



Memory Rights and
Memory Wrongs

11 – 12
September
2024

in Munich

Final MEMOCRACY Conference

Together with Ludwig-Maximilians-University

School of History and Center for Advanced Studies in
the Humanities and Social Sciences

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Memory Rights and Memory Wrongs

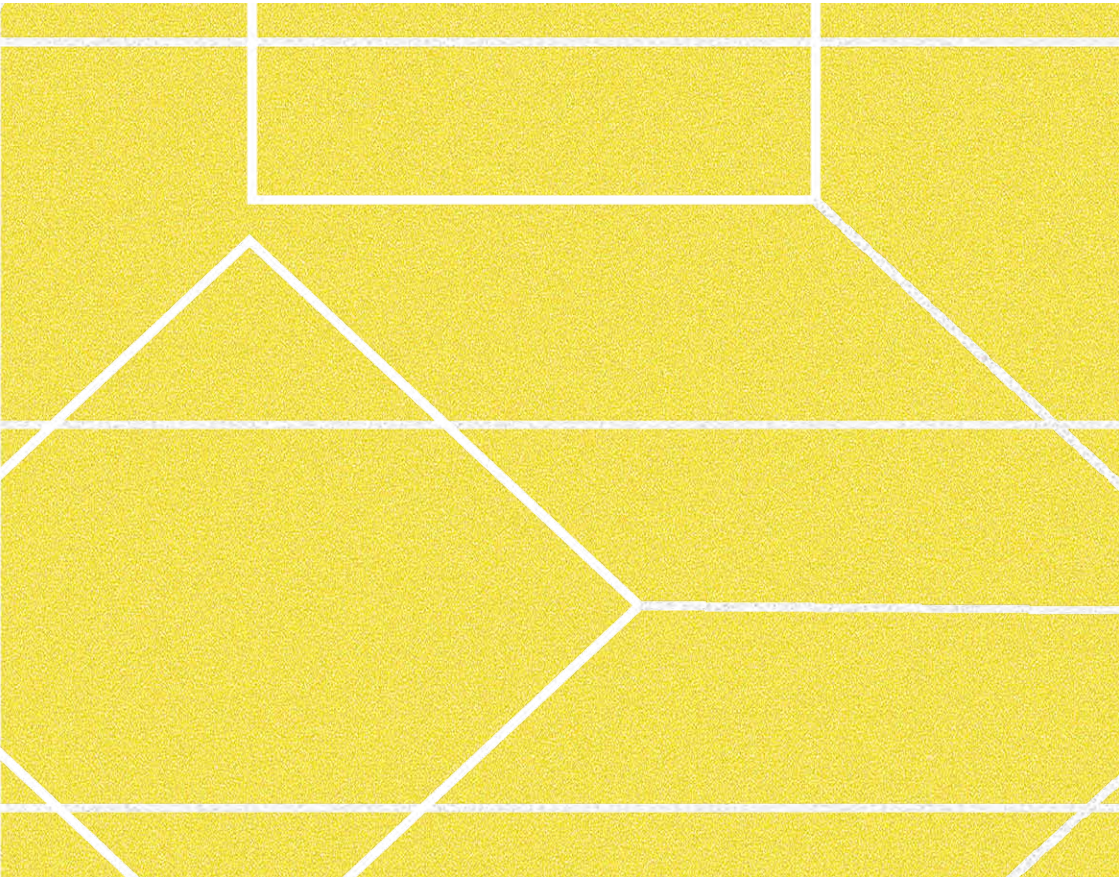
Final MEMOCRACY Conference

In cooperation with Historical Seminar
of the Ludwig Maximilian
University Munich

11 - 12 September 2024 in Munich

Conference venue:

Internationales Begegnungszentrum
der Wissenschaft München
Amalienstraße 38, 80799 München



Tuesday
10 September

19:00 **Dinner
(For Speakers)**

Arte in Tavola
Schellingstraße 51,
80799 München

Wednesday
11 September

9:30 **Welcome and
Introduction**

Angelika Nußberger
University of Cologne,
Germany

Martin Schulze Wessel
Ludwig-Maximilians-University,
Munich, Germany

10:00 **Memory Laws -
The Road to
Autocracy?
Case studies on
Eight European
Countries**

Paula Rhein-Fischer
University of Cologne
Memory Laws in Germany

Anna Wójcik
Polish Academy of Sciences,
Warsaw, Poland, and Max Planck
Institute of Comparative Public
Law and of International Law,
Heidelberg, Germany and

Mirosław Sadowski
Polish Academy of Sciences,
Warsaw, Poland
*Memory Laws in Poland
and Hungary*

Dovilė Sagatienė
Copenhagen University,
Denmark
*Memory Laws in
the Baltic Countries*

Andrii Nekoliak
Asser Institute,
The Hague, Netherlands
*Memory Laws in
Ukraine and Russia*

Moderation:
Angelika Nußberger
 University of Cologne,
 Germany

11:30 Discussion

12:30 Lunch

13:30 **Remembrance
 and Constitutional
 Identity**

Uladzislau Belavusau
 T.M.S. Asser Institute,
 University of Amsterdam,
 The Hague, Netherlands
*Mnemonic Constitutionalism,
 Jewish Past and
 Politics of Citizenship*

Marta Bucholc
 University of Warsaw, Poland
*Constitutional Identity and the
 Contentious Memory Dynamics
 behind National Habitus
 Formation in the EU*

Frank Schorkopf
 University of Göttingen,
 Germany
*Constitutions as Mirrors
 of Historical Knowledge:
 The Promise of German
 Constitutional Identity*

Moderation:
Magnus Brechtken
 Ludwig-Maximilians-University
 Munich, Germany

14:30 Discussion

15:15 Coffee Break

15:45	Remembrance and Populism	<p>Aleksandra Gliszczyńska-Grabias Polish Academy of Sciences, Warsaw, Poland <i>Legal Populism and Holocaust Remembrance in Poland</i></p> <p>Andrea Pető Central European University, Vienna, Austria <i>Roots of Illiberal Memory</i> <i>Politics: Remembering Women in the 1956 Hungarian Revolution</i></p> <p>Peter Vermeersch KU Leuven, Belgium <i>Symbols of National Memory in Pro-Democracy Activism: The Case of Belarus</i></p> <p>Moderation: Patryk Labuda Polish Academy of Sciences, Warsaw, Poland, and Central European University, Vienna, Austria</p>
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16:45	Discussion	
<hr/>		
17:30	Keynote	<p>Mykola Gnatovskyy Judge at the European Court of Human Rights <i>Regulation memory in Europe: A Tool to Protect Human Rights and Rule of Law or a Weapon to Destroy them?</i></p>
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19:00	Conference Dinner (For Speakers)	<p>Max Emanuel Braueri Adalbertstraße 33, 80799 München</p>

Thursday**12 September**

9:00 **Remembrance
and Foreign
Policy**

Martin Schulze Wessel
Ludwig-Maximilians-University
Munich, Germany
*Germany's Historical Responsibility
Towards Ukraine and Berlin's Stan-
ce in the Russian-Ukrainian War*

Maria Mälksoo
University of Copenhagen,
Denmark
*The Baltic Politics of Post-War
Accountability for Russia*

Marco Siddi
University of Helsinki and
Tampere University, Finland
*The Politics of Memory
and Foreign Policy*

Moderation:
Gleb Bogush
University of Cologne,
Germany

10:00 **Discussion**

10:45 **Coffee Break**

11:15	Roundtable: Remembrance in the Digital Age	Ana Milošević KU Leuven, Belgium <i>De-historicization in the Digital Age</i>
		Taha Yasseri Trinity College Dublin, Ireland <i>Large Language Models and Standardisation of Collective Memory</i>
		Vera Zvereva University of Jyväskylä, Finland <i>Disjunctive Memory and Russian Digital Media in the 2020s</i>
		Moderation: Jakob Wetzel Süddeutsche Zeitung, Munich, Germany

12:45 Lunch and farewell

Memory Laws – the Road to Autocracy?

