

Owning the Past

The Omnipresence of Divergent Historical
Narratives in Law and Politics



Edited by:
**Angelika Nußberger &
Paula Rhein-Fischer**

Verfassungsbooks

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Verfassungsbooks
ON MATTERS CONSTITUTIONAL

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Angelika Nußberger, Paula Rhein-Fischer

Omnipresent History

Competing Historical Narratives in Law and Politics



Present-time politics are, to an unprecedented extent, shaped by struggles over how to remember the past: Putin's war of aggression against Ukraine is led in the name of history; Germany's wrestling with the war in Gaza is largely determined by its memory of the Holocaust, to give just two examples. However, historical narratives have not only swept into politics, but also into law. States increasingly position their constitutional legitimacy and authority in historical paradigms. In states such as Russia, Hungary, or formerly PiS-governed Poland, these paradigms are mostly heroic and whitewashing versions of their own national past; in the case of Germany, it is the "negative founding myth" of the Holocaust memory. This trend has been fittingly described as mnemonic constitutionalism.¹ It translates to a wide range of constitutional amendments and memory laws which incorporate a state-official interpretation of history, such as the praise of the heroism of the Red Army or the criminal ban to deny, approve or trivialise the Holocaust.

Despite a growing body of literature on memory politics and laws, the various national debates have not only remained unconnected, but are often contradicting one another. In Germany, policies like the antisemitism resolution adopted in November 2024,² the newly clarified obligation of immigrants "to acknowledge the special historical responsibility of Germany for the Nazi regime and its consequences, notably for the protection of Jewish life"³, and calls for a criminal ban of denying the existence of the State of Israel by the Christian Democratic party⁴ have rarely been put in relation with discussions on memory laws and policies in other states. Of course, a law which criminalises those who criticise the Polish nation of being co-responsible for Nazi crimes⁵ stands in a different

context and is of a different quality than laws enshrining the German “Never Again” topos. But only putting the turn to memory in different states and with different motivations in relation to each other allows recognising the potential problems of this trend.

The crucial question about memory laws and politics is this: To what extent do they help prevent the violation of rights, e.g., by avoiding hate speech and discrimination or justifying the support for a nation that is attacked by an aggressor, and to what extent do they pave the way to authoritarianism as they restrict human rights, notably the freedom of speech, assembly and research, and can easily be distorted to feed a government-friendly narrative? The research project “MEMOCRACY”, led by the University of Cologne, the Polish Academy of Sciences, the Asser Institute in The Hague and the University of Copenhagen (2021-2024), has coined the term “memocracy” precisely to ask about the (non-)authoritarian character of ruling on the basis of memory.

The present book, containing contributions from the MEMOCRACY final conference “Memory Rights and Memory Wrongs” in Munich on 11 and 12 September 2024 that have been published in a *Verfassungsblog* symposium in January and February 2025, takes up this thread. This edited volume, by putting experiences with memory laws and politics in Central and Eastern Europe and Western Europe in relation to each other, aims to spark debate about the positive and negative aspects of “memocracy”. Thus, contributions stemming from young and established scholars from across Europe and various disciplines, including law, history, political science, literary science, gender studies, language studies, sociology and computational sciences, cover aspects relating to Russia, Ukraine,

Belarus, the Baltics, Poland, Hungary, Italy, Germany, France and the Netherlands. After two comparative analyses of memory laws that provide the basis for the edited volume, the remaining contributions will be grouped around three main themes in which the question of the (non-)authoritarian nature of memory laws and politics is raised from different angles. First, the book investigates the relationship between memory and illiberalism in domestic politics. Second, it asks about the influence of memory on states' foreign policy and its consequences. Third, it broadens the view by looking at how memory laws and politics are undergoing fundamental changes in the digital age.

Point of departure: A comparative view on memory laws in Eastern and Western Europe

This edited volume begins with a contribution by **Andrii Neko-liak, Paula Rhein-Fischer, Mirosław Sadowski and Dovilė Sagatienė**. Based on the four MEMOCRACY country studies on Germany, the Baltics, Hungary and Poland, Russia and Ukraine, they analyse similarities and differences of these states when dealing with their experiences with totalitarianism. The authors examine the impact of these differences on attempts to establish a shared European memory, as well as on the various geopolitical approaches in the region. They are ultimately sceptical towards attempts to harmonise very diverse memories at the EU's level and transpose any specific historical narrative to other member states. Rather, they argue, the EU focus should lie on ensuring the good quality of the legal governance of memory.

