popularity, but ignored them when it came to action needed to support their quest for justice and recognition.[41] Commemorations acknowledging the suffering of all victims, including those from other ethnic groups, have been rare.[42]

Postconflict transitional justice practices in post-Yugoslav states gave rise to the conception of transitional justice as redress first and foremost for one's own ethnic group. The states' involvement in these transitional justice practices supported the view that states cannot be expected to produce "contributions of substance" to transitional justice.[43] As in many other postconflict contexts, the Balkan states' resistance to transitional justice propelled other actors to step in and engage with the legacy of human rights violations.[44] Civil society groups in the region fought to shift the ethnocentric paradigm of transitional injustice by providing inclusive justice narratives and practices. Nongovernmental human rights organizations exposed political elites' attempts to evade accountability and subvert justice, for example, by condemning celebrations of convicted war criminals as national heroes. They also scrutinized domestic war crimes trials and attempted to mitigate their failures by providing legal representation to victims.

Activism by civil society groups and human rights organizations was not without its challenges. There were profound differences of opinion over how to achieve justice for past wrongs. Competition for limited funding and inequality between organizations operating in urban and rural settings made reaching a consensus even more difficult.[45] Meanwhile, liberal civil society organizations also confronted ethnocentric narratives of conflict and demands for justice propagated by illiberal nonstate groups, just as they had to confront state-led nationalism.[46] Despite the restricted political space for their activism, human rights NGOs promoted critical engagement with one's own group's responsibility for war crimes and recognition of all victims of violence in the region.[47] Their inclusive views on transitional justice contrasted sharply with the dominant, ethnocentric conception of justice.

The Rise of RECOM

The RECOM initiative advocated the establishment of the regional fact-finding commission. It emerged as a response to ethnocentric transitional justice in the post-Yugoslav states. The historical continuity of civil society activism in defense of human rights paved the way for RECOM. Civil society organizations and groups that had opposed nationalism even before the violence continued their activism during the wars and called for justice for all victims after the wars ended.[48] Human rights NGOs maintained some cross-border links despite ongoing wars and renewed those that were severed by violence. New connections were created among groups that envisioned a different kind of future than that offered by nationalists. Aware of how transitional justice in the region was failing the victims of war crimes, RECOM developed a distinctively victim-centered, fact-based, and regional approach to transitional justice.

The RECOM initiative originated in discussions among three NGOs from the former Yugoslavia—Documenta in Croatia, the Research and Documentation Center in Bosnia and Herzegovina, and the Humanitarian Law Center in Serbia. These NGOs reached out to people from all ethnic groups in the region and started consulting them about an appropriate response to the legacy of mass atrocity. Out of the discussions emerged the idea of a regional fact-finding process. The subsequent founding of the Coalition for RECOM in 2008 formally launched the process of regional justice-seeking.[49] The Coalition attracted the membership of approximately 2,000 human rights groups and individuals throughout the region, including victims.[50] Many human rights organizations and victims in the region did not formally join the Coalition.[51] Nonetheless, some 6,000 people from all ethnic groups involved in the wars in the region

took part in the RECOM consultation process. By reaching out to people who were not formally Coalition members and involving them in the consultations, RECOM ensured that these meetings were not limited to people who saw the issue of redress for past wrongs the same way. Interactions between people who came from different ethnic groups and held opposing views about justice for war crimes are of particular interest for this book. In 2011, the RECOM consultations produced the Draft Statute.[52] This document spelled out the mandate for the regional fact-finding commission.[53]

As a victim-centered model of transitional justice, RECOM attempted to remedy the shortcomings of retributive transitional justice. It provided a grassroots approach to addressing past harm while being attuned to the cross-border nature of violence and suffering in the former Yugoslavia. The organizers took pride in the local origins of the RECOM initiative, which "did not originate either in Brussels, or in any of the governments in the region."[54] In their eyes, this was an important source of the initiative's legitimacy.[55] As a civil society network, RECOM was an alternative to state-led efforts associated with politicizing transitional justice. Like other human rights initiatives in the poor, postconflict region, RECOM's activities were supported by foreign donations. But RECOM's members set the agenda.[56] As one participant put it, "we did not apply a pre-existing formula. We learnt from the experiences of others, and were inspired by them, but we were creating our own [approach]."[57] Critical evaluation of the applicability of other models to the Balkans resulted in the adoption of regional fact-finding as RECOM's transitional justice strategy. This approach also considered the context of ethnic politics in the post-Yugoslav states, where key aims of transitional justice, such as reconciliation, had been systematically discredited.

"Reconciliation" was not included in the name of the RECOM commission. This was not because RECOM "shunned reconciliation," as its organizers explained, but rather because "they wanted to be smarter, since there was a lot of manipulation in the region with the concept of reconciliation."[58] They referred to politicians' hollow rhetoric about reconciliation, with invocations of the term often followed by inaction or even measures that undermined the process.[59] Therefore, RECOM's approach to justice was narrow and focused on fact-finding. According to the initiators, the establishment of war crime facts would provide "a healthy foundation for reconciliation of future generations."[60] This justification echoes Frédéric Mégret's assessment of fact-finding as a response to a moral imperative in the aftermath of human rights violations, and a strategy that counteracts "the reign of opinion."[61] The lack of facts about war crimes in the Balkans allowed ethnocentric interpretations of violence and postconflict justice.

Participants in the RECOM process saw the facts as being linked to broader peacebuilding goals. They would be an obstacle to manipulation with figures of war dead by political elites. The elites resisted making an accurate record of victims of conflict "because this gave them political room to manipulate with the figures," minimizing the suffering of other ethnic groups and exaggerating the losses of one's own ethnic group. Creating the regional record of war dead, the first in the history of the conflicts in the former Yugoslavia, was expected to have a deterrent effect. It would prevent the "recurrence of future conflicts" by enabling debates based on documented facts.[62] The public record of named victims, along with the circumstances of the crimes they suffered, would also provide recognition of individual experiences, embodying a core principle of RECOM: "all victims are equal."[63]

The recognition of all victims could only be achieved through a regional process. This approach reflected the regional nature of conflict in the Balkans, where perpetrators crossed borders to commit crimes and civilians fled across borders to safety. When the conflicts in the region ended, the new state borders blocked justice. Perpetrators ended up in one county, and the evidence and the victims in another, exposing the limitations of a national approach to transitional justice.[64] Another regional dimension of the RECOM process was that it provided a platform that brought together people from all ethnic groups affected by the Balkan conflicts. This platform overcame structural barriers to interethnic engagement, which was needed to move beyond ethnocentric discussions about past wrongs. As one participant put it: "As long as we live in ethnically divided areas, even streets, we won't be able to speak more freely or realistically about the crimes committed by members of our ethnic groups."[65] Victims were denigrated by the denial of their suffering by other ethnic groups within their own and in neighboring states. The regional platform also addressed victims' need "for the other side that is responsible for what happened to hear about how they suffered."[66] The model of regional fact-finding was honed during the consultations RECOM organized in order to solicit views from people from all ethnic groups involved in the conflicts.

The RECOM Consultative Process

The RECOM consultations unfolded over five years, from 2006 to 2011. They solicited opinions about justice needs and how best to address them. After a proposal to establish a regional war crimes fact-finding commission had crystalized, the next step was to discuss and adopt a Draft Statute. This document, created in the multiethnic forum of regional consultations, was to be presented

to the governments of the post-Yugoslav states. Their endorsement was sought for establishing this commission, which was to be an official interstate body and cease being a civil society initiative. The RECOM leadership believed that the official nature of the commission, where fact-finding is sponsored by the states in the region, would be key for the legitimacy of the established facts.

To consider the widest spectrum of opinions, the organizers' priority was to ensure that consultations were diverse and inclusive across different identity axes: people from all ethnic groups involved in the Balkan conflicts; men and women; as well as people from different constituencies, including victims, veterans, human rights activists, youth groups, and professionals, such as lawyers, journalists, and teachers, as well as religious leaders.[67] According to one organizer of the RECOM process, they encouraged the participation of people who did not usually join civil society initiatives.[68] They organized consultations in rural locations, not just in cities and towns. They also ensured representation of different experiences of conflict and views on redress for past harm. At a group level, people brought their distinct perspectives on violence and injustice as members of a particular ethnicity. At an individual level, their exposure to violence varied: some were victims and survivors of violence themselves, while others were not affected by it directly. Such diversity was summarized by an interviewee who participated in the RECOM process: "There were thousands of little stones in one place that were heterogeneous in every single respect, in terms of political views, education level, generationally, nationally, ethnically, and in terms of life-experience. Some watched their closest being killed, others watched their future being killed."[69]

The RECOM consultative process attracted people with interest in postconflict justice. But these individuals were not necessarily like-minded. Even participants who supported the idea of a regional fact-finding commission could hold opposed views on various issues. Some participants, an interviewee told me, "challenged absolutely everything."[70] Organizers welcomed the diversity of opinions and their free expression during the consultations. Their rationale was that exchanging different opinions would lead to a better-informed and more legitimate outcome of the consultation process.[71] The RECOM consultations were radically different from those interethnic activities organized by civil society organizations that were criticized for bringing together only those people who agreed with each other.[72]

The consultations resulted in the adoption of the Draft Statute of the regional fact-finding commission in 2011. It was an organic process, during which the idea of regional fact-finding took shape. Initially, from 2006 to 2010, discussions were open-ended, focusing on identifying an appropriate nonjudicial transitional justice mechanism. Some consultations also incorporated public hearings

of victims, who spoke about their experience of violence to a multiethnic audience. These sessions foreshadowed the testimonial-based methodology of the fact-finding commission. Scholars noted their potential for generating understanding of the Other and their suffering.[73] However, the organizers soon realized the risk of potential retraumatization and criticized the hasty "experimentation" with this format without proper support for victims.[74] The consultation process subsequently focused on defining a transitional justice approach appropriate for this postconflict region.

The consultations about the Draft Statute of the regional commission, which took place from May 2010 to March 2011, were different in character. The participants in these consultations debated the articles of the Draft Statute and expressed their opinions about their wording and content. The Draft Statute defined the commission's mandate, which laid out the commission's functions, attributions, and responsibilities.[75] RECOM's document included provisions on its remit, objectives, competencies, protocols outlining the commission's power and operation (such as statement-taking, public hearings, and field visits), procedures for its establishment (including the appointment of commissioners along with their rights and obligations, and internal governance arrangements), financing of the commission, and the production of the commission's report.[76]

A Working Group comprised of a multiethnic team of legal experts from the former Yugoslavia was assembled to provide expert guidance. The Working Group drafted initial proposals after considering participants' views expressed during the consultations and analyzing the statutes of other national truth commissions in other postconflict cases, while considering the laws of all former Yugoslav countries. It accepted proposals that were "possible, realistic, relevant and applicable" and translated them into the contours of the future commission.[77] The length of consultations varied. Some lasted a day, and others took place over two days. Each consultation gathered a diverse range of participants. Participants had an opportunity to hear and consider the Working Group's proposals on each article of the Draft Statute and express their views, propose solutions, and debate them with other participants. All consultations were dedicated to the areas corresponding to the headings in the Draft Statute.

The process unfolded iteratively. The Working Group updated the drafts of the document based on participants' suggestions and proposals during the consultations.[78] These drafts were discussed in subsequent consultations. Often, there were disagreements within the Working Group on a particular proposal, and two versions of an article were presented to participants.[79] The final version of the Draft Statute was agreed on through this process of "chiseling."[80] The legitimacy of the process lay in its responsiveness to the participants' views, including their cultural sensibilities. For example, the Working Group used the

term "members of the commission" and not the usual term "commissioners," considering the negative connotations the word "commissioner" or "komesar" had for participants owing to its association with political repression during the communist period.[81] The proceedings of each consultation were transcribed in their entirety and made publicly available on the RECOM website. A meticulous record of the consultations was kept in order to document the diversity of opinions before settling on the final version of the Draft Statute, and to ensure that this local transitional justice process was transparent.[82] The heated discussions during the RECOM consultations about the Draft Statute impressed the organizers, participants, and scholars who observed the process. To the organizers, it looked as though reaching a consensus would be impossible.[83] Similarly, scholars noted that "practically every aspect of a possible regional truth commission was the subject of heated debate."[84]

The Draft Statute was adopted at the Assembly of the RECOM Coalition on March 26, 2011. The Assembly is one of RECOM's governing bodies and comprises the members of the Coalition. Without a hard and fast rule on the membership of the Assembly, the Coalition considered members to be active participants in the consultation process while ensuring representation of all ethnic groups involved in the conflicts in the Balkans. In practice, according to one member of the Working Group, "the authors of the Draft Statute were all 6,000 people who took part in the consultation process."[85] Importantly, the Draft Statute did not reflect the views only of the members of the RECOM Coalition alone, who were a minority of participants in the consultation process.[86] The adoption of the Draft Statute of the regional fact-finding commission showed that "a common interest to put an end to the Balkan practice of nameless victims" prevailed.[87] The Draft Statute was the outcome agreed on after heated discussions about a difficult past involving people from all ethnic groups involved in the Balkan conflicts of the 1990s and the early 2000s.[88] It is also a testament to the resilience of the RECOM process in the face of many challenges.

Challenges to RECOM from Within and Without

The RECOM Coalition became a notable transitional justice actor in the region, promoting justice for all victims. Elites in different countries wanted to downplay its work because it challenged their framing of transitional justice as exclusive redress for their victims. The RECOM initiative had to find a way to operate as a transitional justice actor reliant on external support while it confronted the local powerholders' resistance to inclusive transitional justice. Challenges came both from within the initiative and from the surrounding political environment.

The initiative launched by the three nongovernmental human rights organizations grew into the RECOM Coalition, a network of civil society organizations and groups. It was governed by the Coordination Council, which served as an executive body, the Secretariat, which organized the events and planned activities, and the Assembly, which debated and steered its activism. At all levels of the organization, RECOM abided by the principle of multiethnic representation.

The leadership of the process by three NGOs from Serbia, Bosnia, and Croatia also presented a difficulty concerning the governance of the funds donated to RECOM. The partner from Sarajevo left the Coalition after a disagreement. According to reports, the Bosnian partner demanded that the administration of a particular grant awarded to the Belgrade partner be shared rather than it being administered by the recipient as awarded.[89] Along with the personal styles of the RECOM leaders and their relationships, this split has attracted significant scholarly attention.[90] It has led some to conclude that diverse ethnic interests could not be accommodated within a regional transitional justice process, overlooking the resilience of the consultative process that continued despite this disagreement.[91]

The split at the top disturbed but ultimately did not derail the RECOM process. Participants were affected by the perception that the lead organizations could not reach an agreement and concerned about the implications of the falling-out for representation of Bosnia in the process.[92] The remaining lead organizations from Serbia and Croatia, and the Bosnian organizations that stepped in, were transparent about the split. During the consultations they discussed with participants the constraints and importance of financial prudence in the administration of funds.[93] A handful of organizations left the Coalition, but most continued their involvement with RECOM. The process of justice-seeking proceeded apace.[94] The participants recognized the value of the RECOM consultations irrespective of organizational and perceived personal rivalries among the leaders. They considered RECOM to be the "key to success" for transitional justice in Bosnia, since the truth about "crimes in Bosnia and Herzegovina cannot be established without the truths and facts either from Montenegro, Serbia or Croatia, because many paramilitaries came from there to commit crimes in Bosnia."[95]

At the same time, opposition to the RECOM process and to the idea of regional justice-seeking swelled. Vehement criticism came from nationalist circles in all former Yugoslav states, targeting various aspects of the RECOM process. It was driven by the need to preserve dominant nationalist interpretations of conflict, and the conception of transitional justice as justice primarily for members of one's own ethnic group. To portray the RECOM initiative as a betrayal of ethnic interests, critics misrepresented RECOM's ideas. Supporters and advocates of the RECOM initiative engaged the critics.[96] The resulting public discussion revolved around some key themes.

Nationalists throughout the region dismissed the regional approach to transitional justice as a ploy for advancing the ethnic interests of others and a scheme by RECOM to delegitimize national transitional justice initiatives. In Croatia, RECOM was accused of trying to hide "Serb aggression," and in Kosovo, RECOM was accused of being a Serb ploy to deny Kosovo's independence.[97] Among the range of accusations leveled in Serbia was that it aimed at usurping court powers and dispensing summary justice, and that it was "organizing collective brainwashing about the causes of war."[98]

In response, supporters of the RECOM process underscored their commitment to recognizing all victims regardless of their ethnicity. They specified that the regional approach was not an alternative to national initiatives but should be understood as complementary. Similarly, they reaffirmed their commitment to restorative justice, insisting on its complementarity with other national-level transitional justice initiatives.[99] Public condemnation of RECOM, by both state and nonstate actors throughout the region, pointed to the potential power of an inclusive approach advocated by RECOM to unsettle the ethnic logic of justice-seeking. Bringing to light how elites failed their own victims from their same ethnic groups constituted a part of the threat that the RECOM posed. Opponents stigmatized participation in RECOM's interethnic process, enforcing ethnocentric justice.

During the RECOM consultations, the organizers openly spoke about the challenges of organizing interethnic consultations and about their "fear from the reactions of people in their surroundings." Local nationalists felt threatened by civil society initiatives that lifted the "smoke" and revealed their failure to recognize the victims.[100] Participants spoke about being called out by nationalists for "having engaged with the mercenaries," a reference to human rights organizations supported by external grants.[101] Liberal NGOs were criticized for their dependence on foreign funding and inclusive vision of transitional justice. People who joined these interethnic consultations were marked by some as "black sheep" upon return to their neighborhoods.[102] Despite such instrumentalist stigmatization, people joined the RECOM consultation process, motivated by the quest for justice.

Another challenge to RECOM was a lack of broader societal engagement. RECOM was "sandwiched between politicians who do not want to ruffle their electors and a great number of indifferent citizens."[103] To date, the RECOM initiative has not succeeded in obtaining lasting support from the leaderships of the post-Yugoslav states for the regional fact-finding process. RECOM's discussions with presidential envoys and joint scrutiny of the Draft Statute along with its subsequent amendments led to the creation of the legal framework for establishing the regional commission in 2014. Political support for RECOM disappeared in

the next cycle of elections in the region.[104] Meanwhile, the efforts to bring about a domestic policy change by obtaining political support from the European Union for establishing the regional fact-finding commission have also faltered.[105]

Simultaneously, the RECOM Coalition confronted a problem of "a broad-based lack of interest in and receptiveness" to transitional justice mechanisms, which is common in postconflict societies.[106] RECOM's media campaign to collect one million signatures in support of the regional commission, the "Race for RECOM" in the Belgrade Marathon, and other traditional and social media campaigns engaged ordinary people, but their limitations were evident. RECOM has been unable to change dominant nationalist narratives or mobilize meaningful popular support for its cause. Nonetheless, its contribution to the pluralization of public discourses by presenting an alternative view of inclusive postconflict justice should not be dismissed. The inability of RECOM to fulfill its goal of establishing the regional fact-finding commission has informed scholarly assessments of this initiative as a failure of transitional justice. However, as Gordy has remarked, "everything RECOM didn't fail at, it succeeded at."[107] Above all, as one participant in the RECOM process poignantly put it in an interview in 2013, "the process [of consultations] was invaluable for the region, even at the cost of the commission never being established."[108]

Beyond Ethnocentrism

The ethnocentric practice of transitional justice followed interethnic violence during the Balkan wars. In this case, justice primarily meant justice for members of one's own group. The ethnocentric perspective defined nationalist narratives that reduced the complexity of the conflicts to "our" victims and "their" perpetrators. This was mirrored by discourses of denials or downplaying of wrongdoing by members of one's own ethnic group.[109] The dominance of ethnocentric narratives of war and justice in the post-Yugoslav states, purveyed both by nationalist elites and local nationalist civil society associations and groups, has been widely documented. However, the sole focus on these narratives risks misunderstanding these discourses as an omnipresent and totalizing force in postconflict societies.

Isabelle Delpla has argued that even "the victims' minds are not so enmeshed in collective 'ethnic' thinking so as to define perpetration and victimhood solely in collective, ethnic terms."[110] The ruptures and complexities of living in postatrocity societies can be easily overlooked. They undermine the parsimony of scholars' and practitioners' explanations for why justice and reconciliation remain elusive. In these accounts, ethnonational categories of analysis link the salience of ethnic identities and dominance of ethnic politics with the impossibility, even

immorality, of postconflict reconciliation. But, as Aida Hozić warns, viewing postconflict polities solely through an ethnonationalist lens "plays into the hands of those who committed genocide."[111] Likewise, solely focusing on nonethnic categories of analysis, including civic identities, also misses the vicissitudes of postconflict life in the shadow of war crimes. As Torsten Kolind observes, counterdiscourses that mark the "shift away from ethnic towards nonethnic cultural and moral categories" exist alongside different ethnic identities carved by war that remain "complex, fragmented and inconsistent."[112] Daily life presents people with dilemmas about how to present and enact ethnic identities in interactions with the ethnic Other(s). Even in ethnically divided environments, these enactments challenge the uniformity of collective views promoted and enforced by nationalists.[113]

To understand the prospects for reconciliation after war crimes, we need to interrogate different expressions of identity in specific contexts along with positive and negative effects in concrete conversational settings. By doing so, we can account for an ethnic politics that dominates and constrains yet does not order all life and interactions in divided postconflict societies. The RECOM consultations involving people from opposing ethnic groups in the postconflict Balkans are a case in point.

The RECOM initiative pioneered an innovative format for regional consultations about the legacy of violence. It allowed for the exchange of different views across ethnic lines on postconflict justice. RECOM was a reaction to ethnic politics in the post-Yugoslav states in which official ethnocentric approaches to transitional justice were embedded. At the same time, ethnic politics also encroached on the process; it informed the views of some of its participants, while others rejected it. For many participants, the RECOM consultations stand out as a major achievement. They saw "success in gathering different interest, social, and victim groups together, and show[ing] that a dialogue is possible."[114] I put these anecdotal observations under scrutiny by identifying and analyzing the discourse patterns in this transitional justice process and their effect on interethnic relations. The next chapter lays out the theoretical framework for thinking about how reconciliation informed by mutuality in the context of peacebuilding flows from deliberative interactions across ethnic lines.

2

BRINGING IDENTITIES INTO POSTCONFLICT DELIBERATION

My point has nothing to do with ethnicity. It doesn't matter to me whether it concerns Serbs, Albanians, or extra-terrestrials.

—Participant in the RECOM consultation in Kosovo, February 21, 2011

I was very afraid of talking to Croats and Bosnians, who are closer to me, much more than I would fear talking to an American, Canadian, Brit, or Italian.

—Participant in the RECOM consultation in Montenegro, December 15, 2010

The prospect of coming face-to-face with former adversaries in a transitional justice process is daunting. The violence suffered during the conflict is revisited. The words that are spoken risk sharpening divisions between people along ethnic lines. An agreement on a joint pursuit of postconflict justice depends on people's ability to overcome ethnocentric perspectives and consider the views of ethnic Others. To date, we have not had evidence about whether this kind of deliberative communication can occur in postconflict contexts when members of adversary ethnic groups address the issue of war crimes.

Deliberation in societies divided by conflict faces formidable obstacles. Ethnocentric views are entrenched by ethnic targeting, a recurring element of contemporary conflicts. Even though mass killings are not necessarily aimed at specific individuals, they are not random; rather, as David Moshman argues, "they are crimes of group violence involving dichotomized social identities" that pit us against them.[1] These divisions can endure even after violence ends, as people are socialized into ethnocentric narratives about conflict and victimhood. A deliberative approach to conflict-resolution and peacebuilding recognizes the reality of deep ethnic divisions but also envisions their transcendence through discursive interaction.

This study of reconciliation embedded in mutuality in public communication recognizes the potential of deliberation involving former adversaries to contribute to peacebuilding in postconflict societies. Like deliberative democrats, I endorse the premise that reasoned, respectful, and other-regarding exchange of views across ethnic lines can help reconstruct societies torn apart by conflict.

However, I argue that fulfillment of deliberative virtues on its own cannot bring about a reconciliation of former adversaries, even if we establish that they can discuss redress for past wrongs in a deliberative manner. As André Bächtiger and John Parkinson point out, "exclusionary arguments can be couched in seemingly inclusive and respectful language."[2]

Although ethnic adversaries need to be able to discuss past wrongs deliberatively to appreciate each other's perspectives on justice for war crimes, repair of interethnic relations is conditional on granting recognition and dignity to the ethnic Other during deliberation. The bonds of solidarity that develop are the antithesis of divisive identity politics and denigration of the ethnic Other that bears on deliberation. I argue that reconciliation results from deliberative rationality and discursive solidarity when ethnic adversaries discuss war crimes during transitional justice consultations. The argument requires interrogation of how speakers deploy their identities in discourse, which James Paul Gee defines as "interactive identity-based communication using language."[3]

In this chapter, I lay out the theoretical framework for bringing identities into deliberation. It addresses the gap in the scholarship on deliberation in divided societies, which reflects our limited understanding of the role of ethnic identities at a microlevel of deliberative exchange. The gap has resulted from scholars' neglect of conflict dynamics and tendency to approach ethnic identities as speakers' fixed attributes while studying interethnic deliberation as if politics was not central to it. Bringing identities into the study of deliberation requires engaging with conflict dynamics. At the same time, an interactional perspective on how identities are enacted can provide insight into whether deliberators can counteract divisive identity politics by forging solidary bonds during good-quality deliberation about redress for war crimes.

The Case for Deliberation in Divided Societies

Appreciation of Jürgen Habermas's theory of communicative action has led scholars of critical peacebuilding to recognize nonconfrontational dialogue about the violent past as a means of reconstructing divided societies.[4] In contrast to strategic action, where actors are interested solely in achieving their interests, communicative action involves sharing knowledge in order to arrive at mutual understanding.[5] The theory of deliberation is a procedural theory and presupposes a certain quality of communication. As a mode of communication, deliberation is characterized by the realization of deliberative virtues. Peacebuilding and conflict resolution scholars contend that these deliberative virtues can mend relationships torn by conflict.

Common to all theoretical approaches to democratic deliberation is a requirement of reason-giving, while reasons in this context refer to "*propositions that can serve as premises in inferences that justify action*."[6] Deliberators are expected to provide reasons for their positions and to respond to reasons offered by others.[7] To make decisions deliberatively, everyone should have an equal opportunity to contribute. Deliberation is also other-regarding communication; it entails respect for deliberative partners and openness to hearing their views. Other-regarding orientation of deliberation embodies the principles of reflexivity and reciprocity; deliberators reflect on their positions, weighing them in the light of counterarguments.[8] Reciprocity thus refers to the mutuality of reasons offered to reach a mutually binding decision.[9] Deliberation is thought to have a transformative effect on deliberators' views. Transformation of preferences occurs "when participants change their minds because they have adopted to some degree the perspective of another or taken the other's interests as their own."[10]

As a normative theory, deliberative democracy stipulates that deliberative virtues produce deliberative gains. Deliberation is beneficial because it produces legitimacy for deliberatively derived decisions. Legitimacy is related to the democratic dimension of deliberation, which entails free, equal, and inclusive participation. Deliberation also contributes to the justice of decisions by granting public discursive opportunities to all.[11] Opinions formed after deliberation are better informed, more thoroughly considered, more stable, and better aligned with deliberators' underlying values.[12] Lastly, as a form of social interaction and learning, deliberation also fosters solidarity and trust and creates social capital.[13]

Deliberative virtues, which include rational justification, equality, reciprocity, respect, common good orientation, and other-regarding logic, play a particularly important role in the transition from war to peace in ethnically divided societies. Manlio Cinalli and Ian O'Flynn remind us that a normative starting point in the study of deliberation is that in any modern, pluralistic society, different people have different views of the world.[14] However, these differences are amplified in societies emerging from violent conflict, not least because of ethnic groups' previous inability to resolve disagreements peacefully. Normative standards of deliberation can help moderate and overcome mistrust and polarization that prevent the development of an inclusive public sphere and effective public policy making in postconflict societies.[15] Donald Ellis specifies that "deliberation does not seek rationality in the strongest of terms." Rather, rationality has to be understood as correcting bias against the ethnic Other, which is especially critical in divided societies.[16] In addition, deliberation entails orientation toward the common good that transcends narrowly defined interests, which can help transcend the ethnic logic in interest formation in societies emerging from conflict.[17] Deliberation can promote postconflict transitional justice-seeking since it

fosters consideration of the perspectives and needs of the ethnic Other.[18] Even if no decision is reached during deliberation and the requirement of decision making is removed, the very process of deliberation across ethnic lines can help repair interethnic ties.

The Case against Deliberation in Divided Societies

Reflective preference transformation that promotes the common good through noncoercive reason-giving and reciprocal dialogue lies at the heart of the theory of deliberative democracy. Procedural and outcome-oriented ideals delimit the theory. Against this benchmark, real-life deliberation is bound to be no more than an approximation of a theoretical ideal. At the same time, how close in practice deliberation will come to the ideal is highly context-dependent.[19] Divided societies often fail to meet many conditions for meaningful deliberation and are therefore unlikely to enjoy deliberative gains. Jürg Steiner captures the paradox succinctly, that deliberation is most difficult to achieve in divided societies, precisely "where deliberation is most needed."[20]

Differences of opinion are a precondition for initiating and sustaining deliberation. To be "situated in the circumstances of deliberation," participants should not be like-minded before the start of the discussion.[21] Likewise, the deliberation process entails a willingness to participate in a dialogical exercise across lines of division, adopt an accommodating stance, and be prepared to offer reasons and listen to others and their reasons.[22] However, the lack of trust that defines ethnically divided societies presents an obstacle to intergroup deliberation.[23] It takes shape in the form of ethnic segmentation of the public sphere.[24] Consequently, deliberation is unlikely to extend beyond ethnic spaces to include ethnic Others. At the same time, an emotionally charged environment of identity politics is at odds with the necessary deliberative exchange of reasons.[25] Positions are likely to be informed by ethnic allegiances and encourage turning a tin ear to others' perspectives.

Reservations about the possibility of deliberation in divided societies are attuned to critical arguments that, even in democratic contexts, deliberation deepens rather than bridges intergroup divisions. They are informed by Cass Sunstein's concept of "enclave deliberation" and the argument that opinions tend toward the extreme position and in the direction of the group opinion.[26] Enclave deliberation thus "encourages the conceptualization of values and policy in rivalrous" rather than in other-regarding and cooperative terms required for deliberative communication.[27] Scholars have also questioned

people's general willingness to engage with different opinions, even in societies that are not torn apart by conflict-related identity issues.[28] In divided societies, positions can be expected to align with ethnic identities and reflect ethnic interests. Consequently, attempts at deliberation are likely to falter as group-specific interests dominate and passions flare, undermining prospects for attaining deliberative standards.[29] Furthermore, even if participants invoke universal principles, such as human rights, they may actually be used strategically to promote their group-specific interests and incite conflict between groups.[30] Interethnic communication in both institutional and informal settings poses unique challenges in societies divided by conflict. This raises the question of whether expectations of high deliberative standards and beneficial effects of exposure to different viewpoints must be adjusted when deliberation encounters identity politics.

Deliberation without Reconciliation?

Notwithstanding "the intuitive disjunct between the conditions of deliberative reason-giving and the precarious position of divided societies," scholars have tackled such tensions in thinking about deliberation in divided societies.[31] John Dryzek and O'Flynn, respectively, first theorized the possibility of deliberation in divided societies.[32] Both scholars engage with consociationalism as a political and normative framework for conflict-resolution in deeply divided societies, although they offered different perspectives on deliberative democracy in contexts politicized by identity conflicts.[33] Dryzek emphasizes the public sphere, separate from the state and embodied by networks as an organizational form conducive to negotiation across difference. O'Flynn also recognizes civil society's contribution to building interethnic trust and solidarity. Unlike Dryzek, he places the burden on the state for bringing about a deliberative democratic resolution of conflict, arguing that civil society's behavior ultimately depends on that of the political leadership.[34]

These theoretical forays were followed by empirical investigations of the procedural and outcome-oriented measures of deliberation in divided societies. Deliberative experiments in Belgium involving Dutch- and French-speaking participants found that the quality of interethnic deliberation was higher than that of intragroup deliberation and that intergroup deliberation led to intergroup appreciation.[35] Another set of deliberative experiments in Colombia, Bosnia and Herzegovina, Belgium, and Finland (as a control case) established that ordinary citizens were both able and willing to deliberate across lines of division in their local environments.[36] Similarly, a deliberative poll—an alternative analytical tool

in the study of deliberation—pointed to knowledge gains, mutual respect, and perceptions of trustworthiness as outcomes of deliberation involving Protestants and Catholics in Northern Ireland.[37] However, further deliberative experiments in Colombia put a damper on the prospects for good-quality deliberation among antagonists in this postconflict society.[38]

This scholarship marked the empirical turn in the study of deliberation in divided societies.[39] The evidence supports the claim that deliberation across the identity divide is challenging but possible.[40] It also identifies institutional conditions for good-quality deliberation despite an adverse environment.[41] These insights from divided societies resonate with findings from the empirical study of deliberation in democratic contexts, which suggest "that cases approaching ideal deliberation are rare, but that group interaction sometimes works surprisingly well according to such ideals."[42] Empirical studies of deliberation in divided societies suggest possibilities for carefully calibrated deliberative problem-solving in societies emerging from conflict. They do not make a compelling case for reconciliation born out of deliberation. However, as James Fishkin shows, deliberation can change views in support of reconciliation, as was the case with a deliberative poll about the acknowledgment of the role of indigenous peoples in Australian history.[43]

The empirical study of deliberation in societies divided by conflict has refined normative requirements of the deliberative approach to conflict resolution and peacebuilding. The evidence it has produced speaks to "deliberative reconciliation" premised on inclusion and moderation as a foundation for institutional stability and improved governance in divided societies.[44] Nonetheless, this falls short of providing evidence for reconciliation through deliberation. Juan Ugarriza and Natalia Trujillo-Orrego contend that deliberation does not have built-in mechanisms for constraining extreme positions—constraints that are necessary for reconciliation. According to them, "antagonists run a high risk of polarization, understood as a worsening of their mutual attitudes toward each other, due to their contentious interactions, regardless of deliberative quality."[45] These risks cannot be assessed without more thorough scrutiny of deliberative discourse in postconflict societies. Specifically, the case against deliberative reconciliation falters in the face of a lack of evidence on how deliberators express their ethnic identities during postconflict deliberation.

Paradoxically, although the concepts of ethnic identity and identity politics are central to theorizing deliberation and its transformative effect in divided societies, the role of ethnic identities in the course of deliberation remains poorly understood at both the macro- and microlevel of interethnic interactions. Pathways that link interethnic deliberation with change in deliberants' identity from one defined by ethnicity to one defined by civicness—as an indicator of interethnic reconciliation—remain unclear in the scholarship on deliberation in divided

societies.[46] While suggesting that deliberation has a political effect in broader societies where it can moderate ethnic division, scholars of deliberation in divided societies have written politics out of the very act of deliberation at the microlevel of interethnic interactions. Yet, even in contexts far removed from violent conflict, as Donatella della Porta shows, identity politics is closely "intertwined" with the deliberation process among citizens, threatening to contaminate the normative discourse.[47] Gaps in the scholarship on postconflict deliberation reflect our limited understanding of the use of ethnic identities during deliberation, weaken theoretical claims about a deliberative route to reconciliation, and point to the need to bring identities into the study of postconflict deliberation.

Deliberation and Conflict Dynamics

The narrowness of the theorization and operationalization of the concept of ethnic identity in the scholarship on deliberation in postconflict societies stems from the field's general lack of engagement with conflict, including its dynamics and legacies.[48] To infer reconciliation by studying how people talk about war crimes, we need to account for how conflict defines the scope of postconflict contention, draws the lines of societal division, and informs the use of identities during deliberation. As I argue below, even if it is attainable in discussions about war crimes involving all parties to a conflict, good-quality deliberation measured by fulfillment of deliberative standards of equality, reciprocity, common good orientation, and respect is necessary for discussing and agreeing on a transitional justice strategy among former foes. However, on its own it is not sufficient for interethnic reconciliation.

The arguments about good-quality deliberation do not shed light on how people use ethnic identities during postconflict deliberation and how it intersects with identity politics. By contrast, an ethical perspective can capture how people enact their ethnic identities during deliberation. It highlights the extent to which these discursive identity practices can address and counter divisive identity politics premised on the denigration of the ethnic Other and their wartime suffering. Foregrounding the role of ethnic identities in deliberation allows us to evaluate the transformative impact of deliberation in postconflict contexts, where the possibility for the deliberative repair of interethnic relations depends on addressing challenges to interethnic reconciliation posed by conflict and postconflict identity politics.

Hot Issues in Hot Settings

The case for deliberation despite deep divisions and for its contribution to a transition from war to peace rests on the ability of deliberative democracy to "process

what are arguably the toughest kinds of political issues, the mutually contradictory assertions of identity that define a divided society."[49] Theoretically, the case for deliberation in hot settings is a push-back against skepticism that ethnic division will spoil the quality of deliberation. Empirical tests of deliberation in postconflict societies have produced limited insights into the possibility of deliberation (as a mode of communication distinct from debate) in divided societies.

These limitations result from a selective approach to issues presented as deliberation topics across deep divides. With a caveat that any topic can be controversial in societies polarized by conflict, scholars of deliberation in divided societies such as Northern Ireland, Belgium, Colombia, and Bosnia and Herzegovina have focused on issues that can unite communities.[50] We have learned that divided societies can deliberate about education and peace, for example.[51] However, we do not yet know whether the legacy of mass atrocity, which is the most divisive of all issues in postconflict societies, can lead to good-quality deliberation. National identity issues put a toll on deliberation both as a process and an outcome, as demonstrated by the engagement of Tibetans and ethnic Chinese over the issue of Tibet's self-determination.[52] Will discussion about war crimes involving former adversaries derail deliberation?

When people die or suffer in war because of their ethnic identity, wartime injury becomes a symbol of that identity. At the same time, transitional justice, and reconciliation as its prime normative goal, are premised on addressing past wrongs. Luigi Bobbio argues that prejudices surface more easily where what is at stake includes hot questions along which "explicit fracture lines exist in public opinion."[53] Deliberating about war crimes is akin to stress-testing the concept of deliberation in divided societies. To reconstruct postconflict societies during peacebuilding, deliberation must withstand the potentially detrimental effects of engaging with the root cause of identity polarization in postconflict societies: the commission of war crimes. Therefore, when grounding reconciliation in mutuality in interethnic discourse, we need to show that deliberation of a hot issue, such as the legacy of violence, can take place in the hot setting of divided societies. To avoid slipping into the descriptive study of deliberation, which overlooks normatively demanding features of a deliberative mode of communication, the empirical strategy must demonstrate the fulfillment of deliberative virtues when antagonists discuss past wrongs.

Deliberation and Ethnic Diversity

Scholars have approached deliberation in divided societies exclusively as a dyadic exchange between members of two ethnic groups. Focusing on how deliberation unfolds between two ethnic groups, for example, fits the conflict in Northern

Ireland, which has involved Catholics and Protestants. However, a model of dyadic deliberation is ill-suited for the study of many other contemporary conflicts. It does not reflect the ethnic complexity of intrastate conflicts, such as the one in Bosnia and Herzegovina, which involve more than two ethnic groups; neither does it account for challenges to deliberation posed by the regional character of contemporary conflicts that involve multiple ethnic communities straddling state borders.

Unlike scholars of deliberation, scholars of conflict processes have engaged with ethnic complexity and its consequences for conflict.[54] For example, David Cunningham shows that a greater number of parties in a conflict means that the conflict will last longer and involve graver harm.[55] The question of the extent of ethnic diversity and its effects on deliberation has not been addressed to date. If deliberation is to have a restorative impact on war-torn societies, a deliberative exercise should align with conflict dynamics and include all parties to a conflict. As we will see, a regional and ethnically complex conflict such as that surrounding the dissolution of Yugoslavia is a case in point.

Since the end of the Cold War, there has been an increase in intrastate wars that have a cross-border dimension.[56] In 2016, 38 percent of intrastate conflicts "were internationalized, in the sense that external states contributed troops to one or both sides in the conflict."[57] In regional conflicts, neighboring ethnic-kin states and substate groups of paramilitaries and rebels are directly or indirectly involved in violence across borders. Additionally, as illustrated by the disintegration of the former Yugoslavia and the former Soviet Union, state fragmentation changes the nature of borders, and with them, the nature of the cross-border actors' involvement. Regional and cross-border dimensions of conflict shape peace efforts.[58]

Recognizing the regional dynamics of conflicts and patterns of harm, scholars have called for the inclusion in transitional justice processes of all ethnic groups involved in a conflict.[59] Similarly, multiple lines of identity division need to be considered when a deliberative approach is applied to recovery in postconflict environments, which ought to align with conflict dynamics. We need to be precise when theorizing and evaluating the kind of ethnic diversity that supports or undermines good-quality deliberation.

We know that dyadic deliberation that includes members of two ethnic groups is possible in divided societies. However, deliberative gains achieved in dyadic interactions partially satisfy justice needs after conflicts that involve more than two ethnic groups. As Kathleen Gallagher Cunnigham and Nils Weidmann note, "accommodation that is group-specific provides no benefit to other groups."[60] When reconciliation is at stake, multiethnic discussions that accurately reflect all ethnic groups involved in a conflict should also be deliberative. In line with the

critique centered on theorizing identity in deliberation across ethnic lines, the question of identity will impinge on deliberation in terms not only of the number of ethnic identity groups involved but also, crucially, of how people involved express their ethnic identities in deliberation.

Enactment of Ethnic Identities in Deliberation

People have many identities, and certain identities become more salient in different contexts. Violence people suffer as members of an ethnic group can accentuate ethnic identity. Engagement with a former adversary entails a social context where people's sense of difference is likely to be accentuated further. The gap I have outlined—our limited grasp of how speakers use their ethnic identities when interacting with members from adversary ethnic groups about past wrongs—results from two related weaknesses of the study of deliberation in divided societies.

On the one hand, embracing a constructivist approach to identity as malleable, scholars have credited deliberation with a normative shift from exclusive ethnic identity to inclusive civic identity. This identity change is conceived at the macrolevel of a conflict-ridden polity, spurred by the reconfiguration of state-civil society relations within a consociational institutional context. This assertion raises a question about how the microlevel practice of deliberation, which may occur among citizens or within state institutions, such as parliaments, can produce macrolevel effects in a divided society, including identity transformation. It is a recognized dilemma in the scholarship on deliberative democracy, which scholars of deliberation across deep divisions have also left unaddressed. On the other hand, although the constructivist approach to identity is a lynchpin of theorizing the benefits of deliberation in divided societies, to test deliberation across deep divides empirically, scholars have operationalized ethnic identities as speakers' fixed identity categories (for example, Catholics and Protestants in Northern Ireland).[61] Positive outcomes for intergroup relations are inferred from the measurement of the quality of discourse during interethnic communication, or as a measure of attitudes toward antagonists as an outcome of interethnic deliberation. However, they do not speak directly to ethnic identity change of individuals and groups, posited as critical to the reconstruction of divided societies.

These theoretical and empirical challenges in importing a concept of identity into the study of deliberation in divided societies reflect the broader challenge of studying identity. The definitional anarchy and the related complexity of identity as a concept, evident across different disciplines, have impacted scholarly attempts to devise analytic frameworks for identity as a variable.[62] Although theorizing deliberation in divided societies pivots on the impact of deliberation on

ethnic identities and vice versa, the scholarship generally glosses over these definitional quandaries and their theoretical and empirical implications. This reveals the need to specify how a conceptualization of identity is "uniquely matched" to appropriate analytic approaches to overcome the disconnect between theoretical propositions and empirical observations in the study of postconflict deliberation.[63]

To submit normative claims made by deliberative democrats to rigorous scrutiny, it is useful to specify that envisaging a shift from ethnic to civic identity in divided societies reflects the understanding of identity as a type identity. Type identities, according to James Fearon, are "labels applied to persons who share or are thought to share some characteristics or characteristic, in appearance, behavioral traits, beliefs, attitudes, values, skills (e.g., language), knowledge, opinions, experience, historical commonalities (like region or place of birth), and so on."[64] Drawing on the scholarship on contact theory, which informs theories of deliberation in divided societies, can help us illuminate how scholars have conceptualized identity change as a result of deliberation in divided societies.[65]

Recategorization implies the creation of a superordinate category, where in-group and out-group categories are merged under a more inclusive superordinate identity.[66] This is what deliberative democrats mean when they argue that deliberation in divided societies promotes an (inclusive) national identity, propped up by a change from ethnic to civic identity of groups that constitute the postconflict polity.[67] Pursuing a procedural understanding of deliberative democracy, O'Flynn argues that "deliberative democracy provides normative standards that, if appropriately institutionalised, can lead to a stronger sense of common national identity among citizens."[68] Recategorization implies the maximum reduction of prejudice toward the out-group. It is not easy, but it is possible to achieve.[69] Such a conception of identity change, either at the macrolevel of groups or at the microlevel of individuals involved in interethnic discussions, has not been demonstrated to flow from the experience of deliberation, undermining the normative claims made by scholars of deliberation in divided societies.[70]

Fresh perspectives on the role of ethnic identities in deliberation in societies divided by conflict can be gained by shifting our approach from recategorization of identities as a result of deliberation to the enactment of identities during deliberation. This approach broadly relates to the understanding of identity as role identity and locates the study of identity at the intersection of social interaction and discourse. According to Peter Burke and Donald Reitzes, "identities are meanings one attributes to oneself in a role (and that others attribute to one)," which come to be known and understood by individuals through interactions with others.[71] Understanding identity as an "interactional accomplishment" has a long history and spans multiple disciplines.[72] The notion of identity produced through interaction

is an alternative to the operationalization of identity as a static category in the empirical scholarship on deliberation across deep divides. It directs our attention to the contingent and dynamic deployment of identity during deliberation.

How speakers enact their ethnic identities is an unexplored dimension of deliberation. One potential approach to study this question is the positioning perspective. This approach focuses on the discursive process of joint production of an(y) identity as it emerges in interaction.[73] The analytical focus on interaction leads to the possibility for conceptualizing how identities are enacted in interethnic communication. However, because the positioning perspective does not specify a priori which particular position or identity is of prime theoretical interest, it is of limited use to the study of postconflict deliberation. By contrast, an alternative approach that retains the focus on interaction and embraces the concept of role identities associated with predictable role performances is analytically more promising. Given the salience of ethnic identity in postconflict societies, leveraging the concept of role identity allows us to scrutinize how a sense of ethnic difference defined by victimization based on ethnicity is deployed in deliberation across ethnic lines.[74]

The enactment of ethnic identity as a role identity during deliberation across ethnic lines is both a conceptual and empirical question. As Hartmut Mokros points out, views of identity as interactively achieved rather than fixed "offer opportunities for personal liberation and social reorganization around principles of relational responsibility."[75] If we think of deliberation after conflict in terms of "social interaction" as a site where identities are enacted and negotiated, different enactments of ethnic identity can either promote or undermine reconciliation grounded in mutuality.[76] Examining how (and whether) ethnic identity is enacted provides a novel perspective on what "work" ethnic identities do during deliberation across ethnic lines.[77] This social interactional perspective on identity opens up new vistas for empirical research on reconciliation that are otherwise closed off by the "categorical essentialism" underlying the operationalization of static identities in extant scholarship.[78] An ethical perspective on deliberative interaction can reveal how these identity dynamics in public communication across ethnic lines overcome identity politics and what Bächtiger and Parkinson call the "competitive search for truth" during deliberation, which stands in the way of interethnic solidarity and reconciliation.[79]

Reconciliation and Discursive Solidarity

The next section turns to solidarity in interethnic interactions, which is necessary for reconciliation through deliberation about war crimes. Solidarity—a concept

that denotes "the feeling of reciprocal sympathy and responsibility among members of a group which promotes mutual support"—has preoccupied scholars of transitional justice processes, who have a fundamental concern with reconstructing societies torn by conflict.[80] In postconflict societies where in-group solidarity has been cemented by war and violence, a shift toward solidarity that transcends group boundaries indicates a "certain amount of moral transformation."[81] Drawing on Habermas's theory of communicative action and Axel Honneth's theory of recognition, I develop a discursive perspective on solidarity in interethnic interactions in a transitional justice process. This perspective focuses on empathetic recognition of the ethnic Other in public discourse as a vehicle for counteracting divisive identity politics and its distorting effect on interethnic discourse. Like Stijn Oosterlynck et al., I am interested in shifting the analysis from macrolevel sources of solidarity toward "forms of solidarity in diversity [that] can emerge from concrete interpersonal practices."[82] Here I am particularly interested in discursive identity practices that capture various ways in which people enact their identity in interethnic interactions that are a source of solidarity. At this "microlevel of everyday interaction," identity-based grievances, Paige Arthur argues, have "important and varied effects."[83]

Habermas's theory of communicative action, which informs theorizing on deliberation in divided societies, is a dialogical theory. It "regards the identification of the correct principles of morality as a project that must be carried out collectively by all those potentially affected by their adoption."[84] Deliberation as an intersubjective communicative practice brings to the fore the relationship between deliberators. According to Habermas, "discourse ethics defends a morality of equal respect and solidaristic responsibility for everybody."[85] Such an ethical perspective on deliberation is sensitive to the risk that "there is always a possibility of communication getting distorted, especially when humans have to engage in situations of differences and conflicts," as is the case in societies divided by conflict.[86] The discourse-ethical model of deliberation requires operationalization that is responsive to deliberation in a concrete context and concerning different kinds of questions.[87] Albena Azmanova observes that "deliberations are inevitably permeated by real interests and ideological distortions."[88] A deliberative approach to reconciliation needs to show how distortions stemming from identity politics present during interethnic deliberation are overcome through solidary interactions.

Deliberation is widely understood to be transformative. It can yield respect and solidarity and thus reduce the differences between deliberators.[89] From this perspective, solidarity is an outcome of deliberation. However, addressing the character of the ethics of deliberation, Conrado Hübner Mendes contends that "a focus solely on the consequences does neither portray nor explain the proper

actions that are likely to produce those cherished effects."[90] Rather, the ethics of deliberation is instantiated through practices during deliberation itself, as these practices are more than just means to coveted ends.[91] If we conceptualize postconflict reconciliation through public communication grounded in mutuality, then the very process of deliberation ought to be a solidary interaction. Rosemary Nagy argues that in postconflict contexts solidarity needs to be "something deeper or more substantive" than democratic reciprocity.[92] Democratic reciprocity is a feature of good-quality deliberation that signals convergence or consensus on an issue but does not require the deeper commitment to moral values on which reconciliation depends.[93] Therefore, leveraging the ethical perspective clarifies the theoretical and practical importance of postconflict deliberation as an exercise of relationship-building between ethnic Others. When solidarity emerges through exposure to "the otherness of others," foregrounding the role of identity in postconflict deliberation entails asking how the ethnic Other is construed and engaged.[94] What is the role and effect of identities conceived as an individual versus a collective concept? I answer this question by considering how recognition of the ethnic Other can accommodate differences and offset divisive identity politics.