Case studies on eight
European Countries

11 September, 10:00-12:30

Paula Rhein-Fischer,
University of Cologne
Memory Laws in Germany

Anna Wójcik
Polish Academy of Sciences,
Warsaw, and Max Planck Institute of
Comparative Public Law and International
Law and Mirosław Sadowski,
Polish Academy of Sciences, Warsaw, Poland
Memory Laws in Poland and Hungary

Dovilė Sagatienė
Copenhagen University, Denmark
Memory Laws in Baltic Countries

Andrii Nekoliak
Asser Institute, The Hague, Netherlands
Memory Laws in Ukraine and Russia

Moderation: Angelika Nußberger
University of Cologne, Germany

Memory Laws in Germany:

Paula Rhein-Fischer

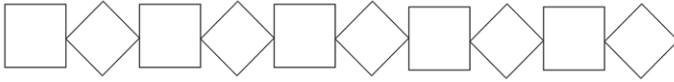
University of Cologne

How does German law today regulate the memory of National Socialism? The case study analyses and structures German memory laws on the Nazi past and investigates their application by courts. It distinguishes three categories of memory laws: (1) 'explicit punitive memory laws', which specifically relate to the Nazi past and provide for criminal sanctions, such as the offences of denial, approval and downplaying of the Holocaust and of glorification of the Nazi regime, (2) 'explicit non-punitive memory laws', including a statute restricting assemblies at memorial sites, and (3) 'quasi-memory laws', grouping diverse provisions with a weaker mnemonic element. They include laws that turn mnemonic through their application, such as the offence of incitement to hatred or the prohibition of unconstitutional political parties, but also other laws that aim to root the remembrance of the totalitarian past in society, such as the legal framework for memorial days and sites. The examined memory laws comply with European standards. In particular, with the introduction of a more general genocide denial ban 2022, the EU Framework Decision on racism and xenophobia of 2008 has been fully implemented. The study concludes with a discussion of three particularities arising in the specific context of German memory laws and politics: the concept of militant democracy, the growing criticism of the current memory culture, and 'new right-wing' populism.



Paula Rhein-Fischer is a Postdoctoral Researcher at the Academy for European Human Rights Protection of University of Cologne (Germany). She is Postdoctoral fellow in the research project 'Memocracy' and leads the German team of the consortium 'Mnemonic Reality', both funded by the Volkswagen Foundation. She holds both German state exams in law as well as a *Maîtrise en Droit* from Université Paris I Panthéon Sorbonne. She completed her PhD at the Institute for International Peace and Security Law at the University of Cologne with a dissertation on the prohibition to use force and factual mistakes (Nomos 2020). Her current

research focuses on law and time, memory laws, human rights and constitutional law.



Memory Laws in Poland and Hungary

Anna Wójcik

*Polish Academy of Sciences, Warsaw, Poland
and Max Planck Institute of Comparative
Public Law and International Law and*

Mirosław Sadowski

Polish Academy of Sciences, Warsaw, Poland

Poland has a comprehensive system of memory laws that were initially developed to help consolidate its democracy. These include classic militant democracy provisions, such as the prohibition of propagating fascism and totalitarian ideologies like Nazism and Communism. Unique to Poland is the criminalization of past crimes linked to the mandate of the Institute of National Remembrance. It covers the Holocaust denial. Additionally, various laws have been enacted to address the undemocratic communist period, although the record on implementation of decommunization bills, particularly criminal accountability and lustration, has been mixed. History holds a significant place in Polish public life, with political figures often signalling their ideologies through stances on historical narratives and remembrance practices. In recent years, during a period of rule of law backsliding, Poland has seen a rise in new, polarizing memory laws that diverge from the standards set by the European Convention on Human Rights.

Hungary, like other Central and Eastern European countries, has a particularly complicated relationship with its own history following a tumultuous 20th century. As such, it comes as no surprise that it has introduced a number of different types of memory laws, uniquely adapting the internationally recognised standards on the protection of the official narratives of the state. Most interestingly, after 2010, Hungary engaged in

the so-called mnemonic constitutionalism, enshrining the state-curated collective memories in the country's highest act. The constitution, together with other memory-related laws—ranging from newly designated national holidays to lustration to the cultural heritage of the country—create a densely populated memory landscape, one that is not free from contestation. A particular source of contention is the focus on the legacy of the Treaty of Trianon and the portraying of Hungary as the victim of two totalitarianisms in the official narrative, while the troubling episodes from the Hungarian history are conspicuously absent.



Anna Wójcik is a postdoctoral researcher in law, researcher at the Institute of Law Studies of the Polish Academy of Sciences and Alexander von Humboldt Foundation postdoctoral fellow at the Max Planck Institute of Comparative Public Law and International Law in Heidelberg. Her academic interests include the intersection of historical memory governance and European law as well as the rule of law, its backsliding in Europe, and European mechanisms for the protection of the rule of law and human rights.



Mirosław Sadowski is Lecturer at the School of Law, University of Strathclyde in Glasgow, Scotland; Postdoctoral Researcher within the “Mnemonic Reality” project at the Centre for Global Studies, Aberta University in Lisbon, Portugal; Postdoctoral Fellow at CEBRAP – Brazilian Center of Analysis and Planning in São Paulo, Brazil; and Research Assistant within the “Memocracy” project at the Institute of Legal Sciences, Polish Academy of Sciences in Warsaw, Poland. He has over 30 publications, including the monograph “Intersections of Law and Memory: Influencing Perceptions of the Past” (Routledge 2024) based on his doctorate. He is a member of the British Socio-Legal Studies Association (SLSA), Canadian Law and Society Association (ACDS/CLSA), Open Council of Europe Academic Networks (OCEAN), as well the Richard Wagner Society of Wrocław, where he serves as the Board Member responsible for International Relations, and Compares - International Society for Iberian-Slavonic Studies, where he serves as Vice-President.

Memory Laws in the Baltic States

Dovilė Sagatienė

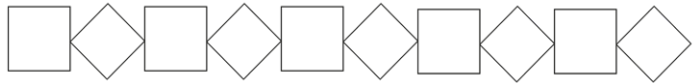
Copenhagen University, Denmark

The case studies of Estonia, Latvia and Lithuania summarize the distinct patterns of mnemonic legal regulation in the three Baltic states, including the national and international case law, the related controversies and the background of memory legislation. Memory laws in the Baltic states were adopted in the course of dealing not only with their past during the Nazi German occupation (1941-1944), but also with the two Soviet occupations (1940-1941 and 1944-1990, respectively), as well as with the relevant European standards, largely set before the Baltic states became part of the EU in 2004 and the Russian war in Ukraine since 2014. The report distinguishes between a) punitive memory laws (which includes anti-hate speech punitive memory laws; the offence of Holocaust denial and the denial of Soviet crimes; the measures of an administrative nature on banning Russian media and restrictions for Russian and Belarusian citizens after 2014 and 2022), b) non-punitive memory laws (laws related to the process of transitional justice and symbolic satisfaction) and c) quasi-memory laws (declarations, public apologies, the renaming of streets and the institution of the days of remembrance). The report concludes that the majority of the Baltic memory laws comply with European standards, summarizes the similarities and differences between Estonia, Latvia and Lithuania and delivers several policy recommendations for the decision makers in the field.

