

FEATURED REVIEWS

Denisa Kostovičova. *Reconciliation by Stealth: How People Talk about War Crimes.*

Ithaca: Cornell University Press, 2023. vii, 246 pp. Appendix. Notes. Bibliography. Index. Figures. Tables. \$51.85, hard bound.

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A consensus assessment of post-conflict initiatives for justice, reconciliation, the establishment of historical truth, and the regeneration of trust has been developing over the past decade or so, and it is skeptical at best. I have contributed to this skepticism in a small way by suggesting that the scope of post-conflict justice initiatives was limited to communication between states and powerful international organizations, and that consequently opportunities were lost to engage the most trusted institutions in society—such as education, culture, and religion—in restorative dialogue.¹ Other analysts have offered conclusions that in related ways stressed constraints that limited the impact of justice initiatives on public perceptions and understandings. Jelena Subotić spoke of processes being “hijacked”² by political forces that stood between legal activity and the publics of the region, while Jasna Dragović-Soso stressed the dominance of international and multinational actors in processes that squeezed out domestic actors.³

As a result, the efforts by states described by analysts like Jelena Đureinović⁴ and Dejan Jović⁵ to impose a self-serving narrative of events, bordering on denial, appear to have been successful largely due to the absence of a serious and sustained challenge. Many analysts point to the failure of the REKOM/KOMRA campaign, which sought to establish a multilateral regional commission to establish facts related to the violence of the 1990s, as the evidence points to the failure of both international and domestic initiatives to build a just and truthful post-conflict environment.⁶ Some, like Azra Hromadžić,⁷ have pointed to the failure as a sign of the “empty nation” created by irresponsible postwar elites, while others, like

¹ Eric Gordy, *Guilt, Responsibility, and Denial: The Past at Stake in Post-Milošević Serbia* (Philadelphia, 2013).

² Jelena Subotić, *Hijacked Justice: Dealing With the Past in the Balkan* (Ithaca, 2011).

³ Jasna Dragović-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 (July 2016): 292–310.

⁴ Jelena Đureinović, *The Politics of Memory of the Second World War in Contemporary Serbia: Collaboration, Resistance, and Retribution* (London, 2019).

⁵ Dejan Jović, *Rat i mit: Politika identiteta u suvremenoj Hrvatskoj* (Zagreb, 2017).

⁶ REKOM (also RECOM) a regional commission for the establishment of facts about war crimes and other serious violations of human rights committed in the former Yugoslavia from January 1, 1991 until December 31, 2001, see more at <https://www.recom.link/en/sta-je-rekom/>.

⁷ Azra Hromadžić, *Citizens of an Empty Nation: Youth and State-making in Postwar Bosnia-Herzegovina* (Philadelphia, 2015).

Lea David,⁸ have gone far enough to argue that the truth telling effort itself is counterproductive and bound to failure.

Now an emerging generation of research is beginning to challenge this developing consensus. Its exponents are coming from different disciplinary orientations and concentrating on different types of empirical material, but what all of the works in this newer field have in common is that they insist on looking at ground level participants rather than strictly at communication between legal institutions and states, and they question assumptions about what constitutes justice, rejecting the near-exclusive attention to criminal justice provided in most of the existing literature. Much of this analysis concentrates on victims and their needs, positioning these against the dominance of purely formal legal understandings.⁹ Some of the newer works speak affirmatively of reparations, stressing that many of the needs of victims are not exclusively psychological, moral, or political, but have an inescapable political dimension.¹⁰ In a parallel analysis, discussion of alternative justice practices including the Women's Court opens space for a vision of justice that is more socially than legally grounded, and more inclusive than the conventional practice of criminal justice.¹¹ A smaller but important strand of research concentrates on the development of public understandings and recognitions,¹² observing that while it has not been possible to see the kind of "confrontation with the past" promised by early advocates of post-conflict justice, discourses of recognition were developing in private, in communication involving people who know one another well, and in a manner less orderly and predictable than the mechanistic vision of "confrontation" would have led people to predict.¹³

Denisa Kostovičova's new work draws on all of these emerging currents and makes an especially meaningful contribution to the body of work that concentrates on the construction of new discourses and understandings. The analysis concentrates, provocatively, on artifacts from the REKOM campaign, using an initiative often pointed to as emblematic of the failure and lack of support for post-conflict justice campaigns. Kostovičova argues that by looking beyond the campaign's lack of success in collecting a million signatures to support the formation of regional fact-finding commission, and examining instead the concrete activity and the relations that developed within the campaign, it is possible to see the emergence of strategies of mutual recognition that have the potential to counter the ethnically exclusive identities and narratives that states attempt to impose from above.