Solidarity as a practical exercise of the ethics of deliberation captures the dynamics of negotiation and transformation of human relations through communication.[95] As William Umphres points out, deliberative conflicts are conflicts between different identities within society. Different conceptions of justice reflect people's different life histories, race, gender, sexuality, or religion, and the reasons people give and claims they make to others are public expressions of their identity. Consequently, people engage in public deliberation because they seek affirmation of their claims: "we want our reasons to matter, not just for us, but for others." Ultimately, "successful deliberation forms a process of recognition that builds solidarity."[96]

Addressing the struggles for recognition, Habermas concedes that "the challenge becomes all the greater the more profound are the religious, racial, or ethnic differences, or the historical-cultural disjunctures."[97] Societies emerging from ethnic conflict present us with a case of the deepest sort of identity divisions. Bodily injury and harm, most commonly through ethnic targeting, intensify the sense of ethnic difference. In struggles for recognition, Honneth contends, physical injury such as torture and rape are the most fundamental sort of personal degradation and the most destructive type of humiliation.[98] Bodily injury represents an extreme type of disrespect and the antithesis of solidarity. Therefore, drawing on Honneth, during deliberation about war crimes in postconflict societies, solidarity arises at the intersection of newfound recognition and persistent ethnic identities defined by wartime injury. These "lifeworld solidarities depend

on a mutual understanding that individuals can achieve and sustain" within a group.[99] In the deliberative quest for justice for war crimes, a group involves people from different ethnic groups affected by wartime violence. Solidarity hence entails a sense of community; or, as Nancy Fraser puts it, the privileged moral feeling is "social solidarity." This means that the norms governing interactions are not norms of intimacy such as love and care, or those of formal institutions such as rights and entitlement. Rather, in public communication, the norms of recognition and dignity are enshrined through social practices.[100] Communication is one such practice that can be empirically traced in discourse.

Furthermore, in a deliberative approach to reconciliation, it is important to elucidate the relationship between an individual (and their own ascriptive group) and a community of deliberators. From the perspective of discourse ethics, the sense of groupness that undergirds solidarity does not entail erasing one's own (group) identity. Habermas presents a moral universalism that is responsive to difference. He draws an explicit connection between justice and solidarity because "moral concern is owed equally to persons both as irreplaceable individuals and as members of the community."[101] At the same time, Habermas specifies that individuality is preserved within a solidary community in a moral universalism sensitive to difference by "tak[ing] the form of *nonleveling* and *nonappropriating* inclusion of the other *in his otherness*."[102] This intersubjective understanding of solidarity, according to Honneth, draws attention to the structure of relations of recognition.[103] Honneth argues that it is "the mechanism of symmetrical esteem" that can produce the relations of solidarity and sympathy across social boundaries, where "symmetrical" means that "every subject is free from being collectively denigrated, so that one is given the chance to experience oneself to be recognized."[104]

In deliberation about war crimes, solidary bonds ought to cross ethnic boundaries, and recognition of individuals should be accompanied by an acknowledgment of their "connectedness to specific human groups" with particular cultures, histories, social practices, values, habits, forms of life, vocabularies of self-interpretation, and narrative traditions.[105] The acknowledgment of an individual's sense of difference is of paramount importance in deliberations in postconflict societies, because although the individual injury for which justice is sought is experienced personally and intimately, it is embedded in the specific wartime experience of one's identity group. As Daniel Philpott argues, recognition of victims in the aftermath of mass violence entails "addressing the wound of social ignorance."[106] This moral act is also profoundly political in societies divided by conflict and identity politics, where the relationships between diversity and solidarity are "ultimately a matter of politics."[107] Determining whether solidary bonds based on recognition of the ethnic Other have formed during

deliberation can tell us a great deal about whether the virtue of ethical communication between former adversaries can transcend divisive identity politics in face-to-face, interethnic interactions.

The study of deliberation in divided societies has established itself as a subfield in the scholarship on deliberation. The conceptual leap of locating deliberation in circumstances that are arguably the least conducive for deliberation is driven by the recognition of the potential contribution of deliberation to the transition from war to peace. Although identity politics features prominently in discussions both of impediments to deliberation and of its necessity in divided societies, theorizing on deliberation in divided societies has—paradoxically—neglected the role of identities, and with it the role of identity politics, in deliberation. To date, our understanding of how deliberation after conflict can be reconciliatory, and promote peace, has been constrained by a lack of consideration of how conflict shapes identities, and of how identities shaped by conflict affect deliberation. Identities, as Rogers Smith argues, "are among the most normatively significant and behaviorally consequential aspects of politics," especially so in the aftermath of mass atrocity.[108] Deliberation involving former adversaries needs to be more finely attuned to the role of identities underwritten by mutual victimization in order for deliberation to help build peace.

Drawing on deliberative approaches to the reconstruction of postconflict societies, I argue that reconciliation takes place through deliberative rationality and discursive solidarity in public communication about war crimes involving former adversaries. How people enact their ethnic identities at the microlevel of deliberative communication is distinct from how they fulfill deliberative virtues in communication across ethnic lines. With an eye toward ethnic identities defined by conflict, the key analytical question is not whether someone can be described in a particular way but whether and how an identity "is made relevant" in deliberation.[109] The enactment of ethnic identities when addressing the legacy of mass atrocity has to support the ethic of interethnic solidarity. Otherwise, deliberation about war crimes in postconflict societies may be well reasoned without being reconciliatory.

Engagement with conflict dynamics and their legacy frames the investigation of identity and its significance for deliberation in divided societies in three ways. First, deliberation should address war crimes as a cause of an identity divide. Second, ethnic diversity of deliberations needs to reflect the reality of ethnic conflict. Third, we need to understand whether and how people enact their ethnic identities in deliberative encounters with ethnic Others, and how that enactment affects identity politics. Recalibrating deliberation in divided societies by bringing identity into the study of deliberation raises several empirically verifiable

questions: Can war crimes and their legacy be deliberated in societies divided by conflict? How does ethnic diversity impact deliberation? Is the enactment of ethnic identity compatible with the ethics of discursive solidarity? These questions turn on the microlevel dynamics of deliberation as a process and guide the empirical analysis in the ensuing chapters.

3

QUANTIFYING DISCOURSE IN TRANSITIONAL JUSTICE

Why do we always make transcripts of all these consultations? Because they show an evolution, starting with an initial idea, which was a beautiful but insufficiently clear vision, and its development to where we are today.

—Participant in the RECOM consultation in Serbia, October 10, 2008

The RECOM coalition meticulously recorded and transcribed the consultative sessions involving participants from all ethnic groups that fought in the Balkan conflicts. In the process, it generated some 4 million words of publicly available data, uniquely valuable for the empirical study of postconflict deliberation.[1] The transcripts served as a record of a wide range of positions expressed by the participants on their preferred approaches to transitional justice and as a guide for crafting proposals for a transitional justice mechanism. The first phase of consultations identified the focus on a regional approach to transitional justice through a fact-finding process. The transcripts were particularly important in the second phase, which focused on the Draft Statute and the codification of the agreed terms of the proposed regional fact-finding commission.

This book examines reconciliation after conflict by investigating how people talk about war crimes. As Paige Arthur points out, new normative perspectives require that "those working in transitional justice develop a new set of measures to address the specific justice concerns of transitions to peace."[2] This chapter lays out the empirical strategy for studying reconciliation by measuring the quality of deliberation in RECOM's discussions about war crimes across ethnic lines. Empirically establishing the quality of deliberation allows us to assess how speakers engage with each other. As I have argued, good-quality deliberation in discussions about past wrongs in search of justice is necessary for reconciliation. It indicates that former adversaries can address the divisive legacy through a reasoned, civil, and respectful discussion while considering the positions of ethnic Others. The measuring of the deliberativeness of discourse in this research builds

on the empirical study of democratic deliberation in general, and of deliberation in divided societies in particular. The chapter discusses how the measurement instrument has been refined in order to capture the deliberativeness of discourse in postconflict societies.

While acknowledging that the effects of justice are difficult to measure, scholars have made strides in addressing a major weakness in the transitional justice literature: the lack of empirical evidence for its normative claims.[3] The growing body of empirical evidence about the effects of transitional justice relies almost exclusively on survey and experimental methods.[4] The full theoretical potential of the quantitative study of discourse is yet to be tapped.[5] The quantitative content analysis applied to the naturally occurring data of real-life discussions about war crimes presented in this book expands the scope of empirical evidence for normative claims in the study of transitional justice and reconciliation. The quantification of discourse in the field of transitional justice extends efforts to provide a novel empirical assessment of peace.[6] Framed in terms of mutuality, reconciliation is an integral part of peacebuilding. Empirical elucidation of how reconciliation among former adversaries unfolds enhances our understanding of the quality of peace. As Peter Wallensteen argues, "quality peace" is determined by the extent to which the postwar condition provides for justice, reflected "in the recognition of pain and creation of transparent structures" that address past wrongs.[7]

This chapter reviews the Discourse Quality Index (DQI), which is the measurement instrument that captures the deliberative quality of discourse, and outlines its adaptation for this book. The result is the construction of the Discourse Quality Index for the Study of Transitional Justice (DQITJ), fit for measuring the extent of fulfillment of deliberative virtues in postconflict civil society deliberations about war crimes.[8] The DQITJ's application provides insight into the deliberativeness of the discourse of the RECOM consultations.

The Measurement Instrument

The DQI measures the quality of deliberation. Jürg Steiner and his colleagues developed it in response to the need to supplement philosophical theorizing about deliberation with "empirical investigations of real-life deliberations."[9] Application of the DQI in various deliberative contexts contributed to the empirical turn in the scholarship on deliberation. Scholars of deliberation have applied different research designs (experimental vs. naturalistic-observational) and measurement strategies (DQI vs. outcome-based measures).[10] The DQI has become "the most encompassing and most widely used measure of deliberation,"

in formal and informal settings, predominantly in democratic contexts.[11] It has also been applied to deliberation in divided societies. As a measurement strategy, the DQI is fit for a process-based approach to deliberation because it captures the deliberativeness of discourse.[12] It lends itself to empirical evaluation of reconciliation as a communicative process, with the potential to provide granular insight into multiple dimensions of deliberative discourse.[13]

As a content analysis scheme aimed at assessing deliberation, the DQI begins "with categories based on political theory and measure[s] the extent to which these categories occur in the actual talk of participants."[14] The DQI is grounded in Jürgen Habermas's discourse ethics.[15] Given the complexity of the theoretical debate about the meaning and substance of deliberation, the creators of the DQI offered methodological and practical reasons for their decision to operationalize the Habermasian perspective on deliberation. According to them, taking into account all theories of deliberation would result in an unworkably complex and inconsistent measurement instrument. Grounding the DQI in Habermas's discourse ethics ensured the instrument would be more usable and reliable.[16]

The dimensions of DQI are defined by Habermas's notion of "communicative action," which stipulates that "individuals give and criticize reasons for holding or rejecting particular validity claims, so that universally valid norms can be discovered through reason."[17] Informed by Habermas's understanding of deliberation, which foregrounds the force of a better argument, the DQI consists of seven dimensions: participation, level of justification, content of justification, respect (for groups, demands of others, and counterarguments), and constructive politics.[18] Together, they represent the virtues of deliberation and capture procedural requirements that distinguish deliberation from other modes of communication.

Participation refers to the ability of speakers to participate freely in a debate, which is reflected in categories of the DQI that indicate whether a speaker has been interrupted.[19] The level of justification refers to the extent of justification offered for each demand, which represents a position articulated by a speaker. The level of justification ranges from no justification to sophisticated justification, and it is based on evaluating reasons offered by the speaker. The content of justification identifies whether appeals have been made in terms of a narrow group interest or in terms of the common good. This category of the DQI distinguishes two types of the common good: one expressed in utilitarian terms, derived from J. S. Mill's reference to "the greatest good for the greatest number," and the other expressed in terms of a difference principle, derived from Rawls, referring to helping the least advantaged in society.[20] The three categories of respect concern respect for groups affected by policies, respect for demands expressed by others, and respect for counterarguments, including specification of whether demands are expressed in a neutral, degrading, or respectful manner. Lastly, constructive politics gauges

the extent to which speakers are prepared to build consensus, assessed in terms of whether speakers retain their positions, suggest alternative proposals beyond the given agenda, or offer mediating proposals that fit the given agenda.[21]

A subsequent revision of the original 2003 DQI, yielding DQI 2.0, retained the Habermasian underpinnings of deliberation, as well as a conception of deliberation occurring on a continuum from "no deliberation" to "ideal deliberation."[22] The DQI 2.0 addressed a need to adapt the index to the reality of citizens' deliberation (as opposed to its original application in parliamentary settings). Difference democrats—scholars preoccupied with differences and their implications for democratic politics—argued that the requirement for dispassionate argument in deliberation disadvantages some speakers. This criticism led to recognition of "alternate" forms of discourse, such as storytelling, narration, and testimony, as acceptable deliberative practice.[23] In the DQI 2.0, storytelling is another category of deliberative discourse.

In this research, I adapt and refine those measures of different dimensions of deliberative discourse that are consequential features of discourse in postconflict societies. This adaptation of the DQI is guided by a need for maximum adherence to the DQI as specified by its creators. It entails carrying out critical, albeit minimal, adjustments, which is appropriate for studying postconflict civil society deliberations on the legacy of mass atrocity. This measurement strategy is motivated by considerations of democratic deliberative theory-building, which highlights the necessity to produce comparable findings with existing studies of citizens' deliberations in general, and of deliberation across deep divisions in particular.[24] A comparative dimension is critical so that "empirical research can provoke reflection on normative values" of democratic deliberation.[25]

The creators of the DQI have recognized that discourse is context-specific and that not all of their categories may be applicable all the time.[26] Scholarly applications of the DQI have been accompanied by revisions appropriate for studying deliberation in various contexts, contributing to theorizing about deliberation and its premises.

Constructing the DQI for the Study of Transitional Justice

The adaptation of the DQI for the study of reconciliation and transitional justice has adhered to the structure of DQI 2.0, which was modified for application to citizens' deliberation and included storytelling. Deliberative virtues expressed as DQI categories contained in the DQI for the Study of Transitional Justice

are summarized in table 3.1. As in the original DQI and DQI 2.0, it includes the categories of participation and the rationality of justification, expressed in four categories: no justification, inferior justification, qualified justification, and sophisticated justification. The common good categories are disaggregated and include separate indicators for the common good expressed in terms of the group interest, in terms of the difference principle, an abstract good, and an individual interest.

In particular, the category of group interest is refined to capture how conflict refracts on interethnic communication involving multiple ethnic groups. Measuring the quality of deliberation about war crimes after a regional conflict raises the same questions of specification and disaggregation of group interest as applications of the DQI to transnational deliberations in the European context. On the one hand, the dilemma concerns the scale of reference: is group interest expressed in terms of, for example, the national, European, or global common good?[27] On the other hand, there is a question about which kind of group interests are invoked: should the group be defined by an identity-related concept, such as a nation or an ethnic group, or by a sectoral affiliation, for example an energy sector or an educational sector?[28] In cross-ethnic deliberations about transitional justice in the aftermath of regional conflict, public and group interests "cannot be seen only within the narrow borders of nation states."[29] It also should include common good framed in regional, that is multiethnic, terms. Furthermore, the conceptualization of a group interest in a region comprising states that are themselves multiethnic states requires an additional level of disaggregation below the level of the state. The DQITJ was adjusted to reflect nested group identities: ethnic group, country, and region or a larger multiethnic community.[30] For deliberations about war crimes, the specification of ethnic identity group as a basis of the common good is consequential. The casting of interests in ethnocentric terms represents a narrow, inward-looking definition of the common good, in contrast to when it is framed in multiethnic terms, where regard for the ethnic Other—a key procedural dimension of good-quality deliberation—is implicit. The latter captures the notion of mutuality into which the understanding of reconciliation is embedded. Existing studies of deliberation in divided societies that apply the DQI have used a common good category of "own group," which, on the one hand, conflates different forms of group identities, such as ethnic and national (i.e., related to one's country), and, on the other hand, overlooks the possibility that speakers can also appeal to the interests of a region or a broader multiethnic community, thus transcending a narrow ethnic interest.[31] These nuances have to be a part of the measurement strategy if we want to capture the quality of postconflict deliberation in a regional, albeit divided, context.

Further, the DQITJ incorporates a common good category in terms of the difference principle. This category pertains to groups such as victims, young people, and future generations. It is distinct from the group interest category defined by different levels of identity speakers invoke. In other words, the definition of a group in terms of the difference principle is nonascriptive and refers to a group singled out in cost-benefit reasoning. In addition, the DQITJ introduces the common good category in terms of abstract principles.[32] In divided postconflict societies, the common good category may be expressed without mentioning any groups and may refer to a general need for peace or social justice, for example.[33] Lastly, an additional category captures whether the common good is expressed in self-interested terms as an individual-centered justification. This indicator captures the opposite pole of the common good, which is expressed in terms of a group interest.

Respect categories in the DQITJ are adjusted for cross-ethnic deliberations. These categories capture whether there is respect toward participants (and their arguments), as well as groups, expressed in language, ranging from disrespectful to explicitly respectful.[34] The inclusion of respectful language as a DQI category reflects the adaptation of the DQI from institutional to citizen-centered settings.[35] If we are to glean the deliberativeness of discourse in societies divided by conflict, the distinction between (dis)respect that deliberators express toward individuals versus groups is relevant. The collective conception of the ethnic Other is considered an obstacle to interethnic relations and could be associated with distortion of discourse across ethnic lines. How respect is expressed toward both individuals and groups corresponds to critical dimensions of deliberativeness in interethnic contexts that have routinely been neglected in existing empirical studies of deliberation in divided societies.[36]

Lastly, DQITJ includes the storytelling category and specifies the relationships between it and the presented argument, whether a story figures as a sole justification or is used to reinforce an argument. This specification goes beyond binary identification of the presence or absence of stories during deliberation and captures their status in relation to rational justification.[37]

To analyze the quality of deliberation about the legacy of war crimes across ethnic lines, individual dimensions of deliberation need to be constructed as an index, which can be used as a measurement instrument. The guiding principle in constructing the DQI is that the index's components are scalable. As unidimensionality of scale-building is not a given, it is necessary to check whether components form a coherent set, measured by their correlations.[38] They then "can be combined to form a scale that can serve as an overall measure of discourse quality."[39] Following Marco Steenbergen et al. and Markus Spörndli, the DQITJ was created first by running the Principal Component Analysis on the polychoric

correlations of the following categories: justification rationality, common good, two categories of respect (for participants and groups), and storytelling.[40] The results show that the first component represents more variance than other components and more variance than the original variables (i.e., DQI categories), and that all categories load positively on the first component.[41] These observations justify the construction of a single, additive index that can capture the quality of deliberation in the RECOM corpus.

RECOM's Consultations and Textual Data

Divided societies are characterized by sparse interaction and communication across ethnic divisions. Structural divisions further reduce possibilities for intergroup contact. Ethnic homogenization of territories due to wartime violence can often be enshrined in peace agreements. In addition, postconflict consociational governance arrangements rest on intergroup elite communication. As critics of consociationalism point out, these arrangements can simultaneously entrench segmentation at a societal level. The lack of communication across ethnic lines has also impacted research designs in the study of deliberation in divided societies, notably the use of experiments and deliberative polls. For example, Didier Caluwaerts and Kris Deschouwer cite the "absence of 'naturalistic' locations" as a reason for their opting for an experimental research design.[42] At the same time, Seraina Pedrini points out the rareness of transcripts of civic deliberation, such as the transcripts of the RECOM civil society consultations, which involved speakers from adversary ethnic groups who themselves belong to different stakeholder communities, including victims, teachers, human rights activities, legal professionals, and veterans. Unlike the transcripts of civil society deliberations, the transcripts of parliamentary debates are widely available.[43] The systematic analysis of the RECOM corpus can contribute to empirical validation and development of the tenets of deliberative democracy in divided societies by probing whether "hot deliberations" about hot issues, such as war crimes, in postconflict contexts are feasible.[44] In order to assess the validity of the findings, the following sections address the issue of selection. In this book, the selection issue concerns the rationale for selecting specific debates, that is consultations about the Draft Statute as opposed to all consultations, and the profile of participants in those consultations.

The text corpus comprises twenty transcripts of debates about the Draft Statute of the regional fact-finding commission held in 2010 and 2011.[45] These twenty transcripts represent all consultations about the Draft Statute. The procedural dimension of these consultations—speakers presenting their positions

on the articles of the Draft Statute—approximates parliamentary debates about draft bills, although they represent citizens' deliberations. A researcher can track and evaluate positions on specific policy points, which makes the RECOM text corpus particularly suitable for the measurement of deliberativeness of discourse.[46] The form of communication and the issues discussed in these consultations about the Draft Statute differed from those of other consultations held under RECOM's auspices, where the discussion consisted of free-flowing expression of different views on how to pursue postconflict justice in the region. These unstructured consultations are not included in the corpus because they are not comparable with the consultations about the Draft Statute. Analyzing all cases of Statute deliberations in the universe of the RECOM consultations enhances the internal validity of the analysis, which aims to assess the relationship between a range of predictors of discourse quality and the deliberativeness of discourse.[47]

Next, I address the issue of participation in the RECOM process, because the findings can be driven by self-selection of participants into a deliberative process. For instance, Steiner observes that there was "most likely a bias toward moderation" in deliberative experiments in Bosnia and Herzegovina that included ordinary people.[48] Therefore, it is important to consider who took part in the RECOM consultations in order to ascertain the basis for the theoretical claims presented in this book. As discussed in chapter 1, participants in the RECOM consultations came from opposing ethnic groups and different stakeholder communities. Given the observational nature of this study, the selection of participants is not random. Even when conducting experiments, scholars of deliberation in divided societies have confronted the problem of random selection, particularly where it concerns the recruitment of research subjects directly affected by conflict.[49] In Colombia, where research involved ex-combatants from opposed sides in the conflict, the researchers faced the challenge of securing participation in experiments and could not assert that "the ex-combatants [they] studied were a random sample of the total population of ex-combatants."[50] The claims in this study are based on the informed assumption that participants in the process approximate typical fissures along different identity axes that affect how people address past harm in ethnically divided societies. All participants in the RECOM process had an interest in postconflict justice. Ian O'Flynn argues that shared intentions can facilitate deliberation in divided societies.[51] Postconflict justice had become a key fissure between ethnic groups in the Balkans. In the case of the RECOM process, it was by no means certain that participants in the RECOM would engage deliberatively with each other, despite their interest in postconflict justice. They were divided by multiple lines of division and, above all, by ethnicity. This identity-based cleavage could have been deepened by discussing the highly sensitive and politicized nature of the topic of postconflict justice.

The RECOM consultations can be considered a typical case that contributes to theory development by producing arguments that can explain some but not all cases.[52] One needs to be precise about its external validity. The value of a typical case is in "contingent generalizations that apply to the subclass of cases" similar to those studied.[53] The RECOM consultations are a case of multistakeholder discussions in divided societies focused on shaping the transitional justice policy instrument after a regional conflict. As such they are distinct both from discussions in postconflict societies involving ordinary people or a single stakeholder group, such as victims or ex-combatants; from citizens' reconciliatory dialogues or open-ended discussions, for example about the future, that do not involve decisions on a particular issue; and from parliamentary debates in divided societies. The RECOM consultations involved people who are invested in transitional justice after the conflict but divided by their views on the issue. As such they represent a type of case in which "deliberation is most needed," but, at the same time, it is "most difficult to achieve."[54] The viability of deliberation as a mode of communication in such conditions of acute diversity and about a divisive topic in a postconflict context is an empirical question addressed in this book. Further external validity checks need to consider precisely the basis of the claims made here as part of future advances in the empirical study of deliberation in divided societies in different postconflict contexts.

The findings about deliberation and reconciliation in this study are based on the coding of the text corpus and analysis of the patterns of discourse, including identification of its latent features related to characteristics of the data, by adapting and applying the DQI.[55] The nature of the data also entails some limitations to the observational research design. As opposed to experimental research design, naturalistic observation does not involve any intervention or interference by a researcher. The RECOM textual data, produced in its natural setting, is independent from a researcher's control or manipulation. Variation in contextual and speaker variables is given; it cannot be assigned or controlled as in the experimental design. In addition, a researcher working with observational data does not have the possibility of administering a pre- and postdeliberation questionnaire. Apart from expanding the number of speaker variables (such as age, education and income levels, and linguistic competence in the outgroup's language) to assess deliberation, these questionnaires allow a researcher to capture the transformative impact of deliberation by measuring, for example, the change of opinion on an issue, or the change of attitude toward the outgroup, as Robert Luskin et al. do.[56] Constraints inherent in observational research impact how the DQI will be used. The DQI can be used both as a predictor of policy outcomes and as a dependent variable. This study adopts the latter strategy and associates the variation in contextual conditions and speakers' characteristics with the

quality of discourse.[57] The variation in this research pertains to the characteristics of speakers, issues, and consultations, as well as linguistic features of discourse, measured at the level of speech. These variables are presented in table 4.1, which discusses their theoretical relevance for measuring deliberativeness.

The unit of analysis in the DQI coding strategy is a "speech," defined as "the public discourses by a particular individual delivered at a particular point in a debate." The relevance of the speech for coding is determined by whether it contains a "demand," that is "a proposal on what decision should or should not be made." According to Steenbergen et al., the demand is at "the heart of deliberation."[58] In the RECOM corpus, a demand corresponds to a position expressed by a participant in the consultations on a specific article of the Draft Statute. For example, this can be a position concerning where the seat of the future fact-finding commission should be located. The possibility of multiple demands within a single speech—that is, within a speaker's single speaking turn—requires adaptation of the coding strategy. Following André Bächtiger, this is accomplished by coding multiple demands in parallel.[59] This is an appropriate strategy for the RECOM corpus because speakers expressed views on different articles of the Draft Statute during a single speaking turn. Every time a speaker formulates a demand, it is considered a speech act.[60] Such use of discourse as a unit of analysis is particularly "appropriate for answering questions about how the deliberative discussion works and what kinds of communication people engage in when they are brought together to deliberate."[61]

The RECOM textual data consists of 1,211 speech acts uttered during twenty consultations. The entire corpus was first parsed so that each speech act corresponded to a speaker's position directly linked to an article of the Draft Statute. These speech acts include utterances by discussants but exclude utterances by moderators, in line with the practice followed in the study of parliamentary debates as well as experiments. The moderators introduced the sessions, briefed other participants about the process, summarized the arguments, and managed the flow of communication during the RECOM consultations.[62] The coded transcripts were in Bosnian, Serbian, Croatian, and Montenegrin languages.[63] The RECOM corpus was coded independently by the author and another coder. They manually coded each speech act, that is the segment of text expressing a position about an article of the Draft Statute, by assigning to it the values for all categories, for example equality, justification rationality, common good, as specified in the DQITJ codebook. An example of applying the coding to one speech act is presented in chapter 4.

The application of categories in the DQI is a subjective exercise because it requires a judgment by a coder.[64] It is necessary to verify whether coding

decisions can be replicated by another coder to ascertain that the produced measures are not idiosyncratic, and that they are reproducible.[65] The total word count of the corpus of the RECOM consultations amounts to over half a million words.[66] The coding took seven and a half months.[67] Time and effort are challenging for a microlevel content analysis, which is why systematic content analysis is not carried out more frequently.[68] According to Klaus Krippendorff, "there is no set answer" to the question of what the level of acceptable disagreement is.[69] Existing empirical studies of deliberation, which apply the DQI, are a guide for an acceptable level of agreement. The results of the intercoder reliability tests for coding the categories in the DQITJ demonstrate substantial agreement.[70] Having checked the validity of codes that capture dimensions of deliberativeness, the following section provides insight into the extent of deliberative virtues present in the RECOM transitional justice consultations.

Deliberative Virtues in Discourse about War Crimes

A descriptive overview of the quality of deliberation about the legacy of war crimes in the Balkans is based on the analysis of the frequency of the codes corresponding to categories of the DQITJ (as shown in table 3.1) assigned to the speech acts in the RECOM corpus. These findings, which indicate the deliberativeness of discourse about war crimes involving former adversaries, are discussed comparatively in relation to the existing scholarship on deliberation in divided societies. A comparative perspective allows us to tease out the pattern of talk in discussions about the hot issue of wartime harm within the broader universe of cases of deliberation in divided societies, which have not addressed this divisive topic.

This section first turns to the level of justification, which speaks to the challenge of providing reasons while engaging with past injustice in a transitional justice process that brings together ethnic communities who were on opposite sides during the conflict. Of all speech acts in the RECOM corpus, just under one-third, or 27.17 percent, offered no or only inferior justification, whereas a majority (54.34%) provided qualified justification. The percentage of speech acts with sophisticated justification is 18.5 percent, which is somewhat lower than the percentage with inferior justification (19.82%).[71] The results indicate that discussing justice for war crimes—a highly divisive issue—is not incompatible with reason-giving.

TABLE 3.1 Absolute and relative frequency of DQITJ categories (*N* = 1,211 speech acts)

DQITJ CATEGORY	DESCRIPTION	N	%
Equality of participation	Interruption of a speaker	45	3.72
	No interruption	1,166	96.28
Justification rationality	No justification	89	7.35
	Inferior justification	240	19.82
	Qualified justification	658	54.34
	Sophisticated justification	224	18.50
Common good			
Identity group	Ethnic group	54	4.46
	My country	46	3.80
	Neutral/no reference	1,076	88.85
	My region/multiethnic	35	2.89
Difference principle	No reference	986	81.42
	Reference	225	18.58
Abstract principles	No reference	1,086	89.68
	Reference	125	10.32
Individual principle	No reference	1,192	98.43
	Reference	19	1.57
Respect			
Toward participants and their arguments	Negative (disrespectful, foul language)	75	6.19
	No reference	3	.25
	Neutral reference	1,054	87.04
	Positive (explicitly respectful)	79	6.52
Toward groups	Other groups denigrated	28	2.31
	Other groups not mentioned	1,012	83.57
	Neutral (mentioned but not denigrated)	157	12.96
	Explicit respect toward other groups	14	1.16
Storytelling	No story	1,126	92.98
	Story unrelated to the argument	4	.33
	Story related to the argument, sole justification	5	.41
	Story related to the argument, supports rational justification	76	6.28

These findings, drawn from a transitional justice process in the Balkans that involves all ethnic groups impacted by conflicts in the region, differ from results generated by dyadic deliberative experiments in Bosnia and Herzegovina, and in Colombia, where speech acts with no justification prevailed. Steiner reports that 36 percent of speeches included no justification in Colombia, and as many as 79 percent in Srebrenica, in Bosnia and Herzegovina. The much lower percentage of 7.35 percent of speech acts with no justification in the RECOM process approximates the lower figure of speech acts with no justification in the Belgian experiments, which is 18 percent. In that case, the propensity for reason-giving

is accounted for by the fact that Belgium is an advanced democracy, and that participants were not "traumatized by an internal armed struggle."[72] Following this logic, the results in the RECOM case from the Balkans, which took place in a democratizing (and not yet fully democratized) context, and in the shadow of wartime trauma, should have been in line with the findings from experiments conducted in Bosnia and Herzegovina, and in Colombia, rather than with those in Belgium. This pattern of deliberative discourse raises two questions. The first concerns the extent of ethnic diversity during deliberation, which needs to reflect conflict dynamics, and its effects on the quality of deliberation.[73] The second concerns the importance of the format of an interethnic dialogue in divided societies, given the focus on the RECOM Draft Statute within this civil society-led consultative process on a transitional justice strategy, as opposed to open-ended discussion of a relevant question (as in deliberative experiments) or unstructured interethnic dialogues aimed at reconciliation but not necessarily at achieving agreement or a decision on a given issue. I return to this second question in the conclusion.

The prevalence of reason-giving in deliberation about transitional justice in the Balkans is accompanied by the relative absence of stories, which constitute an alternative type of discourse with a recognized role in deliberation. Given that the RECOM process is a type of citizens' deliberation, one would expect storytelling to be more common. However, only 7.02 percent of speech acts in the RECOM corpus contain a story.[74] Importantly, when participants told a story articulating their position on an article of the RECOM Draft Statute, it was usually to reinforce rational justification. Seventy-six speech acts (out of eighty-five that use a story) related the story to the argument rather than using it in place of an argument.[75]

The common good category as a distinct deliberative virtue indicates deliberators' willingness to move beyond a (narrowly) self-interested position. The DQITJ disaggregates different conceptions of the common good in terms of common group interest, the difference principle, abstract principle, and individual orientation.[76] The values for the common good category where interest is expressed through the prism of group identity are my ethnic group, my country, and our region/multiethnic. Only 1.57 percent of speech acts in the common good category are articulated in terms of individual orientation (as opposed to any type of group identity orientation). In the category that captures the notion of interest in terms of a group identity, 4.46 percent (or fifty-four) speech acts frame interest in terms of the benefit to the ethnic group and 3.8 percent (or forty-six) in terms of benefit to one's country, compared to 2.89 percent (or thirty-five) speech acts that refer to a regional and/or multiethnic conception of

the community.[77] However, the prevalence of "selfish" self-interest, expressed in terms of an ethnocentric orientation needs to be evaluated in the context of other types of expression of the common good. The most prevalent common good orientation in the RECOM corpus, with a total of 225 speech acts, or 18.58 percent in this category, invokes the difference principle that refers to disadvantaged groups. In the RECOM corpus, these include victims in general and specific categories of victims, such as victims of sexual violence, the disabled, and young people. Abstract principles such as peace and reconciliation are invoked in 125 speech acts, or 10.32 percent in this category.

Such a distribution of the common good categories indicates that in formulating their positions, participants in the RECOM process were mindful of groups that were most affected by war crimes and the prospects of justice, in addition to invoking justification defined by ethnic identity. This points to the relevance of nonethnic rather than ethnic classification of cost-benefit calculations during deliberation of war crimes, though it is important to note that when participants presented their arguments in identity terms, ethnocentrism prevailed. When viewed comparatively with the results from deliberative experiments in divided societies, proportionally there are fewer speech acts in the RECOM corpus that reference the benefits of a speaker's own group (operationalized as an ethnic group), as compared to 31 percent in Colombia.[78] There is a similar level of reference to abstract principles as in Belgium, that is 8.5 percent compared to 10.32 percent in the RECOM process, but double the 5 percent found in Colombia.[79] With 504 speech acts cumulatively considering some form of common good (of which 350 are not expressions in identity terms or in terms of individual interest), deliberators in the real-life interactions of the RECOM process were more attuned to the common good orientation than participants in experimental settings in divided societies who did not tackle the topic of past violence.

This granular insight into the formulation of the common good speaks to the viability of deliberation about past wrongs in adverse circumstances. The finding that expression of ethnic group interest does not predominate is counterintuitive, given the salience of ethnic identity in postconflict societies, which is defined by past violence and cultivated by identity politics. It requires further checks, in line with the aim of this research to better understand how ethnic identity matters and how it is enacted during deliberation.

In addition, relative frequencies of two categories of respect in the RECOM data (respect toward individuals and respect toward groups) demonstrate greater engagement with individuals than with groups in a cross-ethnic transitional justice process. A total of 12.71 percent of explicit references (respectful and disrespectful) pertain to fellow deliberators in the category of respect toward individuals, as opposed to only 3.47 percent of explicit references to ethnic groups to which

these deliberators belong in the category of respect toward groups. A comparison within these categories is instructive; whereas there is broadly the same proportion of disrespectful (6.19%) and respectful references (6.52%) to participants, there are twice as many disrespectful (2.31%) as respectful references (1.16%) toward groups. These figures indicate that an enduring collective conception of identity in postconflict contexts is a challenge for deliberative engagement, even as deliberators avoid references to groups, preferring to engage both respectfully and disrespectfully with individuals.

Viewed comparatively with other measures of deliberation across the deep divide, the number of respectful references toward fellow deliberators is 6.52 percent in the RECOM consultations in the Balkans, as opposed to 10.2 percent in Belgium, with a caveat that the comparison to Belgium, a divided but democratized context, is of limited value.[80] In relation to other postconflict contexts, there are proportionally more speech acts in the RECOM corpus (79 out of 1,211) expressing respect than in Colombia (8 out of 1,027), and only two in Srebrenica in Bosnia and Herzegovina.[81]

Lastly, the low frequency of interruption of speakers (only 3.72% of speech acts were interrupted) in the RECOM transitional justice consultations can be attributed to the moderated nature of these sessions.[82]

Emerging empirical scholarship on deliberation in divided societies has helped refine the normative claims of the theory of deliberative democracy. Although limited to a handful of studies, a parallel development in the study of deliberation in divided societies has provided critical new evidence of the viability of deliberative communication under adverse conditions. This book's contribution to normative theory development is premised on the need to test the utility of postconflict deliberation as part of peacebuilding: to reconcile, these societies need to be able to address the issue of justice and wartime harm deliberatively, as this issue underpins all divisions in fractured postconflict societies. This aim calls for an appropriate empirical strategy, which has been presented in this chapter.

This empirical study of deliberation about war crimes across ethnic lines is motivated by a need for a bespoke but comparable assessment of deliberation, given the contextual constraints on "healthy deliberation" in postconflict societies.[83] Legacies and dynamics of conflict shape the contours of deliberative discourse in the transition from war to peace. Consequently, the measurement instrument, the DQITJ, is finely tuned to capture how these contextual constraints are reflected in deliberation across ethnic lines. Its contribution to the empirical study of deliberation lies in its responsiveness to contextual particularities of postconflict societies.[84]

The application of the DQI as a method to assess deliberativeness of discourse enables a microlevel analysis that "involves assessing the deliberative quality of

discussion discourse through closely analyzing the content of people's comments during the deliberation."[85] Notably, the scrutiny of the content here reveals "the formal way" in which people engage with each other's discourses during deliberation.[86] This approach allows us to evaluate "the actual process of deliberation," which, when people from opposing ethnic groups come face to face to discuss justice after mass atrocity, can also reveal how they may or may not be reconciled.[87] The DQI, like any other measurement instrument, is not intended to capture all dimensions of discourse but only those of particular theoretical interest. In this case, what is of interest are the deliberative standards derived from Habermas's discourse ethics that can promote the search for justice in postconflict societies.

When focusing on nonideal contexts of deliberation, such as societies divided by violence, André Bächtiger and John Parkinson remark that we do not have to abandon the core concept of deliberation. Instead, according to them, we can concentrate on assessing the deliberativeness of discourse comparatively and identifying gross violations of deliberative standards.[88] The distribution of deliberative virtues in the RECOM transitional justice consultations, based on the frequencies of DQI categories, demonstrates the resilience of deliberativeness despite the divisive topic of war crimes and ethnic divisions inflicted by conflict. A fine-grained adjustment of the DQI categories in the DQITJ more richly captures the texture of deliberative claims in divided societies than was previously possible. From a comparative perspective, the descriptive statistics of the RECOM corpus of a real-world process compare favorably with the deliberativeness of discourse measured in deliberative experiments in divided societies that shied away from introducing the most divisive topic—mutual harm—into discussions across ethnic lines. The next chapter takes the analysis further and provides insight into conditions that predict good-quality deliberation about war crimes in divided societies.

4

WORDS OF REASON AND TALK OF PAIN

When you hear a different opinion, you see how entrenched your views are.

—Participant in the RECOM consultation in Croatia, October 22, 2010

The path to repair of interethnic relations after conflict leads through deliberative engagement with the legacy of mass violence. To gauge whether reconciliation is taking root, Priscilla Hayner remarks, we need to answer the question of whether people can talk about past conflicts and past abuses "if not easily, then at least in a civil manner—even with former opponents."[1] Grounding reconciliation in mutuality in public communication, I have argued that quality deliberation about wartime harm is necessary for interethnic reconciliation. The previous chapter has shown that deliberative virtues are attainable even when former adversaries tackle a divisive topic of past harm in the search for justice. The deliberativeness of discussions about interethnic violence is important. If the contentious issue of justice for past wrongs can be addressed through reason-giving and respectful engagement, and if people can discuss remedying wartime harm by taking account of others' opinions, then this mode of deliberative communication can contribute to overcoming divisions in postconflict societies.

However, the quality of deliberation is variable. It may rise and fall, depending on various factors associated with characteristics of speakers, issues, and contexts. Evaluation of the deliberativeness of discourse in divided societies has to consider the conflict dynamics that shape postconflict identities and the divisions based on them. Scholars of deliberation in divided societies have glossed over how the long shadow of conflict shapes deliberation across ethnic lines. In chapter 2, I developed a general theoretical framework for reconciliation through deliberation, premised on the assumption that ethnic identities matter during deliberation. To be reconciliatory, quality deliberation involving former adversaries in a

postconflict setting needs to be demonstrated, while considering conflict dynamics and people's expression of their identities during these discussions.

Scholars have approached deliberation in divided societies as a question of communication between two opposing sides. A closer look at conflict dynamics offers a more complex picture of culpability and victimhood in many contemporary conflicts. For example, a dyadic paradigm within a national context does not capture the complexity of many conflicts, such as that of Bosnia and Herzegovina, which involved three parties in various configurations.[2] Further, the regional nature of certain conflicts, like those in the Balkans, implies the involvement of ethnic groups beyond national borders. Yet this regional aspect has been overlooked in the study of postconflict deliberation. The issue of ethnic diversity raises an important question for reconciliation after conflict: will greater ethnic diversity of deliberators lower the quality of deliberation and thereby undermine the prospects for reconciliation? At the same time, the role of ethnic identities during interethnic deliberation in divided societies has been neglected because scholars have operationalized ethnic identity as a fixed attribute of speakers. We need to investigate how the expression of people's ethnicness, which captures how people bring their subject perspectives into discussion, is associated with the deliberative quality of discourse.[3] The question is: will the ethnic dimension of discourse that reflects speakers' sense of ethnic difference undermine deliberativeness?

Informed by one of this book's larger arguments, that reconciliation takes place when the divisive impact of ethnic identities is overcome in deliberative communication about war crimes across ethnic lines, this chapter shows that ethnic identities matter during deliberation. This point may sound intuitive, but scholars of postconflict deliberation have not investigated it. The chapter evaluates the relationship between quality deliberation and three factors: ethnically polarizing issues in discussions about justice for war crimes; different types of ethnic divisions corresponding to various conflict dynamics; and the permeation of ethnic identity in discourse as manifested in its linguistic features.[4]

This chapter illustrates what good-quality deliberation about mass violence looks like. It also describes the variables in the model used to predict the quality of deliberation and relates them to the theoretical propositions in the framework developed in chapter 2. Statistical models are then estimated to explain the quality of deliberation as measured by the DQITJ applied to the RECOM corpus. The results show that ethnically polarizing issues addressed in a postconflict transitional justice process, the ethnic diversity of discussions (dyadic, involving two opposed sides; and multiethnic, involving all parties to a regional conflict), and a sense of ethnic subjectivity in speakers' positions increase the quality of deliberation. They provide robust evidence that a discussion of the legacy of violence,

which is the most divisive issue in divided societies, is compatible with a deliberative mode of communication. These insights refine our understanding of which conditions of ethnic diversity are conducive to quality deliberation. Lastly, the overlooked ethnic dimension of deliberative discourse in divided societies challenges conventional wisdom in scholarship on deliberation that holds that benefits of deliberation in divided societies accrue primarily from nonethnic, that is human rights-oriented, discourse.

What Does Good-Quality Deliberation about War Crimes Look Like?

Before proceeding with the statistical analysis of predictors of deliberation quality, this chapter first illustrates what good-quality deliberation looks like in real-life discussions about war crimes and their legacy. The excerpt below from the RECOM transitional justice consultations has the highest score measured by the DQITJ.[5]

At this point of discussion in the RECOM consultative process on the Draft Statute of the proposed regional fact-finding commission, the participants were asked to consider the commission's mandate. Besides helping shape the overall transitional justice strategy, one of the key benefits of transitional justice consultations is stakeholders' input into the mandate of a transitional justice mechanism. The legitimacy of the designed transitional justice process will be bolstered if the remit—whether of a war crimes trial or a truth commission—is seen to be responsive to the needs of a postconflict society.[6] However, deciding which violations will be included in the mandate and how that inclusion will be worded is a contentious process. Different positions are grounded in people's experience of conflict, which is, in turn, shaped by their ethnic identity and the pattern of violence to which they and their ethnic group were exposed. These differences will overlay others that reflect people's moral outlook on law, justice, and peace, their political and economic interests, or their gendered experience of conflict.

The excerpt from the RECOM corpus is drawn from a part of the discussion when participants were presented with two options for the commission's remit: to provide either a list of specific violations or a general reference to war crimes and grave human rights violations (and consider all specific violations to be subsumed under this reference). Therefore, participants were asked to present their positions on:

> the alternative a) war crimes and gross human rights violations within the commission's remit include but are not limited to genocide, pogroms,

> killings, enslavement, illegal detention, torture, forced disappearances, deportation and forced displacement of population, rape and other grave forms of sexual abuse, large scale confiscation and destruction of property, hostage-taking, destruction of religious and cultural-historical objects, using civilians and war prisoners as human shields; and alternative b) the commission establishes the facts of war crimes as well as the facts related to other grave human rights violations.[7]

Defining the commission's remit concerning which abuses should be investigated was among the most divisive issues in the RECOM consultative process.[8] It prompted a lively discussion as participants presented different arguments for or against either option. The contention centered on the reference to genocide. Arguments for explicitly referencing genocide (alongside other human rights violations) reflected some participants' conviction that this wording would resonate with victims and survivors and engender their trust in the commission's work. Others opposed listing specific violations. They were concerned that the list risked not being comprehensive (considering the various forms of injury people suffered) and would undermine the stakeholders' faith in the commission. In addition, they favored the reference to war crimes and grave human rights violations to avoid any ambiguity. They reasoned that a reference to genocide might wrongly raise expectations that the RECOM fact-finding commission would be tasked with providing legal qualifications for acts of violence, including genocide; the latter was deemed to be the role of a due legal process. Yet others saw the question in a political light. They expressed concern that omitting a reference to genocide might signal an equivocal position on whether genocide in the region was committed or might even amount to a denial of genocide.[9]

Addressing the reference to genocide in the commission's mandate was a delicate undertaking. The consultative process was taking place in the shadow of divisive ethnic politics within and between countries in the Balkans. Such politics was fueled by the contestation of genocide verdicts passed by the International Criminal Tribunal for the Former Yugoslavia (ICTY) and other charges of genocide.[10] Such tensions permeate the broader political context in which deliberation takes place and refract on the deliberative process itself. They are therefore thought to constitute conditions that distort the deliberative quality of discourse in divided societies. However, the excerpt from the RECOM consultations shows that good-quality deliberation is achievable in discussions involving people from adversary ethnic groups despite challenging conditions for deliberation and a divisive topic:

> The alternative b. was not political. It is purely legal and comprehensive. It is not good for our task at hand to be setting conditions. If someone

> sets conditions, this then invites others to respond with their conditions. We cannot accomplish this task successfully if we start setting conditions; especially if the article contains everything that the person who sets conditions wants. I hope I expressed myself clearly on this point. Especially let's not invoke victims. That is a very sensitive issue. There were victims on all sides. I can speak from my experience; people around me who lost family members say literally that their loss is the biggest genocide. Therefore, I completely understand victims from Srebrenica, and why they demand that [the term genocide be listed], because inside them they feel the enormous injustice done to them, and by using that term they want to express all the tragedy and injustice they suffered. Therefore, let's consider their request also within the alternative b., but let's not complicate both the alternative a. and b. by adding something—they'll only be watered down.[11]

This statement by a male speaker, which constitutes a speech act to which the DQITJ is applied, demonstrates a sophisticated rational justification of the argument. In line with the logic of the measurement instrument, the level of sophistication is established based on an in-depth examination of a problem and the completeness of the justifications.[12] At least two complete justifications are given. Justifications include a commentary on other speakers' setting conditions, the views of victims, and, ultimately, the wording of the article of the Draft Statute. The consideration of victims' needs figures prominently in the construction of his position, as shown in his empathetic reflection on their suffering. This speaker of Serb ethnicity publicly shows empathy for Bosnian Muslim victims of the Srebrenica genocide, which reflects the other-regarding logic of his utterance. Lastly, the terse reference to his experience can also be understood as a personal story and reflection that supports the rational argument being made (rather than replacing an argument with storytelling).

The deliberative quality of this and other speech acts is a composite quality that captures the attainment of discreet deliberative virtues. As discussed in chapter 3, the DQI is a measurement instrument that allows us to verify empirically the variation of deliberation quality in any given discourse.

Factors Predicting Deliberative Quality in Transitional Justice Consultations

Drawing on the theoretical framework set out in chapter 2, I address the quality of deliberation among people from different ethnic groups involved in

TABLE 4.1 Predictors of the quality of deliberation

VARIABLE	LABEL	VALUE
Speaker	Gender	Female Male
	Speaker type	Speaks once Speaks >1
Consultations	Ethnic diversity	Monoethnic Dyadic Triadic Multiethnic
	Stakeholder type	Victims Civil society activists Professionals
	Translation	Yes No
Issue	Polarization	High Medium Low
Identity in discourse	Subjectivity in rational justification	None Nonethnic Ethnic Multiethnic
	Storytelling positionality	None Own group Other group Personal

discussions about war crimes in the Balkan conflicts. I focus on how the quality of deliberation is associated with characteristics related to speakers, issues, and consultations, as well as linguistic and semantic features of discourse. The latter capture how identities are enacted during deliberation and provide insight into postconflict deliberation across ethnic lines. These predictors of the quality of deliberation are shown in table 4.1.

Gender

Attention to gender has helped broaden what was once a narrowly Habermasian focus on the requirement of rational reasoning in theorizing on deliberation. Lynn Sanders has noted that "the invitation to deliberation has strings attached," because it excludes any type of communication other than dispassionate and reasoned argument.[13] This normative threshold was seen to be particularly disadvantageous for women, as highlighted by difference democrats, since—it

was argued—women are more likely to use other forms of discourse such as stories and narratives.[14] However, others have pointed out that women have a greater capacity for deliberation because of their propensity to be respectful and empathetic, which facilitates deliberative exchange.[15] Addressing the question of "gendered deliberation," empirical studies of democratic deliberation have found no difference in the quality of deliberation (when it is a composite measure) between men and women, for example, in national parliaments.[16] In the context of divided societies, the evidence is inconclusive.[17] At the same time, discrete dimensions of deliberation, such as understanding of the common good and respect for one's interlocutors, point to a gendered pattern of deliberation: women may be disadvantaged on a single dimension of deliberation, such as equality, but their speech may also be associated with a higher quality of deliberation, measured as respect for arguments of other deliberators.[18] Without persuasive empirical evidence that gender is significantly associated with the quality of deliberation, no effect of gender on the quality of deliberation is hypothesized.[19]

Speaker Type

Marlène Gerber et al. shed light on individual deliberators as "deliberative citizens."[20] Deliberation studies generally have used education level as an indicator of an individual's deliberative ability, producing mixed empirical findings.[21] Given the constraints of the observational nature of the RECOM data, speakers' deliberative competence is proxied by the frequency of their contributions to the debate. The speaker type variable distinguishes between those speakers who have spoken only once and those who have spoken more than once during a deliberative session.[22] It is hypothesized that speech acts of those speakers who take the floor more than once will have a higher quality of deliberation. Informing this assumption is that a postconflict context of war-to-peace transition is also a democratizing context.[23] Madeleine Fullard and Nicky Rousseau argued that transitional justice practices such as truth telling can create opportunities for many to perform publicly as citizens for the first time.[24] For many speakers, the RECOM transitional justice consultations were the first experience of democratic deliberation. Although other explanations related to a speaker's personality cannot be ruled out, taking the floor more than once indicates both confidence to contribute to a public exchange of views and an ability to do so effectively. Differential participation in communication and its association with good-quality deliberation will also be conditional on gender and a type of stakeholder community, respectively. On the one hand, such conditional effect of speaker type

reflects arguments about adverse effects of different patterns of women's participation in discourse and influence in public debates as opposed to men's.[25] On the other hand, it considers scholarly arguments about victims' marginal contribution to shaping the transitional justice process, as opposed to the disproportionate influence of human rights activists and professionals. In this sense, the quality of deliberation in a transitional justice process may be one more manifestation of the disempowerment of the victims.[26]

I now turn to contextual determinants. Their close examination is in line with scholarly findings that "no massive socio-economic stratification of deliberative behavior" is associated with speakers' characteristics.[27] Given the preponderance of empirical studies of deliberation in parliamentary settings, contextual factors noted in the literature are mainly institutional and refer to consensus versus competitive systems, presidential versus parliamentary systems, second versus first chambers, and so on.[28] A parallel distinction concerns deliberation in institutional fora, such as parliaments, as opposed to citizens' deliberation alongside virtual deliberation. This book about civil society-led, postconflict deliberation across ethnic lines investigates the effects of variation in contextual features of consultative sessions that are closely aligned with conflict dynamics. The dynamics include the ethnic diversity of consultations and the diversity of consultations regarding stakeholder type.