This comparative picture is complemented by the analysis by **Uladzislau Belavusau**. He investigates the approaches of France and the Netherlands to govern the memory of their colonial past by legal means. While the French legislator has recognised slave trades as crimes against humanity in a formal law, the Netherlands have opted for symbolic acts by government officials and the royal family. Belavusau firmly argues that the non-formal approach of the Netherlands is preferable, as it offers more flexible and contextually appropriate solutions than memory laws, which heavily interfere with the freedom of expression and pose the risk of a chilling effect.

Memory and illiberalism

Some memory laws and politics have proved to be useful instruments of populist forces as well as symptoms of democratic backsliding. **Aleksandra Gliszczyńska-Grabias** delves into the example of Poland, where she investigates the phenomenon of competitive victimhood, manifesting itself in the former PiS-government's attempts to replace the narrative of Jewish victimhood with the narrative of Polish nation's victimhood caused by Nazi crimes. Looking at the sensitive Polish-Ukrainian mnemonic relations, she concludes that the only possible way forward is to drop the competitive victimhood paradigm and recognise the perspective of the other side.

Andrea Pető contributes another example: the distortion of the memory of the 1956 Hungarian Revolution by Viktor Orbán's government for illiberal means. Orbán draws from the experience of this revolution that it is supposedly "irresponsible" for Ukrainian President Zelensky to defend Ukraine against Russia. Pető analyses the instrumentalisation of women in this

context as well as the reasons for this illiberal hijacking of the 1956 events that have formed Hungary's identity until today.

Another fascinating aspect of the relationship between memory and illiberalism is explored by **Peter Vermeersch**. He examines the efforts by Belarusian artists, driven into exile since the crush of pro-democracy protests in Belarus in 2020, to artistically deal with their memories of Belarus' recent and distant past. His impressive examples of memory art relying on the Belarusian national colours, red and white, are momentous because these are not the colours of Belarus' current official flag but the ones used during the Soviet era. Vermeersch thus also delves into the risk of misunderstanding that such artistic ambiguity brings about.

Memory and foreign policy

Even where memory is not deliberately used for illiberal means, it has a huge influence on states' political and legal decisions – with positive or negative outcomes. This is in particular the case for foreign policy.

A striking example of this is the Baltic straight-forward politics of post-war accountability for Russia on which the contribution by **Maria Mälksoo** centres. She demonstrates how deeply this policy is engrained in the Baltic-specific historical memory of the consecutive Soviet and Nazi occupations. Mälksoo argues that the Baltics, by emphasising the deterrent effect of accountability for protecting the long-term guardianship of the rules-based international order, found a way to escape the usual peace versus justice dilemma that all pleas for criminal accountability of state aggressors face.

Martin Schulze Wessel demonstrates the extent to which the German government's choices with regard to Ukraine and Russia have been influenced by Second World War memory. Examining politicians' statements from the 1980s until the ongoing war of aggression, he reaches a remarkable conclusion: While for a long time, Germany's "never again" paradigm was one-sidedly associated with Russia and mostly limited to not waging wars of aggression or committing genocide, the full-scale invasion of 2022 has changed this topos so that it now also entails the need to support states like Ukraine. Thus, it became clear – and the German government has acknowledged it recently – that Germany has a historically founded special responsibility not only towards Russia but also towards Ukraine.

Marco Siddi chooses another intriguing facet of the relationship between memory and foreign policy: the enabling effect of a "policy of forgetting" for foreign policy. Revealing striking statements of history-whitewashing by the Italian Meloni government, he analyses the instruments from the memory politics toolbox used to forget war and colonial crimes. He regretfully concludes that Western partners do not mind too much about Italy's deceptive reinterpretation of fascist history, as long as the country stays in line in today's pressing international crises like Ukraine and the Middle East.

Memory in the digital age

There are various factors that will bring about changes in memory politics and laws in the future, including the occurrence of new crimes that societies will seek to remember and an increasing time distance to the previous main historical reference points of the 20th century. A perhaps even more significant

factor of change, however, is digitization. **Taha Yasseri** points out key challenges for the future resulting from the fact that artificial intelligence and large language models like ChatGPT will increasingly standardize collective memory, thus propagating illusions of consensus and posing risks to the diversity and plurality of memory. He concludes that legal standards for the training, development and deployment of large language models, as well as an increased public understanding of how they work, are essential.