Dovilė Sagatienė is a postdoctoral researcher at MEMOCRACY project (*Volkswagen Stiftung*, 2021-2024) since October 2022, based at Centre for Military Studies at University of Copenhagen (Denmark). Her dissertation about Soviet courts of general jurisdiction in occupied Lithuania (2013) focused on Soviet judiciary problems, and her previous post-doc as a Fulbright Scholar at the Harriman Institute at Columbia University in 2019-2020 explored the Soviet repressions in Lithuania in the framework of the genocide concept. Her recent publications include: *Memory Laws in the Baltic States*, *Copenhagen University, Department of Political Science, Centre for Military Studies, 2024*, *Challenging*



the 'Post-Soviet' Label and Colonial Mindsets. NATO Summit in Vilnius, *Verfassungsblog*, 2023, World War 2 Memories in Lithuania and Ukraine, *Verfassungsblog*, 2023, Gorbachev's Legacy in Lithuania, *Verfassungsblog*, 2022, Governing the Memory of the Present. Banning Russian War Symbols in Lithuania, Germany, and Poland, *Verfassungsblog*, 2022, The Transformation of Lithuanian Memories of Soviet Crimes to Genocide Recognition, *International Journal of Transitional Justice*, 2022, Deconstruction of Soviet Deportations in Lithuania in the Context of the Genocide Convention, *International Criminal Law Review*, 2021, The Debate about Soviet Genocide in Lithuania in the Case Law of the European Court of Human Rights, *Nationalities Papers*, 2020.



Memory Laws in Russia and Ukraine

The study report takes a stock of the legal regulation of historical memory in Russia and Ukraine, including the application of 'memory laws' by national courts and legal assessment of the compatibility of the existing laws with the European Convention on Human Rights (ECHR) and EU law. Russia's current war against Ukraine highlights the mobilization of historical memory for military conflict. Russian official rationale for the full-scale invasion of Ukraine in February 2022 was enshrined in quasi-historical argumentation drawing from 'historical memory'. In contrast, Ukrainians present the current warfare as a step in a continuous struggle against Russian imperialism. The report proceeds from a point that 'memory laws' is a conceptual denominator to assess the progression of memory politics. It aims to: a) examine legislative outputs over historical memories in 1991-2014 via a comparative empirical mapping of laws and policies; b) underscore politics surrounding the lawmaking dynamics in Russian and Ukrainian legislatures; and c) analyse the socio-legal consequences of 'mnemonic' legislation projected on larger societies. Though the goal of the report is not oriented towards theory-building explicitly, the implications of the

study are comparative and analytical - they do suggest the relationship between the types of politics in legislatures and the quality of legal governance of memory gathering from a 'paired comparison' of Russia and Ukraine.

Andrii Nekoliak is a Postdoctoral Researcher at the T.M.C. Asser Institute — University of Amsterdam (@ANekoliak). He holds a Ph.D. in political science from the University of Tartu (Estonia), having defended a thesis on *'Memory Laws' and the Patterns of Collective Memory Regulation in Poland and Ukraine in 1989-2020: A Comparative Analysis* (2022). In his research for the MEMOCRACY project, he focuses on the politics of memory in Ukraine and Russia. Before joining the T.M.C. Asser Institute, Andrii worked as a junior researcher at the Johan Skytte Institute of Political Studies at the University of Tartu. Andrii has published a book chapter on language politics in Ukraine in an edited volume with Palgrave MacMillan (and has forthcoming chapters with Hart-Bloomsbury and Routledge). He also has an article on the politics of Ukraine's Constitutional Court in *Review of Central and East European Law* (Brill). Apart from research, Andrii contributes to *Verfassungsblog*.



Angelika Nußberger is professor of international law, public law and comparative law at the University of Cologne and founding director of the Academy for European Human Rights Protection, Vice-President and international judge at the Constitutional Court of Bosnia and Herzegovina and Vice-President of the Venice Commission of the Council of Europe. She was a judge at the European Court of Human Rights, elected on behalf of Germany from January 2011 to December 2019, and its Vice-President from February 2017. She has studied law and literature (German, Russian and French) in Munich, Würzburg, Moscow (1985 study visit) and Boston (visiting researcher at Harvard University 1994/1995).



Remembrance and Constitutional Identity

11 September, 13:30-15:15

Uladzislau Belavusau

T.M.S. Asser Institute - University of Amsterdam,

The Hague, Netherlands

*Mnemonic Constitutionalism,
Jewish Past and Politics of Citizenship*

Marta Bucholc

University of Warsaw, Poland

*Constitutional Identity and the Contentious
Memory Dynamics behind National Habitus
Formation in the EU*

Frank Schorkopf

University of Göttingen, Germany

*Constitutions as Mirrors of Historical Knowledge:
The Promise of German Constitutional Identity*

Moderation: Magnus Brechtken

Ludwig-Maximilians-University Munich,
Germany

Mnemonic Constitutionalism, Jewish Past and Politics of Citizenship

Uladzislau Belavusau

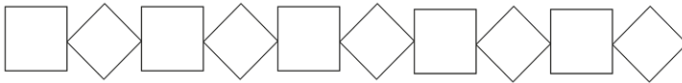
T.M.S. Asser Institute -

University of Amsterdam, The Hague, Netherlands

Memory laws constitute a plethora of the state-authorised regulations transcending exclusively criminal provisions about the denial of Holocaust from the 1980-1990s. In fact, most of those regulations are non-punitive and not – albeit explicitly – about the Holocaust, which does not resolve the controversies of such laws with freedom of expression, minority protection and the rule of law. Yet, underneath the legal culture of memory governance, there arguably lies a wider normative phenomenon than pure memory laws, which I conceptualise under the heading of *mnemonic constitutionalism*. Mnemonic constitutionalism positions the authority and legitimacy of a state into the boundaries of a certain historical paradigm, whereas current and future attitudes and behaviours of state actors derive from, and are limited by, moral lessons of the past translated into constitutional memory. Within mnemonic constitutionalism, the historical past becomes the foundation underlying the collective identity prescribed by either the national constitution itself, via constitutional symbols, by legal provisions which traditionally shape the substructure of national constitutional law (most prominently, citizenship laws), or statutes shaping collective identities by virtue of imposing specific understandings of the historical past. The “never again” theme has been a core historical paradigm in Europe, fostering a certain *Erinnerungskultur* of mnemonic constitutionalism. For this presentation, I will first briefly highlight mnemonic constitutionalism in Hungary, Belarus and Russia. But my focus will then be largely on the Jewish past (with its tragedies extending beyond and preceding the Holocaust) as an identity meta-narrative unfolded by mnemonic constitutionalism. Specifically, I will reflect on how citizenship laws – as the foundational cluster of constitutional law in liberal democracies (including, even, in countries without a formal constitution) – have built cons-

titutional ontologies upon the Jewish past through three central examples involving Jewish citizens in Germany, in Spain and Portugal, and in Israel.

Uladzislau Belavusau is a Senior Researcher in European law at the T.M.C. Asser Institute – University of Amsterdam (the Netherlands), where he currently leads the Dutch team of the MEMOCRACY project (2021-2024). Previously, he was an Assistant Professor of EU law and human rights at the Vrije Universiteit Amsterdam (2011-2015) and a Principal Investigator for the MELA project (2016-2019). He holds a PhD from the European University Institute (Florence, Italy) and an LLM from the Collège d'Europe (Bruges, Belgium). He is the author of a monograph *“Freedom of Speech”* (Routledge, 2013), and co-editor of three books: *“Constitutionalism Under Stress”* (Oxford University Press, 2020), *“EU Anti-Discrimination Law”* (Hart-Bloomsbury, 2018) and *“Law and Memory”* (Cambridge University Press, 2017). His research and teaching cover various areas of EU (especially constitutional and anti-discrimination) law, comparative constitutional law, human rights and memory politics.