Ethnic Diversity of Consultations

Deliberation as the communicative exchange is premised on engaging with difference by adhering to procedural standards, such as equality, reason-giving, reciprocity, equality, common good orientation, and respect. However, if the diversity of opinion coincides with ethnic fault lines, as can be expected in divided postconflict contexts, deliberativeness of discourse will be harder to attain. Deliberation across ethnic lines entails coming into contact with former adversaries and may therefore activate prejudices and stereotypes in deliberators' minds. Opinions will tend toward extremes and become polarized.[29] This tendency embodies logic opposite to respectful and other-regarding communication and can further divide ethnic communities. Introducing deliberative norms, such as discussion rules and facilitation, can contribute to depolarization.[30]

The perils of ethnic polarization for deliberation quality have been tested in the context of identity division in Belgium. Contrary to expectations, Didier Caluwaerts and Kris Deschouwer found that ethnically divided groups are associated with higher deliberation quality than groups composed of members of the same ethnic group.[31] Although Belgium is not a society divided by violent conflict, it is a valuable case for comparing a society riven by violent dyadic conflict

(albeit not a conflict involving more than two ethnic groups). This book seeks to extend our understanding of the effects of greater ethnic diversity on the quality of deliberation in postconflict contexts.

As I have argued, many contemporary conflicts involve more than two ethnic groups. Furthermore, conflict actors cross state boundaries, resulting in regional patterns of violence involving multiple identity groups. To anticipate how greater ethnic diversity of deliberators may affect deliberation quality, we can draw on the scholarship on deliberation both in the European Union—in the institutional setting of the European Parliament and a pan-European deliberative poll, the Europolis—and World Social Fora. This scholarship has explored the supranational arena as a deliberative setting, furthering the study of deliberation by identifying features involving participants from multiple national groups. However, their insights into the quality of deliberation inferred from the application of the DQI are limited, and not just because they do not occur in conflict-affected societies. These studies do not directly compare the quality of deliberation at a supranational level with the quality of deliberation at a national level on the same or similar issues.[32] By contrast, the ethnic diversity of the RECOM consultations varied: at different points they were monoethnic, dyadic, triadic, and multiethnic. Such a granular classification of predictors of deliberative quality pertaining to a type of societal division corresponds to differing conflict dynamics. It thus allows us to evaluate whether greater ethnic diversity of deliberations is conducive to deliberation quality and to assess comparatively the effect of different levels of diversity on deliberation. Drawing on the related extant research, we can hypothesize that dyadic sessions will be associated with higher DQI scores compared to monoethnic sessions. This hypothesis can be extended to triadic sessions, that is discussions involving members of three ethnic groups. Since increasing the ethnic diversity further can elicit a greater commitment to deliberative ideals, especially when it comes to openness to the ethnic Other, multiethnic sessions are also hypothesized to be associated with higher deliberative quality compared to monoethnic sessions.[33]

Stakeholder Type

Distinguishing types of consultations in terms of participating stakeholders allows us to probe how invested the deliberators are in the deliberation process and the effect of that investment. Evidence on this question is mixed. High investment in deliberation is thought to lead to heightened emotions, which is not conducive to cooperation.[34] By contrast, speakers are more likely to sustain deliberative reasoning when outcomes matter to them.[35] Arguing that high stakes will lead to better deliberation, Archon Fung contends that "participants will invest more of

their psychic energy and resources into the process and so make it more thorough and creative."[36] The RECOM consultations included different types of stakeholders: professionals (such as lawyers, journalists, and teachers), civil society activists (coming from a variety of human rights and advocacy groups and associations), as well as victims. The perceived lack of justice and acknowledgment for the victims of the Yugoslav wars across ethnic groups motivated the launch of the RECOM initiative. The participation of victims in these real-world deliberations alongside professionals and civil society activists was a unique feature of this process. They brought to the sessions raw pain and emotion associated with the abuse they or their loved ones had suffered. In deliberative experiments where speakers discussed peace in Colombia, Juan Ugarriza and Enzo Nussio did not find a significant effect of a victim category as a socio-demographic control on the deliberative quality score assessed in relation to nonvictims. Notably, the topic in those discussions was peace.[37] By contrast, the RECOM transitional justice process was about wartime harm and how to address it. Since victimization occurred on an ethnic basis, it is plausible that a sense of grievance would be heightened in interethnic interactions about justice for war crimes, undermining the quality of deliberation.[38] We can hypothesize that victims' consultations will be associated with a lower DQI score than those involving professionals and civil society activists. Relative distance from war-related grief and grievance, coupled with a presumably higher educational level, especially for professionals such as lawyers, journalists, and teachers, adds further support to the hypothesis that sessions with civil society and professionals will be associated with higher DQI scores than sessions involving victims.

Translation

The study of deliberation in a multiethnic setting with participants from different linguistic backgrounds brings to the fore the role of translation in deliberation. In the European Social Forum study, Nicole Doerr finds that the requirement for translation was conducive to deliberation because it lengthened discussions and encouraged participants to listen to each other.[39] In the RECOM transitional justice consultations, the role of translation in discussions involving participants from different ethnic groups is of particular theoretical interest. The provision of translation during the RECOM process was intended to prevent the linguistic hegemony of a single working language. The possibility to speak in one's native tongue ensured an opportunity for equal participation. In the postconflict context, it also represented recognition and acceptance of ethnic difference. In the words of one participant in the RECOM process, "one should commend that all languages are treated as being official, and that

everyone here feels equal; so that people from Kosovo can speak Albanian, people from Macedonia can speak Macedonian, and the people from Slovenia can speak Slovenian. The rest of us understand each other."[40] Like the European Social Forum, the RECOM process is one type in a range of "multilingual face-to-face arenas involving ordinary citizens in transnational public deliberations 'from below.'"[41] Therefore, it is anticipated that translation during transitional justice consultations will be associated with a higher level of deliberation. Moving on from consultation-related predictors, the next predictor concerns the type of issue under discussion.

Issue Polarization

Controversial topics stir passions and as such are not conducive to rational arguments.[42] This claim is particularly relevant for investigating transitional justice deliberations since debates about war crimes cut to the core of division in postconflict contexts. Issue polarization refers to the distance in the policy preference of actors, which Jürg Steiner et al. call "the ideational (or, more narrowly, ideological) dimension of policy issues."[43] The criterion of polarization and the potential distance of actors on a given issue in this research corresponds to the ethnic salience of issues. Ethnic issues are highly polarizing because they are considered to be indivisible.[44] The location of the seat of the regional commission in the RECOM corpus is one example of such indivisibility: the seat can be either in the Bosnian capital Sarajevo or the Serbian capital Belgrade (or any other regional capital). By contrast, the question of the regional commission's media strategy, which has no ethnic dimension, is an issue with low polarization.[45] Operationalization of issue polarization along the spectrum between ethnic and nonethnic allows us to indirectly capture the ethnic dimension of discourse. It provides an additional evaluation of the possibility of quality deliberation about contentious issues in postconflict contexts. Drawing on the existing evidence of the effects of issue polarization, we can hypothesize that highly polarizing issues will decrease the quality of deliberation.[46]

Lastly, this book aims to understand how ethnic identity matters during deliberation in societies divided by conflict by capturing and assessing its effects directly. This chapter turns to linguistic and semantic features of discourse that capture empirically identity-related dimensions of speakers' utterances. I focus on subject perspectives underlying deliberators' articulated positions on policy points. These predictors of the variability of the DQI score can capture quantitatively "more detailed, multi-dimensional and dynamic understandings of identity."[47] They can thus provide novel insights into how ethnic identities are enacted in interethnic deliberation in postconflict societies.

Subjectivity in Rational Justification

Subjectivity in rational justification refers to the subjectivity that a speaker articulates when justifying a position on a given issue. In line with the theoretical interest in role identities and how they are enacted in discourse, this variable captures ethnicness in speakers' utterances. Drawing on the linguistic study of subjectivity and discourse, the assumption behind this variable is that there are systematic ways in which "the speaking subject manifests itself in language."[48] The "subjective realm" includes utterances to "which the personal pronouns 'I' and 'we' are or could be applied."[49] Subjectivity is always configured within but is never identical to the social-political order and its subjective productions such as myths, national histories, race, and so on.[50] Therefore, subjective senses can reflect the broader social order—which in this book is an ethnically divided society—or they can offer a possibility for the subversion of this order.[51] The empirical approach to studying subjectivity is guided by formal markers that inscribe the latter into textual data.[52] Scrutinizing subjectivity will reveal whether ethnicness, understood as ascriptively defined subjectivity, is present in speakers' utterances in cross-ethnic communication. When we study "communication as a new space for subjectivation," the enunciation of ethnicness implies the expression of difference.[53] Following the arguments by scholars of deliberation in divided societies, which equate good-quality deliberation with nonethnic discourse associated with human rights talk, we expect ethnicness to be associated with lower-quality deliberation.

Positionality in Storytelling

Positionality in storytelling has a rationale similar to that of the previous variable but pertains to subjectivity within stories. This variable also captures ethnicness in terms of one's personal experience or the experience of one's ethnic group or of other ethnic groups. It enables us to refine our understanding of whether stories are told from one's personal subject position as an individual or as a collective experience. Scholars of deliberation have obscured this difference because stories were considered to be a personal experience tout court. Granular analysis of how stories are constructed is particularly relevant in transitional justice processes. Communicating the experience of harm as an individual experience can cut through the logic of collective identities (as individuals are viewed through their groups in reference to victimhood and culpability) that has undermined the quest for justice in postconflict contexts. We can therefore hypothesize that stories of one's own experience will be associated with higher levels of deliberation, as they will elicit more empathetic and respectful engagement from fellow deliberators.

The Legacy of Mass Violence and the Quality of Deliberation

The chapter now proceeds with analyzing the power of the selected variables to explain the quality of deliberation in transitional justice consultations. The unit of analysis is a speech act. There are 1,211 speech acts in the RECOM corpus. The measure of the quality of deliberation, the dependent variable, is the DQI adapted for the study of transitional justice.[54] The data for the independent variables were obtained by coding the speech acts according to the given observational values on the speaker, consultation, and issue variables. The two variables that capture identity in discourse (subjectivity in rational justification and storytelling positionality), which required researcher judgment, were coded independently in all 1,211 speech acts by the author and a second coder at an acceptable level of intercoder reliability.[55]

Ordinary least squares (OLS) regression analysis was conducted to test the hypotheses. The results of four estimated models are reported in table 4.2. The first model includes only the predictors derived from the observational data of the RECOM transitional justice consultations. These are gender, speaker type, issue polarization, translation, stakeholder type (which distinguishes the victims' discourse from that of civil society activists and professionals), and the refined variable ethnic diversity (which reflects conflict dynamics by specifying the number of groups involved in a conflict). The analysis also includes terms to investigate a possible interaction of gender and speaker type and of stakeholder type and speaker type.

As table 4.2 shows, the value of R^2 in model 1 is .048, indicating that the variables explain about 5% of the variance in the DQI in this model. Model 2 illustrates the effect of adding the variable subjectivity in rational justification, and model 3 adds the second subject perspective variable, positionality in storytelling. The value of R^2 is .32 for model 2 and .519 for model 3, indicating that about 32 percent and 52 percent of the variance in the DQI is explained by the independent variables in these models, respectively. By including discourse's linguistic and semantic features, the model fit increases considerably, showing that these subject perspectives are powerful predictors of deliberative quality. The last model is the most parsimonious, run with all the variables significant at the 10 percent level.[56] It also includes the main effects of the variables included in statistically significant interactions. Only translation is dropped, as its effect is insignificant when the effects of both the subjectivity and positionality variables are estimated. This model achieves a similar R^2 value as model 3 (.518).[57] The analysis of the results below refers to model 4 in table 4.2.[58] Given the goal of explaining what determines the quality of discourse in transitional justice consultations, the

TABLE 4.2 OLS regression models analyzing the quality of deliberation

	MODEL			
EXPLANATORY VARIABLE	**(1) BASE**	**(2) SUBJECTIVITY**	**(3) SUBJ.+POSITIONALITY**	**(4) FINAL**
Gender (ref. Female): Male	−.337** (.171)	−.295* (.151)	−.171 (.115)	−.181 (.114)
Speaker type (ref. Speaks once): Speaks more than once	−.316 (.251)	−.218 (.223)	.112 (.183)	.117 (.183)
Gender x Speaker type: Male x Speaks more than once	.468** (.190)	.417** (.164)	.262** (.129)	.265** (.129)
Stakeholder type (ref. Victims):				
Civil society activists	−.255 (.198)	−.158 (.178)	.159 (.138)	.168 (.137)
Professionals	.035 (.194)	.034 (.177)	.414*** (.144)	.400*** (.143)
Stakeholder type x Speaker type:				
Civil society activists x Speaks more than once	−.143 (.253)	−.151 (.224)	−.281 (.181)	−.308* (.177)
Professionals x Speaks more than once	−.388 (.241)	−.279 (.218)	−.468*** (.178)	−.447** (.176)
Ethnic diversity (ref. Monoethnic):				
Multiethnic	.434*** (.168)	.385*** (.142)	.358*** (.113)	.308*** (.100)
Triadic	.309 (.230)	.331 (.211)	.294* (.161)	.291* (.161)
Dyadic	.521*** (.166)	.429*** (.136)	.398*** (.110)	.401*** (.110)
Translation (ref: Yes): No	.221** (.097)	.197** (.081)	.065 (.066)	
Issue polarization (ref. Low): Medium & high	.288*** (.073)	.193*** (.062)	.169*** (.053)	.164*** (.053)
Subjectivity (ref. None):				
Ethnic		2.264*** (.118)	2.114*** (.099)	2.115*** (.099)
Nonethnic		2.119*** (.070)	2.068*** (.060)	2.068*** (.060)
Multiethnic		2.782*** (.103)	2.677*** (.085)	2.678*** (.085)

Storytelling positionality (ref. No storytelling):				
Own group's experience			1.883*** (.210)	1.894*** (.210)
Others' experience			2.248*** (.482)	2.262*** (.483)
Personal experience			2.365*** (.157)	2.371*** (.157)
Constant	4.436*** (.261)	2.296*** (.242)	1.883*** (.195)	1.962*** (.177)
R^2	.048	.320	.519	.518
Adj. R^2	.038	.311	.511	.511
F statistic	4.085	83.88	110.6	116.6
Model degrees of freedom	12	15	18	17

Note: Response variable is deliberative quality as DQI score. Robust standard errors in parentheses. $N = 1{,}211$.$^{***}p < .01$,$^{**}p < .05$,$^{*}p < .10$.

variables of particular theoretical interest here are issue polarization (with ethnic issues considered most divisive), ethnic diversity of consultation, and subjectivity in rational justifications and storytelling positionality.

We must first ascertain that the legacy of violence can be discussed deliberatively in postconflict societies searching for justice. Analysis of attainment of deliberative virtues presented in chapter 3 indicates that the divisive topic of redress for ethnically based violence does not stymie deliberation. However, not all aspects of a discussion about a criminal legacy are equally divisive. With that in mind, estimating how issue polarization—where polarization of issues related to war crimes, and their redress is conceived in ethnic terms—is associated with the quality of deliberation provides a stringent test of the feasibility of deliberation about justice for war crimes involving members of adversary ethnic groups.

The results show that an increase in issue polarization is associated with higher quality deliberation, with effects significant at $p < .01$. Speech acts about medium- or highly polarizing issues are associated with a DQI score that is .164 points higher than speech acts about less polarizing issues, controlling for all other variables.[59] Thus, the "hottest" issues evince high-quality deliberation in real-life discussions about war crimes.[60] This is a counterintuitive insight. It demonstrates that most ethnically divisive aspects of reckoning with past wrongs focus deliberators' minds on how to present, articulate, and argue their positions in transitional justice consultations when encountering an ethnic Other. The hypothesis that "highly polarized issues are likely to be less conducive to deliberation than less polarized issues" is rejected.[61] This finding is a powerful verification of the feasibility of deliberation about war crimes in divided societies. From the perspective of deliberative conceptions of peacebuilding, it indicates the capacity for cross-ethnic deliberative cooperation in postconflict societies, even on fractious issues related to past harm. Ethnically salient aspects of redress for past crimes indirectly tap into an ethnic dimension of discourse in a way that is not antithetical to high-quality deliberation. This result points to the need to better understand ethnic features of discourse and related identity dynamics during deliberation, examined in ensuing chapters.

Next, aiming to refine arguments about postconflict deliberation that have overlooked how different conflict dynamics shape deliberativeness, I turn to the effects of ethnic diversity on deliberative quality, while differentiating the effect of discussions involving members of all ethnic groups in a regional conflict (multiethnic), of three ethnic groups (triadic) and of two ethnic groups (dyadic) in comparison with discussions involving only members of one ethnic group (monoethnic). The results show that, compared to monoethnic sessions, ethnically diverse discussions have higher deliberative quality, holding all else equal. The estimated DQI scores of dyadic and multiethnic sessions are .401 and .308

higher, respectively, than those of monoethnic sessions, at the 1 percent significance level. Triadic sessions have an estimated DQI score .291 points higher than monoethnic sessions at the 10 percent significance level.

These findings provide fine-grained insight into deliberation in societies divided by conflict, with categories that capture the context of deliberation while precisely mirroring the conflict dynamics; that is whether a conflict was fought between two or three ethnic groups or is conceived as involving multiple groups across borders in a regional conflict. The deliberative quality of discussion in ethnically mixed consultations, involving two ethnic groups, is higher than in ethnically homogenous consultations, confirming Caluwaerts and Deschouwer's results.[62] However, the differential effects of ethnic diversity on the quality of deliberation are notable when comparing dyadic, triadic, and multiethnic sessions. Achieving deliberative quality after conflicts involving two sides is less demanding than in discussions involving three sides, as in Bosnia and Herzegovina (compared to monoethnic sessions). This insight refines our understanding of what type of ethnic diversity presents more adverse conditions for postconflict deliberation. It echoes findings from conflict research that the more sides are present to a national level conflict, the more challenging the peace-making becomes.[63] Further, considering multiethnicity at a regional level enhances our understanding of the effects of ethnic diversity. A regional space can be a deliberative space where people from adversarial groups can productively engage when addressing past wrongs in search of justice. The evidence points to the benefits of multiethnic deliberation in the context of transitional justice consultations at a regional level in response to regional dynamics of violence, and hence to its potential contribution to peacebuilding across borders in war-affected regions.

Lastly, this book tackles the question of how linguistic features of a speaker's utterances are related to the deliberativeness of discourse in postconflict contexts. This previously overlooked predictor of deliberative quality captures how people bring their identities into a deliberative exchange with an ethnic Other. The coefficients of the categories of subjectivity in rational justification and positionality in storytelling suggest a strong and significant ($p < .01$) relationship between subject perspectives and the quality of deliberation. Of particular interest is the effect of the presence of ethnicness in discourse, which captures the expression of ethnic identity. In comparison to speech acts in which no subjectivity is expressed, subjectivity in rational justification expressed in ethnic terms increases deliberative quality by 2.115 points; subjectivity expressed in nonethnic terms increases DQI by 2.068 points; whereas subjectivity expressed in multiethnic terms raises DQI by 2.678 points, controlling for all other variables.

These empirical findings have far-reaching theoretical implications. They indicate that the presence of an ethnic sense of self in argumentation is not anathema

to deliberative quality. This finding invites skepticism toward the widely held and unquestioned premise of the necessity of nonethnic discourse in democratic deliberation in divided societies. Furthermore, these results shed new light on the relationship between subjectivity in terms of multiethnicity and high-quality deliberation. Projecting a sense of self in multiethnic or cosmopolitan terms is most conducive to high-quality deliberation.

In addition to a subject perspective in rational justification, the fitted model also includes a subject perspective in storytelling. In comparison to no storytelling, the estimated DQI is 2.371 points higher when speakers convey a personal perspective in their stories, 1.894 points higher when speakers refer to their own ethnic group experience, and 2.262 points higher when references are made to the experiences of other groups, controlling for all other variables. These coefficients are significant at $p < .01$. David Ryfe has argued that storytelling during deliberation creates "moral communities around the issues under discussion."[64] The findings show that storytelling that contains individualization, which is conducive to creating solidarities and empathy, is important in deliberation about wartime violence. It also shows that referring to other groups' experience is also consequential for deliberativeness. Doing so indicates a sense of mutual understanding across groups when discussing the legacy of past violence. Consideration of others and their views is a defining feature of deliberative discourse. In this case, the other-regarding logic concerns ethnic Others, which is normatively a tall order in societies divided by conflict along ethnic lines. From the perspective of transitional justice debates, bringing the experience of other ethnic groups into discussion does not distort the deliberativeness of ethnic discourse. This finding runs counter to the insights derived from the qualitative study of discourse in the field of transitional justice.[65] Scholars have shown that the effect of storytelling in relation to transitional justice depends on the context in which stories are told, for example, in official or unofficial spaces.[66] At the same time, little effort has been made to assess whether the stories are told from an individual or a collective perspective. This research thus furthers the study of storytelling and transitional justice by demonstrating that the impact of storytelling depends on what kind of subjectivity is present in the discourse.

The analysis now turns to the remaining controls, further illuminating post-conflict deliberation quality. The analysis of the effect of stakeholder type indicates that the quality of professionals' discourse is .400 points higher than that of victims ($p < .01$), as predicted. However, the result showing the higher deliberative quality of discourse of civil society activists than that of victims is not significant. It provides a novel comparative perspective on victims' participation in a transitional justice process and their ability to represent their views, especially as they may differ from those held by civil society representatives.[67] Further, gender

is not significantly associated with the quality of deliberation in this data. The same applies to another speaker-related characteristic, that is speaker type: the frequency of contribution to the discussion, taken here to indicate a speaker's deliberative competence. However, we need to interrogate further whether there is "gendered deliberation."[68] This concept implies that the quality of women's deliberative discourse is different from men's, including the consideration that the discourse quality of women who belong to different stakeholder groups is different from the discourse quality of men in those groups, and how these differences are conditional on speaker's presumed deliberative competence.

In the final, selected regression model, model 4 in table 4.2, two interaction effects are significant: between speaker type and gender, and between speaker type and the two nonreferent categories of stakeholder type, that is civil society and professionals. Figure 4.1 depicts the effect of speaker type on the DQI as moderated by gender. Panel (a) represents predicted DQI values when all other variables are set to the mean of their observed values. Panels (b) to (d) do the same, except that stakeholder type is set to its three values. Since speaker type is

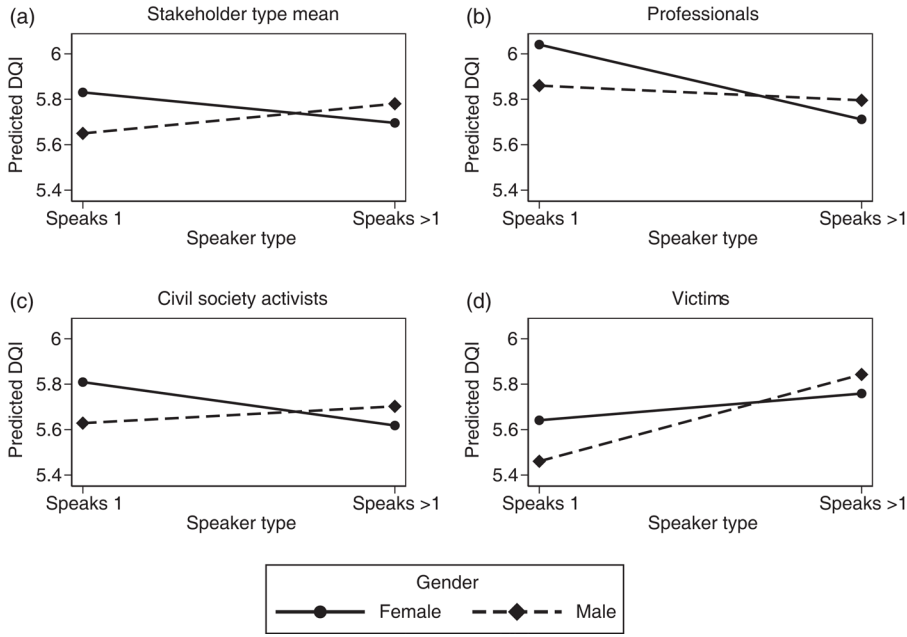

FIGURE 4.1. The effect of speaker type on DQI scores as moderated by gender *Note:* (a) for the average stakeholder type in the sample and for consultations of (b) professionals, (c) civil society activists, and (d) victims for the selected model in table 4.2. The value of all other variables is set to their sample mean.

in both interactions, stakeholder type affects the strength of the interaction of speaker type and gender (represented by the slope of the lines).

When considering speakers who contribute once and those who contribute more than once to discussions, the same relative difference in quality exists between women and men, as shown by the distance between the intercepts of the lines with the respective axes. When not distinguishing among stakeholder types, as depicted in panel (a), we can observe that the deliberative quality of discourse of men who speak repeatedly is higher than the deliberative quality of discourse of both men who speak once and women who speak repeatedly. By contrast, the deliberative quality of discourse of women who speak once is higher than the deliberative quality of discourse of women who speak repeatedly and men, whether they speak just once or repeatedly.[69] However, when distinguishing among stakeholder types, professionals who engage repeatedly in the discussion evince a lower DQI score than one-time speakers, as seen in panel (b). This effect is stronger for women than for men. Victims who speak repeatedly have a higher DQI score than those who speak just once, an effect that is this time stronger for men, as seen in panel (d). The DQI score of civil society activists reflects that of the average profile, as seen in panel (c).

These findings provide evidence for women's unique deliberative style and the specific economy of women's discourse, which we can refine further by taking into account the profile of women, whether they are victims, professionals, or civil society activists. Women civil society activists and professionals attain higher deliberative scores than men when they contribute only once to the discussion, while their repeated contributions to debates are not conducive to increasing deliberative quality. By contrast, women victims (like men victims) who are repeat speakers have higher deliberative quality. These are important insights into women's contributions to transitional justice processes (as well as potentially to other political processes). They reveal that evaluations of women's input to discussions based on the number of their speaking turns proportional to those of men are a crude measure of women's influence on policies under deliberation.[70] As figure 4.1 shows, the occasions when women contribute to shaping policies are consequential, as measured by the DQI.

Figure 4.2 depicts the effect of speaker type on DQI as moderated by stakeholder type. Panel (a) represents predicted DQI scores when all other variables are set at the average of their observed values, and panels (b) and (c) do the same, except that gender is set at its two values. These plots illustrate again this nuanced set of interactions; here, depicting how the simple effect of stakeholder type on the relationship of speaker type to DQI scores is affected by gender.

These plots indicate that when considering one-time speakers and repeat speakers separately, the same relative difference in quality exists between victims,

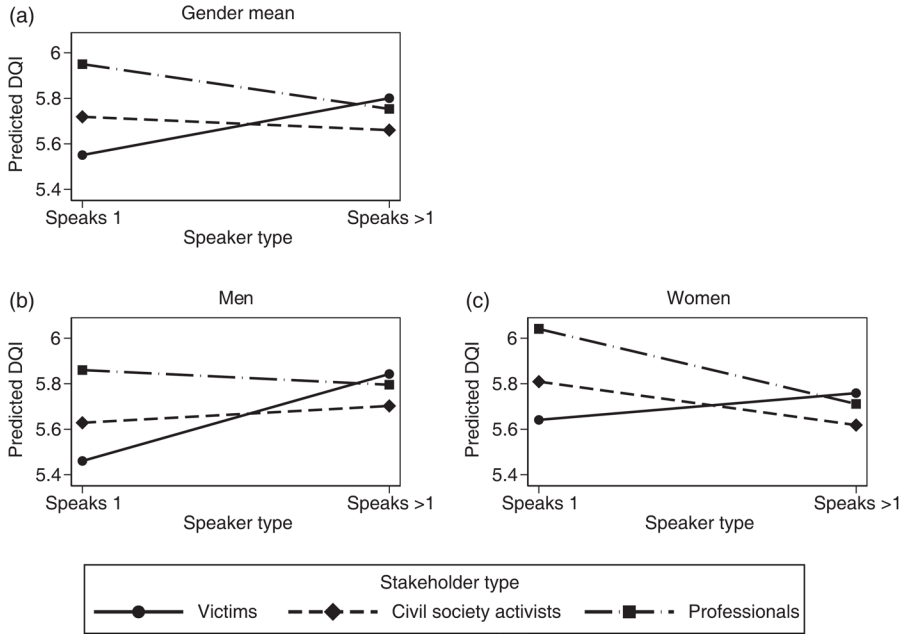

FIGURE 4.2. The effect of speaker type on DQI scores as moderated by stakeholder type. *Note:* (a) for average gender in the sample, and for (b) men and (c) women for the selected model in table 4.2. The value of all other variables is set to their sample mean.

civil society activists, and professionals, as shown by the distance between the intercepts of the lines with the respective axes. As seen in panel (a), on average, the victims who are actively engaged in the discussion, that is speak more than once, have a higher quality of deliberation than more reticent victims, while professionals and civil society activists evince the opposite effect. Panel (b) reveals that male professionals and activists have largely the same quality of deliberation regardless of their frequency of contribution. Men victims, by contrast, have much higher deliberative quality when they speak repeatedly rather than just once; also, the deliberative quality of men victims who speak repeatedly is higher than that of professionals and civil society activists who speak repeatedly. However, as seen in panel (c), women professionals and civil society activists who speak repeatedly have a markedly lower quality of deliberation than those who contribute once, whereas women victims who speak repeatedly have a higher quality of deliberation than women victims who speak once; women professionals and civil society activists who speak repeatedly have a lower quality of deliberation than women victims who contribute repeatedly.

These findings are relevant for scholarly and policy-related discussions about victims' ability to articulate their own justice needs and interests and for the criticism of the monopolization of victims' voices and their agency by human rights organizations. New comparative evidence presented in this book shows that victims can articulate their views on transitional justice—a policy in which they are personally invested—deliberatively. Victims' investment in the issue translates into higher quality deliberation, for both men and women victims, among repeat speakers than is attained by civil society activists and professionals who are repeat speakers. This is perhaps surprising. It points to civil society activists' and professionals' lack of attention to the framing of arguments associated with repeated contributions to debates, assuming that civil society activists and professionals are (more) competent deliberators (than victims) by virtue of their professional background and presumably greater frequency of opportunities to engage in a public exchange of arguments. The results may signal civil society activists' and professionals' relative disengagement, especially when compared to the victims who are invested in the process and its outcome. But we should also note a gendered pattern of victims' discourse; male victims who contribute more than once are more effective speakers, in terms of higher deliberative quality of their speeches than women victims. Conversely, women victims have deliberative advantage over men when they speak once. Lastly, the evidence that victims (both men and women) who speak only once are not able to articulate their positions as deliberatively as they want or as would be desirable, if they are to be their own advocates, should be noted because their views and concerns can otherwise be marginalized.

The analysis shows that translation during consultations does not affect the deliberation quality and confirms findings that deliberation is not conditional on linguistic homogeneity.[71] With its focus on translation in transitional justice consultations, this finding expands our understanding of the role of translation in transitional justice processes.[72]

This chapter has measured the quality of deliberation of discussions about mass violence and other human rights violations in the search for justice. It explained variation in the quality of deliberation by refining common predictors of deliberativeness and incorporating novel covariates that capture linguistic and semantic features of language and their relationship with good-quality deliberation. The results presented and discussed here indicate the complexity of how ethnic identities matter during deliberation. These findings defy widely held assumptions that ethnicized discourse necessarily undermines the deliberativeness of discourse. It was found that higher deliberative quality was associated with highly polarizing issues defined in ethnic terms; with dyadic and multiethnic sessions (but not triadic ones) that mirror conflict dynamics; and with

expressions of ethnicness in speeches during discussions with former adversaries. These three associations indicate the indirect and direct effects of ethnic identity and considerations based on enacting this identity on the quality of discourse, which has not been anticipated by scholars of deliberation or by scholars of transitional justice.

The necessity of recasting the discussion from ethnic to nonethnic terms as the way to overcome conflict in divided societies has been taken as a given by scholars of deliberation in divided societies. That change has been seen as dovetailing with a shift from ethnic to civic conceptions of identity and nationhood, as deliberation "transform[s] the hard parameter of ethnic identity into a soft parameter of diversity."[73] This is why scholars have generally overlooked various ethnic dimensions of deliberative discourse as they take shape in the lived environment of interethnic deliberation. The empirical analysis presented in this chapter shows multiple ways in which a sense of ethnic identity affects deliberation in divided societies where ethnicity is a salient and enduring identity marker. These results point to the need for a better understanding of how ethnic identity, a primary axis of difference and division in postconflict societies, is expressed in discussions involving former adversaries. The findings in this chapter raise the question of how these expressions of ethnicity can be compatible with deliberativeness. The possibility of reconciliation through deliberative engagement between formerly opposed ethnic groups rests on the answer to this question. I have argued that studying the enactment of ethnic identity in a way that overcomes treating ethnic identity as a static category can reveal the role of ethnic identity in deliberation across ethnic lines.

The insights from this chapter challenge the dichotomous logic of ethnic versus nonethnic discourse in scholarly discussions of deliberation and its benefits for divided societies. If we leverage a deliberative perspective on transitional justice, these findings open up a new vista for observing reconciliation after conflict. A deliberative engagement with the legacy of conflict involving previously opposed ethnic groups is necessary for reconciliation. Its prospects are not diminished by a sense of ethnic identities that permeates discussions. The measurement of deliberative quality shows that the sense of ethnic identification figures prominently in interethnic discussions without being antithetical to deliberativeness. This premise, however, needs to be tested further. We need to assess empirically how the deliberative quality of discourse, as measured by the DQITJ, relates to other features of talk that may distort interethnic discourse and hijack the benefits of deliberation. The next chapter investigates patterns of agreement and disagreement across ethnic lines.

5

WHO AGREES AND WHO DISAGREES

It would be illusory to expect everyone to speak in one voice—as if we were in North Korea.

—Participant in RECOM consultations from Kosovo, May 24, 2016

Sparks flew when someone opposed some suggestion.

—Participant in RECOM consultations from Serbia, September 26, 2014

A deliberative perspective on peacebuilding holds that a reasoned exchange of arguments that accommodate views of fellow deliberators can repair relationships broken by violence.[1] The exchange of arguments, in this case, entails interaction with people from other ethnic groups. In the context of ethnic segregation and homogenization in postconflict environments, where ethnic groups are separated in municipalities, towns, and even schools,[2] transitional justice consultations, like the ones held by the RECOM, can "transcend interpersonal geography and expose people to views unlike their own."[3] But we do not know how ethnic polarization at the societal level will impact microlevel dynamics in interethnic discussions. Will people disagree with fellow deliberators from other ethnic groups more than with speakers from their own ethnic group? Under what conditions will deliberators be respectful? As Max Pensky notes, deep disagreement has "desolidarizing effects."[4] Consistently dissenting behavior toward out-group members is particularly pernicious in ethnically divided societies. To understand the patterns of agreement and disagreement across ethnic lines, this chapter analyzes interactivity in discussions about war crimes.

Interactivity reflects both a behavioral and a substantive dimension of discourse. Deliberators choose to react and respond to other speakers and their arguments. Interactivity offers a new angle on the prospects for reconciliation as it reveals the nature of interactions across ethnic lines. From the perspective of deliberation, interactivity is a direct measure of patterns of communicative exchange, a critical element of Jürgen Habermas's theory of communicative action.[5] In divided societies, the reconciliatory potential of deliberation rests on

the fulfillment of deliberative virtues such as equality, reason-giving, respect, common good orientation, and reciprocity.[6] As the analysis in chapters 3 and 4 shows, discussions about divisive wartime legacy can be deliberative as measured by the fulfillment of deliberative virtues. However, this measure does not capture other properties of discourse that can have normative implications, undermining the potential of good-quality deliberation to bridge the ethnic divide in postconflict societies.

If deliberators exclusively agree with members of their in-group and disagree with members of their out-groups, interactivity can prevent reconciliation. Donald Horowitz argues that in societies where ethnic identity is a salient marker, which is typical of divided societies, ethnicity is "often accompanied by hostility towards outgroups" and a sense of allegiance toward members of in-groups.[7] Conversely, the beneficial impact of agreement and civility across ethnic lines will be amplified in ethnically divided settings. The crux of Habermas's communicative action is that communicative actors share knowledge to arrive at mutual understanding.[8] For interethnic discussion about war crimes to be reconciliatory, the fulfillment of deliberative virtues must coexist with interactivity conducive to robust and constructive exchange across ethnic lines. We need to investigate empirically whether these aspects of discourse are complementary or at odds with each other. Excessive disagreement across ethnic lines can undermine the benefits of good-quality deliberation.

The chapter first defines the concept of interactivity. It proceeds by reviewing the study of interactivity in scholarship on deliberation in divided societies. Based on this, I argue that we need to go beyond a narrow operationalization of interactivity and consider the nature of responses (agreement and disagreement) alongside the tally of counts of interethnic responses. In addition, we need to understand whether deliberators are respectful when engaging individuals and groups across ethnic lines.

What Is Interactivity?

The concept of interactivity and its operation in practice are emerging areas of interest in the study of deliberation in divided societies. Scholars have derived the meaning of "interactivity" from the notion of deliberation as communicative exchange and used it interchangeably with "interaction." Here, my use of the term "interactivity" is informed by explications of this concept in communication studies.[9] These explications offer a deeper understanding of how interactivity enhances deliberation across identity lines, which is directly relevant for measuring reconciliation.

Interactivity "is not a monolithic concept."[10] It is a feature of communication in diverse fora, encompassing face-to-face interactivity as well as user-to-user interactivity in web-based and computer-mediated communication.[11] This distinction was originally made in communications studies, which spearheaded efforts to theorize the concept of interactivity in response to the rise of new technologies. At the same time, interest in online deliberation has spurred the study of interactivity in democratic deliberation.[12] The study of interactivity in face-to-face deliberation, as is the case in this book, can benefit from insights generated by scholars of online deliberation.

As Spiro Kiousis points out, at the core of many conceptions of interactivity is "the emphasis on *feedback*."[13] Referring to the tenets of Habermas's theory of communicative action, Jennifer Stromer-Galley underscores that "the free give and take of dynamic deliberation occurs when there is feedback offered by a discussant in an exchange."[14] It follows that interactivity is a relational concept that sheds light on the interdependence of messages.[15] Such interdependence goes beyond formal interactivity that merely records whether contributions are "a reply to another contribution."[16] Matthias Trénel specifies that substantive interactivity, which is "a substantive reference from one contribution to the other, . . . is essential for deliberation."[17] Feedback or reference, understood narrowly as a response to a previous utterance, provides only a limited insight into how deliberators interact and how the dialogic nature of deliberation is realized. Drawing on Mikhail Bakhtin's theory of dialogic communication, Danielle Endres and Barbara Warnick point to the role that style and language play in opening up a deliberative space and interactive engagement.[18] The pattern of agreement and disagreement, along with a scrutiny of how they are expressed, has a role in facilitating or undermining deliberative engagement.

To comprehensively capture interactivity as a feature of the deliberative process, we need to link the pattern of engagement, read from an overall interactivity score that tallies the number of responses to previous speeches, to the analysis of the kind of responses, which may be agreement or disagreement.[19] This distinction between understanding interactivity as a mechanical count of responses and operationalizing interactivity to consider the content of interactions allows us to identify a gap in scholarly approaches to interactivity in relation to overcoming identity conflict.

Interactivity and Ethnic Division

Discursive interaction lies at the heart of deliberation. Every dimension that captures the quality of deliberation, whether an interruption or an expression of

reciprocity, is also an indicator of how that interaction unfolds. However, this conceptualization of deliberation as a communicative exchange only provides an indirect take on interactivity. It stops short of addressing explicitly and precisely the questions of who responds to whom and how. Interactivity is directly related to the quality of deliberation. How participants interact with each other is a fundamental question when assessing the deliberativeness of discourse. Given that "the only available resource for diverse opinions is the discussants themselves," interactivity allows us to capture how deliberators engage with diverse views.[20] In the context of recovery from conflict, people need to hear views of ethnic Others and engage with these views. During public deliberation, interactivity opens the space for "continuous renegotiation" and prevents monopolization of the interpretation of traumatic events, as illustrated by dominant ethnocentric understandings of the Balkan conflicts.[21] In postconflict societies, interactivity, as Jürg Steiner argues, "can help to build trust in the sense that the speaker acknowledges that the other side also has certain rationality, and this gives the other side a human face."[22]

Deliberation is a normatively demanding form of communication. It is about more than just expressing and hearing different views; it requires engagement with those views. As Ian Rowe puts it, "if commenters fail to take in to account the views, opinions, and arguments of other participants, the discussion can hardly be labelled deliberative."[23] He suggests that we can find out whether participants "actively engage with one another in this way is to determine the extent to which they interact."[24] An empirical measure of interactivity is of particular importance in diverse settings along identity lines, where deliberation involves divisive issues. By studying interactivity, we can assess whether a discussion is deliberative and how deliberation can help bring divided communities together. Unsurprisingly, "the black box of interaction" has been opened by scholars concerned with how the identities of deliberators, such as ethnicity and gender, affect deliberation.[25]

Cass Sunstein defines "enclave deliberation" as "that form of deliberation that occurs within groups that have engaged in self-sorting, or that have been sorted, through practices of discrimination or oppression, into relatively homogenous domains."[26] This concept has provided a theoretical entry point into the study of deliberation in divided societies. Sunstein does not explicitly associate an enclave with an identity group; rather, according to him, an enclave is a group of like-minded individuals. In divided societies, deliberative enclaves are understood as being coterminous with ethnic divisions in society at large and as such can lead to polarization of ethnic groups.[27] Scholars referred to the concept of enclave deliberation to question whether ethnic diversity is detrimental to deliberation in postconflict contexts. Subsequent empirical studies have explored the patterns

of interactivity across ethnic lines in microlevel deliberations in experimental settings.

Didier Caluwaerts and Kris Deschouwer investigate whether a speech act is a reaction to a speech act uttered by an in-group or an out-group member. Their findings point to "a fair amount of discursive integration," as participants' interaction patterns do not constitute enclave deliberation in deliberative experiments involving the Dutch- and French-speaking Belgians.[28] Their measurement of interactivity captures whether deliberators interact, that is respond to members of an out-group. However, it does not capture how they interact, whether they agree or disagree with each other. By contrast, in their study of deliberation focused on the Muslim community in the United Kingdom (UK), Manlio Cinalli and Ian O'Flynn investigate a pattern of ties among deliberative actors qualified as supporting or dissenting. They apply Social Network Analysis to analyze the structure of ties and to find out how these patterns map onto deep divisions. Aiming to assess whether deliberation results in political integration of Muslims in the UK, they sum up the problem: "we should worry greatly if it turns out that Muslim actors talk only amongst themselves or, by corollary, only side with one another."[29] Cinalli and O'Flynn do not find evidence supporting group polarization: Muslim actors figure in diverse cliques of both support and dissent, which are comprised of different types of actors and do not overlap with ethnic cleavages. Their findings are based on attitudes expressed by British Muslims in newspapers, which raises the question of how the pattern would hold in a face-to-face discussion.

The salience of gender as an identity axis affirms the importance of studying interactivity as more than simply a reaction to a particular speech act or person. In their study of gender inequality and deliberation, Tali Mendelberg et al. operationalize interaction as an interruption, which they qualify as positive (expressing agreement) or negative (expressing disagreement). According to them, positive interruptions represent support for the speaker that does not undermine the speaker's effectiveness. By contrast, negative interruptions represent the demonstration of power, for example, the floor being taken away from a speaker, or a topic being changed unilaterally.[30] The rate of positive and negative interruptions of female speakers affects their status as speakers and weakens social solidarity among speakers during deliberation.[31]

Therefore, to further our understanding of interactivity in face-to-face deliberations across ethnic lines, we need to go beyond a narrow operationalization of interactivity and better grasp which factors are conducive to positive interactions. We still do not know how the patterns of agreement and disagreement align with ethnic divisions in ethnically diverse face-to-face discussions, even though the implications for deliberation and reconciliation are profound.

The Role of Disagreement in Deliberation

Disagreement plays a paradoxical role in deliberation. According to Kevin Esterling et al., "with no disagreement, reasons need not be offered nor considered, and with too much disagreement reasons fall on deaf ears."[32] Deliberation depends on the exposure to different viewpoints, which may spur reconsideration of one's original position along with the appreciation of viewpoints held by others. As Dennis Thompson puts it, "some basic disagreement is necessary to create the problem that deliberative democracy is intended to solve."[33] However, more than "some basic disagreement" can have the opposite effect. Too much disagreement can undermine the benefits of a deliberative process. Given the importance of contestation in a deliberative mode of communication, André Bächtiger and Marlène Gerber contend that "the problem here is not one of presence or absence of contestation but one of basic orientation and quantity."[34] In divided societies, a legacy of conflict and distrust increases the potential for disagreement. In these contexts, the pattern of disagreement matters because it can distort deliberative discourse and deepen ethnic fissures.

Another important question is what disagreement means and does in social interactions. Scholars have pointed out that disagreement can mean more than just a discrepancy between one's views and those held by others. Thus, Andrew Smith notes that disagreement and disapproval "reflect the judgement that *someone* must be in the wrong: us, our critic(s) or both."[35] Huw Price elaborates this point by saying disagreement "is an indication of culpable error, on one side or the other."[36] From this perspective, disagreement in deliberation matters because, as Cheryl Misak argues, it aims to get "the right answers to our questions about what we ought to do and about how we ought to treat others."[37] Disagreement indicates exposure to views other than one's own, which may also close off the possibility of accommodation. Mindful of bias in information processing during deliberation, Diana Mutz suggests that disagreeing may trigger greater stereotyping of out-group members.[38] Other scholars highlight the positive effects of disagreement; Michael Neblo points out that listening respectfully to views with which one disagrees can build trust among deliberators.[39] Although "the benefits of deliberation critically depend on the confrontation of opposing arguments," how agreements and disagreements are expressed—respectfully or disrespectfully—will also affect reconciliation in postconflict contexts.[40] In a deliberative exchange, especially across ethnic lines, a distinction between a respectful and disrespectful assertion of views needs to be made.[41]

Respectful engagement during a disagreement is a requirement for deliberation. According to Thompson, "the reasoning must show respect to the participants and their arguments, even if it challenges the validity of the claims."[42]

As this quote suggests, the expression of respect for arguments is bound up with respect for persons.[43] Consideration of respect figures prominently in the scholarship on deliberation in divided societies. On the one hand, the legacy of conflict presents an obstacle to respectful deliberation. On the other hand, respectful engagement across ethnic lines is critical to restoring relationships in conflict-affected communities.[44] Insofar as respect entails recognition of a person, and, conversely, disrespect entails denigration, rehabilitation of ethnic relations through deliberation in divided societies rests on civility in communicative interaction. However, greater theoretical attention is required in relation to the question of who is the target of respectful or disrespectful remarks.

A consequence of conflict-induced ethnic polarization is the blurring, even outright conflation, of individual and collective conceptions of ethnic identity. Individuals are killed in the conflict as members of an opposite ethnic group, which facilitates the conflation of individual and collective identification. As Peter Dahlgren contends, "to point to the interaction among citizens—whether or not it is formalized as deliberation—is to take a step into the social contexts of everyday life."[45] When citizens deliberate about overcoming harms caused by an identity conflict, the act of deliberation is simultaneously an encounter with members of ethnic groups that committed those wrongs. The study of interactivity can further our understanding of how individual and collective notions of identity are brought into deliberation at a microlevel of deliberation, and how these dynamics hinder or promote conflict resolution. Will a face-to-face encounter with an ethnic Other in a robust communicative exchange trigger individual or group identification dynamics?

In both the lab and the field, experimental studies of postconflict deliberation do not distinguish between individual and collective identities—even when inferences about mutual accommodation among ethnic groups through deliberation are being made. By contrast, transitional justice scholarship and practice are premised on the assumption that a collective understanding of responsibility for wartime violence underpinned by a collective construction of identity impedes justice and reconciliation. This construction means that "the 'other' is perceived as a whole, whose constituent parts are subsumed into the collective identity."[46] When identity is a collective construct, individual responsibility for war crimes and human rights violations is obscured and truth recovery is blocked.

One potential benefit of dialogical approaches to reconciliation in ethnically mixed settings is facilitating recognition of an individual as separate from the group. This mechanism humanizes the opposing side and engenders empathy toward the suffering of a human being from another ethnic group. Both individual and collective conceptualizations of identity are enacted in all deliberations.

How references to collective versus individual identities are associated with the pattern of agreement and disagreement across ethnic lines can further our understanding of the role identities play in postconflict deliberation and their effect on reconciliation. The next section details the empirical approach to interactivity.

Coding Interactivity

Interactivity is measured by coding 1,211 speech acts in the RECOM corpus, a record of real-life discussions about war crimes in the Balkans. In line with the empirical strategy applied in the study of quality of deliberation, a speech act is defined as a statement containing a position on an issue discussed. The author and another coder coded each speech act independently, applying a coding scheme presented in table 5.1. The intercoder reliability statistics demonstrate an acceptable level of agreement.[47]

The coding strategy for the study of interactivity registered the presence of interactive references, specifying whether they were interethnic, involving speakers from two different ethnic groups, or intraethnic, involving speakers from the same ethnic group. Another layer of information on the nature of these references was added by coding whether they were neutral or denoted agreement or disagreement, in line with Stromer-Galley's scheme.[48] Previous research on interactivity in divided societies applied a minimalist operationalization of interactivity across ethnic lines in face-to-face deliberations, such as "a response to a previous statement."[49] This operationalization reflects the sequence of speakers. What remains unclear with such operationalization of interactivity as simply a

TABLE 5.1 Interactivity variables

LABEL	VALUE
Reference to other participants	No reference Yes
Interethnic reference	No Yes (Disagreement) Yes (Neutral) Yes (Agreement)
Intraethnic reference	No Yes (Disagreement) Yes (Neutral) Yes (Agreement)

response is whether a response is triggered by a position expressed by a previous speaker or possibly by a point made earlier in a discussion. In sum, this operationalization does not (adequately) reflect the character of feedback, which is critical to defining interactivity. To address this lack of clarity, the coding in this research specifies a high standard for signaling interactivity, informed by the concept of social presence.