Vera Zvereva focusses on “disjunctive memory” in the digital world, i.e. the phenomenon that digital memory is not necessarily everywhere connected. While it might be expected that the internet is a large digital archive which links different materials by different individuals, groups, and institutions from across the globe regarding different events of the past and present, digital memory can also be fragmented and non-cohesive. Thus, states like Russia use means like access restrictions or misinformation to increase the disjuncture of memory.

Ana Milošević is sceptical of the learning effects of memorialisation and argues that building monuments and recalling victims’ suffering is not sufficient, but must be complemented by other policies. Above all, it is important to engage directly with the structural causes of violence, to face difficult truths, and to avoid black-and-white scenarios.

Conclusion

There seems to be no easy answer to the question of how inherently authoritarian and illiberal or democracy-promoting and rights-protective memory laws and politics are. In all three areas examined here – domestic politics, foreign policy, and

digitisation – memory laws and politics are in part used to promote the rights of individuals or nations, and in part to infringe upon them and undermine democracy and the rule of law. Memory laws are thus Janus-faced and it depends on the specific context in which of the faces one looks. A one-size-fits-all approach must therefore give way to a differentiated analysis of the content and context of each law.

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The Diversity of Legal Governance of Memory in Europe

Looking Back on the MEMOCRACY Country Studies



Memory laws pose a set of distinct challenges for modern democracies, including in the realm of human rights law. In four conducted studies during the MEMOCRACY project (2021-2025), we took stock of the dynamics, trade-offs, and effects of legal governance of historical memory in a region ridden with mnemonic conflicts. The reports collect and categorise legislative outputs concerning the historical past in Germany, the three Baltic States, Hungary and Poland, Russia and Ukraine, and situate this legislation in the context of the respective domestic memory politics. The common effort also sheds light on the question of the compatibility of these countries' memory laws with human rights law standards enshrined in the European Convention on Human Rights (ECHR) and the law of the European Union (EU).

In this chapter, we distil the most interesting comparative findings of the reports, namely the fact that the countries' own and foreign experiences with totalitarianism are legally and politically approached very differently (1). On this basis, we sketch the consequences and challenges of these fundamental differences, both for the establishment of a "European memory" (2) and the various states' approaches to modern geopolitics (3).

Our analysis demonstrates that, at the moment, there is a disharmonious myriad of understandings of the past in the official discourse of the European countries, reflected in various legal measures. It varies too greatly to serve as a common basis for a European memory. Rather, to some extent, a diversity of memories should be recognised, and historical dialogue seems better suited than laws to foster mutual understanding of history.

Fundamentally different: varying approaches to historical memory and totalitarianism

One of the most difficult issues in memory politics in Europe in the current day is the question of the different responses to the totalitarian past. Each country has its own relationship with the Nazi and/or Soviet past: some states were victims of these crimes, others were perpetrators or bystanders; some put forward their different faces depending on the evolving geopolitical situation, oftentimes to the detriment of their own citizens, in principle the minorities. Some countries experienced both totalitarianisms (those in Central and Eastern Europe), while others only one (those in Western Europe). Especially the latter difference further complicates the dialogue on the past between the different European countries, leading to a feeling of disconcert between Western and Eastern states, made visible in such cases as, for example, the ECtHR rulings on the bans of certain symbols, finding the prohibition of those related to fascism and Nazism as passing the standard of the Convention, but not those relating to communism.

The struggle of different experiences is perhaps most visible in Germany, the country in which one part of the population experienced “only” one totalitarianism, while the other saw both. When it comes to remembering the Nazi past, there are a number of explicit memory laws (e.g., Holocaust denial ban, ban on the use of Nazi symbols, assembly restrictions at memorial sites for victims of National Socialism), centred around the “negative founding myth” of the Federal Republic of Germany, that is the overcoming of the Holocaust and other Nazi crimes,

in place. In turn, there is only one explicit memory law relating to both totalitarian pasts: the German Judges Act, which obliges the teaching about both regimes during legal studies (§ 5a (2)). The remembrance of the GDR dictatorship is thus much less visible in law.