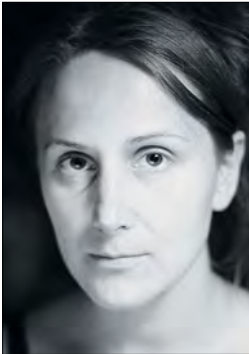
Constitutional Identity and the Contentious Memory Dynamics behind National Habitus Formation in the EU

Marta Bucholc

University of Warsaw, Poland

If constitutional identity resembles any form of identity recognized by social science, it must be founded on the common use of symbolic expressions of collective belonging, based on a *We*-image embedded in shared memory resources. Therefore, the socio-legal concept of constitutional identity needs to engage with sociological theories that combine memory-studies agendas and legal considerations under the same explanatory framework. In my talk, I propose that the

theory of national habitus may be a fruitful starting point for such theorization. Drawing on the concept of habitus as developed by Norbert Elias and Pierre Bourdieu, I focus on the role of memory resources in the formation of national habitus as well as on the operations of law in constructing, transforming, and contesting national habitus. I further explore the dynamics of contentious memory involved in the emerging multi-level constitutionalism of the European Union, focusing exemplarily on caselaw and doctrinal considerations coming from Poland. I highlight the crucial role of remembering and forgetting in developing constitutional identity as an instrument in power struggles, where national habitus and national We-images are at stake.



Marta Bucholc, a sociology professor at the University of Warsaw, leads the ERC project „ABORTION FIGURATIONS“ and heads the Polish team for the Volkswagen Foundation's „Towards Illiberal Constitutionalism“ project. Previously, she was a Research Professor at the University of Bonn's „Law as Culture“ Centre (2015-2020). She has served as a visiting professor at the University of Saint-Louis Brussels and the University of Graz, a visiting bye-fellow at the University of Cambridge, a fellow at the IWM in Vienna and Imre Kertesz Kolleg in Jena, and a distinguished fellow at the University of Munich's Universalism and Particularism Centre.

Constitutions as Mirrors of Historical Knowledge: the Promise of German Constitutional Identity

Frank Schorkopf

University of Göttingen, Germany

At the centre of Schorkopf's considerations is the function of a constitution, which he develops on the basis of the doctrine of German constitutional identity. The working hypothesis is that a constitution, by virtue of its enactment or interpretation and practice, stores historical knowledge and in a certain way also reflects it. For the Federal Republic and the Basic Law, this is the „answer“ to National Socialism and, to a lesser extent, to the partition after 1949. The fundamental rights, the guarantee of dignity, and the eternity clause (Article 79(3) of the Basic Law) are institutions whose existence on the one hand and application on the other can only be understood from the historical momentum. The debate on the application of Article 79(3) of the Basic Law to European integration, which has been criticised with the argument that the eternity clause was only intended as a response to dictatorship, demonstrates that this function is indeed recognised. Since the constitution is always concerned with the future of a political community, and its main purpose may even lie in the freedom-orientated upholding and shaping of the political sphere, historical knowledge always has an impact on the current and future decision-making and governance of the constitution. Constitutional identity is therefore not merely a place of remembrance of the historical conditions of more or less distant constitution-making — in the case of the Basic Law, this means the aforementioned response to National Socialism. Constitutional identity condenses the normative core that Schorkopf sees in the fact that the conditions for the self-determination of a specific political community — in contrast to the neighbouring constitutional spaces — are preserved.

Frank Schorkopf is professor of Public Law and European Law at the University of Goettingen since 2009 and full Member of the Goettingen Academy of Sciences and



Humanities. His research is focused on legal issues arising from the interaction of legal systems, i.e. Constitutional Law, European Law and International Law, converging in a German Foreign Relations Law. Most recently, he published a Constitutional History of the European Union, covering the period from 1948 to 2007 (*Die unentschiedene Macht*, Vandenhoeck & Ruprecht 2023; English translation forthcoming 2025). His interest in constitutional procedural law stems from his time as a Law Clerk at the Federal Constitutional Court (2002-2005). He regularly appears as counsel in proceedings before the Federal Constitutional Court. He is Co-editor of the *Archiv des öffentlichen Rechts* (Mohr Siebeck, Tübingen).



Magnus Brechtken (b. 1964), studied History, Political Sciences and Philosophy; He holds a PhD from the University of Bonn (1994). He served as an Assistant Professor at the Universities of Bayreuth (1994-1995) and Munich (1995-2002). He spent several years of research in Britain, France, Poland and the United States. After his Habilitation in 2002, he became DAAD-Langzeitdozent, Associate Professor and Reader at the University of Nottingham. In 2012, he was appointed Deputy Director of the Munich Institute for Contemporary History. He is also Professor at the University of Munich. He published on German, British and American International History, Memory Studies, History of Modern Antisemitism, National Socialism and its aftermath. His publications include: „Madagaskar für die Juden. Antisemiti-

Remembrance and Populism

11 September, 15:45-17:30

Aleksandra Gliszczyńska-Grabias

Polish Academy of Sciences, Warsaw, Poland

*Legal Populism and Holocaust Remembrance
in Poland*

Andrea Petö

Central European University, Vienna, Austria

*Rethinking Narratives of Sexual Violence
during War Time*

Peter Vermeersch

KU Leuven, Belgium

*Symbols of National Memory in Pro-Democracy
Activism: The Case of Belarus*

Moderation: Patryk Labuda

Polish Academy of Sciences, Warsaw, Poland

and Central European University, Vienna, Austria

Legal Populism and Holocaust Remembrance in Poland

Aleksandra Gliszczyńska-Grabias

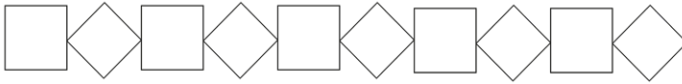
Polish Academy of Sciences, Warsaw, Poland

“We Poles, today, in the memory of the millions of us who fought, suffered and rescued their Jewish neighbours during the cruel German night, in the memory of Poland’s great history, on this foundation, we build great bright houses, we build great bright Poland” said Prime Minister Morawiecki in 2019, on the National Day of Commemoration of Poles Rescuing Jews Under German Occupation, a national day established by the Law and Justice government. The “millions” mentioned in PM’s speech, supposedly in need of protecting their dignity and good name, were also referred to and abused a year before, when the so-called Holocaust bill had been implemented, causing legal, political and diplomatic turmoil. The last decade in Poland has been marked by memory laws focused almost entirely on legally decreeing the version of history promoted by Prime Minister Morawiecki. Moreover, we have also seen a significant rise of “mnemonic case law” – civil and criminal lawsuits brought against historians, media and other participants of public discourse who were deemed “anti-Polish”. A radical change in the official approach to this narrative took place after a new government came to power in October 2023, which could be expressed, among other things, by the announcement of the intention to amend the Holocaust Bill. But generally, the populism of remembrance remains convenient and useful for all sides of the political stage. However, it is worth pointing out these legal developments in Poland that have most drastically violated not only historical truth, but also human rights and freedom protection standards. This is the main aim and focus of my presentation.



Aleksandra Gliszczyńska-Grabias is Assistant Professor at the Institute of Law Studies, Polish Academy of Sciences and member of the Board of Governors of the International Association of Jewish Lawyers and Jurists. She specialises in constitutional law, legal tools of fighting anti-Semitism and xenophobia, freedom of speech, vulne-

rable groups' rights and legal governance over memory. Co-editor and co-author of *Constitutionalism under Stress* (OUP, 2020) and *Law and Memory: Towards Legal Governance of History* (CUP, 2017). She held numerous fellowships, including at the University of Cambridge, Yale University and the European University Institute. Principal Investigator in international research consortiums 'Memory Laws in European and Comparative Perspectives (MELA)' funded by the Humanities in the European Research Area' (2016-2019) and 'The Challenge of Populist Memory Politics for Europe: Towards Effective Responses to Militant Legislation on the Past' sponsored by the Volkswagen Stiftung (2021-2024), and in a research project on reconceptualization of the militant democracy doctrine, funded by the National Science Centre in Poland (2024-2027).