In line with research by Kiousis, "social presence" denotes clear recognition of the person to whom a speaker is responding.[50] Interactivity is coded when a speaker explicitly refers to another speaker by name, or otherwise unambiguously signals their identity, including by repeating verbatim what the previous speaker uttered.[51] For example, a deliberator may refer to someone by a surname, such as, "I agree with fellow discussant Jović."[52] Or, he or she may refer to a fellow speaker from Macedonia, a colleague from Belgrade, and so on. By using social presence as the benchmark for coding, interactivity in this book is determined neither by the flow of deliberation nor by the speaking order, which a moderator may impose. In deliberative settings, the discussion moves relatively fast. A particular named speaker may have presented her or his argument two or three speaking turns before another speaker has an opportunity to engage with that argument. Coding interactivity signaled by social presence comprehensively captures the relatedness of utterances, as it also includes the substantive content of the speech act. Furthermore, the requisite identification of a speaker whose point is responded to (and who may have spoken earlier during a discussion) allows for precise coding of the ethnicity of that speaker.[53]

Lastly, signaling social presence in the context of face-to-face deliberations across the deep divide in real-life discussions about war crimes and their legacy raises the stakes of deliberators' contributions to the deliberative process. This is particularly the case if they depart from what might be the expected line of argumentation associated with an ethnic identity. Such stepping out of line, especially to agree with a member from a different ethnic group, represents a strong indication of deliberativeness of interethnic communication along with its reconciliatory potential. During the RECOM consultations, the margin of error in recognizing someone's ethnic identity was minimal. The participants introduced themselves at the start of the consultative session, making their identities clear to fellow discussants. Absent that, their identity could be unambiguously inferred from their account of their circumstances and suffering during the conflict or of their activism. At the same time, the tacit knowledge that allowed fellow deliberators to identify interlocutors should not be underestimated. In these transitional justice consultations led by civil society, which gathered people from different sides of a regional conflict who were previously citizens of the same state (i.e., the former Yugoslavia) and exposed to one another's languages, all had an

acute awareness of their participation in delicate communication across lines of division and the significance of their utterances.

The Patterns of Agreement and Disagreement

The following sections present the results of the analysis of interactivity with participants of the same ethnic group and of a different ethnic group. Interactivity is observed in terms not only of a formal count of responses to a named speaker and his or her arguments, but also in terms of the substantive content of those responses that contain a viewpoint (agreement, disagreement, and a neutral position toward another's argument). Also of interest is examining how respect toward individuals and toward groups expressed during deliberation are associated with agreement and disagreement across ethnic lines.

Interactivity and Ethnic Enclavization

The first set of results addresses whether ethnic enclavization has occurred and whether deliberative enclaves, following Sunstein, that are defined by ethnicity can be observed in interethnic deliberations about justice for past wrongs.[54] As scholars of deliberation in divided societies have specified, ethnic enclaves involve engagement with members of one's own ethnic group during interethnic deliberation. Such distortion of discourse in the direction of groupthink undermines the legitimacy of deliberative democracy and prospects for reconciliation.[55] Overlapping and intersecting loyalties of ethnic, religious, racial, and cultural groups are a feature of plural democratic societies.[56] These multiple loyalties are elided in the aftermath of a conflict and collapse into a single division that runs along the lines of an identity that becomes salient. After an ethnic conflict, this division is often institutionalized through consociational power-sharing arrangements on an ethnic basis. Further, the creation of new state borders, as occurred after the breakup of the former Yugoslavia, introduces another dimension of division. Even in heterogeneous communities that have not been directly affected by conflict, people "refrain from social opportunities that might lead to interactions with individuals from different racial, income, or ethnic groups."[57] If we consider the adverse impact of conflict on interethnic relations, including macrolevel political and social divisions in postconflict communities, we would expect to find a pattern of discursive ethnic enclavization at the microlevel as well.

Frequencies of speech acts indicating interethnic and intraethnic interactivity in the RECOM consultations are presented in table 5.2. Contrary to expectations, they show that there is no discursive ethnic enclavization in these consultations

TABLE 5.2 Absolute and relative frequency of interactions by ethnicity of speakers

	N	VALID PERCENT
Interaction with a speaker from another ethnic group	208	64.4
Interaction with a speaker from the same ethnic group	115	35.6
Missing	790	
Total	1,113	100

Note: The missing observations include speech acts that did not include interaction. Monoethnic sessions are excluded.

comprised of speakers from different ethnic groups discussing the legacy of war crimes. We can observe greater interactivity across ethnic lines than within the same ethnic group: 64.4 percent of all interactions in the RECOM consultations occurred across ethnic lines, as opposed to 35.6 percent that occurred between individuals belonging to the same ethnic group. Based on the unique observational data of real-world deliberations that constitute the RECOM consultations, these findings show that people are willing to engage across the ethnic divide to discuss how to address the legacy of war crimes and achieve justice for past wrongs.[58]

It is also worth recalling that the RECOM process was a regional civil society network that provided space for deliberation by bringing together people from all ethnic groups involved in the wars of Yugoslavia's dissolution. John Dryzek argues that networks are located at the informal end of an institutional spectrum and help disperse "control over the content and the weight of discourses, facilitating deliberation across difference."[59] His argument is informed by an oppositional stance toward a state in divided societies that enshrines and promotes narrow ethnic interests. The tally of interethnic interactions presented here indicates that a network appears to be conducive to engagement across ethnic lines, as deliberators overcome separation entrenched by ethnic segmentation in the context of reluctance by states to address the legacy of mass atrocity and justice for war crimes.[60]

Furthermore, the distribution of interethnic and intraethnic interactivity indicates a level of engagement with difference, conceived in terms of ascriptive difference along the ethnic identity axis, required for deliberation. However, this tally of interactive references does not reveal how people engage with difference when it is understood as engagement with different viewpoints. Given the impact of conflict on constructing exclusive ethnic identities and the power of those identities to shape both the understanding of conflict and the response to its painful legacy, ethnocentrism is a prominent feature of contentious discussions about transitional justice issues. If social identities in postconflict contexts act

as "discursive weapons" and lead to the automatic refutation of arguments by out-group members, we would expect to observe more agreement in interactions with co-ethnics than with speakers from other ethnic groups.[61] Similarly, we would expect more disagreement in interactions across ethnic lines than in interactions with one's own ethnic group members. To distinguish engagement with difference across ethnic lines from engagement with different opinions, I measure interactive references in terms of occurrence and viewpoint, including agreement, disagreement, and a neutral position (neither agreement nor disagreement).[62] Proportions of interactive references across ethnic lines by agreement, disagreement, and a neutral position are presented in figure 5.1; proportions of interactive references with members of one's ethnic group by viewpoint are shown in figure 5.2.

We can observe a similar pattern of disagreement and agreement between interactions with speakers from different ethnic groups and interactions with speakers from one's own ethnic group.[63] Contrary to the expectation grounded in the scholarship on deliberation in divided societies, which warns of antagonism and contention in intergroup deliberation, figures 5.1 and 5.2 show that disagreement is not a defining feature of interactivity across ethnic lines. Rather,

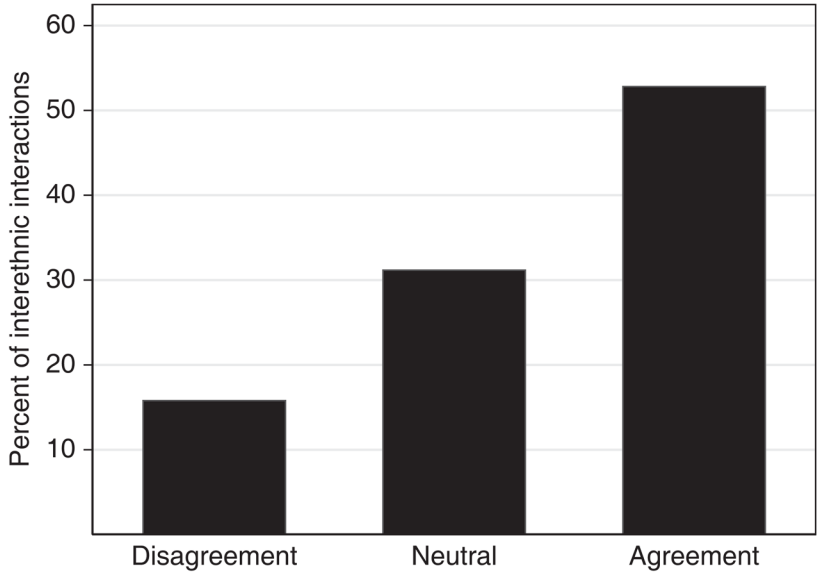

FIGURE 5.1. Relative frequency of interactive references across ethnic lines by viewpoint

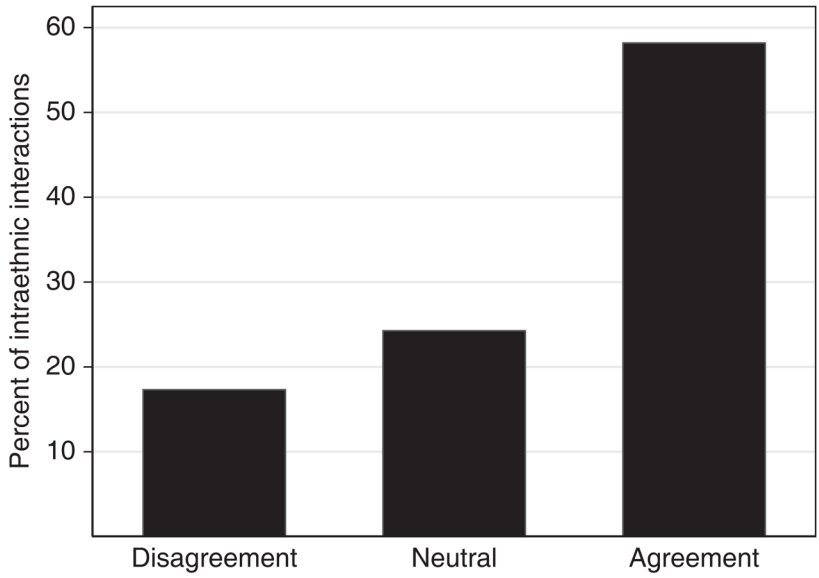

FIGURE 5.2. Relative frequency of interactive references within an ethnic group by viewpoint

we can observe that agreement is prevalent in interactions with members both of an out-group and the in-group—although the level of neutral interactions (indicating neither agreement nor disagreement) is somewhat higher when interacting across ethnic lines than when interacting with co-ethnics. These findings align with the pattern of face-to-face social interactions in democratic contexts.[64] They confirm people's tendency to select politically like-minded discussion partners, while being averse to disagreement.[65] Although interactivity is measured under the most adverse of conditions—after a conflict and when deliberating about war crimes across ethnic lines—the quantity and the pattern of disagreement provide evidence of a robust deliberative process without risk of derailment by what John Gastil calls "extreme disagreement."[66] Such a pattern of interactivity in a justice-seeking process captures the nature of engagement with different viewpoints and people from different ethnic groups. It points to the existence of normative preconditions that are needed for deliberation to deliver benefits for postconflict recovery, specifically, to repair interethnic relations.

Moving beyond describing interactivity in transitional justice consultations, the analysis turns to the determinants of interactivity across ethnic lines. This

part of the empirical investigation queries how the expression of respect is associated with interactivity across ethnic lines.

Respectful or Disrespectful Disagreement?

When citizens deliberate in democratic societies, "they express and respect their status as political equals even as they continue to disagree about important matters of public policy."[67] Respectful engagement with individuals and groups across ethnic lines is a demanding ask of deliberators in a postconflict context. Offensive engagement across ethnic lines deepens division and distrust between ethnic adversaries, while public expression of respect for individuals and groups across ethnic lines can help repair social relations after a conflict. According to Amy Gutmann and Dennis Thompson, "mutual respect requires more than toleration or a benign attitude toward others. It requires a favorable attitude toward, and constructive interaction with, people with whom one reasonably disagrees when those persons are similarly willing and able to adopt such an attitude."[68] Such public expression of respect can be interpreted as a signal of reconciliation and encourage reciprocity.[69] In addition, assessments of whether deliberators are respectful toward individuals or groups of other ethnicities, and how such expressions are associated with patterns of agreement and disagreement in interacting across ethnic lines, indicate how the deployment of individual and collective identity categories facilitates reconciliation during deliberation.

A multinomial logistic regression model was fitted to assess what predicts interaction across ethnic lines measured as no interaction and three categories of viewpoint (agreement, disagreement, and neutrality), with a particular interest in the effect of respect for participants. The results are presented in table 5.3. To isolate the effects of respect toward participants and/or their arguments (hereafter, respect) on the occurrence and the nature of interactivity with ethnic Others, the analysis controlled for discussion length, as measured by the number of speech acts, and issue polarization.[70]

The speech acts were observed on the variable respect in terms of explicit respect, neutral respect (neither respect nor disrespect), and disrespect. Respectful speech acts contain a positive and explicitly respectful reference to a fellow deliberator. For example, a speaker makes a proposal in reference to the previous speaker's argument: "I would like to suggest to the Working Group to consider Mrs Jukić's suggestion very well because I think that it is extremely relevant."[71] Another example of respect for the argument of a previous speaker is: "In the context of what you've just said, I really like [the suggestion when] the mandate should start."[72] Speech acts are neutral if they mention participants' arguments in neutral terms, without explicit respect or disrespect. For example, a speaker

TABLE 5.3 Modeling interethnic interactivity using multinomial logistic regression

	COEFF.	STD. ERR.	*p*-VALUE	ODDS RATIO
	Indicating disagreement			
Number of speech acts in consultation	.007	.003	.029	1.007
Issue polarization (ref. Low): Medium & high	.919	.377	.015	2.507
Respect for participants (ref. Disrespect):				
Neutral	−1.482	.489	.002	.227
Respect	−.508	.752	.500	.602
(Constant)	−3.247			
	Indicating neutrality			
Number of speech acts in consultation	.007	.002	.002	1.007
Issue polarization (ref. Low): Medium & high	.442	.270	.101	1.556
Respect for participants (ref. Disrespect):				
Neutral	.476	.738	.519	1.609
Respect	2.017	.804	.012	7.514
(Constant)	−4.183			
	Indicating agreement			
Number of speech acts in consultation	.006	.002	< .001	1.007
Issue polarization (ref. Low): Medium & high	.435	.214	.042	1.545
Respect for participants (ref. Disrespect):				
Neutral	.989	.732	.176	2.689
Respect	2.657	.775	.001	14.258
(Constant)	−4.090			

Note: Pseudo R^2 = .052. N = 1,110. Response variable: Interethnic interaction. Base: No interaction. Speech acts in monoethnic consultations, and speech acts containing no expression of respect, neutrality, or disrespect to participants and/or their arguments, are omitted.

says, unambiguously engaging with a previous speaker's argument, "I wanted to say exactly the same thing."[73] By contrast, disrespectful references to the previous speaker's arguments include rude, unpleasant comments or foul language about participants or arguments, such as a speaker engaging with another speaker's argument by dismissing it as having "nothing do with a mathematical logic."[74] Another speaker qualified the proposition about an article of the Draft Statute as so "catastrophic" that it "made her go mad."[75] How is respect associated with interactivity across ethnic lines?

The analysis found that, holding discussion length and issue polarization constant, the odds of agreement with the ethnic Other (versus not interacting) are 14.258 times higher for speech acts expressing respect to participants than those expressing disrespect. Similarly, all else equal, the odds of a neutral viewpoint (neither agreement nor disagreement) in interacting with the ethnic Other

(versus not interacting) are 7.514 times higher for speech acts expressing respect to participants than of those for speech acts expressing disrespect. This result is noteworthy. Agreeing with the named ethnic Other and making a respectful remark can be morally and politically demanding in a postconflict context, given the pressure for nonengagement with the ethnic Other and their denigration in the public discourse in postconflict societies. Considering that the RECOM consultations focused on the divisive issue of redress for wartime violence, the association of the expression of respect with agreement across ethnic lines in this context amplifies the sense of collaboration about this contentious issue regardless of the ethnicity of those with whom a speaker is engaging.

The analysis also found that, holding discussion length and issue polarization constant, neutral respect compared to disrespect toward a participant does not change the odds of agreement or a neutral viewpoint in interaction (versus not interacting) across ethnic lines (the results are insignificant). However, the odds of disagreeing with an ethnic Other (versus not interacting) for speech acts expressing neutral respect are .227 times those of speech acts showing disrespect toward participants, that is 77 percent lower. Thus, speakers who refer to participants or their arguments neutrally are more inclined not to interact with the ethnic Other rather than to explicitly disagree with them. This result could be indicative of people's propensity to avoid disagreement.[76] However, the same finding from the perspective of disrespect compared to neutral respect references indicates that those expressing disrespect are more likely to disagree with ethnic Others than not to interact at all.[77] How does this finding illuminate the nature of disagreement across ethnic lines?

Arguably, an equally important finding is that explicit respect compared to disrespect toward participants does not make disagreement (versus not interacting) with an ethnic Other less likely (the estimate is statistically insignificant). This result is noteworthy considering the prior finding that a neutral respect reference versus disrespect makes interethnic disagreement less likely. Those participants who are respectful do not differ from those who are disrespectful in their readiness to disagree. Therefore, we do not observe a clear and consistent pattern of disrespectful as opposed to respectful disagreement across ethnic lines. Hence, the measurement of the nature of agreement and disagreement in this transitional justice process indicates a robust exchange of opposed and concurring views across ethnic lines that is conducive to deliberation.

Lastly, an observation about the expression of respect toward groups is in order. Speech acts in which expression of respect is directed at individual fellow participants are significantly associated with interethnic interactivity, as opposed to speech acts in which expression of respect is directed at ethnic groups to which deliberators belong.[78] These contrasting results indicate the tendency of

deliberators to interact in face-to-face discussions with members of other ethnic groups as individuals rather than focusing on their group membership. This tendency pushes against the collective conceptualization and construction of ethnic identities that, as scholars of transitional justice have shown, is an impediment to inclusively addressing the legacy of violence.[79] Interethnic deliberation in transitional justice consultations appears conducive to challenging the dominance of ethnocentric collective identification that underpins a collective construction of victimhood and culpability, unlike other transitional justice practices such as war crimes trials and memorializations.[80] Interethnic deliberation can contribute to the decoupling of collective identities from their association with antagonism toward the collective ethnic Other through the process of individuation that indicates the evaluation of a person as different from a group.[81] Ethnic enclavization is characteristic of societies emerging from conflict.[82] In postconflict societies, such as Bosnia's, ethnic segregation as a consequence of conflict has been referred to as "ethnic apartheid."[83] The ethnic configuration of territories explains a lack of interactions across ethnic lines.[84] Transitional justice consultations involving people belonging to opposing ethnic groups provide a possibility for overcoming ethnic enclavization. They provide an opportunity not only to meet people from other ethnic groups face-to-face but also to engage in discursive interaction. However, it is by no means certain that these opportunities will help people overcome mistrust and division. Deliberators may tend toward engaging with their co-ethnics as opposed to reaching across ethnic lines; alternatively, even if they reach across ethnic lines, they may do so to disagree with speakers from ethnic groups other than their own. Deliberation requires disagreement and consideration of views from different perspectives. However, if disagreement with ethnic Others is always disrespectful rather than respectful, it can undermine good-quality deliberation and reconciliation.

The normative appeal of deliberation rests on the benefits of this communicative exercise: exposure to the diversity of views, including across ethnic lines, enhances mutual understanding and tolerance.[85] In the context of conflict-resolution and peacebuilding, confronting multiple viewpoints about the route to justice opens the space for reconciliation through constructive engagement with the violent past. Active engagement with diverse viewpoints held by the "other" side highlights multiple perspectives on harm and suffering. But active engagement across ethnic lines also needs to be civil and respectful to reinforce deliberative quality and pave the way for the benefits of deliberation in divided societies. These benefits extend beyond the immediate effects of a specific discussion. Jennifer Stromer-Galley and Peter Muhlberger show that a positive evaluation of deliberation increases motivation to participate in future deliberations.[86] This conclusion is particularly important for divided postconflict societies,

where routine interethnic deliberation on a range of issues of public interest can also contribute to the repair of interethnic relations.

As an aspect of deliberativeness of discourse, the patterns of interethnic interactivity identified in this book confound "the most pessimistic predictions for divided societies," that different ethnic groups cannot deliberate because of a prevailing sense of distrust and resentment between them.[87] Any engagement, especially respectful engagement, with members from other ethnic groups and endorsement of their views through agreement is costly in postconflict contexts where ethnocentric narratives of conflict and victimhood are maintained by elites and society at large. Numerous participants in the RECOM consultations were concerned that their engagement with this multiethnic process would be considered an act of treason by other members of their ethnic groups.[88] Showing respect publicly toward members of other ethnic groups defies the norms of nonengagement and noncooperation in ethnicized postconflict societies. It points to the possibility of reconciliation grounded in mutuality in public communication. This empirical evidence of people's civil engagement across ethnic lines, with the level of dissent conducive to rigorous scrutiny of issues, is consistent with various measures of good-quality deliberation presented in chapters 3 and 4. It reinforces the conclusion of the previous chapter about the resilience of deliberation as a mode of communication in postconflict contexts.

I have argued that good-quality deliberation is a necessary but insufficient condition for reconciliation through transitional justice consultations that address the legacy of mass atrocity. For deliberation to deliver its normative benefits, we need to observe deliberation quality, measured by the attainment of deliberative virtues in discourse, along with the pattern of interethnic interactivity that avoids ethnic enclavization and disagreement as the exclusive mode of engaging ethnic Others. Analysis of the RECOM corpus demonstrates that the two measured dimensions of discourse—deliberative quality and interactivity—safeguard deliberativeness of discourse in transitional justice consultations, although a sense of ethnic difference permeates interethnic discourse. If a sense of ethnic difference contributes to polarization in divided societies, this raises the question of how the discussion about war crimes can be reconciliatory. The next chapter demonstrates how people enact their ethnic identities during postconflict deliberation forging solidary bonds across ethnic lines.

6

DISCURSIVE SOLIDARITY AGAINST IDENTITY POLITICS

All dead are equal.

—Participant in RECOM consultations from Kosovo, May 25, 2016

Violence in identity conflicts locks in ethnocentric thinking. It makes it difficult for people in divided societies to transcend their ethnic perspectives after conflict ends. Such narrowing of ethical horizons hampers the search for justice for wartime wrongs. This contentious issue is likely to polarize communities along ethnic lines and foreclose the possibility of postconflict deliberation. Scholars have put faith in deliberation to address postconflict justice and bring divided societies together. However, we still lack empirical evidence on the deliberative repair of broken interethnic relations through discussion of redress for wartime harm. Presenting the argument for reconciliation through deliberation, this book has put deliberation in divided societies to the most stringent of tests. It has asked: can people engage with each other deliberatively across ethnic lines when discussing justice for mass violence?

The evidence presented in the preceding chapters shows that postconflict deliberation in practice is resilient. People can have comparatively high-quality deliberation across the ethnic divide even when they address the subject of wartime injury in a transitional justice process. However, deliberative interethnic discourse does not in itself necessarily indicate reconciliation. To be reconciliatory, deliberation across ethnic lines about wartime harm has to overcome the desolidarizing effects of identity politics; interethnic communication has to live up to the requirement of discursive solidarity that recognizes, dignifies, and respects the deliberative partner in their suffering and pain, regardless of their ethnicity.

Elaborating on the ethical goals of deliberation, André Bächtiger and John Parkinson specify that deliberation—a normatively demanding mode of communication—creates a moral "we-perspective." Alongside mutual recognition, this perspective entails a sense of collective enterprise, mutual interdependence, trust, and the creation of social bonds across group boundaries.[1] In divided societies, identity politics based on exclusive ethnic identities obstructs these ethical goals. For reconciliation to occur and to be evidenced in deliberative discourse, a nationalist "us first" orientation has to give way to a moral "we perspective."[2]

This ethical perspective leads us to explore how people enact their ethnic identities during deliberation in consultations on transitional justice. These identity dynamics cannot be captured by measuring the quality of deliberation alone, because this empirical strategy considers identities to be static—fixed attributes of speakers. Studies of identity in social interaction show that the identities people enact do not map neatly onto ethnic or other group membership categories. Moreover, people's enactment of identities cannot be understood merely in its microlevel interactional environment. The analysis must also take into account macrolevel ideologies and discourses.[3] Nationalist discourses in postconflict societies create normative pressure to enact exclusivist, ideologically prescribed ethnic identities. This pressure falls on microdeliberation and risks distorting interethnic communication, undermining the prospects for reconciliation.

This chapter investigates how people's enactment of their ethnic identities meets ethical goals of deliberation in order to reveal how people orient themselves discursively toward each other in public communication. I find that deliberators are involved in a delicate process of self-expression, negotiating their individual and collective identities as they encounter the ethnic Other. The expression of difference along the ascriptive axis of ethnicity remains prominent in interethnic deliberation about past wrongs. However, people calibrate the enactment of their ethnic identities in a way that is accepting of the ethnic Other and respectful of their suffering, offsetting the divisive impact of identity politics and thus facilitating reconciliation.

In what follows, I first show how identity politics bears on deliberation in civil society, which is why we need an ethical perspective to evaluate the enactment of ethnic identities during deliberation. The data and the qualitative method—the other strand alongside the quantitative analysis in this book's mixed-method research design—are then introduced. Lastly, I analyze discursive identity practices that reflect the enactment of ethnic identities in discourse and evaluate how they overcome divisive identity politics during deliberation.

Ethical Discourse, Identity Politics, and Civil Society in Postconflict Environments

William Rehg raises the question of how discourse ethics can be practiced in real social interaction processes, specifically in real conflict resolution. For Jürgen Habermas, everyday interactions are the locus of discourse ethics.[4] Interactions occur in different sites and different contexts, and each involves different priorities and expectations.[5] Habermas theorized communication processes both within institutions, such as parliamentary bodies and in informal networks of the public sphere.[6] Those informal communications in civil society are particularly important in postconflict environments because, as John Dryzek and Ian O'Flynn argue, they provide an opportunity to bypass institutionalized ethnic divisions.[7]

Similarly, peacebuilding scholars have singled out the discursive conception of civil society, informed by the ideas of public sphere and deliberation, as conducive to reconciliation.[8] When addressing the legacy of conflict, it is essential that civil society as a site of deliberation is autonomous from the state and the economic system.[9] Postconflict states are often defined by consociational governance arrangements that institutionalize ethnic divisions.[10] Civil society, as the "social underpinning of autonomous publics," and as a deliberative space, allows people from different ethnic groups, who often live in segmented, ethnically homogeneous communities, to meet.[11] Just as important, civil society provides "communicative freedom," as James Bohman points out.[12] Such freedom releases people from the pressure often exerted on them through official norms and discourses to comply with ethnocentric views on postconflict justice. Freedom from internal and external coercion ensures that people assess validity claims solely based on the rational force of better reasons.[13]

However, these normative assumptions about a civil society that can repair relationships broken by violence do not stand up to the realities of civic life in many postconflict environments. Civil society often exhibits the same malaise as formal institutions, a tendency overlooked by scholars of deliberation in divided societies. Postconflict civil societies, not unlike postconflict states, are often fragmented along ethnic lines, while segments of civil society are themselves purveyors of ethnically exclusionary nationalist ideology. These "uncivil" manifestations of civic life in organizational forms outside the state embody identity politics and present obstacles to reconciliation.[14] As a civil society process, the RECOM transitional justice consultations embodied the normative contradiction that marks postconflict civil societies. Spearheaded by a liberal segment of civil society, the RECOM process was open to democratic discussion and accepted perspectives of all ethnic groups as valid and equal. At the same time, it was fraught with exclusionary identity politics purveyed by civil society actors.

Both organizers and participants in the RECOM consultations were aware of the perils of politicized ethnic identity. The process was thought to be "contaminated" by an "identitarian nightmare" characteristic of the politics of Balkan states from which participants came.[15] In the words of one participant in the RECOM consultations, the politics "in our societies is forcing us into adversarial relations" with members of other ethnic groups.[16] Others voiced their concern that "messages coming from governments w[ould] influence how people engage with those with whom they communicate directly."[17] At the same time, participants were aware that they would be castigated as "traitors" within their own communities for engaging ethnic Others in search of justice for war crimes.[18] This insight shows that an engagement with ethnic adversaries, especially if it is an empathetic engagement that creates cross-group solidarities, can be costly. This obstacle to good-quality deliberation is found "at a microlevel by individuals and communities as a result of the societal norms and structures," including identities, beliefs, and ideologies.[19] Besides affecting individuals participating in the RECOM consultations, state-led nationalist discourse and ideology also shaped the agendas of civil society organizations in the Balkan region.

Many NGOs, including victims' associations, brought identity politics into the RECOM process. The organizers aimed to involve the widest range of stakeholders in consultations about justice for war crimes. As a result, they did not question the participation of such NGOs despite apprehension about their impact on interethnic communication. As one organizer put it: "We had learnt from our past engagement with them [these NGOs] that they have hard-line positions and that they view the other side, even the associations [of the victims' families from the other side] as their enemies."[20]

The multiethnic nature of the RECOM transitional justice process itself entailed another dilemma. One participant described it: "people were not quite sure whether they represented only their organization, or themselves personally, or, in a way, their ethnic or national community as well."[21] The transitional justice process, which involved members of all ethnic groups in a regional conflict, accentuated the distinction between individual and collective identities. The process heightened awareness of social sanction for publicly dissenting from the dominant views of one's ethnic group. An interviewee articulated the obligation to express a sense of group identity: "you have to see things collectively—as an individual you are nobody here still."[22]

Lastly, the legacy of ethnic targeting during conflict made it difficult for people to jettison an ethnic perspective on victimhood. An interviewee remarked that these ethnic identities were "the result of genocide." Because people identified with a group and the wartime harm it had suffered, they approached the ethnic Other in an adversarial manner, as "a warrior, not a human being."[23] Deeply

shaped by identity politics, the RECOM civil society consultations embodied two notions of civil society: as a common space characterized by pluralism, where actors can negotiate their differences, and a fragmented space marked by identity politics. The study of discourse in the RECOM process allows us to evaluate how people enact their ethnic identities from an ethical perspective, and how these enactments shape the moral dimension of discourse and its impact on the prospect of reconciliation.

Identity Enactments and Discursive Solidarity

The circumstances in which deliberation can take place are varied and "request different ethical responses."[24] When addressing the legacy of war crimes in a postconflict transitional justice process, solidarity across ethnic lines has to counteract the distortions of discourse inherent in identity politics, even when deliberation takes place in the domain of civil society. Our empirical strategy needs to identify discursive identity practices that embody enactments of ethnic identity and demonstrate how these identity practices intersect with identity politics during a deliberative exchange. Guided by Habermas's and Axel Honneth's conceptualization of solidarity as a discursive act of recognition of the other, I analyze the following identity practices in discourse: identity disjunctures, affective alignment, and blame aversion.[25] I ask how they overcome key manifestations of divisive identity politics: perceived opinion homogeneity of adversary ethnic group(s), hierarchy of harm that gives moral priority to victims of one's own ethnic group, and negative reciprocity that entails blaming wartime injury exclusively on others (see table 6.1). The empirical investigation of the ethical dimension of interethnic discourse reveals the "integrative force of solidarity" in the RECOM transitional justice consultations as people's enactment of their ethnic identities counteracts identity politics within this civil society initiative.[26]

In line with the mixed-method research design, qualitative analysis is applied to field interview data (twenty-eight semi-structured interviews in five Balkan countries) and focus group data (three focus groups in Bosnia and Herzegovina, Kosovo, and Serbia) with participants in the RECOM process. The interviewees

TABLE 6.1 Discursive solidarity and identity politics

IDENTITY POLITICS	DISCURSIVE IDENTITY PRACTICES	EFFECTS ON IDENTITY POLITICS
Ethnic group opinion uniformity	Identity disjunctures	In-group and out-group differentiation
Ethnocentric hierarchy of harm	Affective alignment	Interethnic empathy
Negative reciprocity	Blame aversion	Commonness across ethnic divide

were selected based on a purposive sampling strategy to represent a variety of participants in the RECOM consultations and their views: the leadership, organizers, and participants (including victims, human rights activists, youth representatives, prosecutors, veterans, observers, and others). By contrast, focus groups only involved participants to gain a perspective independent of the leadership and organizers of the RECOM process. Informal interviews with focus group participants before and after discussions provided additional insights. Participant observation of four RECOM regional meetings (two in Bosnia and Herzegovina, one in Serbia, and one in Croatia from 2013 to 2019) provided an opportunity for observation of interactions across ethnic lines, and informal engagement with dozens of participants and observers of the RECOM process. In addition, a day-long discussion-focused workshop in Kosovo in 2018 with civil society representatives beyond the RECOM process was used as an out-of-sample data source about interethnic interactions and reconciliation to verify the findings. I coded the corpus of interview and focus group data qualitatively, using an iterative approach. My analysis was informed by the argument that "at heart of discourse ethics [is] an openness to others who are different or of different minds," a condition that is difficult to achieve in interethnic communication in divided societies.[27] The themes grounded in theory were complemented with the themes that emerged through iteration from the interview and focus group data, reflecting participants' experience of the RECOM process. To ensure the validity of the findings, I checked these themes against the evidence from the transcripts of the RECOM consultations, which represent the record of the actual process. I relied on data triangulation, which refers to the use of different data sources in a single study to inform theoretical claims, while being mindful of establishing whether and how the identified themes converge with the use of discourse to "build and sustain (or change or destroy) social relationships."[28] The analysis was guided by the need to understand how ethnic identities matter during deliberation about the legacy of past violence. Ultimately, the aim was to identify mechanisms in discourse that allow participants to counteract divisive identity politics and forge solidary bonds during face-to-face exchange with the ethnic Other.

Identity Disjunctures

The salience of ethnic identity, which refers to the degree to which individuals view their ethnicity as important, is heightened when encountering an ethnic Other.[29] The salience of ethnic identity is enhanced by conflict.[30] It is further heightened by nationalist discourses peddled by postconflict governments where actual interethnic contact is rare.[31] In such contexts, interactions across ethnic lines can also "engender enhanced prejudice" toward the ethnic Other rather than

reduce it.[32] The salience of ethnically exclusive identification manifests in political and social pressure for opinion homogeneity within an ethnic group about ethnically salient issues related to conflict, such as culpability and victimhood.

Identity disjuncture refers to a rupture in the expected enactment of dominant ethnic identities in discourse and opinions informed by it. People navigate face-to-face communication with people from other ethnic groups by choosing how to enact their identity. As a result, they may resist explicit or implicit pressure within their own identity group to assert their identity in the prescribed way, which indicates the political nature of identification.[33] Opinion uniformity within one's own ethnic group is often justified with reference to perceived homogeneity in an adversary ethnic group. However, enacting ethnic identities on a spectrum from civic to exclusive-ethnic disrupts that perception; it becomes clear that an adversary ethnic group has a range of opinions on war crimes. Demonstration of differences within ethnic groups as a form of resistance to the imposition of "a unity of views" creates space for solidary interactions across ethnic lines.[34]

In the RECOM consultations, diversity of participants from different ethnic groups and with different opinions about how to achieve justice for war crimes facilitated the discursive practice of identity disjunctures. Participants asserted their civic identity, publicly resisting pressure to endorse ethnic self-identification, side-by-side with those who presented themselves primarily in terms of their ethnic group membership. Some human rights activists were explicit about expressing a sense of identity that is not ascriptive, as illustrated by one participant: "When I speak I do not represent Serbia. I have not come here as a representative of my country. I am a human rights activist. Therefore, I also represent people coming from other countries who are activists themselves or victims of human rights violations."[35] Another one said: "I'm not representing Croatia. I just happen to be from Croatia."[36] These and other participants enacted their identities in stark contrast to those expressing an exclusive sense of ethnic identity informed by nationalist discourse. Leaders of some human rights NGOs from all the Balkan countries participating in the RECOM process were widely recognized by others involved in the process as being particularly "skillful" in expressing this exclusive sense of ethnic identity.[37]

The leaders of many human rights NGOs, specifically victims' associations, had either been socialized to adopt this nationalist stance or were pressured indirectly by their respective national states.[38] The participants in the RECOM consultations understood that these hard-line NGO leaders lacked an "independent, autonomous approach" to postconflict justice and were seen as "acting out nationalist lesson given to them at home."[39] Participants in the RECOM process were critical of these NGO leaders' enactment of exclusive ethnic identity, reflected in their nationalist positions vis-à-vis postconflict justice. One

interviewee wondered: "Are these political parties or human rights NGOs? How can we put this ethnicity thing in front of human rights NGOs?"[40] Ideological positions featured in the discourse of these "NGO professionals" seemed "irreconcilable" with their proclaimed human rights mission, reflecting the reality of identity politics in a civil society-led transitional justice process.[41]

In contrast to these nationalist views, expressions of dissent from ethnic "groupthink" by deliberators from adversary ethnic groups had a profound impact on all present.[42] One participant in the RECOM process remarked: "It was for the first time in my life that I heard someone from the Serb side, who is not supporting their side. I am not saying that they were against their own side, but simply the woman spoke on the basis of arguments, against what is her ethnicity."[43] People witnessed the differentiation of individual positions within each ethnic group represented in the RECOM consultations. One participant observed that "those who came from Kosovo did not hold the same view, neither were all Serbs the same."[44] Bearing witness to disagreement within adversary ethnic groups driven by civic versus ethnic enactments of identity dispelled the erroneous assumption of opinion homogeneity within an adversary ethnic group.[45]

An interviewee from Kosovo recalled a tense exchange between Croatian victims and another Croatian participant.[46] Before joining the RECOM process, people expected disagreements to occur only across ethnic lines. Hearing fellow deliberators express views that dissented from those of others within their own ethnic group prompted others to be more open to express their individual views, even when they differed from those dominant in their ethnic communities.[47] This led participants to accept fellow deliberators from adversary ethnic groups as "someone with whom one can have a polite discussion."[48]

In the context of deliberation across ethnic lines, such identity disjunctures were a powerful demonstration of opinion diversity, itself a reflection of the variability of self-identification. They exposed participants in the RECOM process to a range of views about justice for war crimes. Diversity of opinions within ethnic groups also affected interethnic deliberation in ways that scholars of deliberation in divided societies have not recognized. In the context of deep identity divisions, these identity disjunctures engendered trust in interlocutors from other ethnic groups.[49]

Enacting ethnic identity without alienating or antagonizing fellow participants required delicate negotiation. One Kosovo Albanian stated, "of course, that the war that I was able to speak about happened in Kosovo," indicating how much her immediate experience of conflict shaped her views. However, this interviewee also emphasized her autonomy to express her own identity rather than an identity "delegated" to her by state authorities.[50] Directly opposed, even

antagonistic, enactments of identity were evident, especially between victims and NGO leaders. In these cases, victims demonstrated greater openness toward the ethnic Other than NGO leaders from their own ethnic group. This dynamic was a result of the "elitization of NGOs."[51] It reflected the paradox that some civil society organizations claiming to represent the victims and their families were the "farthest away from these affected communities."[52] The diversity of participants in the civil society-led process ensured that all voices were heard and allowed in-group and out-group differentiation to be displayed.

Criticism of nationalist NGOs from within the RECOM process echoed scholarship on the adverse impact of civil society on postconflict peacebuilding.[53] The loss of legitimacy of professionalized NGOs with their stakeholders and within societies has roots in their transformation into executioners of projects attuned primarily to foreign donors' interests and normative agendas.[54] However, the ideologies of local human rights NGOs who purvey nationalist views sanctioned by nationalist authorities, and these NGOs' role as civil society actors fueling identity politics and obstructing reconciliation, have been neglected by scholars of deliberation in divided societies and by scholars of peacebuilding and transitional justice more generally.

RECOM transitional justice consultations provided a public space for many stakeholders. Such diversity—in terms of both ascriptive identities corresponding to dynamics of the regional conflict and of opinions within groups—allowed for demonstration of identity disjunctures as people departed to various degrees from officially sanctioned, exclusive identities and from opinions based on them. Identity disjunctures transformed people's perceptions of adversary groups and the belief that all members of adversary ethnic groups harbor uniform views on postconflict justice.[55] Dispelling the belief that "everyone coming from the other sides thinks [about issues] contrary [to us]" allowed for the repair of relations across ethnic lines.[56]

Affective Alignment

Identity politics in postconflict societies thrives on ethnically defined hierarchies of harm, which are premised on the notion that some harms, commonly those suffered by one's own ethnic group, are more worthy of recognition than others.[57] An interviewee remarked that victimhood had become "a new identity" in the politicized societies of the Balkans.[58] Denying the recognition of suffering to victims from adversary ethnic groups is a pernicious aspect of identity politics in postconflict societies. This "ethnocentrism of death" denigrates the victims, robbing them of dignity in their pain.[59] Denial and impunity intensify the sense of injustice and increase the salience of ethnic identity. Consequently, discussing

wartime harm in transitional justice consultations can contravene the ethical requirement of recognition and distort interethnic communication.

To counter the dimension of identity politics associated with the hierarchy of harm, alignment with people's suffering across ethnic lines must overcome the divisive impact of denigrating the ethnic Other. Empathy encompasses a cognitive element that entails taking the perspective of another and an emotional element that relates to the immediate experience of another person's emotions.[60] From the vantage point of the theory of democratic deliberation, the broad definition of empathy as "the capacity and willingness to put oneself in the shoes of others and to consider a situation from their perspective" captures the essence of deliberativeness.[61] The emotional dimension, which is prominent in interethnic contact, is underplayed in theorizing deliberation because it often contradicts the notion of deliberation as a rational exchange of views.[62] Michael Neblo has challenged this view, outlining some roles that emotions have in deliberation.[63] For example, emotions have an important role to play in "struggles for recognition," as defined by Habermas. In so far as these struggles occur "*within* discourse," emotions can signal that the claim of the aggrieved is recognized as morally relevant.[64] This highlights the important role of emotions in deliberation involving people affected by conflict and connects with the study of transitional justice and reconciliation, where the analysis of emotions is pivotal. Expressing empathy for people's suffering helps restore the dignity of the injured and opens up the possibility of repair of interethnic relations.[65] From the perspective of discourse ethics, the question is whether people's moral commitment can extend beyond the boundary of their own ethnic group and whether empathy for the suffering of ethnic Others can be expressed publicly in an interethnic context.

Awareness that members of the in-group are responsible for the suffering and pain of members of an out-group makes expressing empathy for out-groups particularly challenging, especially in a transitional justice process focused on justice for wartime harm.[66] According to one of the organizers, during the RECOM consultations, "people opened up in a peculiar and unpredictable ways, so that we could never predict how [the discussion] would unfold and what it would lead to."[67] This is why the study of discourse within the RECOM process allows us to understand how participants came to "see the 'other' as part of one's shared moral universe."[68] Specifically, it allows us to trace how the hierarchy of pain was dismantled through affective alignment.

In postconflict contexts overshadowed by identity politics, aligning with the suffering of ethnic Others involves a trade-off in people's minds. People involved in the RECOM process feared that regarding all victims of war crimes as equal regardless of their ethnicity would result in relativization or

minimization of their own group's suffering.[69] Hence, the value of the RECOM consultations was that "people realized that suffering is universal, although the situations and the contexts in which their closest family members were killed or forcefully disappeared were different."[70] As with identity disjunctures, the diversity of people involved in the RECOM process, which also included victims, was consequential for the discursive manifestation of affective alignment. People perceived the RECOM gatherings as "a real civil society" in action, distinct from other civil society initiatives confined to a narrow circle of NGO professionals.[71]

Participants stressed the importance of a face-to-face encounter "of all those different people, those who were on one side, and those on the other," and its impact on all sides.[72] One interviewee explained that "mutual empathy was born out of an opportunity to talk across ethnic lines. If you never had an opportunity to share your experience with the Other, then you think that you and only you have been a victim."[73] The directness and authenticity of unmediated communication came into full view. The RECOM consultations gave people an "opportunity to meet and learn about the Other and their suffering, but not in a sense of rehashing [official] narratives; quite the contrary, you could see a person and hear them breathe."[74] The face-to-face encounter with the ethnic Other facilitated mutual recognition of suffering. When people heard the other side, even those who had previously not been receptive to others' suffering moderated their views so as not to "exaggerate at the expense of the other side."[75] The sincerity felt in face-to-face communication with an ethnic Other allowed people to "overcome narrow [ethnic] identities and view each other as human beings."[76] It also alleviated concerns that recognizing all victims of crimes would minimize the suffering of one's own group.

Public alignment with the suffering of other people had a profound impact on participants. For example, a Bosniak survivor of the genocide in Srebrenica where some 8,000 Bosniak men and boys were killed by Bosnian Serbs in 1995, said:

> I lost all male family members of my family, I was expelled. I have returned and now mostly live in Srebrenica. I still haven't found many male members of my family. So, allow me to—in advance—express my deep condolences and empathy for all those who have been expelled, who cannot return to their homes, all those who lost their closest family members, and still have not found their bodily remains, and all those who survived other forms of torture, and have not received satisfaction, either from the state, or through empathy by those who are most responsible for their suffering.[77]

Empathetic alignment was accompanied by perspective-taking, signaling the transition from an ethnocentric to universal moral commitment. People put themselves in each other's shoes. Impressed upon participants in the RECOM process was people's ability to transcend ethnocentric morality; what was observed was succinctly summarized by one participant as "empathy across borders."[78]

The shift from an ethnically bounded to the universal understanding of the ethnic Other was a gradual process, not an instantaneous switch. When first encountering the ethnic Other, participants "did not see everyone as belonging to one whole, i.e. a damaged whole, fighting for their rights." As a consultative session unfolded, ethnocentric positions gave way to recognition of the Other: "people empathized with those across the table, realizing that they suffered in similar ways. They began to feel that those people [from other ethnic groups] were closer to them than some people from their own ethnic group."[79] Notions of class also helped people affiliate with the ethnic Other, as one participant explained: "they could see before them a woman of the same social status as them, [and] could therefore not deny what was being said. This created an atmosphere of solidarity."[80] Apart from bestowing dignity to victims hitherto denied recognition for their suffering, the very act of empathizing with ethnic Others also impacted participants in the RECOM process. As one of them put it: "I am happy that I have shown empathy towards that person . . ., so that he can feel that I have listened to him actively and given him human support to overcome that pain in some way."[81]

Empathic alignment countered denigration of the victimhood of the Other, which characterized identity politics and nationalist discourses in the societies from which participants came.[82] Empathic alignment was made possible by sharing new information during the RECOM transitional justice consultations, as a result of which participants learned about what had happened in other countries and to victims on the other side.[83] Illustrative here is one Bosnian Croat participant's observation that they had an opportunity to hear a Bosniak and a Serb victim of Bosnia's conflict for the first time.[84] People gained a radically different perspective on past conflicts from those enshrined in ethnically biased nationalist narratives promoted by state-controlled media and education systems in the post-Yugoslav states.[85] A young woman from Montenegro reflected on the ethnocentric history taught at school, adding: "I did not know anything about what happened to the other side."[86]

Solidarity based on affective alignment with the suffering of the ethnic Other during the war was reinforced by recognition that all victims, regardless of their ethnic group, continued to suffer injustice after the war. This recognition was demonstrated by a woman addressing fellow participants during a RECOM consultation: "Don't you think my fellow co-sufferers, all of you present here, that

the executioners of those criminal acts have already been pardoned by the fact that so many years have gone by and we still don't know the fate of our loved ones? Meanwhile, they walk the streets freely, they live with their families, like normal human beings; and we live with our sorrow, our desperation, and with uncertainty that marks our days."[87] Gathered in the RECOM consultations, an embodiment of a restorative approach to transitional justice, participants shared disappointment that war crimes proceedings at the ICTY and domestic war crimes trials had not adequately addressed the legacy of conflict.

As the excerpts from the transcripts of the RECOM consultations show, intragroup politics, dynamics, and discourses were critical to facilitating affective alignment across ethnic lines. Victims on all sides came to share the realization that their suffering had become political capital in the hands of their own nationalist elites. Verbal support of victims boosted the elites' nationalist credentials but was not followed with policies to deliver justice to victims or improve their economic and social welfare. One participant articulated the feeling on behalf of all: "We, the victims, are humiliated, on top of all that suffering and pain."[88]

In addition, a hierarchy of intragroup rather than intergroup harm engendered a deep sense of marginalization of victims within their ethnic groups. Many victims felt ignored because of selective public recognition of victims of certain crimes that had become symbols of an ethnic group's wartime suffering.[89] The RECOM process provided space for the recognition of suffering of all victims regardless of where their suffering was located in the hierarchy of harm within their own ethnic communities. Marginalization of victims by their coethnics was another important axis for affective alignment with victims from other ethnic groups, who were also recognized as being denigrated in their own communities. As one participant put it: "It is crucial that I can see here that there is no principle of ethnic belonging. There are two categories: one is a category of a perpetrator, and the other of equality of all victims who need to be helped."[90]

Participants' appreciation of a common need for justice was critical to bringing "the discussion to the civilized form without denying the victims of the other side." An affective perspective on deliberation across ethnic lines sheds light on the emergence of solidarity transcending ethnicity through recognition of suffering regardless of "a speaker's ethnic prefix."[91] As with identity disjunctures, affective alignment emerged through a complex interplay of interethnic and intraethnic identity dynamics. In postconflict contexts, both the wartime harm caused by mutual victimization of groups and harm caused by a lack of recognition of suffering within one's own identity group allowed deliberators to take the perspective of the Other and affiliate affectively with them.

Blame Aversion

In contrast to affective alignment, which centers on recognition of suffering, blame aversion concerns how participants in transitional justice consultations address the question of culpability for war crimes. Identity politics in post-conflict contexts is steeped in negative reciprocity. Unlike positive reciprocity, which is based on shared morality, negative reciprocity is "rooted in a break, transformation or suspension of the moral order."[92] It is manifested in negative mutuality, where the blame for the commission of war crimes is always directed against the ethnic Other. Negative reciprocity produces "predatory outcomes of social relations," such as ethnic divisions that hinder reconciliation.[93] Kieran McEvoy and Kirsten McConnachie contend that "locating blame in the 'other' also absolves 'us' of any semblance of guilt or responsibility."[94] Mutual recrimination within multiethnic societies and across borders maps onto geographies of conflict, distorts communication, and counters the ethics of discursive solidarity. How participants in interethnic discussions apportion blame for war crimes is reflected in discursive enactment of their ethnic identities, defined by a collective experience of conflict, in terms of both suffering endured and suffering caused.