By contrast, Hungary presents a different approach to its past: fully embracing its dualism while simultaneously white-washing the country's government collaboration with Nazi Germany until the 1944 coup.¹ While less visible in the Hungarian memory laws,² which, like the ban on symbols that prohibits the public display of fascist, Nazi and communist symbols or the Holocaust denial ban, which also prohibits the negation of communist crimes, the policy of Hungary as the victim – and only victim – of the two totalitarianisms seeps into the country's cultural policy.³ While references to the Horthy regime (collaborating with the Nazis) keep popping up throughout the country, the “only victimhood” narrative dominates in the museum displays or the authorities' rhetoric.⁴

Similarly, the memory politics of the Baltic countries address both totalitarian experiences in their national narrative, with several common threads identifiable: all three were absorbed into the USSR in 1940 and remained under the Soviet occupation regime until the 1990s – only interrupted by the Nazi occupation from 1941 to 1944. As such, the Baltic countries' memory laws have as their goal the preservation of memory of past injustices, the promotion of social harmony and cohesion, and the seeking of ensuring the accurate representation of historical facts. These are not without tensions though: the removal of certain vestiges of the Soviet memory, e.g., in the form of monuments, often leads to very difficult reactions from

the Russian minority living in the countries, as in the case of Latvia and Estonia in particular.

Ultimately, Ukraine and Russia have a particular relationship with their totalitarian pasts. Ukraine has experienced a “deferred” type of engagement in regard to its Soviet past,⁵ historically stressing the remembrance of the Nazi crimes and only more recently acknowledging the Holodomor (2006) or the victims of Soviet oppression (2018). Ukrainian memory laws have been used to shape national identity,⁶ focusing on Soviet-era crimes between 1917 and 1991 and the struggle by the Ukrainian nationalists during World War II. This dynamic of a distinct Ukrainian memory as compared to the former “Soviet memory” has intensified particularly with Russia’s first aggression against Ukraine in 2014, becoming even more pronounced since the full-scale invasion. In Russia, the focus is still solely on the Nazi atrocities and the heroic role of the Soviet Union in defeating Nazism. Despite the initial attempts, such as the 1991 law on victims of repressions,⁷ the political impetus to memorialise the Soviet-era victims withered out with time in Russia.

Or united in diversity? Reconciling conflicting historical narratives in the context of Europeanisation of memory

The demonstrated differences regarding mnemonic approaches to totalitarianism have not remained without impact on the attempts to establish a common “European memory”.

The efforts to reconcile Europe in the post WWII era economically by establishing the European Coal and Steel Community in 1951⁸ during the following decades gradually extended to the search of a shared “European historical

memory”⁹, mainly shaped by the Holocaust legacy in the West.¹⁰ However, Holocaust remembrance remained underdeveloped in Eastern Europe from 1945 to 1989, as it conflicted with the communist historical narrative there.¹¹ The communist regime in the region did not want to distinguish the Jewish victims of the Second World War. The wartime victims, who included Jews and far more non-Jews, were presented by the communists as citizens of the Soviet Union. The “Europeanisation”¹² of Holocaust memory, as the integration of diverse national memories into a cohesive, pan-European framework, began in the mid-1990s with the efforts of European institutions (European Parliament, the Council of Europe), and was transmitted to Central and Eastern Europe with the membership to the EU.

With the alarming vandalism against a synagogue in Cologne in 1959,¹³ the West German Republic emerged among the first European states to attempt to prosecute for the incitement to hatred against Jewish communities, however, the legislative proposal to explicitly ban Holocaust denial in a separate offence succeeded only in reunified Germany in 1994. Germany’s memory politics, especially regarding the Holocaust, since the 1980s focus on the singularity of this atrocity, resisting comparisons with other historical crimes and genocides under other totalitarian regimes.¹⁴ This approach, which is increasingly questioned by intellectuals on the political left (emphasising, in particular, Germany’s changed society, including many people with immigrant roots who have other historical experiences), has created extra tensions with Central and Eastern European countries, which joined the EU in 2004¹⁵ and originally emphasised Soviet-era atrocities rather than the Holocaust after the collapse of the USSR in the 1990s.