Roots of Illiberal Memory Politics: Remembering Women in the 1956 Hungarian Revolution

Andrea Pető

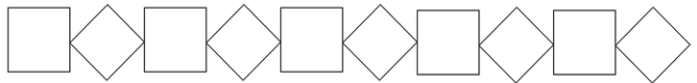
Central European University, Vienna, Austria

The resistance against communism is the founding myth of the post communist Eastern Europe. Therefore the memory of 1956 Hungarian Revolution brought unexpected but foreseeable conflicts in memory politics as the illiberal polypore state is instrumentalizing and emptying the memory of protest for its own purpose. The paper, after analysing the reasons for women's absence from historiography of the 1956 Revolution, discusses how the polypore state is using the populist turn to introduce hegemonic narratives and include women in the narrative of "national feminism" during the "her-story" turn.

Andrea Pető is a historian and Professor at the Department of Gender Studies at Central European University, Vienna, Austria, Research Affiliate of the CEU Democracy Institute,



Budapest, and Doctor of Science of the Hungarian Academy of Sciences. Her works on gender, politics, Holocaust, and war have been translated into 23 languages. In 2018, she was awarded the 2018 All European Academies (ALLEA) Madame de Staël Prize for Cultural Values and the 2022 University of Oslo Human Rights Award. She is Doctor Honoris Causa of Södertörn University, Stockholm, Sweden. Recent publications include: *The Women of the Arrow Cross Party. Invisible Hungarian Perpetrators in the Second World War*. Palgrave, Macmillan, 2020. *And Forgotten Massacre: Budapest 1944*. DeGruyter, 2021. Her writing has been featured in *East European Politics and Society*, *Feminist Theory*, *NORA*, *Journal of Women's History*, *European Journal of Women's Studies*, *Clio*, *Baltic Worlds*, *European Politics and Society*, *International Women's Studies Forum*, *Central European History*, *Nashim*, *Immigrants and Minorities*, *Comparative Migration Studies*, *Politics and Governance*, *Journal of Genocide Research*, *Contemporary European History*, *Journal of Intelligence History and OpenDemocracy*, *Queries*, *Social Europe*, *Political Critique*, *Conversations*, *The Huffington Post*, *Der Standard*, *Project Syndicate*, *Geschichte der Gegenwart*, *Public Seminar*, *Le Monde*, *Haaretz*, *University World News*, *Eurozine*, *TheLoop*.



Symbols of National Memory in Pro-Democracy Activism: The Case of Belarus

Peter Vermeersch

KU Leuven, Belgium

This paper investigates several endeavours by Belarusian citizens — most of them in exile now — to re-use, interrogate, reframe, and subvert national symbols, artefacts and narratives in order to strengthen their struggle for democracy in the face of an authoritarian state. In particular, it focuses on the way in which pro-democracy activists — supported by artists, or themselves often artists — have given prominence

to a 'new' national flag and used it in different types of visual representations as a shortcut to tell a historical narrative of the Belarusian nation that supports their struggle.

Instead of using the current official flag of the country — which is the red-green bicolor flag that is an adaptation from the one used during Soviet times — these activists have presented, invoked, and worked with the white-red-white flag, an emblem that harks back to another past: the Belarusian People's Republic of 1918. By doing so, they have sought to accomplish a specific intervention in the realm of memory politics in and around Belarus. Through the use of this flag, an alternative past is invoked and incorporated into a new national remembrance culture, one that revalues the political power of exile activism and seeks to confront the dominant historiography of the Soviet Union in Belarus itself. Activists have done this in sometimes unexpected ways — altering or destroying the flag during the process, or signaling its presence merely by using the colours red and white, ultimately making the absence of the flag itself a symbol of (resistant) nationhood. Their work has also been a powerful intervention in the political struggle around the meaning of national emblems in relation to democracy — a struggle that is not merely symbolic but is literally fought between pro-democracy activists and the security forces of Lukashenko's regime.

The paper shows how the national flag — as a symbol, artefact and narrative — can play a major role in invigorating a broader movement of creative resistance against dictatorship. More broadly, the different ways in which the flag has figured as a centrepiece in Belarusian activism show how the retelling of the national past can be relevant for contemporary political movements fighting for a democratic future.

Yet, while activists are focused on exposing the political abuse of nationalist symbols in the hands of undemocratic forces, their attempts at building new national symbols of unity and resistance from the bottom up and based on specific other pasts may not go unchallenged either. Among pro-democracy forces their work may run the risk of being misunderstood, reframed, misrepresented or exposed as a form of political nostalgia that propagates primordialist, sentimental, roman-

tic and even exclusionary understandings of nationhood. The activists who seek to revise national memory through artistic uses of the white-red-white flag have to grapple with that complication too, and seek ways to evade it.



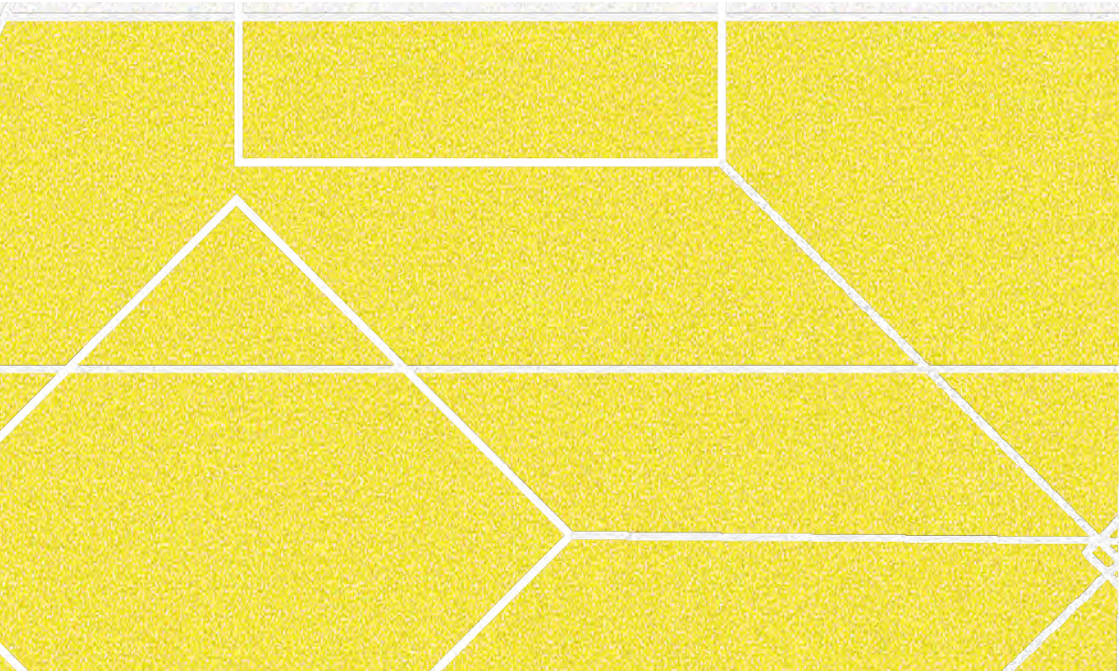
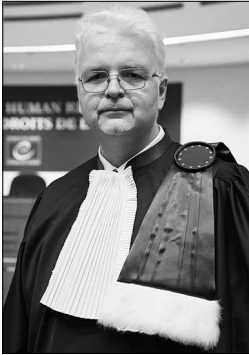
Peter Vermeersch is a professor of politics at the Faculty of Social Sciences of the KU Leuven (University of Leuven), Belgium. He has an MA in East European Studies and Slavic languages and a PhD in political science. Previously, he was, among others, a guest researcher at the OSCE and a visiting scholar at Harvard University. In Leuven he has been a senior member of the research group LINES (Leuven International and European Studies). His research focuses on minority politics, memory politics, nationalism, democratization, pro-democracy movements and restorative justice. His work has appeared in a range of peer-reviewed academic journals and magazines, and he has written and edited several academic books. He also writes narrative essays and literary non-fiction. More information: <http://www.petervermeersch.net>



Patryk Labuda is an assistant professor of international law and international relations at Central European University in Vienna and a researcher on the 'Memocracy' project (Polish Academy of Sciences, Institute of Law Studies). He is specialized in international criminal law, peace and security law, and global history. He has worked and researched across Africa, and she is currently studying memory politics between Eastern Europe and the Global South. His articles have appeared in a range of leading journals, and his book 'International Criminal Tribunals and Domestic Accountability. In the Court's Shadow' was published by Oxford University Press in 2023.