The analysis concentrates on the series of public consultations that were organized across the region by the REKOM campaign from 2006 to 2011, with around 6000 people participating. The participants came from all of the states that had emerged out of the dissolution of Yugoslavia, and while the group was not large, it was diverse in terms of class, gender, religion, ethnicity, and other manifestations of identity that have, over the past few decades, been mobilized to divide people in the region. In many instances the REKOM consultations provided a forum for people who had been fighters or victims on opposing sides to speak to one another.

One result of this extended consultation was the REKOM draft statute, which was never implemented. The other was a large set of transcripts recording how people interacted with

⁸ Lea David, *The Past Can't Heal Us: The Dangers of Mandating Memory in the Name of Human Rights* (Cambridge, Eng., 2020).

⁹ Slađana Lazić, "Bottom-up Perspective on Post-violence Legitimacy and Transitional Justice: Lessons from Serbian Sandžak" (PhD diss., Norwegian University of Science and Technology [NTNU], 2017).

¹⁰ Jessie Barton Hronešova, *The Struggle for Redress: Victim Capital in Bosnia-Herzegovina* (Cham, Switzerland, 2020); Daniela Lai, *Socioeconomic Justice: International Intervention and Transition in Postwar Bosnia and Herzegovina* (Cambridge, Eng., 2020).

¹¹ Kirsten Campbell, *The Justice of Humans: Subject, Society and Sexual Violence in International Criminal Justice* (Cambridge, Eng., 2023).

¹² Jelena Obradović-Wochnik, *Ethnic Conflict and War Crimes in the Balkans: The Narratives of Denial in Post-conflict Serbia* (London, 2013).

¹³ Neil Kritz, *Transitional Justice: How Emerging Democracies Reckon With Former Regimes* (Washington, 1995); Steven Ratner and Jason Abrams, *Accountability for Human Rights Atrocities in International Law* (Oxford, 2001).

one another, agreed and disagreed, and generated mutual understandings. In many cases these transcripts represent the first discussions between veterans and victims, activists and volunteers, and people who had played analogous roles on different sides of the divide that the violent conflict created.

The work is methodologically innovative in its approach to the transcripts. It applies the deep contextual awareness that the author has in her long experience studying the region, initially as a journalist and later as a scholar. But the search for unacknowledged patterns of deliberation and for expressions of discursive solidarity lead her to take advantage of the enormous volume of text in the transcripts. In addition to the field analysis and observation carried out as a participant in the observations, the research applies statistical techniques of qualitative content analysis to the transcripts. This has the advantage of being able to identify frequencies that are often not apparent through participant observation—phenomena like whether speakers are acknowledged by others or not, whether they are interrupted or not. A principal finding is that there was a clear willingness of participants to move beyond self-interested and self-justifying positions, and to demonstrate respect and openness toward fellow participants. This evidence is used, in Kostovičova's argument, to contest the dominant position that the REKOM campaign was a failure. It may not have persuaded governments in the region to form a commission, but it opened up new paths of mutual recognition and understanding.

On the conceptual level the work is of a piece with newer analyses inviting readers to interrogate the boundaries of what constitutes justice, and to upset the monopoly of legalistic approaches, concentrating on criminal trials and penalties, over researchers' understanding of justice. The advocates of REKOM and related initiatives often discussed the difference in their approach of being one that places victims rather than perpetrators at the center of the discussion, and that affirms an overall "right to truth" that can be realized by producing and publicizing accurate information.

Of course the work is open to a critique of its sampling, considering that participants in the REKOM initiative constitute a self-selected and nonrepresentative group of people sharing an interest in dialogue. But this would miss the important point that dialogue once engaged has the consequence of producing shared understandings. The fact that states resist it was already known.

On balance this is a work of research that both opens avenues for new innovations in methodology and moves the discussion forward. The traditional discourse around justice and reconciliation, dominated as it is by lobbyists and lawyers, will still be available for people who want it. But scholars have a broad and exciting range of productive new options.

Eduard Baidaus. *An Unsettled Nation: Moldova in the Geopolitics of Russia, Romania, and Ukraine.*

Stuttgart: Ibidem-Verlag, 2023, 669. Appendix. Notes. Bibliography. Index. Tables. Maps. \$ 69.00, paperback.

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After Russia commenced its full military invasion of Ukraine on February 24, 2022, Moldova received the greatest number of Ukrainian refugees of any European country proportionally