The German model of emphasising primarily the remembrance of the Holocaust was reflected in the (binding) EU Framework Decision 2008/913/JHA on “Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law” (EU FD¹⁶ 2008¹⁷), initiated under German EU Council presidency. It obliges member states in a separate paragraph to criminalise, under certain conditions, the condoning, denial, and gross trivialisation of Nazi crimes (“crimes defined in Article 6 of the Charter of the International Military Tribunal”, Art 1 (1) (d)). Not only did Eastern European member states fail in convincing the framework decision’s authors to add a direct reference also to Soviet crimes; these crimes were not even covered by the general obligation to criminalise hate speech through condoning, denying or trivialising genocide, crimes against humanity, and war crimes (Art. 1 (1) (c) EU FD 2008). This is because the requirement that the statement must be directed against a group of persons defined by race, colour, religion, descent or national or ethnic origin largely excludes communist crimes, which were mainly aimed at political enemies and wealthy people. Art. 10 of the preambular of EU FD 2008 simply allows states to also include other criteria such as social status and political conviction. As a result, the three Baltic states, Estonia, Latvia and Lithuania, which faced both Nazi rule (1941-1944) and Soviet occupations (1940-1941, 1944-1990), had to reconcile their focus on the Soviet Union’s role in the Molotov-Ribbentrop Pact of 1939¹⁸ and on Soviet crimes with the integration of Holocaust memory into their national narratives.¹⁹ As the tension on the recognition of the Soviet victims’ countries remained,²⁰ Lithuania (2010²¹) and Latvia (2009²²) criminalised the denial of both Nazi and Soviet crimes.²³

Hungary, being focused on linking its present with over five hundred years of the legal past under the concept of “historical constitution”²⁴, often to the annoyance of its neighbours, also deviates from EU FD 2008. The Hungarian provisions include the denial of communist crimes since 2012²⁵ and do not have a direct reference to the Holocaust in the article,²⁶ in turn focusing on Nazi – and communist – crimes in general. These regulations contrast with the EU’s broader objective of fostering a shared European memory.

Meanwhile, Ukraine’s developments pose a challenge to the broader European memory framework.²⁷ In the context of Europeanisation, Ukrainian memory politics and laws created tensions with Poland, where some Ukrainian historical figures and actions (e.g., the Volyn massacre in World War II²⁸) are viewed negatively and ultimately seen as Nazi collaborators. The disagreement remains politically relevant even after the full-scale attack of Russia in 2022²⁹ and Ukraine’s aspirations for closer alignment with European institutions, especially since Maidan 2013-2014³⁰ and Russia’s annexation of Crimea.

In contrast, Russia’s memory politics is entirely in contradiction³¹ with the European framework,³² as it focuses on the Soviet Union’s role in defeating Nazi Germany and heroism that excludes the reconciliation with the former USSR-occupied countries on the issue of the USSR’s co-responsibility for the start of WWII. Moreover, Russia’s use of historical revisionism³³ to justify its territorial ambitions further sabotage any attempt at the Europeanisation of memory, as in Russia, history is used to assert its influence in former Soviet-occupied territories rather than a narrative to be harmonised with Europe.

Memory in modern geopolitics

The outlined fundamental differences in the domestic memory schemes of the examined European states are also reflected when it comes to these states' positioning in modern geopolitics.

First, the specific stance that states adopt vis-à-vis their and Europe's past influences the way states make their geopolitical choices. This is most obvious regarding Russia. The Kremlin, as has become obvious in Putin's numerous and widely commented "lessons of history" (Miklasová³⁴, Cherviatsova³⁵ and Hirsch³⁶), specifically draws on the alleged historical linkage between Russia, Ukraine and surrounding states to justify its violent attempt to subjugate these states to its regime. In turn, the Baltic states' political reactions to Russia's annexation of Crimea in 2014 and the full-scale invasion of Ukraine, resulting, *inter alia*, in an extraordinary increase in their defence expenditure,³⁷ demonstrate how deeply rooted memory of the Soviet past is ingrained in Baltic's societies.