The dominant feature of discussions about war crimes in the RECOM process was blame aversion. People focused on details of suffering without naming perpetrators, individually or collectively. As a result, people perceived the mode of communication within the RECOM process as nonaccusatory. A quote from one of the RECOM consultations illustrates how apportioning blame is avoided without calling into question the severity of the crime committed. Referring to children who were killed during the siege of Sarajevo in Bosnia and Herzegovina, a participant said:

> Children were killed by snipers. Children were mainly killed when there was a lull in the fighting; since there was fighting in Sarajevo almost every day, and the children were mainly in cellars and shelters, when the fighting stopped for a little while, the parents would let the children out of the cellars and shelters, to have a bit of a respite and to play; it was in those situations that 90 percent of the children were killed, on sleds, playing ball games, in their classrooms, in their bedrooms, at their desks, and so forth.[95]

Similarly, when articulating arguments to support specific articles of the Draft Statute, the speakers referred to their grievances and suffering but avoided pointing the finger at the other side. The ethnic identities of perpetrators were often not mentioned. A speaker from a Bosnian Muslim community said about the

missing victims of Bosnia's war: "Today in Bosnia and Herzegovina our human rights are being violated by hiding mass graves, and the mandate of this commission should be to find out as soon as we can where those mass graves are."[96] On another occasion, a Kosovo Serb put forth his proposition:

> My father and seven others were deprived of their lives. They were brutally killed, burnt, and so on. This could not have been done by one person. He was not alone, there must have been a few of them. It would be invaluable if all of us could say that someone who is prepared to help to shed light on those events, that they as an individual can either be amnestied or be given mitigating circumstances, and that this should be one of RECOM's recommendations.[97]

A Serbian mother who had lost her son in the Kosovo conflict contributed to the discussion about the definition of a category of "victim" in the RECOM mandate. She argued that it should encompass army recruits: "There are several categories of military casualties. There are recruits who were conscripted, who had to join the army to respect the law of the country where they live. If they didn't, they would have gone to prison. My son and so many others were killed on the border [between Kosovo and Albania] as army recruits." She resisted replicating the pattern of always blaming the ethnic Other—a typical position in the public discourse in postconflict societies where discussion of past harm is animated by identity politics. As she elaborated her argument, she refrained from naming the ethnic adversary. Rather, she pointed at her compatriots in Serbia. "My son was killed along with three, four other soldiers, nineteen and twenty year-olds. He indeed was killed 150 meters away from the Albanian border while on patrol, but someone sent him there. I know that his death sentence was signed in Belgrade. They, over there, were only executioners."[98]

This discursive practice of blame aversion contributed to what one organizer called an "atmosphere of solidarity," in which people could speak out about their suffering and see their suffering being acknowledged.[99] Even when civil society provides a safe deliberative space, encountering members of adversary ethnic groups can still be daunting. Scholars of contact theory have shown that the prospect of meeting members of the out-group induces anxiety, especially where there is a history of intergroup conflict.[100] Similarly, people were apprehensive about participation in the RECOM process. A Kosovo Albanian remarked how the communication with Serbs (who were at war with Albanians in Kosovo) "was not as judgmental as I was expecting it to be; it was my first time in Belgrade [the capital of Serbia]." As a result, this participant gained confidence in the space provided by the RECOM consultations where one could "speak about the war as an Albanian."[101]

People involved in the RECOM consultations spoke about wartime violence while avoiding apportioning blame. The consultations increased awareness of the injury patterns and provided another avenue for forging a sense of commonness and understanding across ethnic lines. "They did not distinguish perpetrators by their ethnicity; the crime that was committed against them was used as a prism through which they were able to understand a woman sitting next to them, even though she came from a different ethnic group and suffered at someone else's hands," as one participant put it.[102] Negative reciprocity, which thrives in conditions of ethnic diversity and ethnic divisions, is a feature of identity politics marked by accusations and counter-accusations.[103] Avoiding mutual recrimination in the RECOM transitional justice consultations allowed people to overcome the "barricades" of state-sponsored nationalist narratives.[104]

Blame aversion involves demonstrating restraint in a polarizing enactment of ethnic identity. It entails raising the issue of responsibility for war crimes in a manner that does not alienate or antagonize communication partners. It should not be equated with impunity or forgiveness. The pattern of abuse in the Balkan conflicts involved "intimate enemies," as poignantly illustrated by common cases of abuse and violence meted out by former neighbors, teachers, or childhood friends.[105] Participants in the RECOM consultations had a tacit but unmistakable understanding of the perpetrators' ethnicity. Restraint from naming and blaming perpetrators explicitly as members of ethnic groups, which also included making a clear distinction between perpetrators and entire ethnic groups, was a discursive practice that helped people navigate a complex moral terrain of culpability and victimhood and steer interethnic communication away from the quagmire of divisive identity politics. This was poignantly illustrated at one of the regional RECOM meetings by an elderly father's account of the treatment he and his son, who were Croats, endured in a Serb-run detention camp in Serbia (in which they were transferred from neighboring Croatia). He drew a clear distinction between a Serb colonel, who treated them professionally and humanely, and Serb torturers, who abused detainees when the colonel was away.[106]

According to participants in the RECOM process, "intoning one's narrative in such a way so as not to accuse anyone" profoundly affected the kind of communication that took place. Because people did not make accusations against different ethnic groups, interlocutors did not feel "a need to respond in kind" and were able to focus on "arguments to address issues."[107] Blame aversion enabled positive mutuality with the ethnic Other. Such practices transformed the binary understanding of war crimes perpetration and victimhood on which postconflict identity politics thrives. People learned "of

how complicated the situation was and about everything that took place."[108] Blame aversion had another unforeseen effect: people involved in the RECOM process began to reflect on the culpability of members of their own ethnic groups for war crimes. This was a radical departure from the typical blame game of identity politics, where people focus solely on the crimes committed against their own group. One Kosovo Albanian participant remarked bluntly: "it was a knock on our conscience."[109] The sentiment was shared across ethnic lines, as noted by a Serb participant in the process: "There is no doubt that war crimes are a part of our history and group identity, and we rely on each other to address them together."[110] Another one openly articulated that what was paramount was the truth that would emerge from establishing facts about past war crimes: "Whether it [the truth] is painful or not painful for the Serbian nation to which I belong, is not important. What is important is the truth, which is the whole truth."[111]

Although many participants did avoid making direct accusations against ethnic Others, engagement across ethnic lines was not entirely collaborative. Participants in the RECOM process felt pressured to compete rhetorically and make a persuasive argument about the suffering of their ethnic group to gain recognition for past wrongs from the ethnic Other.[112] They were keen to express themselves as articulately and competently as speakers from other ethnic groups.[113] Scholars note that competitive victimhood, which is a belief that one's own ethnic group has suffered more than the adversary group, is an obstacle to reconciliation because it leads to apportioning blame.[114] The insights from participants in the RECOM process point to the competitive nature of presenting one's suffering in a multiethnic transitional justice process. The toxic effect of competitive victimhood on interethnic interaction was avoided since participants addressed the commission of war crimes without apportioning blame and without minimizing the suffering of others.

Avoiding incrimination was a discursive practice whereby speakers enacted a sense of ethnic identity underpinned by wartime injury in a way that avoided the distortion of discourse and negative reciprocity typical of identity politics. One observer summed it up: "People paid special attention not to insult people on the other side, when they made arguments and how they said things, so as not to cause conflict with the [ethnic] Other."[115] How participants in this process expressed their injury allowed "the expansion of the space of common denominators through the process of consultations."[116] Its most prominent manifestation was the recognition of commonness despite ethnic divisions. Recognition of commonness, in terms of both crimes suffered and implication of members of one's ethnic group in the suffering of others embodied solidarity that transcended ethnicity.

Solidary Bonds in Interethnic Interactions

The ethical perspective adopted in this chapter reveals how people express their ethnic identities in deliberation about the legacy of war crimes. The chapter traced the emergence of solidary bonds that overcame the divisiveness of identity politics in situ during a deliberative exchange across ethnic lines. This analysis focused on distinct discursive identity practices—identity disjunctures, affective alignment, and blame aversion—that counter the desolidarizing effects of identity politics. Discursive solidarity emerges from revealed in-group and out-group differences, which dispel (mis)perceptions of opinion homogeneity within ethnic groups; from affective alignment, which leads to the acknowledgment of the suffering of ethnic Others by expression of empathy; and from blame aversion, which involves restraint in recrimination in interethnic engagement and prevents negative reciprocity in interethnic communication.

Discursive solidarity captures the effects of discursive identity practices observable in discourse and points to the complexity of people's expression of ethnic identity in an encounter with an ethnic adversary. As Jeffery Pittam remarks, enacting identities in social interaction can be "illogical and inconsistent," with equally unexpected outcomes.[117] There is no linear shift from an ethnic to civic identity, which deliberative democrats expect will result from good-quality deliberation and lead to the reconstruction of divided societies. Rather, two related dynamics underlie the emergence of solidary bonds at the microlevel of interethnic interactions in a transitional justice process. At an intragroup level, there is ongoing distinguishing, resisting, and negotiating individual versus collective ethnic identities. At an intergroup level, people calibrate the expression of ethnic identity, the salience of which is heightened by wartime injury and enduring impunity for war crimes. This calibration is done in a way that does not necessarily accentuate opposition to the ethnic Other. Kristin Davies et al. observe that cross-group interactions "can be complicated, psychologically demanding and fraught with potential for miscommunication and misunderstanding" and, above all, for distortion of communication.[118]

In-group identity distinctions between "doves" and "hawks" shape interethnic contact outcomes but have not received due scholarly attention.[119] This chapter shows that interethnic deliberation is also influenced by the diversity of identity enactments within an ethnic group, which map onto a range of exclusively ethnic to civic conceptions of identity. However, even when people hold on to their distinct sense of ethnic identity, underwritten by wartime harm, the way it is enacted is not inevitably either offensive or oppositional to the ethnic Other. Such diversity creates a moral space for discursive solidarity that crosses ethnic lines in relation to both wartime harm and postwar injustice. Above all, the

detrimental effects of identity politics on interethnic communication are avoided when people express their sense of wartime injury, as both individuals and members of an ethnic group, without denigrating, diminishing, or disrespecting ethnic Others and their suffering.

These identity dynamics evaluated from the ethical perspective are facilitated by deliberation in the domain of civil society. When removed from ethnicized states, civil society is open to identity and opinion diversity, although, as this research has shown, it is not devoid of identity politics. Because diversity brings with it identity politics, we can investigate how the way people express their identities enables deliberators from opposed ethnic groups to transcend their divisions. The result is "a deeper level of solidarity," where solidarity is not "restricted to the substantive level of like interests and worldviews," which is the kind of solidarity that indicates good-quality deliberation.[120] Rather, people and their wartime suffering are recognized despite being ethnically different, as they forge solidary bonds across ethnic lines. This dimension of discourse ethics points to the possibility of moral restoration of the ethnic Other during a postconflict transitional justice process alongside good-quality deliberation in discussions about war crimes. It results in reconciliation embedded in mutuality in public communication.

Conclusion

RECONCILIATION AND DELIBERATIVE INTERETHNIC CONTACT

It has not been easy to participate in this process, but it has been honorable.

—A participant in the RECOM consultation in Slovenia, September 10, 2010

This book concludes by addressing the paradox of reconciliation. Although its connotation of life without violence is indisputable, reconciliation as an academic concept and a policy goal has been mired in growing skepticism.[1] This skepticism, even outright rejection of reconciliation, also comes from communities worldwide that have been brutalized by violence. These are the same communities that need solace, dignity, and peace that reconciliation is meant to confer. For some, reconciliation has become a "dirty word."[2] The provenance of the skepticism toward reconciliation as a scholarly concept and global policy practice is multifaceted. Difficulties plaguing the academic study of reconciliation are largely intertwined with challenges involved in practical efforts to promote reconciliation in postconflict societies.

At the scholarly level, there is a lack of consensus on the definition of reconciliation. The concept of reconciliation appears elastic and prone to misinterpretation. On the one hand, using "reconciliation" as a catch-all term has produced slippery evidence for the prospects for the repair of relations torn by war. On the other hand, reducing reconciliation to its particular aspects has provoked criticism that the term is often conflated with mere tolerance of adversaries, which does not amount to genuine repair of intergroup relations. At the policy level, despite vast amounts of funding funneled by international donors to reconciliation activities, there is no accepted methodology for evaluating the effectiveness of these various initiatives. Practitioners face the same challenge as scholars. Difficulties in evaluating reconciliation activities are bound up with the unresolved

question of what exactly is meant when activities are funded under the heading of reconciliation.[3] Perspectives from war-affected communities also point to a lack of conceptual clarity. The injured refuse to join reconciliation initiatives because they equate reconciliation with blanket forgiveness of perpetrators or moral relativism and the belittling of their suffering. Alternatively, they dismiss reconciliation because to them it entails brushing aside rather than addressing past harms and, therefore, is no more than an unjust imposition. This has led to a damning appraisal of the politicized discourse of reconciliation as "profoundly immoral."[4]

Local communities see the efforts of external peacebuilders as exacting a high moral price. However, external state-builders have also struggled to translate this emancipatory idea into a legitimate program of action precisely because the concepts of reconciliation they employ are too unwieldy and policy instruments too rigid. Reconciliation thus joins an array of other concepts, such as democracy or local ownership, that form the backbone of liberal peacebuilding in postconflict societies, which has been criticized as insensitive to the specificities of local communities.[5] Moreover, external actors and their policies in postconflict contexts are not alone in eroding confidence in reconciliation, conceived as a form of therapeutic peacebuilding.[6] Reconciliation is also devalued systematically in postconflict societies. Local actors use reconciliation instrumentally, further alienating the injured. Nationalist politicians have learned to use reconciliation rhetoric to gain favorable appraisal by the international community without a genuine commitment to the most demanding of moral projects facing societies divided by conflict. At the same time, political elites commonly exclude or ignore ordinary people's understandings of reconciliation and what it entails for them, which, in turn, breeds popular resentment toward the concept and practice.[7] This is why it is increasingly common to qualify reconciliation efforts in various contexts as "elusive."[8] Elusive reconciliation, traced back to the inability of transitional justice to deliver on its normative goals, has become evidence of transitional "injustice."[9]

These adverse and unintended effects have become a dominant focus for research in transitional justice, restricting the breath of the theoretical inquiry. The questions of how transitional justice can work and how it can deliver on its foundational promise to promote peace remain poorly understood. Stasis in the field of transitional justice has prompted scholars to identify new spaces of postconflict justice, such as artistic interventions and social media interactions, to continue scrutinizing contextual factors that promote transitional justice and dissect the minutiae of transitional justice practices from within.

This book about reconciliation connects with these theoretical forays and data-driven efforts to advance the study of transitional justice.[10] Our conceptualization

of reconciliation must meet the analytical challenges of the political, economic, and social complexities of the transition from war to peace. At the same time, because of these complexities, it is easy to substitute theoretical rigor and operationalization of our conception of reconciliation with loose normative benchmarks and vague moral coordinates. Aware of this pitfall, I anchored the concept of reconciliation in mutuality in a broader context of peacebuilding as mutuality building, drawing on Christian Davenport.[11]

The notion of reconciliation by stealth, advanced in this research, underscores that reconciliation as an emancipatory and intended effect of transitional justice can be easily overlooked. I examined how people talk about war crimes in search of justice, departing from the well-trodden path of studying only what people say when they discuss the legacy of past wrongs. I accepted the premise that differences in ethnically divided societies are "constituted partly through narratives and discourses, and consequently could be reconceived or transformed through sustained institutional dialogue among the various groups."[12] This book's insights into reconciliation through a deliberative engagement about past wrongs rest on three related arguments.

First, we need to take the foundational normative premise of the field as a starting point and focus on how transitional justice interventions can help repair broken relations and promote peace in postconflict communities. It is a lacuna in current transitional justice scholarship that scholars are just beginning to recognize. Joanna Quinn, for example, highlights the need to better understand how transitional justice can resonate among communities and heal divisions in postconflict societies.[13] I show that reconciliation after conflict occurs through deliberative rationality and discursive solidarity in transitional justice consultations. To find that transitional justice can promote reconciliation does not imply that we have to lower the bar normatively and settle for a minimalist understanding of reconciliation as nonlethal coexistence. Conceptualizing reconciliation as mutuality in interethnic communication is normatively demanding because it foregrounds the values of reason, embracing the perspective of the ethnic Other, and showing respect to former adversaries while engaging with the legacy of violence and suffering, the most divisive topic of all in postconflict societies.

Second, the evaluation of reconciliation is a matter of both theory and method. I have seized on previously untapped potential to advance our understanding of transitional justice and peacebuilding by leveraging the theory of democratic deliberation. Scholars of critical peacebuilding have latched onto "an inherent and significant relationship between discourse and reconciliation."[14] For them, the value of deliberation for peacebuilding lies in its mode of communication, which allows the discussion of the legacy of mass atrocity in search of justice involving ethnic adversaries. However, they have skirted the empirical question

of whether standards of equality, reason-giving, reciprocity, respect, common good orientation, and perspective-taking that distinguish deliberative discourse from other forms of communication can be met in postconflict contexts. At the same time, empirical scholars of deliberation across deep divides have investigated discussions about issues of mutual interest that can unite opposed ethnic groups, such as education or peace, albeit with the caveat that no issues in divided societies are beyond contention. Whether opposed ethnic groups can discuss deliberatively the underlying causes of division, such as the legacy of mass atrocity, is the ultimate test of the theory of democratic deliberation given its normative benefits to postconflict societies. This empirical study of reconciliation from a deliberative perspective foregrounded deliberative standards while embracing social science research methods that can measure how these deliberative standards are realized in interethnic communication about the legacy of violence.

The analysis of transitional justice consultations has answered key questions that the scholarship on deliberation in divided societies thus far has overlooked. Can deliberation be a part of conflict resolution when people from adversary ethnic groups address war crimes? And will interethnic discussion about past wrongs spiral into mutual recrimination instead of fostering solidarity through the exchange of other-regarding arguments? Conducting mixed-method research, including the quantification of discourse, I have shown that the patterns of public discourse in interethnic interactions align normatively with reconciliation grounded in mutuality.

Third, reconciliation by stealth denotes the idea that reconciliation in some cases has escaped our recognition because we focus on the "obvious," formal transitional justice mechanisms expected to deliver reconciliation, such as war crimes trials and truth commissions, rather than transitional justice consultations. As one of the formal pillars of transitional justice and of global transitional justice policy, transitional justice consultations have been viewed primarily in terms of generating legitimacy for a chosen transitional justice strategy in postconflict societies by bringing in the voices of a range of stakeholders. By focusing on the process of consultation, this book has extended the empirical basis for the evaluation of reconciliation. It has pointed to the benefits of interethnic communication facilitated by transitional justice consultations.

By calibrating theoretical inquiry and methodological strategy, the notion of reconciliation by stealth points to the repair of relationships between former adversaries involved in a regional conflict through transitional justice consultations. Specifically interested in reconciliation through public communication, this research provides strategies for advancing discursive approaches to postconflict recovery. It also has policy implications for practitioners involved in peacebuilding. Before addressing the significance of the present research and its

findings for a future research agenda, a discussion of the caveats concerning the scope of this research, and the questions they raise, is in order.

Reconciliation through deliberation about war crimes should be understood as one aspect of a long and complex reconstruction of a postconflict society. As Pablo de Greiff remarked, "it is a mistake to think that there are shortcuts to reconciliation."[15] Scholars have abandoned the binary thinking that marked early theorizing in the field about the appropriateness of some as opposed to other transitional justice mechanisms in different contexts. We now recognize that justice needs in societies recovering from violence can only be addressed by pursuing multiple approaches to transitional justice. Within this logic of complementarity, the question this research raises is how the study of public communication can help us better understand the precise conditions under which transitional justice can work.

From the perspective of democratic deliberation, this research is a study of a deliberative mini-public, understood in Robert Goodin and John Dryzek's terms as "groups small enough to be genuinely deliberative, and representative enough to be genuinely democratic (though rarely will they meet standards of statistical representativeness, and they are never representative in the electoral sense)."[16] A multiethnic, civil society-led deliberative process may differ from deliberation in formal settings such as national or supranational parliaments. Yet both types of deliberative domains, including virtual deliberation, comprise a part of the deliberative system in a postconflict environment. How deliberative processes at a micro- and macrolevel are connected is a question that has puzzled both scholars of transitional justice and scholars of democratic deliberation.[17] It is premature to assert that there are "scalar limits" to the benefits of microlevel interethnic deliberation about war crimes because of their presumed limited impact on macrolevel deliberation in postconflict societies.[18] As Katharina Ploss shows, the benefits of intercommunity dialogue meetings can transfer to a wider community.[19] We need a better understanding of the factors that facilitate this transfer. Further, this book contributes to discussions about the relationship between micro- and macrolevel deliberation by raising the question of the emergence of a regional public sphere after a regional conflict and its effects on peacebuilding. This book has shown how people bring their local, ethnic, and national perspectives into regional-level deliberation. Doing so raises a new question of reverse effects: how people's experiences of regional-level deliberation shape their discursive engagement at a subregional scale in national and local environments as well as in microlevel interactions.

Lastly, this book has explored how people talk rather than just what they say. In this sense, a systematic analysis of the content of people's speeches has been tailored to capture the deliberative nature of people's communicative engagement

rather than their substantive views. A lack of focus on the substantial content of speech in the empirical study of deliberativeness of discourse is a standard point of criticism. It could plausibly be argued that a lack of focus on the substance of speech acts in the study of postconflict reconciliation can undermine the argument presented here. In this mixed-method research, the fine-grained qualitative analysis addresses this criticism. Although this research segment corresponds to the principal approach centered on the how (rather than the what) of people's engagement across ethnic lines, a focus on the enactment of ethnic identities can capture by proxy the effects of the substantive content of discourse. For example, a denial of harm will not be compatible with empathetic alignment with the ethnic Other. Nonetheless, this research does pose a question of how deliberative engagement across ethnic lines in a transitional justice process is associated with other moral dimensions of justice-seeking that center on the substance of what people say when they seek truth, show forgiveness, admit culpability, or express remorse.

These questions call for answers from future research. Still, they can be raised only after presenting empirical evidence that deliberation as a mode of communication is resilient even when people across ethnic lines get together to discuss the legacy of mass violence. This evidence helps us chart out how a deliberative approach to transitional justice and peacebuilding can be advanced.

Deliberative Contact across the Identity Divide

Puzzling over credible exercises of deliberative democracy "across the borders of nationality," James Fishkin has asked whether deliberation "can take root without much trust—and perhaps contribute to the development of trust and mutual respect?"[20] I have observed interethnic reconciliation anchored in mutuality in public communication. Reconciliation in a postconflict context that takes place through deliberation about justice for war crimes involving former adversaries turns on how people use their ethnic identities when engaging across the deep divide. By taking "a closer look at how groups and identities fare within a model" of deliberation, this research has addressed a lacuna that has loomed large both in scholarship on deliberation in divided societies and in the critical study of peacebuilding, of which transitional justice is a part.[21] Having recognized that identity politics in postconflict societies defines adverse conditions for achieving quality deliberation and inclusive peacebuilding, scholars have stopped short of exploring the role that identities play during deliberation and its effects.

As I have shown, a scholarly inquiry has been hamstrung by operationalizing identities as static and fixed in the empirical investigation of deliberation. Another problem arises from the fact that many scholars simply write identity

politics out of the very act of deliberation. Overcoming these limitations in the study of deliberation in divided societies lays bare how a particular understanding of the conditions that impede deliberation have closed off productive avenues for theorizing and testing how deliberation can contribute to the reconstruction of postconflict societies. Specifically, a focus on interethnic division has overridden consideration of intraethnic divisions, and the primacy given to human rights talk has led to overlooking identity-based talk in deliberation across deep identity divides.

Deliberation and Intraethnic Division

Conflict can divide communities along ethnic lines. This division, produced and reproduced by identity politics, presents a major impediment to good-quality deliberation. Seyla Benhabib sums up the logic of ethnonationalism: "since every search for identity includes differentiating oneself from what one is not, identity politics is always and necessarily a politics of the creation of difference."[22] Scholars of deliberation in divided societies have overlooked enduring intraethnic divisions by focusing on interethnic ones.[23] Differences within groups persist beyond conflict despite increased group cohesion rooted in pre- and postconflict mobilization of identities. These intragroup divisions do not disappear in face-to-face deliberation with ethnic Others, despite strong pressure within ethnic communities for all to toe the group line. Quite the contrary, interethnic deliberation can bring to the fore the diversity within an adversary ethnic group and prove auspicious for deliberativeness. The revelation of intraethnic divisions, as this research has shown, is key to delivering normative benefits such as interethnic reconciliation.

Deliberative democrats engaged with difference democrats and became preoccupied with the question of inclusion and equality from the vantage point of recognition of difference. However, this engagement remained restricted to consideration of the role of discourse other than reasoned argumentation in deliberation, such as recognizing the role of storytelling in deliberation. An opportunity was missed to advance the study of deliberation in divided societies, particularly by not engaging with difference democrats' criticism of claims that identity politics flattens intragroup differences. Iris Young has challenged the understanding of identity politics "as either the assertion of a group interest without regard for the interests of others, and/or the demand that others in a polity recognize their group identity as such." The consequence of such hardening of the inside-outside distinction, according to her, is that it "both denies the similarities that many group members have with those not considered in the group, and denies the many shadings and differentiations within the group."[24]

Considering intraethnic differences minimizes neither differences between groups nor the salience of ascriptive identities, such as ethnicity. Both figure prominently, especially in postconflict contexts. Difference democrats embrace and theorize ascriptive identities. Rejecting that these ascriptive identities are essentialist, like scholars of deliberation in divided societies, difference democrats caution against equating group interests with group identity. Anne Phillips has argued that ethnicity can "become a short-hand which obscures other areas of difference and erases other aspects of political choice." Overlooking internal differentiation and putting too much emphasis on group difference "threatens to propel the citizens out of [the] realm of unifying ideas, and the prospects for cross-group cooperation then become more bleak."[25] This is an important lesson for scholars studying deliberation in deeply divided societies where cross-group cooperation entails the prospects of peace without violence.

This research has begun to illuminate how intragroup divisions pave the way for solidary interactions during interethnic deliberation. Still, how intragroup differentiation shapes deliberation across deep divides remains one of the least understood dimensions of postconflict deliberation. When opening this frontier of research, scholars of deliberation in societies divided by conflict can draw their inspiration from the scholars of conflict processes. On the one hand, intragroup dynamics provide a potent explanation of how conflict breaks out, how it is fought, and why peace is hard to achieve in divided societies. On the other hand, microcomparative perspectives on violence reveal that conflict has a differential impact on people belonging to the same ethnic group, compounded by differences in the experience of conflict along other identity axes, such as gender. As in the field of conflict studies, in the study of deliberation in divided societies there is a need for a better understanding of "the mutable character of group boundaries and the need for theory that moves beyond assumptions of fixed cleavages."[26]

A useful starting point is the premise elaborated by John Dryzek in his pioneering theorization of the path to deliberation in divided societies. He contends that cultures, identities, and civilizations are not "seamless wholes," and that internal contestation offers the possibility for "dialogue across boundaries."[27] Hence, the analytical straight-jacket imposed by foregrounding the interethnic division in the study of deliberation in divided societies can be overcome by recognizing the multiplicity of identities each person holds, various positions concerning one's ethnicity (from an inclusive-civic to exclusive-ethnic), and how they intersect with other identities a person holds to enable deliberative engagement across ethnic lines.[28] The role of identity expression in enabling the deliberativeness of interethnic discourse in both the process- and outcome-based study of deliberation needs to be taken into account. To the extent that politics is implicated both in the construction and expression of people's identities, the study

of deliberation in divided societies needs to acknowledge individual autonomy and the power of deliberators to resist the homogenizing pressure of identity politics in postconflict environments—despite the high cost of social sanction by coethnics. Although ethnic identities are contested within and across groups, their prominence during deliberation raises an unexpected question concerning the value of ethnic identification during deliberation.

Deliberative Value of Identity Talk

The key to meaningful deliberation, as Dryzek argues, is "reframing issues away from identity," which can be achieved by expressing particular needs in terms of more general principles.[29] According to him, an exchange across "alleged civilizational boundaries" can be productive if it "focuses on the particular needs of individuals and groups, as opposed to general principles and markers of identity."[30] Dryzek developed his position on deliberation in divided societies in response to Chantal Mouffe's account of agonistic pluralism and, in particular, her argument that deep differences have to be addressed through passionate and continuous contestation as enemies become deliberative adversaries.[31] Dryzek maintains that "if identities themselves are highlighted, exchange is more likely to freeze identities than to convert them."[32] This perspective forms the lynchpin of arguments about the prospects and benefits of deliberation in divided societies. Discussion of issues in nonethnic terms, which avoids incendiary questions of ethnicity, nationalism, and religion, can foster trust and acceptance between deliberators and further promote broader processes of democratization and reconciliation.[33] Ultimately, deliberation can contribute to the transformation of identities in the direction of the common good, and mitigate their exclusionary and parochializing tendencies that underpin social division.[34]

Under the right conditions, deliberation can soften societal divisions by bringing reason and consideration to bear on decisions concerning specific issues or needs in place of instinctive views determined by ethnic or, more broadly, cultural considerations. It is accompanied by a willingness to open up to the perspectives of ethnic Others. A self-centered logic in decision making is countered by considering how a decision may affect others. As the onus is on deliberation to produce emancipatory outcomes, the notion of identity as difference figures in these accounts to the extent that it is overcome, transcended, or even suppressed. When a deliberative process is conceived in this way, Young sums up, the assertion of difference, such as ethnic identity, "only serves to divide people, produce unworkable conflict, and remove the possibility for a genuinely public discourse in which people look beyond their private interests and experience."[35] It is a guiding assumption in the empirical study of deliberation in divided societies that the

assertion of difference is antithetical to deliberation. This assumption is reflected in how people are expected to talk deliberatively about issues that matter to them. Dryzek's illustration of this argument about war crimes in the Balkans is of particular interest in this book: "A harrowing story of (say) rape in a Bosnian village can be told in terms of guilt of one ethnic group and violated innocence of another—fuel for revenge. But the story can also be told in terms of violation of basic principles of humanity that apply to all ethnicities, making reconciliation at least conceivable (though not easy)." According to Dryzek, the focus on specific needs is less likely to end in hostility and may yield outcomes such as reconciliation and, related to it, change of identities, which are constructed by discourses.[36]

This research has shown that a deliberative discussion about war crimes cannot be easily "reframed away from identity and expressed in terms of more general principles," as deliberative democrats expect, to enable a deliberative dialogue in the presence of the ethnic Other.[37] As one interviewee told me with explicit reference to the RECOM transitional justice consultations, only in "rare cases would people speak about their experience of [violence] just on the basis of human nature."[38] People will bring their ethnic identities and ethnically defined experiences of violence into deliberation since discussion remains framed in terms of identities on issues bound up with who they are, such as the legacy of violence in ethnic conflicts. However, bringing ethnic identities into deliberation does not necessarily derail communicative exchange across the identity divide because they are not (always) used as "oppressive identities and discourses" on the opposite end of the progressive political spectrum.[39]

In this book I have shown that deliberation across a deep divide can accommodate the assertion of difference because people bring their identities to bear on discussion with the ethnic Other in an ethically considerate way. For example, they express a sense of harm but refrain from blaming the ethnic Other. They carefully navigate the tension between their particular, ethnically framed perspectives, experiences, and allegiances while maintaining a commitment to deliberative engagement across ethnic lines. These insights echo Katherine Cramer Walsh's findings that difference-focused communication plays a prominent role in inter-racial dialogues in ways that challenge the expectations charted out by theorists of deliberative democracy: the focus on difference does not stifle dialogue, nor is it incompatible with a quest for unity.[40] Her evidence contradicts claims that focusing on overarching identities in intergroup contact is the most productive way of reducing prejudice.[41] Cramer Walsh shows that appeals to difference are not just an integral part of dialogues across the racial divide, but counterintuitively contribute to finding and forging commonality and solidarity even when discussing the divisive issue of race. The evidence I presented in this book also suggests that difference-oriented communication is not incompatible

with good-quality deliberation in postconflict contexts. The expression of ethnicity in microlevel interethnic interactions can promote the repair of interethnic relations among participants involved in these processes. This opens up a new frontier for research at the intersection of deliberation in divided societies and transitional justice.[42]

The extant scholarship on deliberation in divided societies has shown that talking "about issues related but not always reducible to the deep divide may increase perceptions of the other side's trustworthiness and openness to reason."[43] But, as Alain Noël warns, identity issues cannot be wished away.[44] Elisabeth King and Cyrus Samii demonstrate that nonrecognition of ethnicity in constitutions and peace settlements in ethnically divided postconflict societies does not diminish the salience of ethnicity in public life.[45] Moreover, Noël warns that "unaddressed issues of identity and recognition create and perpetuate injustice" in divided societies.[46] Rather than softening the divisions, skirting issues that cut to the core of the ethnic divide can widen the chasm between communities. Scholars of deliberation in divided societies have proposed that divided societies need to address contentious issues, echoing arguments presented by scholars of critical peacebuilding about the role of deliberative approaches in addressing past wrongs.[47] While the most contentious issues in divided societies are usually those bound up with identity-based grievances, deliberative approaches need to consider that expression of difference will figure prominently in interethnic discussion on these subjects. The task will then be to ascertain what kinds of expressions of difference can do deliberative work across different formal and informal communication domains and how they can help repair relations torn by conflict.

As Diana Mutz observes, "deliberative theory does make implicit empirical predictions, and empirical research does incorporate implicit normative commitments."[48] The motivation behind this research was a pressing need to better understand how we can promote postconflict recovery and peace. In this book focused on a public transitional justice consultation process, I have addressed whether deliberation can be harnessed to advance reconciliation and peacebuilding in societies torn apart by violence. Along with the emergence of the subfield of deliberation in divided societies, a deliberative perspective is becoming a prominent part of discussion-based approaches to conflict resolution and peacebuilding. Common to all these approaches is attention to "discussion as means to reduce conflict."[49] Specifically, scholars have been drawn to the restorative power of intergroup dialogues to reconstruct postconflict societies, from which comes the appeal of deliberation to peacebuilding scholars. However, recognizing the value of the dialogic nature of deliberation risks conflating a deliberative approach to peacebuilding with other communication-based approaches premised on the restorative effects of intercultural encounters.

Deliberation is a distinct approach to overcoming divisions in postconflict societies. As a mode of communication, it requires the demonstration of certain normative features in discourse, such as equality, reason-giving, reciprocity, common good orientation, respect for deliberative partners, and consideration of their views. These features of discourse distinguish a deliberative exchange from other kinds of communication, such as debates or dialogues. Therefore, further theorizing of deliberative postconflict reconstruction and peacebuilding, as a part of communication-based approaches to postconflict recovery, needs to foreground normatively demanding deliberativeness of discourse, which it has hitherto neglected, while continuing to elucidate the conditions under which interethnic discourse can be deliberative. Considering that discussion—including deliberative discussion—that involves parties to a conflict is "a form of intergroup contact," engagement with contact theory constitutes unexplored terrain for future theorizing on ways to deliberate out of conflict.[50]

Gordon Allport's contact theory was used to theorize deliberation in divided societies.[51] Buoyed by compelling evidence that intergroup contact can reduce prejudice, scholars made a case for the emancipatory effect of deliberation in divided societies. Shifting their focus, theoretically and empirically, onto the feasibility of deliberation in divided societies, the effects of deliberation on attitudes of deliberators toward the ethnic Other, and the conditions that can deliver positive effects of deliberation, they have spearheaded the theoretical development of this subfield away from contact theory. As a consequence, existing explanations of deliberation in divided societies have neglected a range of determinants shown by scholars of intergroup contact to either facilitate or undermine positive experiences and effects of intergroup contact, which may also be hypothesized to be associated with good-quality deliberation.[52] Likewise, the scholarship on intergroup contact has neglected communication variables that can potentially mediate intergroup contact.[53] This void is particularly evident in investigations of intergroup contact in conflict and postconflict contexts.[54] Such analysis of the effects of intergroup contact is divorced from consideration of how communication and discourse at different levels of postconflict societies (with family and friends, local, and national) affect the expected, perceived, or actual experience of contact with the ethnic Other.[55] In this vein, how deliberative virtues, which define deliberativeness, are fulfilled in intergroup discussions in postconflict societies, and how they shape the perception of the quality of intergroup contact alongside predispositions to seek out future contact across ethnic lines is of immediate theoretical and practical interest. Bringing contact theory into the fold of theorizing deliberation can open up new horizons for the study of reconciliation and peacebuilding in divided societies. In line with the prominence of ethnic identities in the course of reconciliation through deliberation revealed

in this book, future research should recognize the need for further theoretical elucidation and empirical verification of how ethnic identity and deliberation interact.

Engaging with the scholarship on intergroup contact relates to two questions that preoccupy transitional justice and reconciliation scholars. The first question concerns the need to grasp better when the sense of belonging to an ethnic group is compatible with deliberative cooperation with opposed ethnic groups on issues facing societies emerging from conflict. It is informed by Marilynn Brewer's "optimal distinctiveness theory," which proposes social identification at the equilibrium between individuals' contradictory needs for inclusion in a group and differentiation from others. Its wider implications aimed at providing multicultural polities with ways to "reap the benefits of diversity without the costs of intergroup conflict," are particularly relevant for divided postconflict societies.[56] The second question concerns collective versus individual conceptions of identity in a deliberative approach to peacebuilding. Scholarship on postconflict deliberation has focused on divided societies. By framing the problem of identity in collective terms, it assumes all individuals to be divided too. However, communication is "highly dependent on identities of its participants" and, specifically, on the type of identity that assumes prominence in interaction.[57] Distinguishing theoretically and empirically between personal and social (collective) identities, scholars of intergroup contact have studied individuation in interactions across identity lines.[58] It is of particular interest in deliberative approaches to peacebuilding, as this dynamic chips away at the (mis)perceptions of out-group members underpinned by collective identities. How this dynamic is associated with deliberative quality is a crucial question for deliberation when we aim to understand how intergroup interactions can promote reconciliation.

Engagement with contact theory can enhance theorizing on deliberation in divided societies and deliberative peacebuilding with it. By investigating deliberative intergroup contact and the role of identities therein, this new theoretical horizon stands to yield hypotheses the testing of which promises a better understanding of the prospects for transforming relationships in postconflict societies through deliberative engagement with former adversaries. Its practical value lies in identifying ways to counter identity politics, which relies on creating "false antinomies between closed wholes," perpetuates intergroup conflict, and undermines peacebuilding.[59]

An important research agenda lies before us. It can discover evidence and guidance for policies that grapple with one of the most intractable problems of our times: how to assist societies wrecked by conflict in transition from war to peace in a way that respects the dignity of the victims, acknowledges their

suffering, and restores relationships across identity divides. That is a profoundly moral question. Its relevance to millions living in postconflict zones around the world whose lives have been blighted by violence is not diminished by the technical language of policy effectiveness. This book about reconciliation in a real-world search for justice in a civil society-led, multiethnic process in the Balkans provides some concrete lessons for how this moral quest can be supported in practice.

Lessons for Policy

The findings presented in this book offer insights that can guide policy approaches of practitioners, political leaders, and activists working to build peace and assist the recovery of postconflict societies.

The first lesson concerns the practical pursuit of and support for reconciliation in postconflict contexts. As I have argued, the policy and practice of reconciliation have become mired in confusion and misinterpretation. At the same time, transitional justice, with its premise that addressing past wrongs is a condition for the healing and reconciliation of postconflict societies, has become a global norm. It is enshrined in strategic documents by international and supranational organizations such as the United Nations and the European Union, espoused by regional actors such as the African Union, and promoted by a host of international, national, and local nonstate actors and activists.[60] However, despite the prioritization of reconciliation in policy documents and pronouncements, the question that hangs over policy commitments concerns its operationalization, which brings us back to the unresolved meaning of reconciliation and its effect both on what activities are supported and how they are understood by those involved. As is the case with the academic study of reconciliation, policies promoting reconciliation would benefit from precision and specificity when setting out the aims and modalities of activities. This is essential to reduce the misinterpretation of moral demands made of the aggrieved and avoid raising expectations that will not be fulfilled. Just as important, precision and specificity are critical for preventing political elites and spoilers from exploiting initiatives meant to address the legacy of past abuse.

The second lesson relates to discussion-based approaches to postconflict recovery. The value of the opportunity to simply meet and talk with people from adversary ethnic groups can easily be underestimated. The dilemma for policymakers and activists is how to engineer these opportunities in postconflict societies that are institutionally and socially segmented along identity lines while being mindful that not every contact between adversaries will be beneficial. Short of

reversing policies that formalize and legitimize ethnic separation (which can be externally imposed or home-grown), the creation of civic spaces open to diversity is critical.

This lesson for policymaking pushes against ever more audible dismissal of liberal civil society activism in postconflict zones. Criticism of—as they are portrayed—self-interested foreign-funded NGOs in the local nonstate sphere has led to a dangerous delegitimization of local civil societies tout court. Civic society actors working on human rights in postconflict societies have been singled out, even as critics have overlooked how these NGOs embrace the needs of those most afflicted and marginalized in postconflict societies and facilitate engagement with difficult past.[61] When I put forward an argument for supporting civil society spaces that facilitate interethnic contact, I draw on rigorous scholarly appraisals of the conditions under which NGOs in postconflict contexts enjoy legitimacy among the local population whose needs they work to meet, regardless of whether foreign grants fund them. We must keep in mind that for local civil societies in impoverished postconflict countries, external support is a lifeline for a range of activities that the state is either unable to support or, more likely, rejects for political or ideological reasons. Activities by human rights NGOs that transcend divisive ethnic politics (perpetuated by political elites and nationalist NGOs) and that address the issue of responsibility for war crimes and reconciliation are a case in point, as in the Balkans. This book shows that liberal civil society actors and NGOs provide an otherwise scarce space for interethnic contact and discussions. These inclusive spaces that enable face-to-face communication across ethnic lines are critical to advancing peacebuilding in subtle but substantial ways. These may not be easily quantifiable, especially by policymakers. Nonetheless, as this book shows, civic spaces that allow deliberative interethnic interactions can help bring about a needed shift in perceptions of the ethnic Other and contribute to postconflict recovery.

More broadly, a deliberative perspective is of particular significance within discussion-based approaches to peacebuilding, which have been narrowly focused on reconciliatory interethnic dialogues. This book has demonstrated that major benefits to postconflict societies derive not only from sharing the experiences of harm, as people do in reconciliatory interethnic dialogues, but also from discussing how those experiences should be addressed. Focused on deliberative problem-solving that includes people from adversary identity groups, discussion-based interventions have yet to be embraced as an avenue for reconstructing postconflict societies and advancing postconflict reconciliation. Further, this book that analyzes deliberation about war crimes has shown that even the most sensitive issues are amenable to deliberative scrutiny in postconflict contexts. Although the exact conditions for high deliberative quality within the constraints

of societies divided by conflict remain an open question, emerging evidence from the scholarship on deliberation in divided societies points to the untapped potential of deliberation for the betterment of postconflict environments. The experience of deliberation can provide wider benefits to the reconstruction of relations in war-torn societies, alongside legitimate solutions to issues that affect all people regardless of ethnicity.

The third and final policy lesson concerns the need for continued commitment to refining our understanding of the effects of transitional justice practices and sharpening policy tools in support of initiatives that promote justice and reconciliation in societies recovering from gross human rights violations. Understanding how the practice of transitional justice can overcome political, social, and ideological obstacles that subvert its normative aspirations is an enduring challenge for scholars and practitioners. Turning to the consultations with stakeholders—one of the least studied transitional justice mechanisms—and leveraging a new theoretical perspective, this research has shown how consultations promote reconciliation. Scholars and practitioners have not anticipated this impact of a public consultative process because of predetermined expectations and nearly exclusive focus on legitimacy as the benchmark of the effectiveness of this particular transitional justice instrument. This points to the possibility of additional unintended but normatively emancipatory effects of other transitional justice mechanisms, to which researchers and practitioners need to be open. Although more robust assessments of the work of transitional justice mechanisms remain the staple of scholarly efforts, the insights from the analysis of transitional justice consultations in this book indicate that reconciliation can start even before the instruments such as war crimes trials and truth commissions are put in place.

In addition, as a study of regional justice transitional justice consultations, this book points to the value and necessity of a cross-border justice response to a cross-border conflict. Justice initiatives can suffer from gaps if they do not match the nature of conflict and its dynamics. The findings in this book demonstrate how innovating a format of transitional justice consultations by adapting them from the national to the regional level better responds to the regional nature of the conflict they seek to address. This innovation contributes to transforming a region from a space of conflict into a space of reconciliation and peace. While regional transitional justice consultations point to opportunities for a deliberative pursuit of justice in practice, they are only one way of harnessing the regional dimension in pursuing justice and reconciliation in the aftermath of conflicts defined by cross-border violence. A fuller exploration of the possibilities for advancing peace through regional justice interventions is a matter for future policy innovation and research.

In this book, I sought to determine the conditions under which transitional justice can advance reconciliation, and how a discussion of the legacy of war crimes involving former adversaries can lead to the repair of relations. Using real-world data, the analysis presented above showed that focusing on how people talk to each other about war crimes reveals a previously undiscovered form of reconciliation after conflict—reconciliation by stealth. This investigation of deliberative interactions across ethnic lines contributes to empirical foundations for claims that transitional justice promotes quality peace. The new evidence of reconciliation after conflict points to the need for continued theoretical and methodological innovation in studying transitional justice effects—lest the prospects for identifying new ways of overcoming conflict be eclipsed by the growing disillusionment with elusive reconciliation and the goals of transitional justice be dismissed as normatively appealing but practically unattainable.

Appendix

Transcripts of RECOM Consultations about the Draft Statute

1. Regionalne konsultacije sa mladima i organizacijama mladih o Nacrtu statuta REKOM [Regional consultations with the youth and youth organizations about the Draft Statute of RECOM]. Podgorica, Montenegro, May 29, 2010.
2. Nacionalne konsultacije sa udruženjima žrtava o Nacrtu statuta REKOM [National consultations with victims' associations about the Draft Statute of RECOM]. Tuzla, Bosnia and Herzegovina, May 29, 2010.
3. Nacionalne konzultacije s organizacijama civilnog društva o Nacrtu statuta Regionalne komisije za ustanovljenje i javno iznošenje činjenica o ratnim zločinima i drugim teškim povredama ljudskih prava u bivšoj Jugoslaviji (REKOM) [National consultations with civil society organizations about the Draft Statute of the Regional Commission for the Establishment and Public Recording of Facts about War Crimes and Other Serious Violations of Human Rights in Former Yugoslavia (RECOM)]. Zagreb, Croatia, June 1, 2010.
4. Regionalne konsultacije sa nevladinim organizacijama o Nacrtu statuta REKOM [Regional consultations with nongovernmental organizations about the Draft Statute of RECOM]. Banja Luka, Bosnia and Herzegovina, June 5, 2010.

5. Nacionalne konsultacije s udruženjima žrtava i porodica žrtava o Nacrtu statuta REKOM [National consultations with the victims' associations and victims' families about the Draft Statute of RECOM]. Belgrade, Serbia, July 3, 2010.
6. Konzultacije s organizacijama civilnog društva u Osijeku i Osječko-baranjskoj županiji o Nacrtu statuta REKOM [Consultations with civil society organizations in Osijek and the Osijek-Baranja county about the Draft Statute of RECOM]. Osijek, Croatia, July 13, 2010.
7. Konzultacije s organizacijama civilnog društva u Vukovaru i Vukovarsko-srijemskoj županiji o Nacrtu statuta REKOM [Consultations with civil society organizations in Vukovar and Vukovar-Srijem County about the Draft Statute of RECOM]. Vukovar, Croatia, July 14, 2010.
8. Lokalne konzultacije s civilnim društvom o Nacrtu statuta REKOM [Local consultations with civil society about the Draft Statute of RECOM]. Knin, Croatia, September 2, 2010.
9. Regionalne konsultacije s novinarima/kama i urednicima/ama o Nacrtu statuta REKOM [Regional consultations with journalists and editors about the Draft Statute of RECOM]. Ljubljana, Slovenia, September 10, 2010.
10. Nacionalne konsultacije sa bivšim političkim zatvorenicima o Nacrtu statuta REKOM [National consultations with former political prisoners about the Draft Statute of RECOM]. Priština/Prishtinë, Kosovo, September 15, 2010.
11. Regionalne konsultacije sa udruženjima/udrugama žrtava i porodica žrtava o Nacrtu statuta REKOM [Regional consultations with victims' associations and victims' families about the Draft Statute of RECOM]. Sarajevo, Bosnia and Herzegovina, September 18, 2010.
12. Nacionalne konzultacije s lokalnim zajednicama o Nacrtu statuta REKOM [National consultations with the local communities about the Draft Statute of RECOM]. Pakrac, Croatia, October 22, 2010.
13. Regionalne konzultacije s pravosuđem o Nacrtu modela Regionalne komisije za ustanovljenje i javno iznošenje činjenica o ratnim zločinima i drugim teškim povredama ljudskih prava u bivšoj Jugoslaviji (REKOM) [Regional consultations with legal practitioners about the Draft model of the Regional Commission for the Establishment and Public Recording of Facts about War Crimes and Other Serious Violations of Human Rights in Former Yugoslavia (RECOM)]. Zagreb, Croatia, June 11, 2010.
14. Regionalne konsultacije sa pravničkom zajednicom o Nacrtu statuta REKOM [Regional consultations with the community of legal

practitioners about the Draft Statute of RECOM]. Belgrade, Serbia, December 4, 2010.
15. Regionalne konsultacije s višenacionalnim zajednicama o Inicijativi za osnivanje REKOM [Regional consultations with multiethnic communities about the Initiative for the establishment of RECOM]. Mostar, Bosnia and Herzegovina, August 28, 2010.
16. Regionalne konsultacije sa udruženjima žrtava i porodicama žrtava o Nacrtu statuta REKOM [Regional consultations with victims' associations and victims' families about the Draft Statute of RECOM]. Prishtina, Kosovo, December 17, 2010.
17. Regionalne konzultacije sa studentima i mladim znanstvenicima o Nacrtu statuta REKOM [Regional consultations with students and young scholars about the Draft Statute of RECOM]. Zagreb, Croatia, June 17, 2010.
18. Regionalne konsultacije sa veteranima o Nacrtu statuta REKOM [Regional consultations with veterans about the Draft Statute of RECOM]. Skopje, Macedonia, December 18, 2010.
19. Regionalne konsultacije sa pravnicima o Nacrtu statuta REKOM [Regional consultations with legal practitioners about the Draft Statute of RECOM]. Belgrade, Serbia, January 22–23, 2010.
20. Nacionalne konsultacije sa nevladinim organizacijama o Nacrtu statuta REKOM [National consultations with nongovernmental organizations about the Draft Statute of RECOM]. Sarajevo, Bosnia and Herzegovina, January 29, 2011.

Transcripts of Other RECOM Consultations and Meetings

21. Nacionalne konsultacije sa organizacijama za ljudska prava o inicijativi za osnivanje Regionalne komisije za utvrđivanje činjenica o ratnim zločinima u bivšoj Jugoslaviji [National consultations with the human rights organizations about the initiative for founding the regional commission for establishing facts about war crimes in the former Yugoslavia]. Fruška Gora, Serbia, October 10, 2008.
22. Regionalne konsultacije sa predstavnicima nevećinskih zajednica o Inicijativi za osnivanje REKOM [Regional consultations with the representatives of nonmajority communities about the

initiative for the establishment of RECOM]. Skopje, Macedonia, January 29, 2010.
23. Regionalne konsultacije s civilnim društvom o Inicijativi za osnivanje REKOM [Regional consultations with civil society about the initiative for the establishment of RECOM]. Skopje, Macedonia, July 3, 2010.
24. Nacionalne konsultacije sa lokalnim zajednicama o Inicijativi za osnivanje REKOM [National consultations with local communities about the initiative for the establishment of RECOM]. Podgorica, Montenegro, September 14, 2010.
25. Sedmi regionalni forum za tranzicijsku pravdu [The seventh regional forum for transitional justice]. Zagreb, October 16–17, 2010.
26. Nacionalne konsultacije sa prosvetnom zajednicom o Inicijativi za osnivanje REKOM [National consultations with educators about the initiative for the founding of RECOM]. Belgrade, Serbia, November 27, 2010.
27. Nacionalne konsultacije sa mladima o Inicijativi za osnivanje REKOM [National consultations with the youth about the RECOM initiative]. Podgorica, Montenengro, December 15, 2010.
28. Nacionalne konsultacije sa predstavnicima Kosovske strateško-akcione mreže (KSAM) o Inicijativi za osnivanje REKOM [National consultations with the representatives of the Kosovo strategic-action network (KSAM) about the RECOM initiative]. Gračanica/Graçanicë, Kosovo, February 21, 2011.

Fieldwork Overview

Author's Interviews

Interview 1, RECOM organizer and human rights activist, Serbia, November 26, 2013.
Interview 2, RECOM organizer, Serbia, April 18, 2014.
Interview 3, RECOM organizer, Serbia, September 16, 2014.
Interview 4, legal practitioner and observer, Serbia, September 24, 2014.
Interview 5, human rights activist, Serbia, September 24, 2014.
Interview 6, legal practitioner and human rights activist, Serbia, September 25, 2014.
Interview 7, RECOM organizer, Serbia, September 26, 2014.
Interview 8, human rights activist and artist, Serbia, September 26, 2014.
Interview 9, legal practitioner, Bosnia and Herzegovina, December 9, 2015.
Interview 10, journalist, Bosnia and Herzegovina, December 10, 2015.