Keynote

11 September, 17:30-19:00

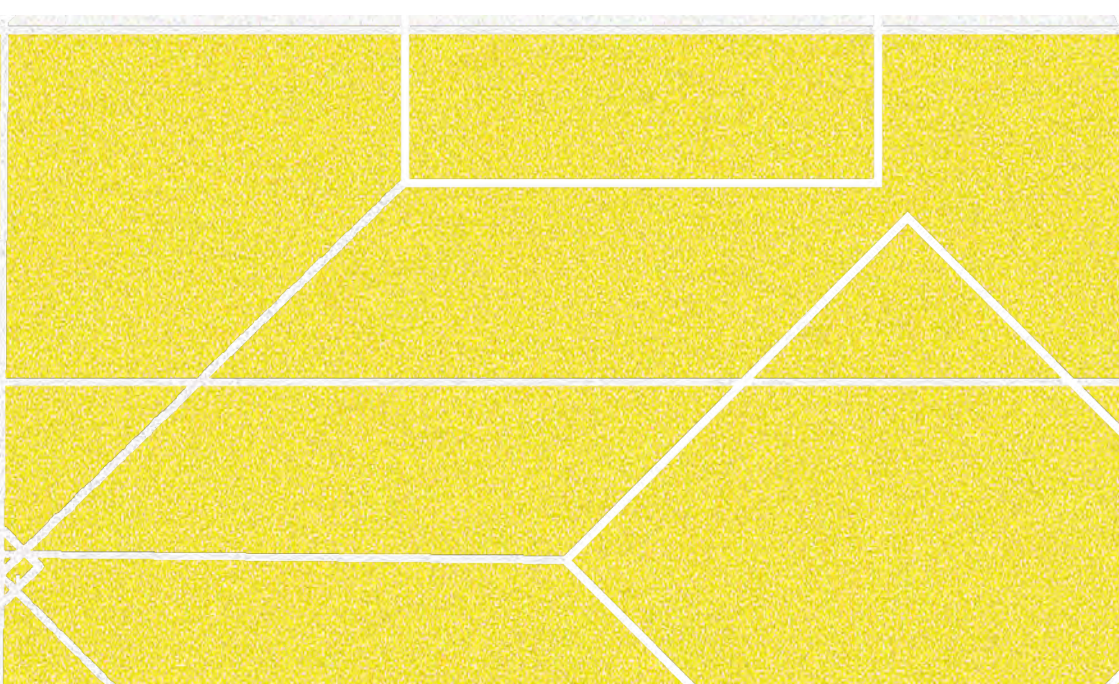


Regulating memory in Europe: A Tool to Protect Human Rights and Rule of Law or a Weapon to Destroy Them?

Mykola Gnatovskyy

Judge at the European Court of Human Rights

Judge Mykola Gnatovskyy holds an LL.M and a Ph.D. in International Law from Taras Shevchenko National University of Kyiv. Before joining the European Court of Human Rights, he taught Public International Law at the Institute of International Relations of the same University, specialising in International Human Rights Law, International Humanitarian Law, and International Criminal Law (2002-2022) as well at the Ukrainian Catholic University in Lviv (2017-2020). Since 2009 and until 2021, he served as a member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), including as its President for three consecutive terms (2015-2021).



Remembrance and Foreign Policy

12 September, 9:00-10:45

Martin Schulze Wessel

Ludwig-Maximilians-University Munich, Germany
*Germany's Historical Responsibility towards Ukraine
and Berlin's Stance in the Russian-Ukrainian War*

Maria Mälksoo

University of Copenhagen, Denmark
*The Baltic Politics of Post-War
Accountability for Russia*

Marco Siddi

University of Helsinki and Tampere University, Finland
The Politics of Memory and Foreign Policy

Moderation: Gleb Bogush

University of Cologne, Germany

Germany's historical responsibility towards Ukraine and Berlin's stance in the Russian-Ukrainian war

Martin Schulze Wessel

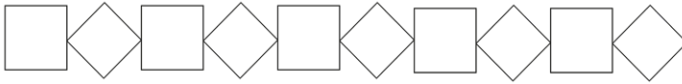
Ludwig-Maximilians-University Munich, Germany

Since the beginning of the Russian-Ukrainian war in 2014, and especially since Russia's full-scale invasion of Ukraine, historical memory and foreign policy in Germany have been in a tense and contradictory relationship: at the beginning of the war, German politicians who wanted to maintain a special relationship between Germany and Russia emphasised Germany's war guilt towards Russia (ignoring the fact that Nazi Germany's attack was directed against the Soviet Union and that German occupation affected the Ukrainian Soviet Republic more than the Russian one). Since Russia's full-scale invasion of Ukraine, the public debate in Germany has turned to two questions of guilt that have long been ignored: German guilt towards Ukraine in the Second World War and Moscow's guilt towards Ukraine in the Holodomor. At the same time, the question of whether the new discourses of guilt are pushing back the memory of the Holocaust has been discussed. The paper will be dedicated to the question of what influence historical memory has on Germany's attitude in the Russian-Ukrainian war.

Martin Schulze Wessel (1962) is Professor of Eastern European History at the LMU Munich. He studied Eastern European History and Slavic Studies in Munich, Moscow and Berlin and wrote his doctoral thesis on the Polish question in Russian-Prussian relations in the 18th and 19th centuries. In 1996, he became an assistant professor at the University of Halle-Wittenberg and wrote his second book on revolution and religious dissent in the Russian and Habsburg empires. Martin Schulze Wessel was appointed Professor of Eastern European History at the LMU Munich in 2003. Since 2004, he has been Director of the Collegium Carolinum, the research institute for the history of the Czech Republic and Slovakia in Munich. In 2015, he founded the German-Ukrai-



nian Historical Commission together with Professor Yaroslav Hrytsak (Catholic University of Lviv). From 2012 to 2016, he was President of the Association of German Historians. He has been a member of the Bavarian Academy of Sciences and Humanities since 2008. In 2021/22, he was a Fellow at St Anthony's College, University of Oxford. Since September 2022, he has been Director of the Centre for Advanced Studies „Universalism and Particularism in European Contemporary History“ at LMU Munich.



The Baltic Politics of Post-War Accountability for Russia

Maria Mälksoo

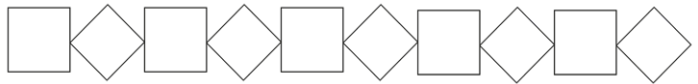
University of Copenhagen, Denmark

In the context of the watershed moment of Russia's full-scale invasion of Ukraine, the Baltic states have stood out with their political vocality on establishing post-war accountability mechanisms for Russia. They have called for the creation of an international UN General Assembly-endorsed special tribunal to prosecute the Russian crime of aggression against Ukraine and lobbied for the EU to use the frozen assets of Russia to rebuild Ukraine. This contribution investigates the Baltic politics for establishing Russia's accountability as an instance of historically charged exercising of diplomatic agency in the physical and political frontlines of the collective West's deterrence attempts of Russia. The Baltic case study illustrates distinctly remembrance-embedded norm entrepreneurship in endorsing justice for international crimes. The Baltic calls for holding Russia accountable for the aggression against and atrocities in Ukraine demonstrate subscribing to the norms of legal accountability and deterrence in transitional justice and international criminal law. Meanwhile, the Baltic agency-claiming on the issue of post-war justice for Ukraine is also an instance of a search for belated symbolic justice for the historic crimes in the context of the Second World War and the long Soviet occupation by Russia's legal predecessor USSR against their own states and nations. Besides a strong

vicarious identification with the plight of Ukraine, the Baltic states' legal diplomacy and way of exercising memory-political deterrence thus also evidences an aspiration for a symbolic satisfaction and retrospective transitional justice. The Baltic politics of seeking accountability for Russia's aggression against Ukraine hence provides an evocative illustration of how the political remembrance of the past informs states' ontological security-seeking and foreign policies in the present.



Maria Mälksoo is Professor of International Relations at the Department of Political Science, University of Copenhagen. She is the Principal Investigator in the University of Copenhagen team of the Volkswagen Foundation-supported MEMOCRACY project (2021-2024) and the Principal Investigator of the European Research Council Consolidator Grant RITUAL DETERRENCE (2022-2027). Her research foci are International Relations Theory, Critical Security Studies and Memory Politics. Prof. Mälksoo is the author of *The Politics of Becoming European: A Study of Polish and Baltic Post-Cold War Security Imaginaries* (Routledge, 2010); a co-author of *Remembering Katyn* (Polity, 2012); an editor of the JIRD Special Issue "Uses of 'the East' in International Studies: provincializing IR from Central and Eastern Europe" (2021), and the *Handbook on the Politics of Memory* (Edward Elgar, 2023) (further publications available here). She currently serves as an editor of the *Review of International Studies* (Cambridge University Press).



The Politics of Memory and Foreign Policy

Marco Siddi

University of Helsinki and Tampere University, Finland

Foreign policy debates are replete with references to historical events. Political leaders often construct analogies with the past in order to justify foreign policy decisions in the present. In the USA and Western Europe, decision-makers have

propagated narratives about the presumed 'lessons learned' from appeasing Hitler in the late 1930s in order to mobilise support for military interventions in the Balkans and the Middle East in the 1990s and the 2000s. In Russia, analogies have been drawn between the post-2014 Ukrainian governments and Ukrainian nationalists and Nazi collaborators during the Second World War, a narrative that was then used to justify the full-scale invasion of Ukraine in 2022. In Poland, during the Law and Justice-led governments (2015-2023), the (re) construction of official identity narratives around nationalist themes spilled over to the foreign policy arena and caused tensions with neighbouring countries. A similar development has occurred in East Asia, where nationalist and self-absolving narratives about the Second World War have marred Sino-Japanese relations, most notably. Memory and foreign policy are linked in a complex and reciprocal way. Several mechanisms of (ab)using historical memory in foreign policy discourses exist, including the application of historical analogies, the construction of historical narratives, the creation of memory sites, the marginalisation and forgetting of the past and the securitisation of historical memory. This contribution explores these mechanisms with reference to empirical case studies.

Marco Siddi is Senior Research Fellow at the Finnish Institute of International Affairs and associate professor at the University of Cagliari. He focuses on identity and memory politics, energy politics, European politics and EU-Russia relations. His work has been published in journals like *Politics*, *Journal of European Public Policy*, *Geopolitics* and *International Politics*. He is the author of the *monographs European Energy Politics: The Green Transition and EU-Russia Energy Relations* (Edward Elgar 2023) and *European Identities and Foreign Policy Discourses on Russia: From the Ukraine to the Syrian Crisis* (Routledge 2020), and co-editor of *Historical Memory and Foreign Policy* (Palgrave 2022).

Gleb Bogush is research fellow at the Institute for International Peace and Security Law, University of Cologne, Germany. His main area of interest is public international law, especially international criminal law, international humanitarian law and international human rights law. Prior to his move



to Cologne, Dr. Bogush worked as associate professor at the Moscow State University, HSE University in Moscow, and postdoctoral research fellow at the University of Copenhagen. He contributed to MEMOCRACY final publication with a chapter on Russia's memory politics in the context of full-scale aggression against Ukraine.

Roundtable: Remembrance in the Digital Age

12 September, 11:15-12:45

Ana Milošević

KU Leuven, Belgium

De-historicization in the digital age

Taha Yasseri

Trinity College Dublin, Ireland

*Large Language Models and Standardisation
of Collective Memory*

Vera Zvereva

University of Jyväskylä, Finland

*Disjunctive Memory and Russian Digital
Media in the 2020s*

Moderation: Jakob Wetzel

Süddeutsche Zeitung, Germany



Ana Milošević is a Post-Doctoral Researcher at the Leuven Institute of Criminology (LINC) at the KU Leuven Faculty of Law. Her research takes a bird's eye view of various roles assigned to memorialisation processes. Her recent book "Victims and memory after terrorism" (Routledge, 2024) zooms on the post-terrorist memorialisation in Europe to critically examine its effectiveness for the victims, their families and survivors.



Taha Yasseri is a Full Professor and Workday Chair of Technology and Society at Trinity College Dublin and Technological University Dublin, Ireland. Formerly, he was a Professor and Deputy Head of the School of Sociology and a Geary Fellow at the Geary Institute for Public Policy at University College Dublin, Ireland. Before moving to Ireland in 2020, he was a Senior Research Fellow in Computational Social Science at the University of Oxford, a Turing Fellow at the Alan Turing Institute for Data Science and Artificial Intelligence, and a Research Fellow in Humanities and Social Sciences at Wolfson College. Taha Yasseri has a PhD in Complex Systems Physics from the University of Göttingen, Germany. He has interests in the analysis of large-scale transactional data and conducting behavioural experiments to understand human dynamics, machines' social behaviour, mass collaboration and collective intelligence, information and opinion dynamics, hate speech and content moderation, collective behaviour, and online dating.



Vera Zvereva (Orcid ID <https://orcid.org/0000-0001-8071-6380>) is a Senior lecturer in Russian language and culture, University of Jyväskylä, Finland. She is an author and co-editor of books and publications on Russian media culture, including *Network Talks: Cultural Communication on the Russian Internet* (Bergen, 2012), *Memory, Conflict and New Media: Web Wars in Post-Socialist States* (Routledge, 2013), 'Trolling as a digital literary practice in the Russian Language Internet' (In *Russian Literature*, 118, 2020) and 'State propaganda and popular culture in the Russian-speaking internet' (In M. Wijermars, & K. Lehtisaari (Eds.), *Freedom of Expression in Russia's New Mediasphere*, 2020). Her current research topics are Russian digital memory and information warfare.

Jakob Wetzel was trained at the renowned German School of Journalism in Munich, after studying philosophy, political science, journalism and contemporary history, specialising in colonial history and political myths. Today he works at the science desk at *Süddeutsche Zeitung*, Germany's largest non-boulevard daily newspaper. There, he plans and coordinates the overall daily reporting in the science section and reports on research in archaeology and in the historical sciences.



MEMOCRACY Project

The proliferation of memory laws and policies in Central and Eastern Europe (CEE) has instigated a contemporary culture war in Europe, a clash concerning the meaning of the past for present European identities. The MEMOCRACY project seeks to address this democratic dilemma and the related legal and political challenges in the context of contemporary Europe. The term 'memocracy', coined for the purposes of this study, means 'ruling on the basis of memory'.

We pursue a trans-disciplinary research approach in order to achieve knowledge integration across comparative constitutionalism, socio-legal studies, critical legal studies, international relations scholarship, and CEE area studies. This project contributes to understanding the nexus between the erosion of fundamental democratic rights and the emerging nation-centric governance of memory in CEE.

The Project has three key objectives:

To develop an analytical framework for studying the migration and distortion of constitutional concepts in Europe;

To conduct qualitative case studies of the memory laws and policies in Germany and seven CEE states over the past decade, on the one hand, and democratic standards in the EU and CoE, on the other;

To contribute to current public debates about the future of liberal democracy by providing new scholarly insights on the parameters of democratic memory governance in the transnational European space.

The team consists of researchers from the fields of comparative law, constitutional law, political science, and international relations. The main outputs of this collaboration will be thematic workshops with stakeholder engagement, academic publications, and a website, showcasing comprehensive policy briefs about memory laws, judgments, and policies in the reviewed countries. The project runs from October 2021 until May 2025 and is funded by the Volkswagen Foundation.