Interview 11, academic and human rights activist, Bosnia and Herzegovina, December 10, 2015.
Interview 12, academic and human rights activist, Bosnia and Herzegovina, December 11, 2015.
Interview 13, human rights activist, Kosovo, May 23, 2016.
Interview 14, RECOM organizer, Kosovo, May 23, 2016.
Interview 15, legal practitioner and human rights activist, Kosovo, May 24, 2016.
Interview 16, RECOM organizer, Kosovo, May 24, 2016.
Interview 17, human rights activist, Kosovo, May 24, 2016.
Interview 18, human rights activist, Montenegro, September 2, 2016.
Interview 19, legal practitioner, Montenegro, September 2, 2016.
Interview 20, human rights activist, Montenegro, September 2, 2016.
Interview 21, victim and human rights activist, Serbia, November 14, 2016.
Interview 22, academic, Croatia, December 15, 2019.
Interview 23, RECOM organizer, December 16, 2019.
Interview 24, RECOM organizer and human rights activist, Croatia, December 16, 2019.
Interview 25, RECOM organizer, Croatia, December 16, 2019.
Interview 26, veteran, Croatia, December 16, 2019.
Interview 27, academic and human rights activist, December 16, 2016.
Interview 28, human rights activist, Croatia, December 17, 2016.

Focus Groups

Focus Group, Belgrade, Serbia, October 30, 2015.
Focus Group, Sarajevo, Bosnia and Herzegovina, December 11, 2015.
Focus Group, Prishtina, Kosovo, May 25, 2016.

Participant Observation

IX Međunarodni forum za tranzicionu pravdu: Pomirenje u postjugoslovenskim zemljama, u organizaciji Koalicije za REKOM [9th International Forum for Transitional Justice: Reconciliation in Post-Yugoslav Countries, organized by the RECOM Coalition]. Mount Jahorina, Bosnia and Herzegovina, May 17–18, 2013.
X Međunarodni forum za tranzicionu pravdu u postjugoslovenskim zemljama: Postignuća i proriteti u postjugoslovenskim zemljama, u organizaciji Koalicije za REKOM [10th International Forum for Transitional Justice: Achievements and Priorities, organized by the RECOM Coalition]. Belgrade, Serbia, November 15–16, 2014.

XI Međunarodni forum za tranzicionu pravdu u postjugoslovenskim zemljama, u organizaciji Koalicije za REKOM [11th International Forum for Transitional Justice in Post-Yugoslav Countries, organized by the RECOM Coalition]. Sarajevo, Bosnia and Herzegovina, January 28–29, 2018.

XII Međunarodni forum za tranzicionu pravdu u postjugoslovenskim zemljama: „Da žrtve žive u pamćenju društva," u organizaciji Koalicije za REKOM [12th International Forum for Transitional Justice in post-Yugoslav Countries: "May victims live in the memory of the societies," organized by the RECOM Coalition]. Zagreb, Croatia, December 16, 2019.

Workshop

"Reconciliation as Activity." Workshop organized by the London School of Economics and Political Science in collaboration with the Centre for Research, Documentation and Publication. Prishtina, Kosovo, March 5, 2018.

Tables

TABLE A.3.1 Common good category as a composite measure

DQI CATEGORY: COMMON GOOD
Individual interest
Ethnic group interest
My country/national
Neutral/no reference to any form of common good
Region/multiethnic interest
Abstract principle
Difference principle

TABLE A.3.2 Correlation of DQI categories

	J	CG	P	G	S
Justification rationality (J)	1				
Common good (CG)	.185	1			
Respect for participants (P)	.123	.078	1		
Respect for groups (G)	.087	.183	−.001	1	
Storytelling (S)	.109	.143	.056	−.006	1

Note: Table entries are polychoric correlation coefficients. $N = 1{,}211$.

TABLE A.3.3 Principal component analysis of DQI categories

	COMPONENTS		
	1	2	3
Justification rationality	.717	−.098	.228
Common good	.508	.538	−.405
Respect for participants	.339	.540	.644
Respect for groups	.553	−.661	.194
Storytelling	.515	−.038	−.550
Eigenvalue	1.459	1.028	.970
% of variance	29.2	20.6	19.4

Note: First three principal components only, representing 69 percent of variance in the data. Main table entries are component loadings. $N = 1{,}211$.

TABLE A.3.4 Summary statistics of the RECOM corpus

RECOM CONSULTATION NUMBER	NUMBER OF WORDS	NUMBER OF SPEECH ACTS
1	15,568	27
2	24,214	31
3	33,085	103
4	29,523	88
5	32,931	61
6	18,905	67
7	20,389	27
8	19,616	18
9	22,806	12
10	41,320	31
11	23,302	38
12	20,694	34
13	37,390	142
14	26,158	101
15	29,992	66
16	20,052	40
17	22,057	68
18	27,166	28
19	59,164	194
20	20,738	35
Total	545,070	1,211

TABLE A.3.5 Intercoder reliability statistics for DQI categories

DQI CATEGORY	PA	κ	α	AC
Justification rationality	.958 (.003)	.758 (.016)	.757 (.016)	.905 (.007)
Common good	.955 (.003)	.686 (.023)	.685 (.023)	.899 (.008)
Respect for participants	.978 (.003)	.693 (.036)	.693 (.037)	.974 (.003)
Respect for groups	.980 (.002)	.645 (.034)	.645 (.034)	.973 (.003)
Storytelling	.990 (.003)	.916 (.024)	.916 (.024)	.989 (.003)

Note: PA = proportion of agreement; κ = Cohen's kappa; α = Krippendorff's alpha; AC = Gwet's agreement coefficient. Table entries are coefficients. Standard errors in parentheses. For all tests, $p < .001$. $N = 1{,}211$. All variables are ordinal.

TABLE A.4.1 Summary statistics of the unscaled and rescaled DQITJ

DQITJ VARIANT	MEAN	STD. DEV.	MIN. OBSERVED	MAX. OBSERVED	OBSERVED RANGE	MIN. POSSIBLE	MAX. POSSIBLE
DQI unsc.	6.003	1.597	.916	12.516	11.600	0	13.077
DQI	4.591	1.221	.701	9.571	8.871	0	10

Note: All figures rounded to three decimal places.

TABLE A.4.2 Intercoder reliability statistics for identity in discourse variables

VARIABLE	PA	κ	α	AC
Subjectivity	.825 (.011)	.663 (.020)	.662 (.020)	.788 (.014)
Positionality	.986 (.003)	.888 (.026)	.888 (.026)	.985 (.004)

Note: PA = proportion of agreement; κ = Cohen's kappa; α = Krippendorff's alpha; AC = Gwet's agreement coefficient. Table entries are coefficients. Standard errors in parentheses. For all tests, $p < .001$. $N = 1{,}211$. All variables are nominal.

TABLE A.5.1 Intercoder reliability statistics for interactivity variables

VARIABLE	PA	κ	α	AC
Ref. to other participants	.987 (.003)	.970 (.008)	.970 (.008)	.985 (.004)
Interethnic reference	.992 (.002)	.963 (.011)	.963 (.011)	.989 (.003)
Intraethnic reference	.994 (.002)	.962 (.012)	.962 (.012)	.993 (.002)

Note: PA = proportion of agreement; κ = Cohen's kappa; α = Krippendorff's alpha; AC = Gwet's agreement coefficient. Table entries are coefficients. Standard errors in parentheses. For all tests, $p < .001$ $N = 1{,}211$. Reference to other participants is a nominal variable; interethnic reference and intraethnic reference are ordinal variables.

Notes

INTRODUCTION

1. I spoke to Lush Krasniqi in Prishtina, Kosovo, on May 25, 2016. For an extensive account of Lush Krasniqi's personal loss, survival, and search for the bodies of his relatives, see "Outloud Podcast: The Story of Lush Krasniqi, Survivor of the Meja Massacre (27.04.1999)," in Dafina Halili, "The Struggle of a Survivor of One of the Largest Massacres in Kosovo," Kosovo 2.0, April 23, 2020, https://kosovotwopointzero.com/wp-content/uploads/2021/12/The-struggle-of-a-survivor-of-one-of-the-largest-massacres-in-Kosovo_POD_TRANSCRIPT.pdf.

2. The attack on the civilian population in western Kosovo is considered to be an instance of the single gravest crime against civilians in the Kosovo conflict. For the details of the operation conducted by the Serbian security forces, including the approximate figure of the killed, see *Dosije: Operacija Reka* (Belgrade: Fond za humanitarno pravo, October 2015). The report also specifies that the operation and its aftermath were reconstructed in two trials before the ICTY, the case against Vlastimir Đorđević, assistant minister of Internal Affairs of Serbia, and the case against Nikola Šainović, deputy prime minister of the Federal Republic of Yugoslavia (Serbia and Montenegro), and others. For the summaries of the cases and all trial documents, which quote 387 individuals killed in this operation, see International Criminal Tribunal for the Former Yugoslavia, Đorđević (IT-05-87/1), https://www.icty.org/en/case/djordjevic, and International Criminal Tribunal for the Former Yugoslavia, Šainović et al. (IT-05-87), https://www.icty.org/en/case/milutinovic, and particularly Prosecutor v. Nikola Šainović, Nebojša Pavković, Vladimir Lazarević, Sreten Lukić, Public Judgement, Case No. IT-05-87-A, International Criminal Tribunal for the Former Yugoslavia, January 23, 2014, https://www.icty.org/x/cases/milutinovic/acjug/en/140123.pdf. In 1999, under the terms of the 1244 United Nations Security Council resolution, Kosovo became a United Nations protectorate, having obtained de facto sovereignty. At the same time, the resolution restated the commitment to the territorial integrity and sovereignty of the Federal Republic of Yugoslavia (comprising Serbia and Montenegro). In 2008, Kosovo formally declared independence, which Serbia has continued to contest.

3. According to Jugo and Wastell, a primary mass grave refers to the site where bodies of the killed are originally buried, whereas a secondary mass grave is the site where the remains are reburied, usually for the purpose of concealing the crime. For implications of the destruction of bodies in the process of exhumation and reinternment for memory politics, see Admir Jugo and Sari Wastell, "Disassembling the Pieces, Reassembling the Social: The Forensic and Political Lives of Secondary Mass Graves in Bosnia and Herzegovina," in *Human Remains and Identification: Mass Violence, Genocide, and the "Forensic Turn,"* ed. Élisabeth Anstett and Jean-Marc Dreyfus (Manchester: Manchester University Press, 2015).

4. For assessments varying from some 10,000 to over 13,000 killed and disappeared in the Kosovo war, and for challenges involved in establishing the exact count, see Paul B. Spiegel and Peter Salama, "War and Mortality in Kosovo, 1998–99: An Epidemiological Testimony," *Lancet* 355 (2000): 2204–209, https://doi.org/10.1016/S0140-6736(00)02404-1; Patrick Ball, Wendy Betts, Fritz Scheuren, Jana Dudukovich, and Jana Asher, "Killings

and Refugee Flow in Kosovo March–June 1999: A Report to the International Criminal Tribunal for the Former Yugoslavia," American Association for the Advancement of Science, January 3, 2002, New York, https://www.icty.org/x/file/About/OTP/War_Demographics/en/s_milosevic_kosovo_020103.pdf; Independent International Commission on Kosovo, "Annex 1: Documentation on Human Rights Violations," in *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000), 301–18; Humanitarian Law Center (Serbia) and Humanitarian Law Center Kosovo, "The Kosovo Memory Book 1998–2000," http://www.kosovomemorybook.org/?page_id=29&lang=de.

5. Marlise Simons, "Danube's Grisly Tale, Staring Milosevic in the Face," *New York Times*, August 26, 2002, https://www.nytimes.com/2002/08/26/world/danube-s-grisly-tale-staring-milosevic-in-the-face.html.

6. I define ethnicity and the concept of an ethnic group related to it, following Horowitz, as an identity "based on a myth of collective ancestry, which usually carries with it traits believed to be innate." See Donald L. Horowitz, *Ethnic Groups in Conflict*, 2nd ed. (Berkeley: University of California Press [1985] 2000), 52. For a range of features considered to represent descent, including a common culture, a common language, a common territory, and conceptual autonomy, see Kanchan Chandra, "What Is Ethnic Identity? A Minimalist Definition," in *Constructivist Theories of Ethnic Politics*, ed. Kanchan Chandra (Oxford: Oxford University Press, 2012), 71. The concepts of nation and national identity overlap with the concept of ethnicity but accentuate a "sense of political community" which, according to Smith, implies "at least some common institutions and a single code of rights and duties for all members of the community." Anthony D. Smith, *National Identity* (London: Penguin, 1991), 9. Nationalism, therefore, following Gellner, is "primarily a political principle, which holds that the political and the national unit should be congruent." Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell, 1983), 1. For a discussion of different types of nationalism, ranging from civic nationalism to ethnic nationalism, see Harris Mylonas and Maya Tudor, "Nationalism: What We Know and What We still Need to Know," *Annual Review of Political Science* 24, no. 1 (2021): 109–32, https://doi.org/10.1146/annurev-polisci-041719-101841. In this book, I refer interchangeably to the conflicts that accompanied the dissolution of the former Yugoslavia and the Balkan conflicts. The use of the term "Balkan conflicts" highlights the regional nature of the violence. Here, as in other scholarly literature on post–Cold War conflicts, the term specifically refers to the conflicts on the territory of the former Yugoslavia in the 1990s and early 2000s; it does not apply to the broader Balkan region beyond the former Yugoslavia's borders.

7. Some bodily remains were first discovered in trucks dumped in the River Danube and in a lake in Serbia before being transferred for reburial to two locations in Serbia. Bodies of other Albanian victims in Kosovo were transported directly to Serbia, either immediately following the killing or after their excavation from primary mass graves. For a detailed account of the Serbian state cover-up, see The Prosecutor v. Vlastimir Đorđević, Case No. IT-05-87/1-A and Case No. IT-05-87/1-A, International Criminal Tribunal for the Former Yugoslavia, December 20, 2011, https://www.icty.org/x/cases/djordjevic/custom5/en/111220-1.pdf, 128–44. See also *Dosije*, 50–59.

8. Miloš Vasić, "Mrtvi putuju . . .", *Vreme*, June 21, 2001. https://www.vreme.com/vreme/mrtvi-putuju/.

9. Several reburial ceremonies took place in the villages in western Kosovo as victims' bodies were located, identified, and transferred to relatives in Kosovo. See "27 prilli," *Periodik informativ*, Meje-Gjakovë, 2, no. 6–7 (October 2005). However, more remain missing.

10. The trials before the ICTY were the main transitional justice mechanism after the wars in the region ended. On the inability of the ICTY to deliver justice to victims in Kosovo, see Aidan Hehir and Furtuna Sheremeti, eds., *Kosovo and Transitional Justice: The Pursuit of Justice after Large-Scale Conflict* (Abingdon: Routledge, 2022).

11. Antonija Petričušić and Cyril Blondel, "Reconciliation in the Western Balkans: New Perspectives and Proposals," *Journal of Ethnopolitics and Minority Issues in Europe* 11, no. 4 (2012).

12. Serbeze Haxhiaj and Milica Stojanovic, "Evidence Reveals Serbian Officers' Role in Kosovo Massacre was Ignored," *Balkan Investigative Reporting Network*, April 27, 2020, https://balkaninsight.com/2020/04/27/massacre-in-meja-evidence-of-serbian-officers-involvement-ignored/.

13. On the marginalization of civilian victims in Kosovo in nationalist discourses within the Kosovo Albanian community, see Gëzim Visoka, "Arrested Truth: Transitional Justice and the Politics of Remembrance in Kosovo," *Journal of Human Rights Practice* 8, no. 1 (2016): 67–68, https://doi.org/10.1093/jhuman/huv017.

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no. 1 (2013), https://doi.org/10.1177/0888325412464550; Jelena Obradovic-Wochnik, "Serbian Civil Society as an Exclusionary Space: NGOs, the Public and 'Coming to Terms with the Past,'" in *Civil Society and Transitions in the Western Balkans*, ed. Vesna Bojicic-Dzelilovic, James Ker-Lindsay, and Denisa Kostovicova (Basingstoke: Palgrave Macmillan, 2013); Janine Natalya Clark, "Does Bosnia Need a Truth and Reconciliation Commission? Some Reflections on Its Possible Design," *Ethnopolitics* 12, no. 3 (2013), https://doi.org/10.1080/17449057.2012.688374.

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21. This omission is partly due to these scholars' cursory engagement with the process of the RECOM consultations. For example, see Rowen, "Mobilizing Truth"; Irvine and McMahon, "From International Courts"; Di Lellio and McCunn, "Engineering Grassroots"; Obradovic-Wochnik, "Serbian Civil Society." By contrast, Nieβer argues that this process resulted in interethnic understanding based on a systematic study of victims' testimonies during the RECOM consultations. Jacqueline Nieβer, *Die Wahrheit der Anderen: Transnationale Vergangenheitsaufarbeitung in Post-Jugoslawien am Beispiel der REKOM Initiative* (Göttingen: Vandenhoeck & Ruprecht, 2020).

22. The list of RECOM consultations whose transcripts are used in this research is in the appendix. The RECOM corpus can be accessed at Denisa Kostovicova, "Replication Data For: Gender, Justice and Deliberation: Why Women Don't Influence Peace-Making," *Harvard Dataverse V1*, 2020. https://doi.org/https://doi.org/10.7910/DVN/FC6WAO. For the fieldwork details, see the appendix.

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25. Joanna R. Quinn, *Thin Sympathy: A Strategy to Thicken Transitional Justice* (Philadelphia: University of Pennsylvania Press, 2021).

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137–54, and on the local perspective, see Oliver Richmond, *Peace Formation and Political Order in Conflict Affected Societies* (Oxford: Oxford University Press, 2016).

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37. Trudy Govier, *Taking Wrongs Seriously: Acknowledgment, Reconciliation and the Politics of Sustainable Peace* (Amherst: Humanity Books, 2006), 13. Other scholars have referred to the two poles of reconciliation as "shallow" and "deep," or "minimalist" or "maximalist" conceptions. On evaluating coexistence as a minimalist form of reconciliation, see Antonia Chayes and Martha Minow, eds., *Imagine Coexistence: Restoring Humanity after Violent Ethnic Conflict* (San Francisco: Jossey-Bass, 2003). Alternatively, for a discussion of reconciliation at a broader end of the spectrum, see Erin Daly and Jeremy Sarkin, *Reconciliation in Divided Societies: Finding Common Ground* (Philadelphia: University of Pennsylvania Press, 2007). For a comprehensive review of different approaches to reconciliation, see Audrey R. Chapman, "Approaches to Studying Reconciliation," in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, ed. Hugo van der Merwe, Victoria Baxter, and Audrey R. Chapman (Washington, DC: United States Institute of Peace Press, 2009); James Hughes and Denisa Kostovicova, eds., *Rethinking Reconciliation and Transitional Justice after Conflict* (London: Routledge 2018); Lina Strupinskienė, "'What Is Reconciliation and Are We There Yet?' Different Types and Levels of Reconciliation: A Case Study of Bosnia and Herzegovina," *Journal of Human Rights* 16, no. 4 (2017), https://doi.org/10.1080/14754835.2016.1197771; David Bloomfield, *On Good Terms: Clarifying Reconciliation*, Berghof Report no. 14, Berghof Research Center for Constructive Conflict Management, 2006.

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1. WARS, CRIMES, AND JUSTICE IN THE BALKANS

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6. For example, the percentage of a Serb minority in the Croatian population went down from nearly 15 percent before the conflict to 4 percent after the conflict, see Dustin Tsai, "Navigating Exclusion as Enemies of the State: The Case of Serbs in Croatia and Croats in Serbia," *Geopolitics* (2021), https://doi.org/10.1080/14650045.2021.1881488.

7. Ivo Banac, "The Politics of National Homogeneity," in *War and Change in the Balkans: Nationalism, Conflict and Cooperation*, ed. Brad K. Blitz (Cambridge: Cambridge University Press, 2006), 30. Cf. James Gow, *Serbian Project and Its Adversaries: A Strategy of War Crimes* (London: Hurst & Company, 2003).

8. Harris Mylonas and Maya Tudor, "Nationalism: What We Know and What We still Need to Know," *Annual Review of Political Science* 24 (2021), https://doi.org/20.1146/annurev-polisci-041719-101841.

9. Torsten Kolind, "In Search of 'Decent' People: Resistance to Ethnicization of Everyday Life among the Muslims of Stolac," in Bougarel, Helms, and Duijzings, *The New Bosnian Mosaic*, 138. At the microlevel the incidence of interethnic violence varied in war-torn territories. The absence of mass violence and targeting of civilians in communities is attributed to the separation between their political and ethnic identities, see Mila Dragojević, *Amoral Communities: Collective Crimes in Time of War* (Ithaca: Cornell University Press, 2019), 47–49, or to the strength of historically anti-nationalist and class identities, as in Tuzla in Bosnia, see Goran Filic, "Rejection of Radical Nationalism in Wartime Yugoslavia: The Case of Tuzla (1990–1995)," *Journal of Peacebuilding and Development* 13, no. 3 (2019), https://doi.org/10.1080/15423166.2018.1516158.

10. V. P. Gagnon Jr., *The Myth of Ethnic War: Serbia and Croatia in the 1990s* (Ithaca: Cornell University Press, 2004).

11. For a selection of scholarly works on these debates, see Dejan Jovic, "The Disintegration of Yugoslavia: A Critical Review of Explanatory Approaches," *European Journal of Social Theory* 4, no. 1 (2001), https://doi.org/10.1177/13684310122225037; Sabrina P. Ramet, *Thinking about Yugoslavia: Scholarly Debates about the Yugoslav Breakup and the Wars*

in Bosnia and Kosovo (Cambridge: Cambridge University Press, 2005); Roger D. Petersen, *Western Intervention in the Balkans: The Strategic Use of Emotion in Conflict* (Cambridge: Cambridge University Press, 2011); Susan Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, DC: Brookings Institution, 1995); Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era* (Cambridge: Polity Press, 1999).

12. Henceforth, Bosnia is used as a shortened form for Bosnia and Herzegovina. After Yugoslavia's breakup, Macedonia was referred to as the Former Yugoslav Republic of Macedonia because of the name dispute with Greece. Following the UN-brokered agreement in 2018, its name became North Macedonia.

13. Cosmopolitan and consumerist culture in former Yugoslavia evolved in connection with global developments. Marie-Janine Calic, *The Great Cauldron: A History of Southeastern Europe* (Cambridge, MA: Harvard University Press: 2019), 491–502.

14. On nationalism reinforced by administrative arrangements and nationalist tensions, see Sabrina P. Ramet, *Nationalism and Federalism in Yugoslavia, 1962–1991* (Bloomington: Indiana University Press, 1992), 2nd ed., 176–213; on the role of national identification in mundane, everyday practices, see Stef Jansen, "National Numbers in Context: Maps and Stats in Representations of the Post-Yugoslav Wars," *Identities* 12 no. 1 (2005), https://doi.org/10.1080/10702890590914311.

15. On Yugoslav nationalities policy and nationalism, see Ramet, *Nationalism and Federalism*, 40–58.

16. Perunovic challenges claims of intense ethnic attachments among ordinary people in former Yugoslavia, drawing on prewar ethnic/national social distance survey results. Sreca Perunovic, "Animosities in Former Yugoslavia before Its Demise: Revelations of an Opinion Poll Survey," *Ethnicities* 16, no. 6 (2016), https://doi.org/10.1177/1468796815576059.

17. Tomislav Dulić, "Ethnic Violence in Occupied Yugoslavia: Mass Killing from Above and Below," in *New Perspectives on Yugoslavia: Key Issues and Controversies*, ed. Dejan Djokić and James Ker-Lindsay (London: Routledge, 2011).

18. In practice, this approach also exacerbated ethnic grievances related to victimization in the Second World War, see Duijzings, "Commemorating Srebrenica." The disconnect between official and vernacular mnemonic practices in former Yugoslavia, which revealed and reinforced an ethnic dimension of wartime violence, paved the way for political manipulation in the late 1980s. Jelena Đureinović, *The Politics of Memory of the Second World War in Contemporary Serbia: Collaboration, Resistance and Retribution* (Abingdon: Routledge, 2020), 35–51. Political motivations undermined the compilation of a comprehensive record of victims of the Second World War in the former Yugoslavia, paving the way for the manipulation of past grievances in the run-up to the country's violent disintegration in the 1990s. Srđan Bogosavljević, "Nerasvetljeni genocid," in *Srpska strana rata: Trauma i katarza u istorijskom pamćenju*, ed. Nebojša Popov (Beograd: BIGZ, 1996).

19. Ramet, *Nationalism and Federalism*, 55.

20. Jasna Dragović-Soso, *"Saviours of the Nation": Serbia's Intellectual Opposition and the Revival of Nationalism* (London: Hurst & Company, 2002); Nebojša Vladisavljević, *Serbia's Antibureaucratic Revolution: Milošević, the Fall of Communism and Nationalist Mobilization* (Basingstoke: Palgrave Macmillan, 2008).

21. Orli Fridman, "'It Was Like Fighting a War with Our Own People': Anti—War Activism in Serbia during the 1990s," *Nationalities Papers* 39, no. 4 (2011), https://doi.org/10.1080/00905992.2011.579953.

22. David Campbell, *National Deconstruction: Violence, Identity, and Justice in Bosnia* (Minneapolis: University of Minnesota Press, 1998); Gerard Toal and Carl T. Dahlman, *Bosnia Remade: Ethnic Cleansing and Its Reversal* (Cambridge: Cambridge University Press, 2011), 84–111; Jansen, "National Numbers," 48.

23. Tone Bringa, *Being Muslim the Bosnian Way: Identity and Community in a Central Bosnian Village* (Princeton: Princeton University Press, 1995). On everyday ethnicization, defined as "the fusion of ethnic or cultural and political identity," following from top-down elite ethnicization, see Dragojević, *Amoral Communities*, 19, 33–91.

24. A group name—Bosnian Muslims—refers to one of the three dominant ethnic groups who were constituent nations in Bosnia and Herzegovina. Although the name refers to a religion, not all Bosnian Muslims are religious. In the early 1990s, the Bosnian Muslim political and intellectual elite changed the group's name to Bosniaks (which should not be confused with Bosnians, the term that refers to all citizens of Bosnia and Herzegovina). Neven Andjelic, *Bosnia-Herzegovina: The End of a Legacy* (London: Frank Cass, 2003), 147 and 188–211. Bosnian Muslim and Bosniak are used interchangeably in this book.

25. For a detailed discussion of the complexities involved in establishing the death toll, see Ewa Tabeau, ed., *Conflict in Numbers: Casualties of the 1990s Wars in the Former Yugoslavia (1991–1999)* (Belgrade: Helsinki Committee for Human Rights, 2009). Human rights NGOs in the region have made a major contribution to recording war casualties. For example, see Istraživačko Dokumentacioni Centar, "Bosanska knjiga mrtvih," http://www.mnemos.ba/ba/home/Download, and Humanitarian Law Center (Serbia) and Humanitarian Law Center Kosovo, "The Kosovo Memory Book 1998–2000," http://www.kosovomemorybook.org/?page_id=29&lang=de.

26. There are still some 10,000 people still missing from the conflicts in the region. For the breakdown by country tracking the progress of identification since the end of the wars, see International Committee of the Red Cross, "ICRC Five-Year Strategy on the Missing in former Yugoslavia" (November 26, 2020), https://www.icrc.org/en/document/missing-bosnia-herzegovina-croatia-serbia-kosovo.

27. Ivana Maček, *Sarajevo under Siege: Anthropology in Wartime* (Philadelphia: University of Pennsylvania Press, 2009), 208.

28. For example, in Bosnia and Herzegovina, see Denisa Kostovicova, "Republika Srpska and its Boundaries in Bosnian Serb Geographical Narratives in the Post-Dayton Period," *Space and Polity* 8, no. 3 (2004), https://doi.org/10.1080/1356257042000309616.

29. Jasna Dragović-Soso and Eric Gordy, "Coming to Terms with the Past: Transitional Justice and Reconciliation in the Post-Yugoslav Lands," in *New Perspectives on Yugoslavia: Key Issues and Controversies*, ed. Dejan Djokić and James Ker-Lindsay (London: Routledge, 2011), 193.

30. For a comprehensive analysis of public perceptions of victimhood in the Balkans, see Marko Milanović, "The Impact of the ICTY on the Former Yugoslavia: An Anticipatory Postmortem," *American Journal of International Law* 110, no. 2 (2016): 243–45, https://doi.org/10.5305/amerjintelaw.110.2.0233.

31. Jelena Subotić, *Hijacked Justice: Dealing with the Past in the Balkans* (Ithaca: Cornell University Press, 2009).

32. After its closure, the functions of the ICTY were taken over by the International Residual Mechanism for Criminal Tribunals. For example, see Vjeran Pavlaković, "Croatia, the International Criminal Tribunal for the Former Yugoslavia, and General Gotovina as a Political Symbol," *Europe-Asia Studies* 62, no. 10 (2010), https://doi.org/10.1080/09668136.2010.522426.

33. James Meernik, "Victor's Justice or the Law?: Judging and Punishing at the International Criminal Tribunal for the Former Yugoslavia," *Journal of Conflict Resolution* 47, no. 2 (2003), https://doi.org/10.1177/0022002702251024.

34. Janine Natalya Clark, *International Trials and Reconciliation: Assessing the Impact of the International Criminal Tribunal for the Former Yugoslavia* (London: Routledge, 2014). For a selection of comprehensive evaluations of the ICTY and its legacy, see Carsten

Stahn, Carmel Agius, Serge Brammerz, and Colleen Rohan, eds., *Legacies of the International Criminal Tribunal for the Former Yugoslavia: A Multidisciplinary Approach* (Oxford: Oxford University Press, 2020); James Gow, Rachel Kerr, and Zoran Pajić, eds., *Prosecuting War Crimes: Lessons and Legacies of the International Criminal Tribunal for the Former Yugoslavia* (London: Routledge, 2013); Timothy William Waters, ed., *The Milošević Trial: An Autopsy* (New York: Oxford University Press, 2014).

35. Maja Munivrana Vajda, "Domestic Trials for International Crimes—A Critical Analysis of Croatian War Crimes Sentencing Jurisprudence," *International Criminal Law Review* 19, no. 1 (2019), https://doi.org/10.1163/15718123-01901002. See also *Četvrti izvještaj o sprovođenju Nacionalne strategije za procesuiranje ratnih zločina* (Beograd: Fond za humanitarno pravo, 2019).

36. Bogdan Ivanišević, *The War Crimes Chamber in Bosnia and Herzegovina: From Hybrid to Domestic Court* (New York: International Center for Transitional Justice, 2008), 10; *Tranziciona pravda u postjugoslavenskim zemljama: Izvještaj za 2010–2011. godinu* (Sarajevo: Udruženje "Tranzicijska pravda, odgovornost i sjećanje u BiH," 2012).

37. Jasna Dragovic-Soso, "History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006," *International Journal of Transitional Justice* 10, no. 2 (2016), https://doi.org/10.1093/ijtj/ijw005.

38. Brian Grodsky, "International Prosecutions and Domestic Politics: The Use of Truth Commissions as Compromise Justice in Serbia and Croatia," *International Studies Review* 11, no 4 (2009), http://www.jstor.org/stable/40389162.

39. Dragović-Soso and Gordy, "Coming to Terms."

40. Catherine Baker, *The Yugoslav Wars of the 1990s* (London: Palgrave Macmillan, 2015), 96.

41. Hariz Halilovich, *Places of Pain: Forced Displacement, Popular Memory and Trans-Local Identities in Bosnian War-Torn Communities* (New York: Berghahn Books, 2013), 94.

42. Orli Fridman, "Alternative Calendars and Memory Work in Serbia: Anti-War Activism after Milošević," *Memory Studies* 8, no. 2 (2015), https://doi.org/10.1177/1750698014558661.

43. Eric Gordy, *Guilt, Responsibility, and Denial: The Past at Stake in Post-Milošević Serbia* (Philadelphia: University of Pennsylvania Press, 2013), 68.

44. Adam Kochanski and Joanna R. Quinn, "Letting the State off the Hook? Dilemmas of Holding the State to Account in Times of Transition," *Peacebuilding* 9, no. 2 (2021), https://doi.org/10.1080/21647259.2021.1895616.

45. Eunice Castro Seixas, "How Activists See Civil Society and the Political Elite in Bosnia: Relevance to Prospects of Transitional Justice," in *Transitional Justice and Civil Society in the Balkans*, ed. Olivera Simić and Zara Volčič (New York: Springer, 2013).

46. On nationalist opposition to transitional justice from civil society groups in Serbia and Croatia, respectively, see Denisa Kostovicova, "Civil Society and Post-Communist Democratization: Facing a Double Challenge in Post-Milošević Serbia," *Journal of Civil Society* 2, no. 1 (2006), https://doi.org/10.1080/17448680600730918, and Ivor Sokolić, Denisa Kostovicova, and Adam Fagan, "Civil Society in Post-Yugoslav Space: The Test of Discontinuity and Democratization," in *The Legacy of Yugoslavia: Politics, Economics and Society in the Modern Balkans*, ed. Othon Anastasakis, Adam Bennett, David Madden, and Adis Merdzanovic (London: I.B. Taurus, 2020).

47. On the paucity of research on antiwar civil society activism in former Yugoslavia, see Bojan Bilić, "(Post-)Yugoslav Anti-War Engagement: A Research Topic Awaiting Attention," *Filozofija i društvo* 22, no. 4 (2011), https://doi.org/10.2298/FID1104083B.

48. Boris Kanzleiter, "Anti-War Activism, Yugoslavia, 1990s," in *The International Encyclopedia of Revolution and Protest*, ed. Immanuel Ness (Chichester: Blackwell, 2009); Mary Kaldor and Denisa Kostovicova, "Global Civil Society and Illiberal Regimes," in *Global*

Civil Society 2007/8: Communicative Power and Democracy, ed. Martin Albrow, Helmut K. Anheier, Marlies Glasius, Monroe E. Price, and Mary Kaldor (London: Sage, 2007).

49. Nataša Kandić, "RECOM: A New Approach to Reconciliation and a Corrective for Criminal Justice," *Forum for Transitional Justice* 4 (2012).

50. According to the Coalition, the membership included 461 NGOs, associations, civic groups, and 1,357 individuals. See Coalition Members, *Documents*, Inicijativa za REKOM, http://www.zarekom.org/documents/Coalition-members.en.html?page=1, quoted in Denisa Kostovicova, "Airing Crimes, Marginalizing Victims: Political Expectations and Transitional Justice in Kosovo," in *The Milošević Trial: An Autopsy*, ed. Timothy William Waters (Oxford: Oxford University Press, 2013), 252. Some human rights organizations were not formally members of the Coalition, but their representatives participated in the RECOM consultation process.

51. Anna Di Lellio and Caitlin McCunn, "Engineering Grassroots Transitional Justice in the Balkans: The Case of Kosovo," *East European Politics and Societies* 27, no. 1 (2013), https://doi.org/10.1177/0888325412464550.

52. See *Statut Koalicije za REKOM* (June 26, 2011), http://recom.link/wp-content/uploads/2011/06/Statut-Koalicije-za-REKOM-26.06.2011-SRB.pdf.

53. For detailed justification of terminology and provisions of the Draft Statute, see Koalicija za REKOM, *Obrazloženja uz Predlog Statuta regionalne komisije za utvrđivanje činjenica o ratnim zločinima i drugim teškim kršenjima ljudskih prava na području nekadašnje SFRJ* (March 26, 2011).

54. RECOM Consultation no. 23.

55. RECOM Consultation no. 24.

56. Iavor Rangelov and Ruti Teitel, "Transitional Justice," in *The Handbook of Global Security Policy*, ed. Mary Kaldor and Iavor Rangelov (Chichester: John Wiley & Sons, 2014).

57. Author's interview no. 8, Serbia, September 16, 2014.

58. RECOM Consultation no. 23.

59. For example, a commentator described Serbia's transitional justice policy as "schizophrenic" because it "supports both war crimes and war criminals, and reconciliation in the region." Safeta Biševac, "Kazani i mural," *Danas*, November 17, 2021, https://www.danas.rs/kolumna/safeta-bisevac/kazani-i-mural/.

60. RECOM Consultation no. 23.

61. Frédéric Mégret, "Do Facts Exist, Can They Be 'Found,' and Does It Matter?," in *The Transformation of Human Rights Fact-Finding*, ed. Philip Aston and Sarah Knuckey (Oxford: Oxford University Press, 2016), 30.

62. RECOM Consultation no. 26.

63. RECOM Consultation no. 24.

64. RECOM Consultation no. 23. For a comprehensive examination of justifications for RECOM's regional approach, see Denisa Kostovicova, "Seeking Justice in a Divided Region: Text Analysis of a Regional Civil Society Initiative in the Balkans," *International Journal of Transitional Justice* 11, no. 1 (2017), https://doi.org/10.1093/ijtj/ijw023.

65. RECOM Consultation no. 24.

66. RECOM Consultation no. 23.

67. Caterina Bonora, "The Question of Gender Inclusiveness of Bottom-Up Strategies in Bosnia and Herzegovina," in *New Critical Spaces in Transitional Justice*, ed. Arnaud Kurze and Christopher K. Lamont (Bloomington: Indiana University Press, 2019), 145.

68. Author's interview no. 24, Croatia, December 16, 2019.

69. Author's interview no. 19, Montenegro, September 2, 2016.

70. Author's interview no. 22, Croatia, December 15, 2019.

71. As one participant said, diversity was evident even in the "accents and dialects of the people who came from different parts of the former Yugoslavia." RECOM Consultation no. 26.

72. Nicholas R. Micinski, "NGO Frequent Flyers: Youth Organisations and the Undermining of Reconciliation in Bosnia and Herzegovina," *Journal of Peacebuilding & Development* 11, no. 1 (2016): 102, https://dx.doi.org/10.1080/15423166.2016.1143789.

73. Jacqueline Nieβer, *Die Wahrheit der Anderen: Transnationale Vergangenheitsaufarbeitung in Post-Jugoslawien am Beispiel der REKOM Initiative* (Göttingen: Vandenhoeck & Ruprecht, 2020).

74. Author's interview no. 7, Serbia, September 26, 2014.

75. For a detailed discussion of the mandates of truth commissions, see Pablo de Greiff, "'Truth without Facts': On the Erosion of the Fact-Finding Function of Truth Commissions," in *The Transformation*, ed. Philip Alston and Sarah Knuckey (Oxford: Oxford University Press, 2016), 284.

76. *Statut Koalicije za REKOM*.

77. Author's interview no. 7, Serbia, September 26, 2014.

78. RECOM Consultation no. 27.

79. Author's interview no. 1, Serbia, November 16, 2013.

80. Author's interview no. 7, Serbia, September 26, 2014.

81. RECOM Consultation no. 24.

82. RECOM Consultation no. 1.

83. *Proces REKOM: Izvještaj*, May 2006–August 2011, https://recom.link/wp-content/uploads/2011/08/Proces_REKOM-Izvestaj-maj_2006-avgust_2011-15_09_2011-logo-BiH.pdf.

84. Jill A. Irvine and Patrice C. McMahon, "From International Courts to Grassroots Organizing: Obstacles to Transitional Justice in the Balkans," in *Transitional Justice and Civil Society in the Balkans*, ed. Olivera Simić and Zara Volčič (New York: Springer: 2013), 222–27. For example, for details of a discussion that revolved around how to define a "victim" for the purpose of regional fact-finding, see Arnaud Kurze and Iva Vukusic, "Afraid to Cry Wolf: Human Rights Activists' Struggle of Transnational Accountability Efforts in the Balkans," in Simić and Volčič, *Transitional Justice*, 210–11.

85. Author's interview no. 1, Serbia, November 16, 2013.

86. Author's interview no. 24, Croatia, December 16, 2019.

87. *Proces REKOM: Izvještaj*. For criticism of the gender dimension of the consultation process and the Draft Statute, see Denisa Kostovicova and Tom Paskhalis, "Gender, Justice and Deliberation: Why Women Don't Influence Peace-Making," *International Studies Quarterly* 65, no. 2 (2021), https://doi.org/10.1093/isq/sqab003. Cf. Bonora, "The Question."

88. The Draft Statute subsequently underwent minor amendments at the RECOM Assembly meeting in 2014. *Izmene Statuta REKOM* (November 14, 2014), http://recom.link/sr/izmene-statuta-rekom-28-oktobar-2014-2/. These amendments were part of the institutionalization process of the RECOM initiative through engagement with envoys from the former Yugoslav states.

89. Irvine and McMahon, "From International," 226.

90. See Bojan Bilić, *Borile smo se za vazduh: (Post)jugoslovenski antiratni aktivizam i njegovo nasleđe* (Zagreb: Documenta, Kuća ljudskih prava Zagreb & Naklada Jesenski i Turk, 2015), 162–65, originally published as *We Were Gasping for Air: [Post-]Yugoslav Anti-War Activism and Its Legacy* (Baden-Baden: Nomos, 2012). See also Jacqueline Nieβer, *Die Wahrheit der Anderen: Transnationale Vergangenheitsaufarbeitung in Post-Jugoslawien am Beispiel der REKOM Initiative* (Göttingen: Vandenhoeck & Ruprecht, 2020), 260–64.

91. Jamie Rowen, "Mobilizing Truth: Agenda Setting in a Transnational Social Movement," *Law & Social Inquiry* 37, no. 3 (2012), https://doi.org/10.1111/j.1747-4469.2012.01317.x.

92. Focus Group, Sarajevo, Bosnia and Herzegovina, December 11, 2015.

93. They explained, in relation to the rules about discharging the grants, that the "European Commission has such strict rules that not a single Euro, or a Dinar [Serbian currency] can be spent except how it is stipulated and all spending has to be accounted for in the audit by an independent international company." RECOM Consultation no. 5.

94. In some cases organizations formally left the RECOM Coalition, but their representatives continued to participate in the consultation process.

95. Focus Group, Sarajevo, Bosnia and Herzegovina, December 11, 2015.

96. For a comprehensive overview of the criticism and RECOM's response, see Igor Mekina, "Analiza javne kritike i podrške Inicijative za osnivanje REKOM," 2011, accessed September 19, 2021, https://documenta.hr/wp-content/uploads/2019/11/rekom_javno_zagovaranje_08_f_2826_hr.pdf.

97. Zvonimir Despot, "REKOM-regionalna komisija koja želi zamagliti istinu o srbijanskoj agresiji," *Večernji list*, October 20, 2010, https://blog.vecernji.hr/zvonimir-despot/rekom-regionalna-komisija-koja-zeli-zamagliti-istinu-o-srbijanskoj-agresiji-925. Kostovicova, "Airing Crimes."

98. Branislav Ristivojević, "Nacrt statuta REKOM-a iz ugla Ustava RS i njenih krivičnopravnih propisa," *Nova srpska politička misao*, May 21, 2011, http://www.nspm.rs/istina-i-pomirenje-na-ex-yu-prostorima/nacrt-statuta-rekom-a-iz-ugla-ustava-rs-i-njenih-krivicnopravnih-propisa.html/.

99. Mekina, "Analiza."

100. RECOM Consultation no. 3.

101. Author's interview no. 21, Serbia, November 14, 2016.

102. Focus Group, Sarajevo, Bosnia and Herzegovina, December 11, 2015.

103. RECOM Consultation no. 25.

104. RECOM Reconciliation Network, "What Is RECOM Process?," 2021, https://www.recom.link/en/what-is-recom-process-3/.

105. The EU has been reluctant to use its leverage to compel the post-Yugoslav states to commit to the regional commission. Furthermore, Croatia's accession to the EU was used by the authorities to disassociate Croatia from the legacy of the war, further hindering regional justice-seeking promoted by RECOM.

106. Joanna R. Quinn, *Thin Sympathy: A Strategy to Thicken Transitional Justice* (Philadelphia: University of Pennsylvania Press, 2021), 40.

107. Eric Gordy's comment at "Reconciliation Policies and Their Results in the Western Balkans: A 30-Year Perspective," Foreign Policy Forum, Zagreb, October 20, 2021, https://www.youtube.com/watch?v=PWFN-oEnEXw.

108. Author's interview no. 1, Serbia, November 16, 2013.

109. On contestation of forensic facts and denial narratives in Bosnia and Herzegovina, see Victor Toom, "Ontologically Dirty Knots: The Production of Numbers after the Srebrenica Genocide," *Security Dialogue* 51, no. 4 (2020), https://doi.org/10.1177/0967010620902008.

110. Isabelle Delpla, "In the Midst of Injustice: The ICTY from the Perspective of Some Victim Associations," in Bougarel, Helms, and Duijzings, *The New Bosnian Mosaic*, 234.

111. Aida A. Hozić, "Writing after the Genocide: Lessons from Srebrenica and the Meaning of Community after Violence," *Journal of Muslim Minority Affairs* 35 no 3 (2015): 426, https://doi.org/10.1080/13602004.2015.1073957.

112. Kolind, "In Search," 137–38.

113. For example, in ethnically divided Kosovo, see Francesco Trupia, "'Good Personhood' in Kosovo: A Serbian Perspective from Below," *Peacebuilding* 9, no. 4 (2021): 425–40, https://doi.org/10.1080/21647259.2021.1895605.

114. Zdravko Grebo, "!Uspjećemo," *!Glas Inicijative za REKOM*, February 20, 2015, 2.

2. BRINGING IDENTITIES INTO POSTCONFLICT DELIBERATION

1. David Moshman, "Identity, Genocide, and Group Violence," in *Handbook of Identity Theory and Research*, ed. Seth J. Schwartz, Koen Luyckx, and Vivian L. Vignoles, vol. 5, *Domains and Categories* (New York: Springer, 2012), 928.

2. André Bächtiger and John Parkinson, *Mapping and Measuring Deliberation: Towards a New Deliberative Quality* (Oxford: Oxford University Press, 2019), 56. Gutmann and Thompson also highlight the inadequacy of an exclusively procedural approach to deliberation in the face of the moral complexity of democratic politics. Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004), 119–24.

3. James Paul Gee, *An Introduction to Discourse Analysis: Theory and Method*, 4th ed. (London: Routledge, 2014), 24.

4. Jürgen Habermas, *The Theory of Communicative Action*. vol. 1, *Reason and the Rationalization of Society* (Cambridge: Polity Press, [1984] 2004).

5. Zsuzsanna Chappell, *Deliberative Democracy: A Critical Introduction* (Basingstoke: Palgrave Macmillan, 2012), 26.

6. Dennis F. Thompson, "Deliberative Democratic Theory and Empirical Political Science," *Annual Review of Political Science* 11, no. 1 (2008), https://doi.org/10.1146/annurev.polisci.11.081306.070555; Michael A. Neblo, "Impassioned Democracy: The Roles of Emotion in Deliberative Theory," *American Political Science Review* 114, no. 3 (2020): 923, https://doi.org/10.1017/S0003055420000210.

7. Robert Talisse, "Deliberation," in *The Oxford Handbook of Political Philosophy,* ed. David Estlund (Oxford: Oxford University Press, 2012).

8. André Bächtiger and Jürgen Steiner, "Introduction," *Acta Politica* 40, no. 2 (2005): 156, https://doi.org/10.1057/palgrave.ap.5500108.

9. Amy Gutmann and Dennis F. Thomson, *Democracy and Disagreement* (Cambridge: Harvard University Press, 1996).

10. Jane Mansbridge et al., "The Place of Self-Interest and the Role of Power in Deliberative Democracy," *Journal of Political Philosophy* 18, no. 1 (2010): 78–79, https://doi.org/10.1111/j.1467-9760.2009.00344.x.

11. Michael Neblo, "Thinking through Democracy: Between the Theory and Practice of Deliberative Politics," *Acta Politica* 40 (2005): 175, https://doi.org/10.1057/palgrave.ap.5500102.

12. Robert E. Goodin, "How Can Deliberative Democracy Get a Grip?," *Political Quarterly* 83, no. 4 (2012): 806, https://doi.org/10.1111/j.1467-923X.2012.02356.x.

13. Diana C. Mutz, "Is Deliberative Democracy a Falsifiable Theory?," *Annual Review of Political Science* 11 (2008): 523, https://doi.org/10.1146/annurev.polisci.11.081306.070308.

14. Manlio Cinalli and Ian O'Flynn, "Public Deliberation, Network Analysis and the Political Integration of Muslims in Britain," *British Journal of Politics and International Relations* 16, no. 3 (2014): 431, https://doi.org/10.1111/1467-856X.12003.

15. John S. Dryzek, "Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia," *Political Theory* 33, no. 2 (2005), https://doi.org/10.1177/0090591704268372; Ian O'Flynn, *Deliberative Democracy and Divided Societies*

(Edinburgh: Edinburgh University Press, 2006); Jürg Steiner, *The Foundations of Deliberative Democracy: Empirical Research and Normative Implications* (Cambridge: Cambridge University Press, 2012); Didier Caluwaerts and Kris Deschouwer, "Building Bridges across Political Divides: Experiments on Deliberative Democracy in Deeply Divided Belgium," *European Political Science Review* 6, no. 3 (2014), https://doi.org/10.1017/S17553913000179.

16. Donald G. Ellis, *Deliberative Communication and Ethnopolitical Conflict* (New York, Washington, DC: Peter Lang, 2012), 17.

17. Gutmann and Thompson, *Democracy and Disagreement*, 9, 89; Magdalena Dembinska and Françoise Montambeault, "Deliberation for Reconciliation in Divided Societies," *Journal of Public Deliberation* 11, no. 1 (2015), https://doi.org/10.16997/jdd.226; Bashir Bashir, "Accommodating Historically Oppressed Social Groups: Deliberative Democracy and the Politics of Reconciliation," in *The Politics of Reconciliation in Multicultural Societies*, ed. Will Kymlicka and Bashir Bashir (Oxford: Oxford University Press, 2008).

18. James Bohman, "Transnationalizing Peacebuilding: Transitional Justice as a Deliberative Process," in *Jus Post Bellum and Transitional Justice*, ed. Larry May and Elizabeth Edenberg (Cambridge: Cambridge University Press, 2013); Kora Andrieu, "Political Liberalism after Mass Violence: John Rawls and a 'Theory' of Transitional Justice," in *Transitional Justice Theories*, ed. Susane Buckley-Zistel, Teresa Koloma Beck, Christian Braun, and Friederike Mieth (New York: Routledge, 2014).

19. Bächtiger and Steiner, "Introduction," 40.

20. Steiner, *The Foundations*, 14.

21. Thompson, "Deliberative Democratic Theory," 502.

22. Jane J. Mansbridge, *Beyond Adversary Democracy* (New York: Basic Books, 1980); Katherine Cramer Walsh, *Talking about Politics: Informal Groups and Social Identity in American Life* (Chicago: University of Chicago Press, 2004).

23. Caluwaerts and Deschouwer, "Building Bridges," 446.

24. Alain Noël, "Democratic Deliberation in Multinational Federation," *Critical Review of International Social and Political Philosophy* 9, no. 3 (2006), https://doi.org/10.1080/13698230600901212; Dryzek, "Deliberative Democracy."

25. Dryzek, "Deliberative Democracy"; Juan E. Ugarriza, "When War Adversaries Talk: The Experimental Effect of Engagement Rules on Postconflict Deliberation," *Latin American Politics and Society* 58, no. 3 (2016): 78. https://doi.org//10.1111/j.1548-2456.2016.00319.x.

26. Cass R. Sunstein, "Deliberative Trouble? Why Groups Go to Extremes," *Yale Law Journal* 110, no. 71 (2000), https://www.yalelawjournal.org/essay/deliberative-trouble-why-groups-go-to-extremes.

27. Ron Levy, Ian O'Flynn, and Hoi L. Kong, *Deliberative Peace Referendums* (Oxford: Oxford University Press, 2021), 12.

28. Robert Huckfeldt and John Sprague, *Citizens, Politics, and Social Communication: Information and Influence in an Election Campaign* (Cambridge: Cambridge University Press, 1995); Bernard Manin, "Democratic Deliberation: Why We Should Promote Debate Rather Than Discussion" (paper presented at the Program in Ethics and Public Affairs Seminar, Princeton University, October 13, 2005), 20, https://nyuscholars.nyu.edu/en/publications/deliberation-why-we-should-focus-on-debate-rather-than-discussion.

29. Neblo has challenged the claim that reason and emotion are incompatible, outlining different ways in which emotion can facilitate democratic deliberation; see Neblo, "Impassioned Democracy." When deliberative democrats consider adverse effects of emotions on deliberation in postconflict societies, they specifically refer to negative emotions related to the experience of intergroup violence, such as hatred and anger toward outgroup members.

30. Tali Mendelberg and John Oleske, "Race and Public Deliberation," *Political Communication* 17, no. 2 (2000): 173, https://doi.org/10.1080/105846000198468.

31. Anna Drake and Allison McCulloch, "Deliberative Consociationalism in Deeply Divided Societies," *Contemporary Political Theory* 10, no. 3 (2011): 373, https://doi.org/10.1057/cpt.2010.22.

32. Dryzek, "Deliberative Democracy"; O'Flynn, *Deliberative Democracy*.

33. Addressing the puzzle of pluralism and stability, consociationalism, conceptualized by Arendt Lijphart, institutionalizes power-sharing among elites and segmental autonomy between divided groups. Arendt Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977).

34. O'Flynn, *Deliberative Democracy*, 141–42, 151.

35. Didier Caluwaerts and Min Reuchamps, "Does Inter-Group Deliberation Foster Inter-Group Appreciation? Evidence from Two Experiments in Belgium," *Politics* 34, no. 2 (2014), https://doi.org/10.1111/1467-9256.12043.

36. Steiner, *The Foundations*, 247.

37. James S. Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford: Oxford University Press, 2009); Robert C. Luskin, Ian O'Flynn, James S. Fishkin, and David Russell, "Deliberating across Deep Divides," *Political Studies* 62, no. 1 (2014), https://doi.org/10.1111/j.1467-9248.2012.01005.x. Cf. Cinalli and O'Flynn, "Public Deliberation."

38. Juan E. Ugarriza and Enzo Nussio, "There Is No Pill for Deliberation: Explaining Discourse Quality in Post-Conflict Communities," *Swiss Political Science Review* 22, no. 1 (2015), https://doi.org/10.1111/spsr.12195. However, further research is needed to establish how different types of conflict and division impact postconflict deliberation, specifically distinguishing divisions based on ethnicity as opposed to a division based on ideology.

39. Dryzek, "Deliberative Democracy"; O'Flynn, *Deliberative Democracy*, 31; Steiner, *The Foundations*.

40. Caluwaerts and Deschouwer, "Building Bridges," 448. See also Jürg Steiner, Maria Clara Jaramillo, Rousiley C. M. Maia, and Simona Mameli, *Deliberation across Deeply Divided Societies: Transformative Moments* (Cambridge: Cambridge University Press, 2017), 253.

41. As in the study of parliaments where democratic deliberation originated, these conditions point to the effect of decision rules (a consensus and a majority vote). Juan E. Ugarriza, "When War Adversaries Talk: The Experimental Effect of Engagement Rules on Postconflict Deliberation," *Latin American Politics and Society* 58, no. 3 (2016), https://doi.org/10.1111/j/1548-2456.2016.00319.x.

42. André Bächtiger et al., "Disentangling Diversity in Deliberative Democracy: Competing Theories, Their Blindspots and Complementarities," *Journal of Political Philosophy* 18, no. 1 (2010): 32, https://doi.org/10.1111/j.1467-9760.2009.00342.x.

43. Fishkin, *When the People Speak*, 161–63.

44. Ian O'Flynn, "Review Article: Divided Societies and Deliberative Democracy," *British Journal of Political Science* 37, no. 4 (2007): 731, https://doi.org/10.1017/S0007123407000397.

45. Juan E. Ugarriza and Natalia Trujillo-Orrego, "The Ironic Effect of Deliberation: What We Can (and Cannot) Expect in Deeply Divided Societies," *Acta Politica* 55 (2020): 223, https://doi.org/10.1057/s41269-018-0113-1.

46. For an attempt to specify the diffusion of deliberative outcomes, see Dembinska and Montambeault, "Deliberation for Reconciliation."

47. Donatella della Porta, "Deliberation in Movement: Why and How to Study Deliberative Democracy and Social Movements," *Acta Politica* 40 (2005): 348, https://doi.org/10.1057/palgrave.ap.5500116.

48. Exceptionally, Levy, O'Flynn, and Kong's discussion of deliberative peace referendums engages with different categories of conflicts, including group sovereignty conflict, secessionist conflict, and indigenous settler conflict. Levy, O'Flynn, and Kong, *Deliberative Peace*. For lack of engagement with conflict studies by transitional justice scholars, see Denisa Kostovicova, "Transitional Justice and Conflict Studies: Bridging the Divide," *Journal of Global Security Studies* 4, no. 2 (2019), https://doi.org/10.1093/jogss/ogz003. For the siloed nature of peace and conflict studies, characterized by the lack of dialogue between the scholars of peace and the scholars of conflict, see John Gledhill and Jonathan Bright, "A Divided Discipline? Mapping Peace and Conflict Studies," *International Studies Perspectives* 19, no. 2 (2018), https://doi.org/10.1093/isp/ekx009.

49. Dryzek, "Deliberative Democracy," 219.

50. Horowitz writes about "the permeative propensity of ethnic affiliations in divided societies" to find their way in the discussion of a range of issues from education to tax policy. Donald L. Horowitz, *Ethnic Groups in Conflict*, 2nd ed. (Berkeley: University of California Press, [1985] 2000), 8.

51. Luskin et al., "Deliberating across Deep Divides"; Steiner, *The Foundations*; Ugarriza, "When War Adversaries."

52. Baogang He, "A Deliberative Approach to the Tibet Autonomy Issue: Promoting Mutual Trust through Dialogue," *Asian Survey* 50, no. 4 (2010), https://doi.org/10.1525/as.2010.50.4.709. Others argued that deliberation in divided societies should avoid divisive issues and focus on "a common future rather than a violent past"; see Juan E. Ugarriza and Enzo Nussio, "The Effect of Perspective-Giving on Postconflict Reconciliation. An Experimental Approach," *Political Psychology* 38, no. 1 (2017): 15, https://www.jstor.org/stable/45094336. Others suggest topics such as "constructing bridges or arranging for water supply," see Dembinska and Montambeault, "Deliberation for Reconciliation," 17.

53. Luigi Bobbio, "Types of Deliberation," *Journal of Public Deliberation* 6, no. 2 (2010): 14, https://doi.org/10.16997/jdd.105.

54. For effects on conflict onset, duration, and termination, see Kathleen Gallagher Cunningham and Nils B. Weidmann, "Shared Space: Ethnic Groups, State Accommodation, and Localized Conflict," *International Studies Quarterly* 54, no. 4 (2010), https://doi.org/10.1111/j.1468-2478.2010.00625.x; Jose G. Montalvo and Marta Reynal-Querol, "Ethnic Polarization and the Duration of Civil Wars," *Economics of Governance* 11, no. 2 (2010), https://doi.org/10.1007/s10101-010-0077-8.

55. David E. Cunningham, *Barriers to Peace in Civil War* (Cambridge: Cambridge University Press, 2011), 197.

56. Jeffrey T. Checkel, "Transnational Dynamics of Civil War," in *Transnational Dynamics of Civil War*, ed. Jeffrey T. Checkel (Cambridge: Cambridge University Press, 2013).

57. Marie Allansson, Erik Melander, and Lotta Themnér, "Organized Violence, 1989–2016," *Journal of Peace Research* 54, no. 4 (2017): 576, https://doi.org/10.1177/0022343317718773; Peter Wallensteen and Margareta Sollenberg, "Armed Conflict and Regional Conflict Complexes, 1989–97," *Journal of Peace Research* 35, no. 5 (1998): 624, https://doi.org/10.1177/0022343398035005005; Nadine Ansorg, "How Does Militant Violence Diffuse in Regions? Regional Conflict Systems in International Relations and Peace and Conflict Studies," *International Journal of Conflict and Violence* 5, no. 1 (2011): 173, https://doi.org/10.4119/ijcv-2853.

58. Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Cambridge: Polity Press, 1999); Wallensteen and Sollenberg, "Armed Conflict," 625.

59. Vesna Bojicic-Dzelilovic and Denisa Kostovicova, "Introduction," in *Austrian Presidency of the EU: Regional Approaches to the Balkans*, ed. Denisa Kostovicova and Vesna Bojicic-Dzelilovic (Vienna: Centre for the Study of Global Governance, LSE, and

the Center for European Integration Strategies, 2006), 21–22; Chandra Lekha Sriram and Amy Ross, "Geographies of Crime and Justice: Contemporary Transitional Justice and the Creation of 'Zones of Impunity,'" *International Journal of Transitional Justice* 1, no. 1 (2007), https://doi.org/10.1093/ijtj/ijm001; Iavor Rangelov and Ruti Teitel, "Transitional Justice," in *The Handbook of Global Security Policy,* eds. Mary Kaldor and Iavor Rangelov (Chichester: Wiley Blackwell, 2014): 348.

60. Gallagher Cunningham and Weidmann, "Shared Space," 1040.

61. Conceiving identities as fixed attributes also neglects the possibility that some differences in attitudes can be explained by differences in the gradation of ethnic identities, see Henry E. Brady and Cynthia S. Kaplan, "Categorically Wrong? Nominal Versus Graded Measures of Ethnic Identity," *Studies in Comparative International Development* 35, no. 3 (2000), https://doi.org/10.0007/bf02699766. Similar problems beset the empirical study of reconciliation that rely on surveys; see James L. Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York: Russel Sage Foundation, 2004).

62. Rawi Abdelal, Yoshiko M. Herrera, Alastair Iain Johnston, and Rose McDermott, "Identity as a Variable," in *Measuring Identity: A Guide for Social Scientists*, ed. Rawi Abdelal, Yoshiko M. Herrera, Alastair Iain Johnston, and Rose McDermott (Cambridge: Cambridge University Press: 2009), 18. On a range of identity concepts in comparative politics, see Peter Brunland and Michael Horowitz, "Research Report on the Use of Identity Concepts in Comparative Politics" (unpublished manuscript, Harvard Identity Project, April 2003); James D. Fearon, "What Is Identity (as We Now Use the Word?)" (unpublished manuscript, Stanford University, California, November 3, 1999), https://web.stanford.edu/group/fearon-research/cgi-bin/wordpress/wp-content/uploads/2013/10/What-is-Identity-as-we-now-use-the-word-.pdf.

63. Seth J. Schwartz et al., "Methodological Issues in Ethnic and Racial Identity Research with Ethnic Minority Populations: Theoretical Precision, Measurement Issues, and Research Designs," *Child Development* 85, no. 1 (2014): 58, https://doi.org/10.1111/cdev.12201.

64. Fearon, "What Is Identity," 17.

65. Based on Allport's proposition that intergroup contact benefits intergroup relations; see Gordon W. Allport, *The Nature of Prejudice*, 25th ed. (New York: Basic Books: 1954).

66. Samuel L. Gaertner, Jeffrey Mann, Audrey Murrell, and John F. Dovidio, "Reducing Intergroup Bias: The Benefits of Recategorization," *Journal of Personality and Social Psychology* 57, no. 2 (1989), https://doi.org/10.1037/0022-3514.57.2.239; Samuel L. Gaertner et al., "The Common Ingroup Identity Model: Recategorization and the Reduction of Intergroup Bias," *European Review of Social Psychology* 4, no. 1 (1993), https://doi.org/10.1080/14792779343000004.

67. Chandra points to the stickiness of descent based-attitudes; see Kanchan Chandra, "How Ethnic Identities Change," *Constructivist Theories of Ethnic Politics*, ed. Kanchan Chandra (Oxford: Oxford University Press, 2012): 132–78. Similarly, Horowitz observes that "some notion of ascription, however diluted and affinity deriving from it are inseparable from the concept of ethnicity." Horowitz, *Ethnic Groups*, 52.

68. O'Flynn, *Deliberative Democracy*, 36. On difficulties in constructing a shared identity and resistance of group boundaries to change in conflict-affected societies, see Levy, O'Flynn, and Kong, *Deliberative Peace*, 134–41.

69. Thomas F. Pettigrew, "Intergroup Contact Theory," *Annual Review of Psychology* 49 (1998): 77, https://doi.org/10.1146/annurev.psych.49.1.65.

70. Moreover, Walker queries whether ethnic identity can and should be modified at all in efforts to reconstruct societies after conflict, because "for the victims of past injustice, their claim to identity may be precisely what is at stake" and should, therefore, be

"bolstered, not erased or mitigated under the banner of a collective citizenship identity." Kathryn Walker, "Resolving Debates over the Status of Ethnic Identities during Transitional Justice," *Contemporary Political Theory* 11, no. 1 (2012): 74, https://doi.org/10.1057/cpt.2011.7.

71. Peter J. Burke and Donald C. Reitzes, "The Link between Identity and Role Performance," *Social Psychology Quarterly* 44, no. 2 (1981): 84, https://doi.org/10.2307/3033704. For a broader discussion of whether identity and role are synonymous, see Robin Williams, *Making Identity Matter: Identity, Society and Social Interaction* (Durham: Sociologypress, 2000), 4.

72. Williams, *Making Identity*, 92. Cf. Hartmut B. Mokros, ed., *Interaction and Identity* (New Brunswick, NJ: Transaction Publishers, 1996). Interactionist perspectives on identity straddle the boundaries of sociology, social and discursive psychology, and ethnomethodology. For a seminal reconceptualization in the sociology of identity as an act explicable in relation to the interaction between the self and others, see Erving Goffman, *The Presentation of Self in Everyday Life* (Garden City: Doubleday, 1959). On symbolic and structural symbolic interactionism, see Richard T. Serpe and Sheldon Stryker, "The Symbolic Interactionist Perspective and Identity Theory," in *Handbook of Identity Theory and Research*, ed. Seth J. Schwartz, Koen Luyckx, and Vivian L. Vignoles, vol. 1, *Structures and Processes* (New York: Springer, 2012). On discourse, identity, and interaction, see Bethan Benwell and Elizabeth Stokoe, *Discourse and Identity* (Edinburgh: Edinburgh University Press, 2006), and Derek Edwards and Jonathan Potter, *Discursive Psychology* (London: Sage, 1992). Comprehensive theoretical and methodological accounts of identity studies are outlined in Charles Antaki and Sue Widdicombe, eds., *Identities in Talk* (London: Sage, 1998); Stephen Hester and William Housley, eds., *Language, Interaction and National Identity: Studies in the Social Organisation of National Identity in Talk-in-Interaction* (Aldershot: Ashgate, 2017).

73. Bronwyn Davies and Rom Harré, "Positioning: The Discursive Production of Selves," *Journal for the Theory of Social Behaviour* 20, no. 1 (1990), https://doi.org/10.1111/j.1468-5914.1990.tb00174.x. According to O'Doherty and Davidson, participants based their claims during deliberation on a range of "subject positions" that reflect different aspects of their identity (e.g., as an expert or a patient); see Kieran C. O'Doherty and Helen J. Davidson, "Subject Positioning and Deliberative Democracy: Understanding Social Processes Underlying Deliberation," *Journal for the Theory of Social Behaviour* 40, no. 2 (2010), https://doi.org/10.1111/j.1468-5914.2009.00429.x.

74. On the effect of conflict on constructing ethnic groups as victims, see Masi Noor, Nurit Shnabel, Samer Halabi, and Arie Nadler, "When Suffering Begets Suffering: The Psychology of Competitive Victimhood between Adversarial Groups in Violent Conflicts," *Personality and Social Psychology Review* 16, no. 4 (2012), https://doi.org/10.1177/1088868312440048. On salience of ethnic identification among groups in the Balkans, see Felicia Pratto et al., eds., *Shaping Social Identities after Violent Conflict: Youth in the Western Balkans* (Basingstoke: Palgrave Macmillan, 2017).

75. Mokros, "Introduction: From Information and Behavior to Interaction and Identity," in *Interaction and Identity*, 13.

76. Ann Weatherall, Cynthia Gallois, and Jeffery Pittam, "Language and Social Interaction: Taking Stock and Looking Forward," *Annals of the International Communication Association* 24, no. 1 (2001): 372, https://doi.org/10.1080/23808985.2001.11678994; Katherine Smits, "Deliberation and Past Injustice: Recognition and the Reasonableness of Apology in the Australian Case," *Constellations* 15, no. 2 (2008): 237, https://doi.org/10.1111/j.1467-8675.2008.00487.x.

77. Benwell and Stokoe, *Discourse*, 34.

78. Wayne H. Brekhus, "Trends in the Qualitative Study of Social Identities," *Sociology Compass* 2, no. 3 (2008): 1061, https://doi.org/10.1111/j.1751-9020.2008.00107.x.

79. Bächtiger and Parkinson, *Mapping and Measuring*, 32.

80. Lawrence Wilde, "The Concept of Solidarity: Emerging from the Theoretical Shadows?," *British Journal of Politics and International Relations* 9, no. 1 (2007): 171, https://doi.org/10.1111/j.1467-856x.2007.00275.x. Transitional justice scholars' interest in the concept of solidarity, first brought to prominence in the social sciences by the sociologist Émile Durkheim in the late nineteenth century, has tracked the emergence of transitional justice as a multidisciplinary field. See Émile Durkheim, *The Division of Labour in Society* (London: Collier Macmillan: [1893] 1964). Cf. Wilde, "The Concept of Solidarity." Political scientists, sociologists, anthropologists, linguists, legal scholars, and others have studied political, affective, cognitive, and performative aspects of solidarity and their role in overcoming interethnic divisions in various empirical contexts marked by the legacy of violence and human rights violations. Rosemary Nagy, "Reconciliation in Post-Commission South Africa: Thick and Thin Accounts of Solidarity," *Canadian Journal of Political Science* 35, no. 2 (2002): 340, https://www.jstor.org/stable/3233430; Michele Lamb, "Ethno-Nationalist Conflict, Participation and Human Rights-Based Solidarity in Northern Ireland," *The International Journal of Human Rights* 17, nos. 7–8 (2013), https://doi.org/10.1080/13642987.2013.823271; Sharon Stanley, "Toward a Reconciliation of Integration and Racial Solidarity," *Contemporary Political Theory* 13, no. 1 (2014), https//doi.org/10.1057/cpt.2013.13; Alla V. Tovares, "Going Off-Script and Reframing the Frame: The Dialogic Intertwining of the Centripetal and Centrifugal Voices in the Truth and Reconciliation Commission Hearings," *Discourse & Society* 27, no. 5 (2016), https://doi.org/10.1177/0957926516651365; Scott D. Neufeld and Michael T. Schmitt, "Solidarity Not Homogeneity: Constructing a Superordinate Aboriginal Identity That Protects Subgroup Identities," *Political Psychology* 40, no. 3 (2019), https://doi.org/10.1111/pops.12530; Chi Adanna Mgbako, "Ingando Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda," *Harvard Human Rights Journal* 18 (2005); Alexander Koensler, "Acts of Solidarity: Crossing and Reiterating Israeli—Palestinian Frontiers," *International Journal of Urban and Regional Research* 40, no. 2 (2016), https://doi.org/10.1111/1468-2427.12380; Lea David, *The Past Can't Heal Us: The Dangers of Mandating Memory in the Name of Human Rights* (Cambridge: Cambridge University Press, 2020).

81. Siniša Malešević, *The Sociology of War and Violence* (Cambridge: Cambridge University Press, 2010); Nagy, "Reconciliation," 340.

82. Stijn Oosterlynck, Maarten Loopmans, Nick Schuermans, Joke Vandenbeele, and Sami Zemni, "Putting Flesh to the Bone: Looking for Solidarity in Diversity, Here and Now," *Ethnic and Racial Studies* 39, no. 5 (2016): 776, https://doi.org/10.1080/01419870.2015.1080380.

83. Paige Arthur, "Introduction: Identities in Transition," in *Identities in Transition: Challenges for Justice in Divided Societies*, ed. Paige Arthur (Cambridge: Cambridge University Press, 2011), 4.

84. Christopher McMahon, "Discourse and Morality," *Ethics* 110, no. 3 (2000): 514, https://doi.org/10.1086/233322.

85. Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, eds. Ciaran Cronin and Pablo De Greiff (Cambridge: Polity Press, 1999), 39.

86. John Cameron and Hemant Ojha, "A Deliberative Ethic for Development: A Nepalese Journey from Bourdieu through Kant to Dewey and Habermas," *International Journal of Social Economics* 34, nos. 1–2 (2007): 77, https://doi.org/10.1108/03068290710723372.

87. Habermas, *The Inclusion*, 46.

88. Albena Azmanova, "Deliberative Conflict and 'The Better Argument' Mystique," *Good Society* 19, no. 1 (2010): 50, https://doi.org/10.1353/gso.0.0098.

89. Christopher F. Karpowitz and Jane Mansbridge, "Disagreement and Consensus: The Need for Dynamic Updating in Public Deliberation," *Journal of Public Deliberation* 1, no. 1 (2005): 354, https://doi.org/10.16997/jdd.25. Cf. Stefan Rummens, "Staging Deliberation: The Role of Representative Institutions in the Deliberative Democratic Process," *Journal of Political Philosophy* 20, no 1 (2012): 28, https://doi.org/10.1111/j.1467-9760.2010.00384.x.

90. Conrado Hübner Mendes, *Constitutional Courts and Deliberative Democracy* (Oxford: Oxford University Press, 2013), 123.

91. Hübner Mendes, *Constitutional Courts*, 123.

92. Nagy, "Reconciliation," 340.

93. Nagy criticizes Gutmann and Thompson's argument that democratic reciprocity is the fundamental moral value required in the work of truth commissions because such a procedural approach to deliberation in postviolence contexts falls short of the required moral transformation that internalizes democratic reciprocity. Nagy, "Reconciliation," 338–42. For a similar critique, see Bashir, "Accommodating Historically Oppressed." Although Gutmann and Thompson also point to the limits of the procedural principle to advance reconciliation, their solution is premised on the need for its integration with the substantive principle in dealing with deep moral disagreements. Gutmann and Thompson, *Why Deliberative Democracy*.

94. Oosterlynck et al., "Putting Flesh," 776.

95. Cameron and Ojha, "A Deliberative Ethic," 77.

96. William P. Umphres, "Beyond Good Reasons: Solidarity, Open Texture, and the Ethics of Deliberation," *Constellations* 25, no. 4 (2018): 565, https://doi.org/10.1111/1467-8675.12344.

97. Habermas, *The Inclusion*, 212.

98. Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity Press, 1995), 132.

99. William Rehg, "Solidarity and the Common Good: An Analytic Framework," *Journal of Social Philosophy* 38, no. 1 (2007): 13, https://doi.org/10.1111/j.1467-9833.2007.00363.x.

100. Nancy Fraser, "Toward a Discourse Ethic of Solidarity," *Praxis International* 5, no. 4 (1986): 428.

101. Habermas, *The Inclusion,* 40. On Habermas's contribution to reconciling the communitarian premises with a deontological theory of justice and universal human rights, see Andrew J. Pierce, "Justice without Solidarity? Collective Identity and the Fate of the 'Ethical' in Habermas' Recent Political Theory," *European Journal of Philosophy* 26, no. 1 (2018): 548–49, https://doi.org/10.1111/ejop.12273.

102. Habermas, *The Inclusion,* 40. For a discussion of justice with solidarity as its reverse side, where a requirement of equal treatment and equal respect for the dignity of everyone exists together with the solidarity of individual members of their community, see Jürgen Habermas, "Justice and Solidarity: On the Discussion Concerning Stage 6," in *The Moral Domain: Essays in the Ongoing Discussion between Philosophy and the Social Sciences*, ed. Thomas E. Wren (Cambridge: MIT Press, 1990), 244.

103. Honneth, *The Struggle*, 128; Habermas, *The Inclusion*, 108.

104. Honneth, *The Struggle*, 128, 130. This idea echoes Habermas's notion of "symmetrical relations of recognition." Habermas, *The Inclusion*, 242.

105. Fraser, "Toward a Discourse Ethic," 428.

106. Daniel Philpott, "Reconciliation, Politics, and Transitional Justice," in *The Oxford Handbook of Religion, Conflict, and Peacebuilding*, ed. Atalia Omer, R. Scott Appleby, and David Little (Oxford: Oxford University Press, 2015): 346.

107. Keith Banting and Will Kymlicka, "Introduction: The Political Sources of Solidarity in Diverse Societies," in *The Strains of Commitment: The Political Sources of Solidarity in Diverse Societies*, ed. Keith Banting and Will Kymlicka (Oxford: Oxford University Press, 2017), 14.

108. Rogers M. Smith, "Identities, Interests and the Future of Political Science," *Perspectives on Politics* 2, no. 2 (2004): 305, https://10.1017/S1537592704040174.

109. Sue Widdicombe, "Identity as an Analysts' and a Participants' Resource," in *Identities in Talk*, ed. Charles Antaki and Sue Widdicombe (London: Sage, 1998), 191.

3. QUANTIFYING DISCOURSE IN TRANSITIONAL JUSTICE

1. The author's estimate is based on the sample of textual data used in this research.

2. Paige Arthur, "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31, no. 2 (2009): 360, https://doi.org/10.1353/hrq.0.0069.

3. Thorsten Bonacker and Susanne Buckley-Zistel, "Introduction: Transitions from Violence. Analysing the Effects of Transitional Justice," *International Journal of Conflict and Violence* 7, no. 1 (2013): 6, https://doi.org/10.4119/ijcv-2945; Paige Arthur, "Notes from the Field: Global Indicators for Transitional Justice and Challenges in Measurement for Policy Actors," *Transitional Justice Review* 1, no. 4 (2016), http://dx.doi.org/10.5206/tjr.2016.1.4.9.

4. Roman David, "What We Know about Transitional Justice: Survey and Experimental Evidence," *Supplement: Advances in Political Psychology* 38, no. S1 (2017): 151–77, https://doi.org/10.1111/pops.12395. Game theoretic models have also been applied, see Sam Whitt and Rick K. Wilson, "The Dictator Game, Fairness and Ethnicity in Postwar Bosnia," *American Journal of Political Science* 51, no. 3 (2007), https://www.jstor.org/stable/4620090.

5. Chapman and van der Merwe have demonstrated the analytical value of a quantitative study of discourse using the South African truth and reconciliation commission's transcripts. Audrey R. Chapman and Hugo van der Merwe, eds., *Truth and Reconciliation in South Africa: Did the TRC Deliver*? (Philadelphia: University of Pennsylvania Press, 2008). Computer-assisted text analysis has presented new possibilities for advancing theoretical claims in the field of transitional justice, see Denisa Kostovicova and Aude Bicquelet, "Norm Contestation and Reconciliation: Evidence from a Regional Transitional Justice Process in the Balkans." *Ethnic and Racial Studies* 41. No. 4 (2018): 681–700, https://doi.org/10.1080/01419870.2018.1380211. Denisa Kostovicova and Tom Paskhalis, "Gender, Justice and Deliberation: Why Women Don't Influence Peacemaking," *International Studies Quarterly* 65 no. 2 (2021), https://doi.org/10.1093/isq/sqab003, and Juan-Luis Suárez and Yadira Lizama-Mué, "Victims of Language: Language as a Pre-condition of Transitional Justice in Colombia's Peace Agreement," in *Transitional Justice in Comparative Perspective: Preconditions for Success*, ed. Samar El-Masri, Tammy Lambert, and Joanna R. Quinn (Cham: Palgrave Macmillan, 2020).

6. Richard Caplan, *Measuring Peace: Principles, Practices, and Politics* (Oxford: Oxford University Press, 2019), 7.

7. Peter Wallensteen, *Quality Peace: Peacebuilding, Victory, and World Order* (Oxford: Oxford University Press, 2015), 156.

8. The construction of the DQITJ was first outlined in Kostovicova and Paskhalis, "Gender, Justice and Deliberation."

9. Jürg Steiner, André Bächtiger, Markus Spörndli, and Marco R. Steenbergen, *Deliberative Politics in Action: Analysing Parliamentary Discourse* (Cambridge: Cambridge University Press, 2004), 43.

10. Michael A. Neblo, "Family Disputes: Diversity in Defining and Measuring Deliberation," *Swiss Political Science Review* 13, no. 4 (2007): 527–28, https://doi.org/10.1002.j.1662-6370.2007.tb00088.x. On the proliferation of methods to study deliberation, see Christopher Lord and Dionysia Tamvaki, "The Politics of Justification? Applying the 'Discourse Quality Index' to the Study of the European Parliament," *European Political Science Review* 5, no. 1 (2013), https://doi.org/10.1017/S1755773911000300; Laura W. Black, Stepanie Burkhalter, John Gastil, and Jennifer Stromer-Galley, "Methods for Analyzing and Measuring Group Deliberation," in *The Sourcebook for Political Communication Research: Methods, Measures, and Analytical Techniques*, ed. Erik P. Bucy and R. Lance Holbert (New York: Routledge, 2011), 329.

11. André Bächtiger, Susumu Shikano, Seraina Pedrini, and Mirjam Ryser, "Measuring Deliberation 2.0: Standards, Discourse Types, and Sequentialization" (unpublished paper, University of Konstanz and University of Bern, 2009), 2, https://ash.harvard.edu/files/ash/files/baechtiger_0.pdf. The DQI has not been without its critics, including one of its creators. Steiner et al. have criticized the static nature of the measurement instrument. Jürg Steiner, Maria Clara Jaramillo, and Simona Mameli, "The Dynamics of Deliberation," *Belgrade Philosophical Annual* 27 (2014): 40, https://scindeks-clanci.ceon.rs/data/pdf/0353-3891/2014/0353-38911427039S.pdf. Others criticized the reliance on Habermas as the approach to deliberation, resulting in the prioritization of its procedural dimension at the expense of the substance of arguments. For a summary of these arguments, see Marco R. Steenbergen, André Bächtiger, Markus Spörndli, and Jürg Steiner, "Measuring Political Deliberation: A Discourse Quality Index," *Comparative European Politics* 1, no. 1 (2003): 43, https://doi.org/10.1057.palgrave.cep.6110002; André Bächtiger and John Parkinson, *Mapping and Measuring Deliberation: Towards a New Deliberative Quality* (Oxford: Oxford University Press, 2019), 54–56.

12. Bächtiger and Parkinson, *Mapping and Measuring*, 49.

13. This is in contrast to other studies that reduce deliberativeness of discourse to one dimension; for example, to interruptions, see Tali Mendelberg, Christopher F. Karpowitz, and J. Baxter Oliphant, "Gender Inequality in Deliberation: Unpacking the Black Box of Interaction," *Perspectives on Politics* 12, no. 1 (2014), https://doi.org/10.1017/S1537592713003691; to reciprocity, see Ramya Parthasarathy, Vijayendra Rao and Nethra Palaniswamy, "Deliberative Democracy in an Unequal World: A Text-as-Data Study of South India's Village Assemblies," *American Political Science Review* 113, no. 3 (2019), https://doi.org/10.1017/S0003055419000182; to reason-giving, see Cheryl Schonhardt-Bailey, *Deliberating American Monetary Policy: A Textual Analysis* (Cambridge: MIT Press, 2013).

14. Black et al., "Methods for Analyzing," 328.

15. Jürgen Habermas, *The Theory of Communicative Action*, vol. 1: *Reason and the Rationalization of Society* (Cambridge: Polity Press, [1984] 2004).

16. Steenbergen et al., "Measuring Political Deliberation," 23.

17. Steenbergen et al., "Measuring Political Deliberation," 25.

18. Habermas, *The Theory*; Stephen Elstub, "The Third Generation of Deliberative Democracy," *Political Studies* 8, no. 3 (2010), https://doi.org/10.1111/j.1478-9302.2010.00216.x; Steenbergen et al., "Measuring Political Deliberation," 25–26.

19. For an extensive account of how categorical variables capture the quality of deliberation, see Steenbergen at al., "Measuring Political Deliberation" (2003), and Steiner et al., *Deliberative Politics*, 43–73. For a comprehensive review of other measurements of deliberation, in part driven by a lack of an agreed definition of deliberation, see Black et al., "Methods for Analyzing," 326–38.

20. J. S. Mill, *Utilitarianism* (Oxford: Oxford University Press, 1998), qtd. in Steenbergen et al., "Measuring Political Deliberation," 28; John Rawls, *A Theory of Justice*

(Cambridge: Belknap Press of Harvard University Press, 1971), argument quoted in Steenbergen et al., "Measuring Political Deliberation," 28.

21. Steenbergen et al., "Measuring Political Deliberation," 26.

22. Steiner et al., *Deliberative Politics*, qtd. in Soo-Hye Han, William Schenck-Hamlin and Donna Schenck-Hamlin, "Inclusion, Equality, and Discourse Quality in Citizen Deliberation on Broadband," *Journal of Public Deliberation* 11, no. 1 (2015): 4–5, https://doi.org/10.16997/jdd.220; cf. Ugarriza, "When War Adversaries," 80.

23. Lynn M. Sanders, "Against Deliberation," *Political Theory* 25, no. 3 (1997), https://www.jstor.org/stable/191984. Cf. Iris Marion Young, "Activist Challenges to Deliberative Democracy," *Political Theory* 29, no. 5 (2001), https://www.jstor.org/stable/3072534. See also Marlène Gerber et al., "Deliberative Abilities and Influence in a Transnational Deliberative Poll (EuroPolis)," *British Journal of Political Science* 48, no. 4 (2016): 1100, https://doi.org/10.1017/S0007123416000144; Elstub, "The Third Generation."

24. Lord and Tamvaki make this point about deliberation in parliamentary settings. Lord and Tamvaki, "The Politics," 32.

25. Jürg Steiner, *The Foundations of Deliberative Democracy: Empirical Research and Normative Implications* (Cambridge: Cambridge University Press, 2012), 2.

26. Steiner et al., *Deliberative Politics*, 60.

27. Lord and Tamvaki, "The Politics," 40.

28. For example, Roger and Schaal subsume both types of interest under a single common good category. Léa Roger and Gary S. Schaal, "The Quality of Deliberation in Two Committees of the European Parliament: The Neglected Influence of the Situational Context and the Policymaking Stage," *Politics and Governance* 1, no. 2 (2013): 168, Appendix 2, https://doi.org/10.17645/pag.v1i2.101.

29. Steiner, *The Foundations*, 10.

30. Guntram H. Herb and David H. Kaplan, eds., *Nested Identities: Nationalism, Territory, and Scale* (Lanham, MD: Rowman & Littlefield, 1999).

31. This is in line with the existing literature's dyadic approach to conflict. For example, see Steiner, *The Foundations*, appendix, 270.

32. Following Steiner, *The Foundations*, appendix, 271.

33. Steiner, *The Foundations*, appendix, 271.

34. Didier Caluwaerts and Kris Deschouwer, "Building Bridges across Political Divides: Experiments on Deliberative Democracy in Deeply Divided Belgium," *European Political Science Review* 6, no. 3 (2014), https://doi.org/10.1017/S17553913000179; Steiner, *The Foundations*, appendix, 269; Gerber et al., "Deliberative Abilities."

35. Caluwaerts and Deschouwer, "Building Bridges," 436.

36. For example, in their application of the DQI, Ugarriza and Trujillo-Orrego define respect as the "use of explicitly respectful expressions," without specifying toward whom (groups or individuals). Juan E. Ugarriza and Natalia Trujillo-Orrego, "The Ironic Effect of Deliberation: What We Can (and Cannot) Expect in Deeply Divided Societies," *Acta Politica* 55 (2020): 228n12, https://doi.org/10.1057/s41269-018-0112-1. Cf. Juan E. Ugarriza, "When War Adversaries Talk: The Experimental Effect of Engagement Rules on Postconflict Deliberation," *Latin American Politics and Society* 58, no. 3 (2016), https://doi.org//10.1111/j.1548-2456.2016.00319.x; Juan E. Ugarriza and Enzo Nussio, "There Is No Pill for Deliberation: Explaining Discourse Quality in Post-Conflict Communities," *Swiss Political Science Review* 22, no. 1 (2015): 154n10, https://doi.org/10.1111/spsr.12195; Didier Caluwaerts and Min Reuchamps, "Does Inter-Group Deliberation Foster Inter-Group Appreciation? Evidence from Two Experiments in Belgium," *Politics* 34, no. 2 (2014): 106–7, https://doi.org/10.1111/1467-9256.12043; Caluwaerts and Deschouwer, "Building Bridges"; Steiner, *The Foundations*.

37. Following Steiner, *The Foundations*, appendix, 271.

38. Markus Spörndli, "Discourse Quality and Political Decisions: An Empirical Analysis of Debates in the German Conference Committee" (Wisssenschaftszentrum Berlin für Sozialforschung discussion paper, SP IV 2003-101, WZB, Berlin, 2003), 15. Steenbergen et al., "Measuring Political Deliberation," 39.

39. Steiner et al., *Deliberative Politics*, 60.

40. Steenbergen et al., "Measuring Political Deliberation"; Spörndli, "Discourse Quality." In line with André Bächtiger, Dominik Hangartner, Pia Hess, and Céline Fraefel, "Patterns of Parliamentary Discourse: How 'Deliberative' Are German Legislative Debates?," *German Politics* 17, no. 3 (2008): 282, https://doi.org/10.1080/09644000802300486. A composite measure is used for the common good dimension because the categories and respective values form a theoretical whole that incorporates a refined set of indicators of this deliberative dimension in postconflict contexts. See table A.3.1 in the appendix. There is no requirement for all categories to be combined all the time, as these will depend on the specific discourse. Steiner et al., *Deliberative Politics*, 60. For example, Caluwaerts and Deschouwer exclude interruptions and a common good category expressed in terms of abstract principles. Caluwaerts and Deschouwer, "Building Bridges," 438. Cf. Steenbergen, "Measuring Political Deliberation," 39. Participation (i.e., interruptions) is excluded from the DQITJ because it has insufficient variation. In the DQITJ, numeric values of all the DQI category items are scaled to have an equal range, between 0 and 6. Polychoric correlations are reported as they account for both the categorical and ordinal nature of the categories of the DQITJ. Steenbergen at al., "Measuring Political Deliberation," 40; Francisco Holgado-Tello, Salvador Chacón-Moscoso, Isabel Barbero-García, and Enrique Vila-Abad, "Polychoric versus Pearson Correlations in Exploratory and Confirmatory Factor Analysis with Ordinal Variables," *Quality and Quantity* 44, no. 1 (2010), https://doi.org/10.1007/s11135-008-9190-y. Cf. Spörndli, "Discourse Quality," 15–16. See table A.3.2 in the appendix.

41. Steenbergen et al., "Measuring Political Deliberation," 41. See table A.3.3 in the appendix.

42. Caluwaerts and Deschouwer, "Building Bridges," 433.

43. Seraina Pedrini, "Deliberative Capacity in the Political and Civic Sphere," *Swiss Political Science Review* 20, no. 2 (2014): 263–64, https://doi.org/10.1111/spsr.12074.

44. Fung defines "hot deliberations" as high-stakes deliberations. Archon Fung, "Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences," *Journal of Political Philosophy* 11, no. 3 (2003): 345, https://doi.org/10.1111/1467-9760.00181.

45. They were selected out of the 134 transcripts of the consultation sessions that constitute the RECOM data. See the appendix detailing all consultations analyzed in this book. After 2011, RECOM continued to organize regional fora, that is multiethnic gatherings at a regional level dedicated to discussing a theme related to postconflict justice. Textual data used in this book is accessible at Denisa Kostovicova, "Replication Data For: Gender, Justice and Deliberation: Why Women Don't Influence Peace-Making," *Harvard Dataverse* V1, 2020, https://doi.org/10.7910/DVN/FC6WAO.

46. This feature of discourse of the RECOM consultations distinguishes them from other discussions in divided societies in which exchanges fell into the quick interactive pattern with many shortcuts, including the utterance of a single word, as in deliberative experiments in Bosnia and Herzegovina and in Colombia, see Steiner et al., "The Dynamics of Deliberation," 41.

47. It replicates the approach that controls for the same type of case as elaborated in Steiner et al., *Deliberative Politics*, 99–100.

48. Steiner, *The Foundations*, 21.

49. For a discussion of the issues of representation and recruitment in public deliberation in nonconflict contexts, see Kieran C. O'Doherty and Karla Stroud, "Public

Deliberation and Social Psychology: Integrating Theories of Participation with Social Psychological Research and Practice," in *The Sage Handbook of Applied Social Psychology*, ed. Kieran C. O'Doherty and Darrin Hodgetts (Los Angeles: Sage, 2019): 424–25.

50. Steiner, *The Foundations*, 17. On randomization in deliberative experiments, see John Gastil, "The Lessons and Limitations of Experiments in Democratic Deliberation," *Annual Review of Law and Social Science* 14 (2018), https://doi.org.10.1146/annurev-lawsocsci-110316-113639. For limitations in quasi-experimental research, see Eoin O'Malley, David M. Farrell, and Jane Suiter, "Does Talking Matter? A Quasi-Experiment Assessing the Impact of Deliberation and Information on Opinion Change," *International Political Science Review* 41, no. 3 (2020), https://doi.org/10.1177/0192512118824459.

51. Ian O'Flynn, "Pulling Together: Shared Intentions, Deliberative Democracy and Deeply Divided Societies," *British Journal of Political Science* 47, no. 1 (2017), https://doi.org/10.1017/S0007123415000459.

52. Dimiter Toshkov, *Research Design in Political Science* (Basingstoke: Palgrave Macmillan, 2016), 292.

53. Alexander L. George and Andre Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 32.

54. Steiner, *The Foundations*, 14.

55. Kenneth Benoit, "Text as Data: An Overview," in *Handbook of Research Methods in Political Science and International Relations*, ed. Luigi Curini and Robert Franzese (Thousand Oaks: Sage, 2020).

56. Robert C. Luskin, Ian O'Flynn, James S. Fishkin, and David Russell, "Deliberating Across Deep Divides," *Political Studies* 62 no. 1 (2014), https://doi.org/10.1111/j.1467-9248.2012.01005.x.

57. Steenbergen et al., "Measuring Political Deliberation," 42.

58. Steenbergen et al., "Measuring Political Deliberation," 27.

59. See communication with André Bächtiger in Vebjørn Roald and Linda Sangolt, *Deliberation, Rhetoric and Emotion in the Discourse on Climate Change in the European Parliament* (Delft: Eburon, 2012), 66–67n47.

60. Caluwaerts and Deschouwer, "Building Bridges," 436. In line with the empirical scholarship on deliberation, speeches that are clarifying questions or general comments are not considered relevant from the standpoint of measuring the quality of deliberation; see Steenbergen et al., "Measuring Political Deliberation," 27; Soo-Hye Han, Schenck-Hamlin, William and Schenck-Hamlin, Donna, "Inclusion, Equality and Discourse Quality in Citizen Deliberation on Broadband," *Journal of Public Deliberation* 11, no.1 (2015): 11n10, https://doi.org/10.16997/jdd.220.

61. Black et al., "Methods for Analyzing," 326.

62. For a discussion about a need for the presence of neutral facilitators for group deliberation to attain deliberative norms, as opposed to unstructured group discussion, see Black et al., "Methods for Analyzing," 338.

63. The RECOM Coalition made available the transcripts of consultations in all languages spoken in former Yugoslavia (Serbian, Bosnian, Croatian, and Montenegrin, which are mutually intelligible variants of the Serbo-Croat language spoken in the former Yugoslavia, as well as Albanian, Macedonian, and Slovenian). Coding was applied to the Bosnian, Serbian, Croatian, and Montenegrin versions of the transcripts (including those that were originally in Albanian, Macedonian, and Slovenian) after the author verified that the finesses of argumentation were retained in the translated version, relying on her fluency in Albanian and research competence in Slovenian and Macedonian. In this manner, both coders coded the RECOM transcripts in the same languages. On translation and coding of transcripts of deliberations, see Gerber at al., "Deliberative Abilities."

64. Kimberly A. Neuendorf, *The Content Analysis Guidebook* (Thousand Oaks: Sage, 2002), 131–32; Black et al., "Methods for Analyzing," 328.

65. Steiner et al., *Deliberative Politics*; Neuendorf, *The Content Analysis*, 131–32; Black et al., "Methods for Analyzing," 328. The reliability of coding can be ensured by providing comprehensive, theoretically informed coding instructions in combination with a training program, including rigorous discussion to avoid applying unspecified and informal rules. Tony Hak and Ton Bernts, "Coder Training: Explicit Instruction and Implicit Socialization?," in *The Content Analysis Reader*, ed. Klaus Krippendorff and Mary Angela Bock (Los Angeles: Sage, 2009), 220–23. Accordingly, the author compiled the DQITJ codebook informed by scholarship on deliberation. The codebook contains comprehensive coding instructions. The induction into the theory and the method were part of the training before coding. Both datasets—one coded by the author and one by a research assistant—used in this research are accessible, see Kostovicova, "Replication Data."

66. Descriptive statistics of the RECOM corpus are presented in table A.3.4 in the appendix.

67. From September 2015 to mid-April 2016.

68. Black et al., "Methods for Analyzing," 329.

69. Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology*, 3rd ed. (Thousand Oaks, CA: Sage, 2013), 241; Klaus Krippendorff, "Testing the Reliablity of Content Analysis Data," in Krippendorff and Bock, *The Content Analysis*, 354.

70. Results of intercoder reliability tests are reported in table A.3.5 in the appendix.

71. Figures are rounded to two decimal places.

72. Steiner, *The Foundations*, 75, 80, 81.

73. I introduced this argument in chapter 2. It is elaborated and supported with empirical evidence in chapter 4.

74. For example, Pedrini finds that ordinary citizens rely less on storytelling than elites. Pedrini, "Deliberative Capacity," 277.

75. Rather than being an alternative to rational discourse, this pattern shows that storytelling is intertwined with reason-giving.

76. Henceforth, when referring to the scores of deliberative quality the DQITJ and the DQI will be used interchangeably to indicate comparability with other studies.

77. The reference to one's country does not represent a restatement of an ethnic interest in a different form. Most speakers invoked the countries' interests given their unique circumstances, including a dimension of ethnic diversity that survived the conflict. It is notable that participants oriented toward an ethnic group identity when framing a narrow conception of common good rather than toward an ethnic nation(-state).

78. These experiments involved ex-guerrillas and ex-paramilitaries, see Steiner, *The Foundations*, 16–17 and 98. Similarly, Ugarriza and Trujillo-Orrego, in their studies of Colombia, find "rather selfish justifications," with very few references to the good of other groups, the common good or abstract principles. Ugarriza and Trujillo-Orrego, "The Ironic Effect," 229. According to Steiner, in deliberative experiments in Bosnia and Herzegovina, stories told by participants about stray dogs, wild pigs, the polluted river, and so on made it difficult to make judgments about explicit expression of common good and self-interest. This was reflected in their findings that 5 percent of speech acts referred to the common good, 1 percent to abstract/moral principles, and none (unexpectedly, for example, in Srebrenica) to one's own ethnic group. Steiner, *The Foundations*, 99. Caluwaerts and Deschouwer report a variation of less than 5 percent in the common good category in the Belgian experiments. Caluwaerts and Deschouwer, "Building Bridges," 436.

79. Caluwaerts and Deschouwer, "Building Bridges," 11; Steiner, *The Foundations*, 98.

80. Caluwaerts and Deschouwer, "Building Bridges," 437.

81. Steiner, *The Foundations*, 114. It is not specified out of how many; see Steiner, *The Foundations*, 116.

82. With less than 5 percent variation, this category was excluded from further analyses in this study.

83. Simone Chambers, "Deliberative Democratic Theory," *Annual Review of Political Science* 6, no. 1 (2003): 309, https://doi.org/https://doi.org/annurev.polisci.6/121901.085538.

84. Cf. Bächtiger and Parkinson, *Mapping and Measuring*, 2.

85. Black et al., "Methods for Analyzing," 327.

86. Ugarriza, "When War Adversaries," 80.

87. Bächtiger and Parkinson, *Mapping and Measuring*, 3.

88. Bächtiger and Parkinson, *Mapping and Measuring*, 39–40.

4. WORDS OF REASON AND TALK OF PAIN

1. Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York and London: Routledge, 2000), 161–62.

2. Steven L. Burg and Paul S. Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk, NY: M.E. Sharpe, 1999).

3. Following Riddle, the notion of ethnicness is used here to denote an embodied attribute of the discourse, in contrast to ethnicity, which refers to a characteristic in a generic sense. Elizabeth M. Riddle, "A Historical Perspective on the Productivity of the Suffixes *-ness* and *-ity*," in *Historical Semantics—Historical Word-Formation,* ed. Jacek Fisiak (Berlin: Mouton, 1985), 437.

4. On the lack of application of applied linguistics in deliberation, see André Bächtiger and John Parkinson, *Mapping and Measuring Deliberation: Towards a New Deliberative Quality* (Oxford: Oxford University Press, 2019), 75.

5. Summary statistics of DQITJ scores are presented in table A.4.1 in the appendix. The scaling of DQITJ to range from 0 to 10 assists interpretation of the expected change in the DQI score associated with the change in the value of an explanatory variable.

6. For a comprehensive review of different ways a truth commission's restrictive mandate can undermine its legitimacy, see Onur Bakiner, *Truth Commissions: Memory, Power, and Legitimacy* (Philadelphia: University of Pennsylvania Press, 2016), 76–80; cf. Hayner, *Unspeakable Truths*, 77–80. Bakiner highlights the adverse effects of inclusion and exclusion of specific violations in the commission's mandates, whereas the RECOM process points to the more subtle but no less contentious repercussions of the wording of a commission's mandate.

7. RECOM Consultation no. 19. The first alternative (with some amendments) was included in the adopted Draft Statute of the fact-finding commission, under Article 16, titled "Violations of Laws in the Commission's Remit." See *Statut Koalicije za REKOM* (June 26, 2011), http://recom.link/wp-content/uploads/2011/06/Statut-Koalicije-za-REKOM-26.06.2011-SRB.pdf.

8. A comprehensive summary of arguments for the commission's mandate can be found in *Proces REKOM: Konsultativni process o utvrđivanju činjenica o ratnim zločinima i drugim teškim kršenjima ljudskih prava počinjenim na području nekadašnje SFRJ* (Beograd: Fond za humanitarno pravo, 2011), 255–57 and 331–86; also see Arnaud Kurze, "Justice Beyond Borders? The Politics to Democratize Human Rights in the Post-Conflict Balkans" (PhD diss., George Mason University, 2012), 144–63.

9. RECOM Consultation no. 19.

10. Gordy argues in reference to Serbia that the discourse of denial changed in the period of the ICTY's work, from "denial of facts to dispute over their meaning." See Eric

Gordy, *Guilt, Responsibility, and Denial: The Past at Stake in Post-Milošević Serbia* (Philadelphia: University of Pennsylvania Press, 2013), xiii.

11. When addressing the issue of setting conditions, the speaker referred to reports that some victims' associations reportedly said they would not support the regional fact-finding commission unless the term genocide was explicitly included in the wording concerning its remit. See RECOM Consultation no. 19.

12. Jürg Steiner, André Bächtiger, Markus Spörndli, and Marco R. Steenbergen, *Deliberative Politics in Action: Analysing Parliamentary Discourse* (Cambridge: Cambridge University Press, 2004), 57.

13. Lynn M. Sanders, "Against Deliberation," *Political Theory* 25, no. 3 (1997): 370, https://www.jstor.org/stable/191984.

14. Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2002); cf. Sanders, "Against Deliberation," 370.