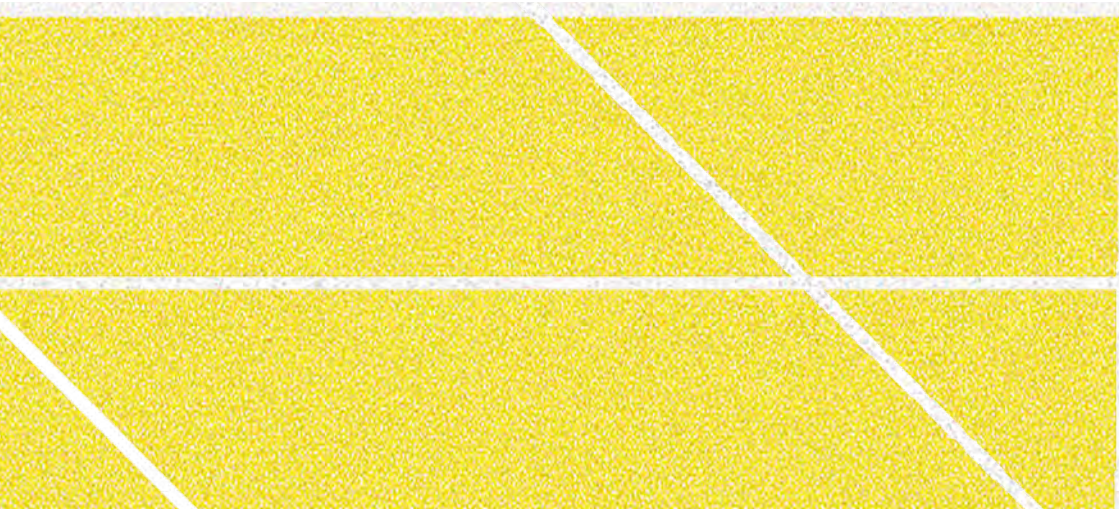
Current Memocracy team:

Prof. Dr. Angelika Nußberger (Principal Investigator)
Dr. Uladzislau Belavusau (Principal Investigator)
Dr. Aleksandra Gliszczyńska-Grabias (Principal Investigator)
Dr. Maria Mälksoo (Principal Investigator)

Dr. Grażyna Baranowska
Dr. Patryk I. Labuda
Dr. Andrii Nekoliak
Dr. Paula Rhein-Fischer
Dr. Dovilė Sagatienė
Dr. Mirosław Sadowski
Anastasiia Vorobiova

Former members:

Dr. Anna Wójcik
Simon Mensing
Charlie Bennett
Sian Lord
Florent Beurret



Venues and Practical Information

Conference

Internationales Begegnungszentrum
der Wissenschaft München
Amalienstraße 38,
80799 München

Dinner on 11 September 2024

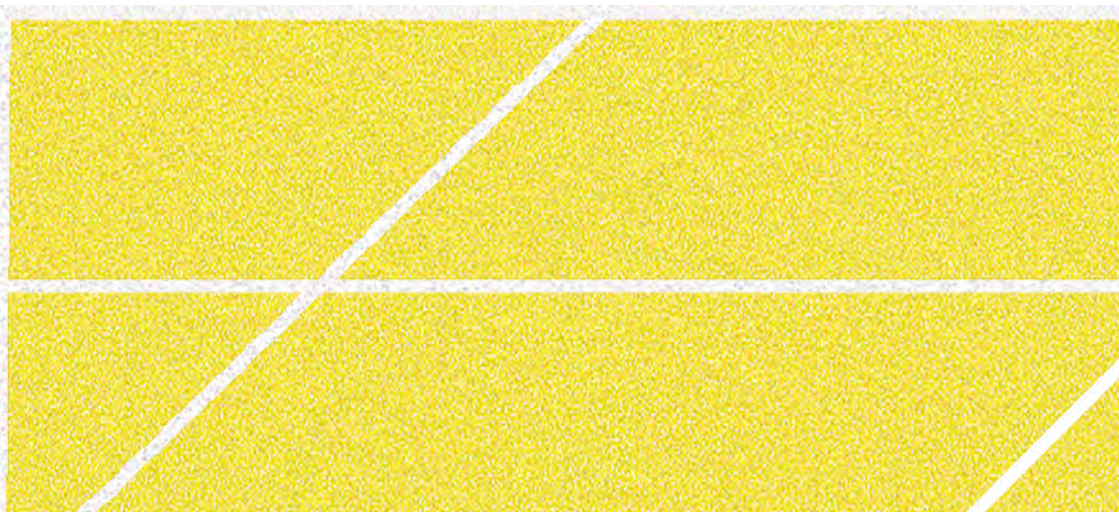
Max Emanuel Brauerei
Adalbertstraße 33, 80799 München

Hotel

Carlton Munich
Fürstenstraße 12
80333 München

Important Phone Numbers

Police: 110
Fire Department and First Aid: 112



Guide to Munich

Munich, the capital of Bavaria, is a vibrant city that uniquely blends traditional Bavarian charm with a modern, dynamic culture. Founded in the 12th century and situated on the banks of the Isar River, Munich has grown into one of Germany's most significant cities regarding culture, politics, economy, science, and media. With a population of 1.5 million, it is celebrated for its rich cultural heritage, highlighted by the internationally renowned Oktoberfest.

At the heart of Munich is **Marienplatz**, a lively square that has been the city's main gathering place since its founding. Dominating the square is the **New Town Hall** (Neues Rathaus), a splendid building completed in 1905 in the Gothic Revival style. The Rathaus is famous for its Glockenspiel, which re-enacts historical Bavarian events daily, drawing crowds of tourists to watch the charming performance.

Nymphenburg Palace, a magnificent Baroque residence conveniently located 20 minutes from Munich's city centre, served as the summer retreat for Bavarian monarchs. The palace is surrounded by extensive, beautifully designed gardens featuring serene canals, picturesque bridges, and diverse wildlife. Visitors can explore the opulent rooms, stroll through the palace gardens, and visit the renowned Nymphenburg Porcelain Manufactory, as well as the impressive Marstallmuseum with its carriage collection.

If you are seeking a peaceful retreat from the bustling city, visit the beautiful **English Garden**, one of the largest inner-city parks in the world, surpassing even Central Park in size. The park is perfect for long walks, picnics, and even surfing on the Eisbach, a small artificial river.



The **Alte Pinakothek** is one of Europe's most significant art galleries, housing outstanding works from one of the world's largest collections of European paintings from the 14th to the 18th centuries. Highlights include masterpieces by Dürer, Rubens, and Rembrandt. The **Lenbachhaus** is famous for housing the world's largest collection of the Blue Rider movement, alongside exhibitions of Neue Sachlichkeit (New Objectivity) and international contemporary art.

The Ludwig Maximilian University of Munich (LMU), founded in 1472, is one of Germany's oldest and most prestigious universities. It is renowned for its research and academic excellence, attracting students from around the world.


Munich's neighbourhoods each boast distinctive charm. **Schwabing**, well-known for its abundance of cafés, bars, and shops, is a favourite destination for both locals and tourists alike. The bustling Leopoldstraße serves as the heart of Schwabing's vibrant scene. **Glockenbachviertel** is one of Munich's trendiest districts, known for its diverse cultural scene and nightlife. **Maxvorstadt**, where the conference is held, stands out as one of Munich's most architecturally and culturally significant neighbourhoods. It is home to the city's major universities, Ludwig-Maximilians University and the Technical University, and offers numerous museums, landmarks, and inviting cafés.

Next to the conference venue, you will find **Café Puck**, **Café Zeitgeist**, and **Mary's Coffee Club**, offering a selection of burgers, pasta, salads, brunch options, and coffee for your enjoyment.



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The organisers would like to express gratitude
to VolkswagenStiftung for funding the
MEMOCRACY project and its
final conference.