15. Pippa Norris, "Women Politicians: Transforming Westminster?," *Parliamentary Affairs* 49, no. 1 (1996): 91, https://doi.org/10.1093/oxfordjournals.pa.a028675.

16. Rita Grünenfelder and André Bächtiger, "Gendered Deliberation? How Men and Women Deliberate in Legislatures" (paper presented at the European Consortium for Political Research Joint Sessions, Helsinki, May 2007). André Bächtiger and Dominik Hangartner, "When Deliberative Theory Meets Empirical Political Science: Theoretical and Methodological Challenges in Political Deliberation," *Political Studies* 58, no. 4 (2010), https://doi.org/10.1111/j.1467-9248.2010.00835.x.

17. Juan Esteban Ugarriza and Enzo Nussio, "There Is No Pill for Deliberation: Explaining Discourse Quality in Post-Conflict Communities," *Swiss Political Science Review* 22, no. 1 (2015), https://doi.org/10.1111/spsr.12195. Cf. Didier Caluwaerts and Kris Deschouwer, "Building Bridges across Political Divides: Experiments on Deliberative Democracy in Deeply Divided Belgium," *European Political Science Review* 6, no. 3 (2014), https://doi.org/10.1017/S17553913000179, and Didier Caluwaerts and Min Reuchamps, "Does Inter-Group Deliberation Foster Inter-Group Appreciation? Evidence from Two Experiments in Belgium," *Politics* 34, no. 2 (2014), https://doi.org/10.1111/1467-9256.12043.

18. Karpowitz and Mendelberg found that women speak markedly less than men in terms of time and speaking opportunities. Christopher F. Karpowitz, Tali Mendelberg, and Lee Shaker, "Gender Inequality in Deliberative Participation," *American Political Science Review* 106, no. 3 (2012): 545, https://doi.org/10.1017/S0003055412000329. See also Staffan Himmelroos, Lauri Rapeli, and Kimmo Grönlund, "Talking with Like-minded People—Equality and Efficacy in Enclave Deliberation," *Social Science Journal* 54 no. 2 (2017), https://doi.org/10.1016/j.soscij.2016.10.006; Francesca Polletta and John Lee, "Is Telling Stories Good for Democracy? Rhetoric in Public Deliberation after 9/11," *American Sociological Review* 71, no. 5 (2006), https://doi.org/10.1177/000312240607100501. Also, women use personal experiences more than men. Seraina Pedrini, "Deliberative Capacity in the Political and Civic Sphere," *Swiss Political Science Review* 20, no. 2 (2014), https://doi.org/10.1111/spsr.12074; cf. Marlène Gerber et al., "Deliberative Abilities and Influence in a Transnational Deliberative Poll (EuroPolis)," *British Journal of Political Science* 48, no. 4 (2018), https://doi.org/10.1017/S0007123416000144; Christopher Lord and Dionysia Tamvaki, "The Politics of Justification? Applying the 'Discourse Quality Index' to the Study of the European Parliament," *European Political Science Review* 5, no. 1 (2013), https://doi.org/10.1017/S1755773911000300.

19. Gerber et al., "Deliberative Abilities"; Pedrini, "Deliberative Capacity."

20. Gerber et al., "Deliberative Abilities," 1110.

21. Soo-Hye Han, William Schenck-Hamlin, and Donna Schenck-Hamlin, "Inclusion, Equality and Discourse Quality in Citizen Deliberation on Broadband," *Journal of Public*

Deliberation 11, no. 1 (2015): 12, https://doi.org/10.16997/jdd.220. Some find a significant association between education and quality deliberation, see Ugarriza and Nussio, "There Is No Pill," and Caluwaerts and Deschouwer, "Building Bridges," while others do not, see, for example, Pedrini, "Deliberative Capacity," and Gerber et al., "Deliberative Abilities."

22. This variable captures the number of speaking turns rather than the number of demands made in a single speaking turn.

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24. Madeleine Fullard and Nicky Rousseau, "Truth Telling, Identities, and Power in South Africa and Guatemala," in *Identities in Transition: Challenges for Justice in Divided Societies*, ed. Paige Arthur (Cambridge: Cambridge University Press, 2011), 55–56.

25. For example, women are less successful than men at taking and holding the floor. Linsey M. Grob, Renee A. Meyers, and Renee Schuh, "Powerful/ Powerless Language Use in Group Interactions: Sex Differences or Similarities?," *Communication Quarterly* 45, no. 3 (1997), https://doi.org/10.1080/01463379709370066.

26. Tshepo Mandligozi, "On Transitional Justice Entrepreneurs and the Production of Victims," *Journal of Human Rights Practice* 2, no. 2 (2010): 225, https://doi.org/10.1093/jhuman/huq005.

27. Gerber et al., "Deliberative Abilities," 1098; Staffan Himmelroos, "Discourse Quality in Deliberative Citizen Forums—A Comparison of Four Deliberative Mini-Publics," *Journal of Public Deliberation* 13, no. 1 (2017): 16, https://doi.org/10.16997/jdd.269. For divided societies, in particular, see Caluwaerts and Deschouwer, "Building Bridges," 440; Caluwaerts and Reuchamps, "Does Inter-Group," 110–11.

28. Steiner et al., *Deliberative Politics,* 78–91.

29. Cas Sunstein, "Deliberative Trouble? Why Groups Go to Extremes," *Yale Law Journal* 110, no. 71 (2000).

30. Kim Strandberg, Staffan Himmelroos, and Kimmo Grönlund, "Do Discussions in Like-minded Groups Necessarily Lead to More Extreme Opinions? Deliberative Democracy and Group Polarization," *International Political Science Review* 40, no. 1 (2019), https://doi.org/10.1177/0192512117692136.

31. Caluwaerts and Deschouwer, "Building Bridges," 443.

32. Lord and Tamvaki, "The Politics," 42; however, Doerr finds from interviews and surveys of participants that the meetings of the Social Forum held at a European level were more inclusive, democratic, transparent, and respectful than preparatory meetings held at a national level. Nicole Doerr, "Language and Democracy 'in Movement': Multilingualism and the Case of the European Social Forum Process," *Social Movement Studies* 8, no. 2 (2009): 154–55, https://doi.org/10.1080/14742830902770290.

33. Cf. Doerr, "Language and Democracy," 159; Irena Fiket, Espen D. H. Olsen, and Hans-Jörg Trenz, "Confronting European Diversity: Deliberation in a Transnational and Pluri-Lingual Setting," *Javnost—The Public* 21, no. 2 (2014), https://doi.org/10.1080/13183222.2014.11009145.

34. Jane Mansbridge, "'Deliberative Democracy' or 'Democratic Deliberation?,'" in *Deliberation, Participation and Democracy: Can the People Govern?*, in ed. Shawn W. Rosenberg (Basingstoke: Palgrave Macmillan, 2007), 262.

35. David M. Ryfe, "Does Deliberative Democracy Work?," *Annual Review of Political Science* 8 (2005): 57, https://doi.org/10.1146/annurev.polisci.8.032904.154633.

36. Archon Fung, "Minipublics: Deliberative Designs and Their Consequences," in *Deliberation, Participation and Democracy: Can the People Govern?*, ed. Shawn W. Rosenberg (Basingstoke: Palgrave Macmillan, 2007), 165.

37. Ugarriza and Nussio, "There is No Pill," 158, table 2, 152.

38. Scholars have shown that the experience of war impedes reconciliation, tolerance, and forgiveness. For example, see Sara Kijewski and Carolin Rapp, "Moving Forward? How War Experiences, Interethnic Attitudes, and Intergroup Forgiveness Affect the Prospects of Political Tolerance in Postwar Sri Lanka," *Journal of Peace Research* 56, no. 6 (2019), https://doi.org/10.1177/0022343319849274; James Meernik and Jose Raul Guerrero, "Can International Criminal Justice Advance Ethnic Reconciliation? The ICTY and Ethnic Relations in Bosnia-Herzegovina," *Southeast European and Black Sea Studies* 14, no. 3 (2014), https://doi.org/10.1080/14683857.2014.924675.

39. Doerr, "Language and Democracy," 154–55.

40. This refers to the fact that Serbian, Croatian, Bosnian, and Montenegrin languages are mutually intelligible; see RECOM Consultation no. 17.

41. Nicole Doerr, "Translating Democracy: How Activists in the European Social Forum Practice Multilingual Deliberation," *European Political Science Review* 4, no. 3 (2012): 363, https://doi.org/10.1017/S1755773911000312.

42. Caluwaerts and Deschouwer, "Building Bridges," 441.

43. Steiner et al., *Deliberative Politics*, 88–89.

44. On the effects of how issues are framed in negotiations, see Cornelia Ulbert and Thomas Risse, "Deliberatively Changing the Discourse: What Does Make Arguing Effective?" *Acta Politica* 40 (2005): 364–65, https//doi.org/10/1057/palgrave.ap.5500117.

45. Issue polarization can also proxy the topics under discussion as different issues map onto different aspects of the commission's mandate. Specifically, for an analysis of topics discussed in the RECOM consultations, see Denisa Kostovicova and Tom Paskhalis, "Gender, Justice and Deliberation: Why Women Don't Influence Peacemaking," *International Studies Quarterly* 65, no. 2 (2021), https://doi.org/10.1093/isq/sqab003.

46. Steiner et al., *Deliberative Politics*, 131–35; Paul Magnette and Kalypso Nicolaïdis, "The European Convention: Bargaining in the Shadow of Rhetoric," *West European Politics* 27, no. 3 (2004), https://doi.org/10.1080/0140238042000228068.

47. Daniel Bochsler et al., "Exchange on the Quantitative Measurement of Ethnic and National identity," *Nations and Nationalism* 27 (2021): 24, https://doi.org/10.1111/nana.12688.

48. Jan Nuyts, "Subjectivity: Between Discourse and Conceptualization," *Journal of Pragmatics* 86 (2015): 106, https://doi.org/10.1016/j.pragma.2015.05.015.

49. For a more extensive psychological account, see Philip Bell, "Subjectivity and Identity: Semiotics as Psychological Explanation," *Social Semiotics* 12, no. 2 (2002): 203, https://doi.org/10.1080/103503302760212104. Cf. Johannes Angermüller, *Poststructuralist Discourse Analysis: Subjectivity in Enunciative Pragmatics* (Houndmills: Palgrave Macmillan, 2014), 59. This variable differs from a common good category expressed in group terms that captures self-interest (such as ethnic group interest). For example, a speaker may contextualize his or her proposal by referring to an experience of victims in Croatia, which captures the sense of ethnicness in discourse (linguistically, using the "we" form), but justify that proposal by invoking the benefit of all victims, that is common good based on the difference principle. RECOM Consultation no. 1.

50. Fernando L. González Rey, "Subjectivity and Discourse: Complementary Topics of a Critical Psychology," *Culture & Psychology* 25, no. 2 (2019): 191, https://doi.org/10.1177/1354067X18754338.

51. González Rey, "Subjectivity," 191.

52. Johannes Angermüller, "From the Many Voices to the Subject Positions in Anti-Globalization Discourse: Enuciative Pragmatics and the Polyphonic Organization of Subjectivity," *Journal of Pragmatics* 43, no. 12 (2011): 2998, https://doi.org/10.1016/j.pragma.2011.05.013.

53. Gonzáles Rey, "Subjectivity," 185.

54. Cf. Marco R. Steenbergen, André Bächtiger, Markus Spörndli, and Jürg Steiner, "Measuring Political Deliberation: A Discourse Quality Index," *Comparative European Politics* 1, no. 1 (2003): 42, https://doi.org/10.1057/palgrave.cep.6110002.

55. Intercoder reliability statistics are presented in table A.4.2 in the appendix.

56. Model 4 was derived by comparing nested models in the backward direction, dropping iteratively the variable with the largest *p*-value. Model specification tests indicated that model 4 is specified correctly and has no omitted variables.

57. It has fewer predictors and thus has a higher F-test statistic.

58. Other covariates investigated in the study, but not reported here, include the temporality of speech acts, whether they are present-, future- or past-oriented. The effect of the temporal orientation is of theoretical interest in the study of transitional justice, where past orientation as a feature of speech can reflect core grievances related to past violence and reflect the logic of ethnic identity at work in discourse, albeit indirectly. This dimension was captured by focusing on linguistic and semantic features of discourse (tense and temporal adverbials used in the speech acts) in the RECOM corpus, drawing on Michel Charolles, Anne Le Draoulec, Marie-Paule Pery-Woodley, and Laure Sarda, "Temporal and Spatial Dimensions of Discourse Organisation," *French Language Studies* 15, no. 2 (2005), https://doi.org/10.1017/S0959269505002036. All 1,211 speech acts were coded independently by the author and another coder, and intercoder reliability was checked. This variable was dropped from the models because of collinearity with ethnic subjectivity. Nonetheless, speakers' temporal orientation when addressing the criminal legacy is of theoretical interest for future transitional justice studies. See also Selvanathan et al., "Wedialog.net: A Quantitative Field Test of the Effects of Online Intergroup Dialogue in Promoting Justice- Versus Harmony-Oriented Outcomes in Bosnia and Serbia," *Peace and Conflict: Journal of Peace Psychology* 25, no. 4 (2019), https://doi.org/10.1037/pac0000395. Not reported here is the variable length of deliberation in each session, using the number of speech acts in each consultation as a proxy. This variable had very small and insignificant effects on the quality of deliberation.

59. This variable is dichotomized since higher- and medium-level polarization capture an ethnic dimension of an issue, unlike lower-level polarization.

60. By contrast, Caluwaerts and Deschouwer find no effect of issue polarization in discussions about peace. Caluwaerts and Deschouwer, "Building Bridges," 442, table 5.

61. Mark E. Warren, "Institutionalizing Deliberative Democracy," in *Deliberation, Participation and Democracy: Can the People Govern?*, ed. Shawn W. Rosenberg (Basingstoke: Palgrave Macmillan, 2007), 283. On the association between issue polarization and distinct categories of deliberation, such as level of justification or respect, see Steiner at al., *Deliberative Politics*, 131–34.

62. Caluwaerts and Deschouwer, "Building Bridges."

63. David E. Cunningham, *Barriers to Peace in Civil War* (Cambridge: Cambridge University Press, 2011), 197.

64. David M. Ryfe, "Narrative and Deliberation in Small Group Forums," *Journal of Applied Communication Research* 34, no. 1 (2006): 74, https://doi.org/10.1080/00909880500420226. Similarly, Steiner observes that storytelling is compatible with the model of deliberation, contributing to greater reciprocity and equality and reducing anonymity. Jürg Steiner, *The Foundations of Deliberative Democracy: Empirical Research and Normative Implications* (Cambridge: Cambridge University Press, 2012), 84–86.

65. For example, these studies have focused on how people contest harms suffered by other groups and denigrate their suffering, see Gordy, *Guilt, Responsibility, and Denial*.

66. Nevin T. Aiken, "Learning to Live Together: Transitional Justice and Intergroup Reconciliation in Northern Ireland," *International Journal of Transitional Justice* 4, no. 2

(2010), https://doi.org/10.1093/ijtj/ijq002; Claire Hackett and Bill Rolston, "The Burden of Memory: Victims, Storytelling and Resistance in Northern Ireland," *Memory Studies* 2, no. 3 (2009), https://doi.org/10.1177/1750698008337560.

67. Pamina Firchow and Yvette Selim, "Meaningful Engagement from the Bottom-Up? Taking Stock of Participation in Transitional Justice Processes," *International Journal of Transitional Justice*, February 2 (2022), https://doi.org/10.1093/ijtj/ijab031.

68. Grünenfelder and Bächtiger, "Gendered Deliberation." For further analysis of the patterns of women's participation, as compared to men's, in the RECOM consultations, including their representation, participation in turn-taking and in making arguments, and the length of their speeches, see Kostovicova and Paskhalis, "Gender, Justice and Deliberation."

69. This depicts a so-called crossover effect, which explains why the interaction term is statistically significant while the main effects of gender and speaker type are not.

70. For example, see Ramya Parthasarathy, Vijayendra Rao, and Nethra Palaniswamy, "Deliberative Democracy in an Unequal World: A Text-as-Data Study of South India's Village Assemblies," *American Political Science Review* 113, no. 3 (2019), https://doi.org/10.1017/S0003055419000182.

71. Doerr, "Translating Democracy," 381.

72. For a discussion of the linguistic challenges of translating legal terms and evidence in the ICTY proceedings and their effects on the administration of justice, see Ellen Elias-Bursać, *Translating Evidence and Interpreting Testimony at a War Crimes Tribunal: Working in a Tug of War* (Basingstoke: Palgrave Macmillan, 2015).

73. Adeno Addis, "Deliberative Democracy in Severely Fractured Societies," *Indiana Journal of Global Legal Studies* 16, no. 1 (2009): 69, https://doi.org/10.2979/GLS.2009.16.1.59.

5. WHO AGREES AND WHO DISAGREES

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2. For example, on ethnic segregation in Bosnia, see John O'Loughlin, "Inter-Ethnic Friendships in Post-War Bosnia-Herzegovina: Sociodemographic and Place Influences," *Ethnicities* 10, no. 1 (2010): 36, https://www.jstor.org/stable/23890856; in Kosovo, see Denisa Kostovicova, *Kosovo: The Politics of Identity and Space* (London: Routledge, 2005), and in Croatia, see Tania Gosselin, "Info-Klub: Creating a Common Public Sphere for Citizens of Vukovar," in *Managing Hatred and Distrust: The Prognosis for Post-Conflict Settlement in Multiethnic Communities in the Former Yugoslavia*, ed. Nenad Dimitrijević and Petra Kovács (Budapest: Open Society Institute, 2004).

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4. Max Pensky, *Ends of Solidarity: The Discourse Theory in Ethics and Politics* (Albany: State University of New York Press, 2009), 161.

5. Jürgen Habermas, *The Theory of Communicative Action*, vol. 1: *Reason and the Rationalization of Society* (Cambridge: Polity Press, [1984] 2004).

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University Press, 2006); Jürg Steiner, *The Foundations of Deliberative Democracy: Empirical Research and Normative Implications* (Cambridge: Cambridge University Press, 2012); Didier Caluwaerts and Kris Deschouwer, "Building Bridges across Political Divides: Experiments on Deliberative Democracy in Deeply Divided Belgium," *European Political Science Review* 6, no. 3 (2014), https://doi.org/10.1017/S17553913000179; Juan Ugarriza and Didier Caluwaerts, eds., *Democratic Deliberation in Deeply Divided Societies: From Conflict to Common Ground* (Basingstoke: Palgrave Macmillan, 2014); Robert C. Luskin, Ian O'Flynn, James S. Fishkin, and David Russell, "Deliberating across Deep Divides," *Political Studies* 62, no. 1 (2014), https://doi.org/10.1111/j.1467-9248.2012.01005.x.

7. Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985), 7.

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14. Stromer-Galley, "On-Line Interaction," 117.

15. Rudy Bretz, *Media for Interactive Communication* (Beverly Hills: Sage, 1983), qtd. in Kiousis, "Interactivity," 357.

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17. Trénel, "Measuring," 21.

18. M. M. Bakhtin, *The Dialogic Imagination: Four Essays*, trans. C. Emerson and M. Holquist (Austin: University of Texas Press, 1981), 282, quoted in Danielle Endres and Barbara Warnick, "Effects of Campaign-to-User and Text-Based Interactivity in Candidate Campaign Web Sites: A Case Study from the 2002 Elections," *Western Journal of Communication* 68, no. 3 (2004): 328–29, https://doi.org/10.1080/10570310409374804. On the role of language in eliciting interaction, see Darren G. Lilleker and Casilda Malagón, "Levels of Interactivity in the 2007 French Presidential Candidates' Websites," *European Journal of Communication* 25, no. 1 (2010), https://doi.org/10.1177/0267323109354231.

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24. Rowe, "Deliberation 2.0," 549.

25. Tali Mendelberg, Christopher F. Karpowitz, and J. Baxter Oliphant, "Gender Inequality in Deliberation: Unpacking the Black Box of Interaction," *Perspectives on Politics* 12, no. 1 (2014), https://doi.org/10.1017/S15375927213003691.

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28. Caluwaerts and Deschouwer, "Building Bridges," 439; Similarly, see Steiner, *The Foundations*, 118–19.

29. Cinalli and O'Flynn, "Public Deliberation," 435.

30. Mendelberg, Karpowitz, and Oliphant, "Gender Inequality," 22–23.

31. Mendelberg, Karpowitz, and Oliphant, "Gender Inequality," 21. The study of interactivity provides a novel perspective on women's disadvantaged position in deliberation reflected in "the patterns of talking and listening." Lynn M. Sanders, "Against Deliberation," *Political Theory* 25, no. 3 (1997): 370, https://www.jstor.org/stable/191984.

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34. André Bächtiger and Marlène Gerber, "'Gentlemanly Conversation' or Vigorous Contestation? An Exploratory Analysis of Communication Modes in a Transnational Deliberative Poll (Europolis)," in *Deliberative Mini-Publics: Involving Citizens in the Democratic Process*, ed. Kimmo Grönlund, André Bächtiger and Maija Setälä (Colchester: ECPR Press, 2014), 118.

35. Andrew F. Smith, *The Deliberative Impulse: Motivating Discourse in Divided Societies* (Lanham, MD: Lexington Books, 2011), 73.

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38. Diana C. Mutz, "Is Deliberative Democracy a Falsifiable Theory?," *Annual Review of Political Science* 11 (2008): 535, https://doi.org/10.1146/annurev.polisci.11.081306.070308; Probing the impact of contentious deliberation, Wojcieszak finds that perceived disagreement decreases communicative participation. Magdalena Wojcieszak "Pulling toward or Pulling Away: Deliberation, Disagreement, and Opinion Extremity in Political Participation," *Social Science Quarterly* 92, no. 1 (2011): 219, https://www.jstor.org/stable/42956481.

39. This, Neblo specifies, will legitimize deliberation even when there are no epistemic benefits to accrue. Michael A. Neblo, "Family Disputes: Diversity in Defining and Measuring Deliberation," *Swiss Political Science Review* 13, no. 4 (2007): 537, https://doi.org/10.1002/j.1662-6370.tb00088.x.

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41. Steiner, *The Foundations*, 122–23.

42. Thompson, "Deliberative Democratic," 504.

43. A contrary argument is presented by Testa, who distinguishes respect for persons from respect for what they say. Italo Testa, "The Respect Fallacy: Limits of Respect in Public Dialogue," in *Rhetorical Citizenship and Public Deliberation*, ed. Christian Kock and Lisa Villadsen (Philadelphia: Pennsylvania State University Press, 2012).

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45. Peter Dahlgren, "The Internet, Public Spheres, and Political Communication: Dispersion and Deliberation," *Political Communication* 22, no. 2 (2005): 149, https://doi.org/10.1080/10584600590933160.

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47. See table A.5.1 in the appendix for intercoder reliability statistics for interactivity variables.

48. Stromer-Galley, "On-Line Interaction."

49. See Caluwaerts and Deschouwer, "Building Bridges," 439.

50. Kiousis, "Interactivity," 376. Similarly, Manosevitch and Walker consider the form of address by referring to a contributor's username as an indicator of explicit acknowledgment of other comments and ideas mentioned therein. See Edith Manosevitch and Dana Walker, "Reader Comments to Online Opinion Journalism: A Space of Public Deliberation," *International Symposium on Online Journalism* 10 (2009).

51. I applied this strategy because the words are traced precisely to the speaker who uttered them. Some discussants reacted to the moderator's comments. These instances are included in the coding of interactivity along with reactions to discussants. Since moderators also came from different ethnic groups and restated positions, for example by the Working Group, on the Draft Statute in the course of the discussion, accounting for them contributes to understanding the pattern of interactivity across ethnic lines.

52. The last name is fictitious.

53. On the need for caution in inferring ethnicity from a surname, see Angus Nicoll, Karen Bassett, and Stanley J. Ulijaszek, "What's in a Name? Accuracy of Using Surnames and Forenames in Ascribing Asian Ethnic Identity in English Populations," *Journal of Epidemiology and Community Health* 40, no. 4 (1986), https://doi.org/10.1136/jech.40.4.364. Multiple strategies were used and triangulated to code deliberators' ethnicity. In those cases where speakers did not identify their ethnic background in the introductory part of the consultation session or at any other point during their participation in deliberation, the author conducted extensive research to establish the speaker's ethnicity, which was also verified by the second coder. The strategies used include consulting reports by local human rights NGOs in all post-Yugoslav countries; media reports related to advocacy for wartime human rights violations; and transcripts of war crimes trials, both domestic and

at the ICTY. Research into the genealogy of family names and their geographic distribution in former Yugoslavia was also conducted.

54. Sunstein, "Ideological Amplification."

55. James S. Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford: Oxford University Press, 2009), 101.

56. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1996).

57. Dietram A. Scheufele et al., "Democracy Based on Difference: Examining the Links Between Structural Heterogeneity, Heterogeneity of Discussion Networks, and Democratic Citizenship," *Journal of Communication* 56, no. 4 (2006): 733, https://doi.org/10.1111/j.1460-2466.2006.00317.x.

58. These results differ from Caluwaerts and Deschouwer's findings, which are based on experimental research in Belgium that shows more responses to an in-group than to an out-group, and whose claim of discursive integration is based on the claim that the difference between two types of responses is negligible. Caluwaerts and Deschouwer, "Building Bridges," 439.

59. Dryzek, "Deliberative Democracy," 230.

60. Additional analyses were conducted to investigate whether speakers from certain ethnic groups interact more with speakers from particular ethnic groups, for example a Croat responding to a Serb and vice versa as compared to an Albanian responding to a Serb and vice versa. All combinations of ethnicities represented in the RECOM process were considered. However, no particular pattern of interactivity involving speakers from specific groups was observed based on the available data. Future research can advance the study of interactivity in postconflict contexts by investigating how different pairs of speakers from different ethnic groups interact.

61. Caluwaerts and Deschouwer, "Building Bridges," 430.

62. Friess and Eilders, "A Systematic," 329.

63. Given the coding strategy of interactivity that includes moderators, this pattern of proportionally fewer interactions indicating disagreement than those indicating agreement holds when applied to discussants only.

64. For example, Europolis, a 2009 pan-European deliberative poll that included deliberators from different national backgrounds, see Bächtiger and Gerber, "'Gentlemanly Conversation.'"

65. It is noteworthy that the observed pattern of disagreement is the opposite of that in online deliberation, where there is a tendency to disagree rather than to agree. Stromer-Galley, "On-Line Interaction"; Manosevitch, Steinfeld, and Lev-On, "Promoting," 1189; Harold J. Jansen and Royce Koop, "Pundits, Ideologues, and Ranters: The British Columbia Election Online," *Canadian Journal of Communication* 30, no. 4 (2005): 624, https://doi.org/10.22230/cjc.2005v30n4a1483; Carlo Hagemann, "Participation in and Contents of Two Dutch Political Party Discussion Lists on the Internet," *Javnost-The Public* 9, no. 2 (2002): 72, https://doi.org/10.1080/13183222.2002.11008800.

66. John Gastil, "The Lessons and Limitations of Experiments in Democratic Deliberation," *Annual Review of Law and Social Science* 14, no. 1 (2018): 284 https://doi.org/10.1146/annurev-lawsocsci-110316-113639.

67. Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge: Harvard University Press, 1996), 18.

68. Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004), 151.

69. William J. Long and Peter Brecke, *War and Reconciliation: Reason and Emotion in Conflict Resolution* (Cambridge: MIT Press), 18–19.

70. With these controls held constant, respect is a key predictor of interethnic interactivity. The likelihood ratio test of the hypothesis that all respect coefficients are 0 gives a test statistic of 47.38 for 6 *df*, which returns a *p*-value <.001. Other relevant variables were investigated as potential predictors of interactivity, namely, gender, speaker type, stakeholder type, ethnic diversity of the consultation, whether translation was required, and respect toward other ethnic groups and countries. A backward selection procedure was conducted, in which variables were iteratively dropped according to the largest *p*-value of the likelihood ratio test statistic. The procedure included combining and testing alternate theoretically justified combinations of variable categories at stages in the process determined by the largest *p*-value. Respect for groups was highly insignificant and dropped early in the process. The ethnic diversity of the consultation was dropped during the process because the only statistically significant partial effect was the dyadic vs. multiethnic consultation type, which lowered the probability of neutral interethnic interaction. The Wald test statistics of all other estimates (on all consultation types at all levels of interactivity) were insignificant. Because the research question of interest is explaining disagreement and agreement and not neutral interactions *per se*, and in the interest of model parsimony, consultation diversity was not included in the final model. Based on the RECOM data, we can conclude that dyadic deliberation, which we may assume has a sharper focus on division, is not associated with more disagreement across ethnic lines than deliberation between people from multiple ethnic groups.

71. Name changed. RECOM Consultation no. 3.

72. RECOM Consultation no. 2.

73. RECOM Consultation no. 3.

74. RECOM Consultation no. 4.

75. RECOM Consultation no. 1.

76. On most people's tendency to avoid conflict and disagreement, see John R. Hibbing and Elizabeth Theiss-Morse, *Stealth Democracy: Americans' Beliefs about How Government Should Work* (Cambridge: Cambridge University Press, 2002); Diana C. Mutz, *Hearing the Other Side: Deliberative versus Participatory Democracy* (Cambridge: Cambridge University Press, 2006).

77. Compared to a neutral respect reference, a disrespectful reference increases the odds of disagreement by a factor of 4.405 compared to not interacting across ethnic lines, i.e., 1/0.227.

78. As shown by the model selection process.

79. For a comprehensive discussion, see Nevin T. Aiken, "Rethinking Reconciliation in Divided Societies: A Social Learning Theory of Transitional Justice," in *Transitional Justice Theories*, ed. Susane Buckley-Zistel, Teresa Koloma Beck, Christian Braun, and Friederike Mieth (New York: Routledge, 2014), 40–65.

80. On elaboration of how the politicization of transitional justice in postconflict contexts contributes to these dynamics, see Christopher K. Lamont, *International Criminal Justice and the Politics of Compliance* (London: Routledge, 2010); Bekim Baliqi, "Contested War Remembrance and Ethnopolitical Identities in Kosovo," *Nationalities Papers* 46, no. 3 (2018), https://doi.org/10.1080/00905992.2017.1375906.

81. Christina Maslach, Joy Strapp, and Richard T. Santee, "Individuation: Conceptual Analysis and Assessment," *Journal of Personality and Social Psychology* 49, no. 3 (1985), https://doi.org/10.1037/0022-3514.49.3.729.

82. For Kosovo, see Denisa Kostovicova, "Legitimacy and International Administration: The Ahtisaari Settlement for Kosovo from a Human Security Perspective," *International Peacekeeping* 15, no. 5 (2008), https://doi.org/10.1080/13533310802396160.

83. Steven Majstorovic, "Ancient Hatreds or Elite Manipulation?: Memory and Politics in the Former Yugoslavia," *World Affairs* 159, no. 4 (1997): 170, https://www.jstor.org/stable/20672499.

84. O'Loughlin, "Inter-Ethnic Friendships."

85. Jack Knight and James Johnson, "Aggregation and Deliberation: On the Possibility of Democratic Legitimacy," *Political Theory* 22, no. 2 (1994), https://www.jstor.org/stable/192147; Tali Mandelberg and John Oleske, "Race and Public Deliberation," *Political Communication* 17, no. 2 (2000), https://doi.org/10.1080/105846000198468.

86. Jennifer Stromer-Galley and Peter Muhlberger, "Agreement and Disagreement in Group Deliberation: Effects on Deliberation Satisfaction, Future Engagement, and Decision Legitimacy," *Political Communication* 26, no. 2 (2009), https://doi.org/10.1080/10584600902850775.

87. Caluwaerts and Ugarriza, "Beating," 213.

88. This label is commonly attributed to civil society activists crossing ethnic lines in postconflict contexts, see Mary Kaldor, Yahia Said, and Denisa Kostovicova, "War and Peace: The Role of Global Civil Society," in *Global Civil Society 2006/7*, ed. Mary Kaldor, Martin Albrow, Helmut Anheier, and Marlies Glasius (London: Sage, 2006); Alexander Koensler, "Acts of Solidarity: Crossing and Reiterating Israeli—Palestinian Frontiers," *International Journal of Urban and Regional Research* 40 no. 2 (2016): 342, https://doi.org/10.1111/1468-2427.12380.

6. DISCURSIVE SOLIDARITY AGAINST IDENTITY POLITICS

1. André Bächtiger and John Parkinson, *Mapping and Measuring Deliberation: Towards a New Deliberative Quality* (Oxford: Oxford University Press, 2019), 32.

2. Rick Kosterman and Seymour Feshbach, "Toward a Measure of Patriotic and Nationalistic Attitudes," *Political Psychology* 10, no. 2 (1980), https://doi.org/10.2307/3791647; Bächtiger and Parkinson, *Mapping,* 32.

3. Mary Bucholtz and Kira Hall, "Identity and Interaction: A Sociocultural Linguistic Approach," *Discourse Studies* 7, no. 4–5 (2005): 607, https://doi.org/10.1177/1461445605054407.

4. William Rehg, *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas* (Berkeley: University of California Press, 1994), 211, 176, 212–13.

5. Conrado Hübner Mendes, *Constitutional Courts and Deliberative Democracy* (Oxford: Oxford University Press, 2013), 122–23.

6. Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, eds. Ciaran Cronin and Pablo De Greiff (Cambridge: Polity Press, 1999), 248.

7. John S. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press, 2000); Ian O'Flynn, *Deliberative Democracy and Divided Societies* (Edinburgh: Edinburgh University Press, 2006).

8. David Crocker, "Transitional Justice and International Civil Society: Toward a Normative Framework," *Constellations* 5, no. 4 (1998): 492, https://doi.org/10.1111/1467-8675.00110; Ernesto Verdeja, *Unchopping a Tree: Reconciliation in the Aftermath of Political Violence* (Philadelphia: Temple University Press, 2009), 143–47; Kora Andrieu, "Civilizing Peacebuilding: Transitional Justice, Civil Society and the Liberal Paradigm," *Security Dialogue* 41, no. 5 (2010): 567, https://doi.org/10.1177/0967010610382109.

9. Jürgen Habermas, *The Theory of Communicative Action*. vol. 1. *Reason and the Rationalization of Society* (Cambridge: Polity Press, [1984] 2004), 359–79.

10. Ian O'Flynn, *Deliberative Democracy*, 141–62.

11. Habermas, *The Inclusion*, 249.

12. James Bohman, "Transnationalizing Peacebuilding: Transitional Justice as a Deliberative Process," in *Jus Post Bellum and Transitional Justice*, ed. Larry May and Elizabeth Edenberg (Cambridge: Cambridge University Press, 2013), 298.

13. Habermas, *The Inclusion*, 44.

14. Petr Kopecký and Cass Mudde, eds., *Uncivil Society? Contentious Politics in Post-Communist Europe* (London: Routledge, 2003). On the relationship between illiberal civil society actors and conflict, see Mary Kaldor, Yahia Said, and Denisa Kostovicova, "War and Peace: The Role of Global Civil Society," in *Global Civil Society 2006/7*, ed. Mary Kaldor, Martin Albrow, Helmut Anheier, and Marlies Glasius (London: Sage, 2006), and on illiberal civil society and transitional justice, see Denisa Kostovicova, "Civil Society and Post-Communist Democratization: Facing a Double Challenge in Post-Milošević Serbia," *Journal of Civil Society* 2, no. 1 (2006), https://doi.org/10.1080/17448680600730918.

15. Author's interview no. 5, Serbia, September 24, 2014.

16. Author's interview no. 26, Croatia, December 16, 2019.

17. Author's interview no. 24, Croatia, December 16, 2019.

18. Focus Group, Bosnia and Herzegovina, December 11, 2015.

19. Naomi Head, "Costly Encounters of the Empathic Kind: A Typology," *International Theory* 8, no. 1 (2016): 173, https://doi.org.10.1017/S1752971915000238.

20. Author's interview no. 16, Kosovo, May 24, 2016.

21. Author's interview no. 24, Croatia, December 16, 2019.

22. Author's interview no. 14, Kosovo, May 23, 2016.

23. Author's interview no. 8, Serbia, September 26, 2014.

24. Hübner Mendes, *Constitutional Courts*, 122.

25. Habermas, *The Theory*; Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity Press, 1995).

26. Habermas, *The Inclusion*, 249.

27. Rehg, *Insight*, 169.

28. Nigel King and Christine Horrocks, *Interviews in Qualitative Research* (London: Sage, 2010), 164. See also James Paul Gee, *An Introduction to Discourse Analysis: Theory and Method*, 4th ed. (London: Routledge, 2014), 140.

29. Stella Ting-Toomey et al., "Ethnic/Cultural Identity Salience and Conflict Styles in Four US Ethnic Groups," *International Journal of Intercultural Relations* 24, no. 1 (2000), https://doi.org/10.1016/S0147-1767(99)00023-1.

30. The ethnic dimension of identity is heightened in the context of an intergroup conflict involving groups within a state and coethnics in a bordering state. Nicholas Sambanis and Moses Shayo, "Social Identification and Ethnic Conflict," *American Political Science Review* 107, no. 2 (2013), https://doi.org/10.2139/ssrn.1955111; Gautam Nair and Nicholas Sambanis, "Violence Exposure and Ethnic Identification: Evidence from Kashmir," *International Organization* 73, no. 2 (2019), https://doi.org/10.1017/s0020818318000498.

31. Conversely, governments can also manipulate and reduce the salience of ethnic identity. Arthur Bloun and Sharun W. Mukand, "Erasing Ethnicity? Propaganda, Nation Building, and Identity in Rwanda," *Journal of Political Economy* 127, no. 3 (2019), https://doi.org/10.1086/701441.

32. Thomas F. Pettigrew, Linda R. Tropp, Ulrich Wagner, and Oliver Christ, "Recent Advances in Intergroup Theory," *International Journal of Intercultural Relations* 35, no. 3 (2011): 277, https://doi.org/10.1016/j.ijintrel.2011.03.001.

33. Joanna Anneke Rummens, "Conceptualising Identity and Diversity: Overlaps, Intersections, and Processes," *Canadian Ethnic Studies Journal* 35, no. 3 (2003).

34. Bikhu Parekh, *A New Politics of Identity: Political Principles for an Interdependent World* (Basingstoke: Palgrave Macmillan, 2008), 35.

35. Author's interview no. 8, Serbia, September 26, 2014.

36. Author's interview no. 22, Croatia, December 15, 2019.

37. Author's interview no. 20, Montenegro, September 2, 2016.

38. According to one interviewee, the pressure included a threat, open or insinuated, of the withdrawal of state funding for activities of these NGOs. Author's interview no. 20, Montenegro, September 2, 2016.

39. Author's interview no. 2, Serbia, April 18, 2014; author's interview no. 9, Bosnia and Herzegovina, December 9, 2015.

40. Author's interview no. 15, Kosovo, May 24, 2016.

41. Author's interview no. 9, Bosnia and Herzegovina, December 9, 2015.

42. I refer to what Janis identified as overriding and excessive concurrence-seeking among group members, which in this case applies to an identity group; see Irving L. Janis, *Victims of Groupthink: A Psychological Study of Foreign Policy Decisions and Fiascoes* (Boston: Houghton Mifflin, 1972).

43. Author's interview no. 18, Montenegro, September 2, 2016; I heard this view repeatedly in informal discussions with participants from other countries.

44. Author's interview no. 19, Montenegro, September 2, 2016.

45. On people expressing positions they erroneously believe to be held by others, see Diane Rucinski, "The Centrality of Reciprocity to Communication and Democracy," *Critical Studies in Mass Communication* 8, no. 2 (1991): 189, https://doi.org/10.1080/15295039109366790.

46. Author's interview no. 16, Kosovo, May 24, 2016.

47. Author's interview no. 24, Croatia, December 16, 2019.

48. Author's interview no. 27, December 16, 2016.

49. Author's interview no. 27, December 16, 2016; author's interview no. 20, Montenegro, September 2, 2016.

50. Author's interview no. 17, Kosovo, May 24, 2016.

51. Author's interview no. 5, Serbia, September 24, 2014.

52. Author's interview no. 8, Serbia, September 26, 2014; author's interview no. 17, Kosovo, May 24, 2016; author's interview no. 20, Montenegro, September 2, 2016.

53. On the disempowerment of victims by NGOs purportedly representing them, see Tshepo Madligozi, "On Transitional Justice Entrepreneurs and the Production of Victims," *Journal of Human Rights Practice* 2, no. 2 (2010), https://doi.org/10.1093/jhuman/huq005.

54. This has become uniform mainstream criticism of externally funded NGOs in peacebuilding contexts. It restates similar arguments previously made by scholars of development, such as Jude Howell and Jenny Pearce, *Civil Society and Development: A Critical Exploration* (Boulder: Lynne Rienner, 2001). For criticism of foreign-funded NGOs and how they undermine peacebuilding, see Patrice C. McMahon, *The NGO Game*: *Post-Conflict Peacebuilding in the Balkans and Beyond* (Ithaca: Cornell University Press, 2017). For a discussion about transitional justice, see Paige Arthur and Christalla Yakinthou, eds., *Transitional Justice, International Assistance, and Civil Society: Missed Connections* (Cambridge: Cambridge University Press, 2018), and Olivera Simić and Zala Volčič, eds., *Transitional Justice and Civil Society in the Balkans* (New York: Springer, 2013). Emerging research goes beyond a wholesale dismissal of externally funded NGOs and their activities. It identifies when and how NGO activities enjoy local legitimacy and further justice and peacebuilding despite being foreign-funded, see Randall Puljek-Shank, "Civil Agency in Governance: The Role of Legitimacy with Citizens vs. Donors," *Voluntas: Journal of Voluntary and Nonprofit Organizations* 29, no. 4 (2018), https://doi.org/10.1007/s11266-018-0020-0; Milli Lake, *Strong NGOs and Weak States: Pursuing Gender Justice in the Democratic Republic of Congo and South Africa* (Cambridge: Cambridge University Press, 2018).

55. On a positive impact of out-group differentiation in overcoming identity division in the context of migration, see Ana Guinote, "The Perception of Group Variability in a Non-Minority and a Minority Context: When Adaptation Leads to Out-Group

Differentiation," *British Journal of Social Psychology* 40 (2001), https://doi.org/10.1348/014466601164722.

56. Author's interview no. 24, Croatia, December 16, 2019.

57. On deserving and undeserving victims, see Kieran McEvoy and Kirsten McConnachie, "Victims and Transitional Justice: Voice, Agency and Blame," *Social and Legal Studies* 22 no. 4 (2013): 504, https://doi.org/10.1177/0964663913499062. For example, Berry argues that Bosniak nationalists created a victim hierarchy that recognized Bosniak women victims of wartime rape alongside widows and mothers of men and boys who perished in the Srebrenica genocide above all other Bosniak victims and above victims of other ethnic groups. Marie E. Berry, "Barriers to Women's Progress After Atrocity: Evidence from Rwanda and Bosnia-Herzegovina," *Gender and Society* 31, no. 6 (2017): 841, https://doi.org/10.1177/0891243217737060. Similarly, for an "unjust favouring of some" over other victims, see Adriana Rudling, "'I'm Not That Chained-Up Little Person': Four Paragons of Victimhood in Transitional Justice Discourse," *Human Rights Quarterly* 41, no. 2 (2019), https://doi.org/10.1353/hrq.2019.0032. For differential treatment of victims in Bosnia, see Jessie Barton-Hronešová, *The Struggle for Redress: Victim Capital in Bosnia and Herzegovina* (Cham: Palgrave Macmillan, 2020).

58. Author's interview no. 8, Serbia, September 26, 2014.

59. Mark A. Wolfgram, *Antigone's Ghosts: The Long Legacy of War and Genocide in Five Countries* (Lewisburg, PA: Bucknell University Press, 2019), 8.

60. Duan and Hill refer to intellectual empathy and empathic emotions to distinguish these two aspects of empathy. Changming Duan and Clara E. Hill, "The Current State of Empathy Research," *Journal of Counseling Psychology* 43, no. 3 (1996): 263, https://doi.org/10.1037/0022-0167.43.3.261.

61. While foregrounding perspective-taking in consideration of empathy, neither Steiner et al. nor Ugarizza and Trujillo-Orrego investigate the expression of explicit affiliation with the suffering of members of the out-group caused by members of the in-group; see Jürg Steiner, André Bächtiger, Markus Spörndli, and Marco R. Steenbergen, *Deliberative Politics in Action: Analysing Parliamentary Discourse* (Cambridge: Cambridge University Press, 2004), 22; Ugarizza and Trujillo-Orrego consider messages that are expected to arouse empathy toward the speaker, as illustrated by an ex-combatant's statement, "our rights have been violent, we have nobody's support," but do not investigate how speakers empathize with the suffering of others. Juan E. Ugarizza and Natalia Trujillo-Orrego, "The Ironic Effect of Deliberation: What We Can (and Cannot) Expect in Deeply Divided Societies," *Acta Politica* 55 (2020): 233n18, https://doi.org/10.1057/s41269-018-0113-1.

62. Jake Harwood, Miles Hewstone, Yair Amichai-Hamburger, and Nicole Tausch, "Intergroup Contact: An Integration of Social Psychological and Communication Perspectives," *Annals of the International Communication Association* 36 no. 1 (2013): 62, 10.1080/23808985.2013.11679126; Esra Cuhadar and Bruce Dayton, "The Social Psychology of Identity and Inter-Group Conflict: From Theory to Practice," *International Studies Perspectives* 12, no. 3 (2011): 285–86, https://www.jstor.org/stable/44218664. A participant in RECOM consultations recalled there being "a lot of emotions" in the RECOM meetings, "which to [her] was touching." Author's interview no. 14, Kosovo, May 23, 2016. For example, on the juxtaposition between rational (deliberative) and emotional (empathetic) communication, see Ugarriza and Trujillo-Orrego, "The Ironic Effect of Deliberation."

63. Michael A. Neblo, "Impassioned Democracy: The Roles of Emotion in Deliberative Theory," *American Political Science Review* 114, no. 3 (2020), https://doi.org/10.1017/S0003055420000210.

64. Neblo, "Impassioned Democracy," 926n5; 926.

65. Head, "Costly Encounters." Scholars of intergroup contact show that empathy toward an out-group mediates forgiveness after conflict. Sabina Cehajic, Rupert Brown,

and Emanuele Castano, "Forgive and Forget? Antecedents and Consequences of Intergroup Forgiveness in Bosnia and Herzegovina," *Political Psychology* 29, no. 3 (2008), https://doi.org/10.1111/j.1467-9221.2008.00634.x.

66. Krystina A. Finlay and Walter G. Stephan, "Improving Intergroup Relations: The Effects of Empathy on Racial Attitudes," *Journal of Applied Social Psychology* 30, no. 8 (2000), https://doi.org/10.1111/j.1559-1816.2000.tb02464.x.
67. Author's interview no. 23, Croatia, December 16, 2019.
68. Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity, 2001), 216.
69. Author's interview no. 6, Serbia, September 25, 2014.
70. Author's interview no. 25, Croatia, December 16, 2019.
71. Author's interview no. 15, Kosovo, May 24, 2016.
72. Author's interview no. 20, Montenegro, September 2, 2016.
73. Focus Group, Bosnia and Herzegovina, December 11, 2015.
74. Author's interview no. 23, Croatia, December 16, 2019.
75. Author's interview no. 16, Kosovo, May 24, 2016.
76. Author's interview no. 10, Bosnia and Herzegovina, December 10, 2015.
77. RECOM Consultation no. 11.
78. Author's interview no. 22, Croatia, December 15, 2019.
79. Author's interview no. 10, Bosnia and Herzegovina, December 10, 2015.
80. Author's interview no. 23, Croatia, December 16, 2019.
81. Author's interview no. 26, Croatia, December 16, 2019.
82. Roland Kostić, "Transnational Justice and Reconciliation in Bosnia-Herzegovina: Whose Memories, Whose Justice?," *Sociologija* 54, no. 4 (2012): 662, https://doi.org/10.2298/SOC1204649K.
83. Author's interview no. 16, Kosovo, May 24, 2016.
84. Focus Group, Bosnia and Herzegovina, December 11, 2015.
85. Tamara Pavasović Trošt, "Ruptures and Continuities in Nationhood Narratives: Reconstructing the Nation through History Textbooks in Serbia and Croatia," *Nations and Nationalism* 24, no. 3 (2018), https://doi.org/10.1111/nana.12433. On ethnocentric history in Serbian and Albanian textbooks before and after the 1998–99 Kosovo conflict, see Denisa Kostovicova, *Kosovo: The Politics of Identity and Space* (London: Routledge, 2005), 127–81.
86. Author's interview no. 18, Montenegro, September 2, 2016.
87. RECOM Consultation no. 5.
88. Focus Group, Serbia, October 30, 2015.
89. Author's interview no. 22, Croatia, December 15, 2019.
90. RECOM Consultation no. 24.
91. Author's interview no. 24, Croatia, December 16, 2019.
92. Susana Narotzky and Paz Moreno, "Reciprocity's Dark Side: Negative Reciprocity, Morality and Social Reproduction," *Anthropological Theory* 2, no. 3 (2000): 301, https://doi.org/10.1177/1463499602002003801. For a fine-grained breakdown of negative reciprocity beliefs, see Robert Eisenberger, Patrick Lynch, Justin Aselage, and Stephanie Rohdieck, "Who Takes the Most Revenge? Individual Differences in Negative Reciprocity Norm Endorsement," *Personality and Social Psychology Bulletin* 30, no. 6 (2004), https://doi.org/10.1177/0146167204264047.
93. Narotzky and Moreno, "Reciprocity's Dark Side," 301.
94. McEvoy and McConnachie, "Victims," 504.
95. Sedmi regionalni forum za tranzicijsku pravdu, Zagreb, October 16–17, 2010.
96. RECOM Consultation no. 2.
97. RECOM Consultation no. 5.

98. RECOM Consultation no. 17.

99. RECOM Consultation no. 8.

100. Walter G. Stephan and Cookie White Stephan, "Intergroup Anxiety," *Journal of Social Issues* 41, no. 3 (1985), https://doi.org/10.1111/j.1540-4560.1985.tb01134.x; J. Nicole Shelton, "Interpersonal Concerns in Social Encounters between Majority and Minority Group Members," *Group Processes & Intergroup Relations* 6, no. 2 (2003), https://doi.org/10.1177/1368430203006002003. Kristin Davies, Stephen C. Wright, Arthur Aron, and Joseph Comeau, "Intergroup Contact through Friendship: Intimacy and Norms," in *Advances in Intergroup Contact*, ed. Gordon Hodson and Miles Hewstone (London: Psychology Press, 2013): 203; Pettigrew, Tropp, Wagner, and Christ, "Recent Advances in Intergroup Contact Theory," 277. Such anxiety may be unfounded; see Robyn K. Mallett and Timothy D. Wilson, "Increasing Positive Intergroup Contact," *Journal of Experimental Social Psychology* 46, no. 2 (2010), https://doi.org/10.1016/j.jesp.2009.11.006.

101. Author's interview no. 17, Kosovo, May 24, 2016.

102. Author's interview no. 9, Bosnia and Herzegovina, December 9, 2015.

103. See Marianna Bicskei, Matthias Lankau, and Kilian Bizer, "Negative Reciprocity and Its Relation to Anger-Like Emotions in Identity-Homogeneous and Heterogeneous Groups," *Journal of Economic Psychology* 54 (2016), https://doi.org/10.1016/j.joep.2016.02.008.

104. Author's interview no. 23, Croatia, December 16, 2019.

105. Kimberly Theidon, *Intimate Enemies: Violence and Reconciliation in Peru* (Philadelphia: University of Pennsylvania Press, 2012); Focus Group, Serbia, October 30, 2015.

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CONCLUSION

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