Things are more ambiguous when it comes to Hungary and Germany. Hungary's anti-communist memory politics clash with its current pro-Russian stance in the Russo-Ukrainian war, creating particular contradictions when Viktor Orbán is instrumentalising³⁸ Hungarian memory about its 1956 revolution against the Soviet rule³⁹ (see also the upcoming post by Andrea Pető in this edited volume) and at the same time criticising the EU when adopting sanctions against today's Russia. This contradiction was made famously visible by allowing the monument to the Red Army to remain in the centre of Budapest.⁴⁰

The German government, with its proclaimed “*Zeitenwende*”, renouncing its historically-rooted military restraint, is forced to perform a delicate split between, on the one hand, supporting Ukraine, especially in view of Germany’s responsibility for German Nazi’s colonial war of annihilation against Ukraine,⁴¹ and on the other hand, the concern, also historically rooted, to avoid German weapons being turned against Russian territory again. It is striking that support for Ukraine is much weaker in the German East, which experienced Soviet influence, than it is in the German West.

Second, current conflicts clearly demonstrate that memory laws and politics have themselves become crucial instruments of geopolitics. Since the 2010s, the official historical discourse and the “rehabilitation of Nazism” trope of the Russian parliament have embraced an outward-looking projection of the Soviet memory of WWII onto Russia’s neighbours, signalling an increased mnemo-political aggressiveness of official historical discourse. Disinformation campaigns telling the Russian historical narratives are widely disseminated in social media abroad. Developments like the astonishing success of the pro-Russian party Bündnis Sahra Wagenknecht in Germany indicate that these efforts are not without effect.⁴² Precisely to oppose Russian attacks on domestic memory, the Baltic states have introduced administrative measures banning Russian media outlets as well as restrictions in relation to Russian and Belarusian citizens, pertaining to the transmission of Russian narratives. These memory laws reflect the attempted defence of the states’ ontological security, as Maria Mälksoo⁴³ and Kathrin Bachleitner⁴⁴ have put it, which addresses the need to create and preserve a particular identity, especially in times of crisis

and war. In this way, the quest for a “stable” memory becomes a means of defence.

Conclusion

The legal governance of memory varies greatly across the region. On the one end of the spectrum, recognising the nation’s perpetrator role unequivocally, the German approach to the past is strongly defined with a pursuit of “politics of regret” regarding the memory of WWII. The German Holocaust denial ban has become a paradigmatic case for the legal discourse of memory laws itself. On the other side, Russia comes across as practising mnemonic repression via a set of problematic memory laws domestically.⁴⁵ A denial of mnemonic sovereignty of Central-Eastern European nations and of Ukraine especially is pronounced in the Russian case.

The attempts to align these various visions in a Europe-wide legal and mnemonic space should not necessarily mean transposing a single, closed-ended understanding of the past. The very different attempts to regulate the past legally presented in the MEMOCRACY reports show that this understanding varies widely. Deeper knowledge of each country’s backgrounds and contexts could foster mutual understanding via a historical dialogue, unless there is extreme rejection of the notion of the historical dialogue per se as well as interlocutors in the dialogue. In the latter respect, in case any pathway for Russia’s re-integration into the Council of Europe (CoE) arises, the incompatibility of Russian memory laws with CoE standards will have to be addressed. At large, historical dialogue is paramount for shaping common European memory as a transnational memory, a memory-in-dialogue.⁴⁶

Finally, mnemonic divisions reflect the open-ended character of the pursuit of a sense of historical justice. The Lithuanian quest for legal qualification of some Soviet crimes as genocidal,⁴⁷ as well as Ukraine's move to recognize the Holodomor famine of 1932-1933 as a genocide,⁴⁸ are examples in the latter regard. Recognizing mnemonic diversity instead of transposing any particular historical theme or historical narrative to the European level is advisable. The quality of legal governance of memory should be made certain across countries, in particular, by ensuring democratic legitimacy, necessity and proportionality of legal regulation to set standards.

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Uladzislau Belavusau

Memory Laws and Colonial Reckoning in France and the Netherlands

How Legal Frameworks Shape the Legacy of Colonialism



The colonial empires of France and the Netherlands once spanned vast territories across Africa, Asia, and the Americas, driven mainly by economic ambition.¹ French possessions that extended from Algeria to Vietnam and Haiti, have left a complex legacy of cultural influence, political ties, and lingering historical grievances. What remained of the colonial empire of France are its overseas departments and territories, including places like Guadeloupe, Martinique, Réunion, French Guiana, and several Pacific islands such as New Caledonia and French Polynesia, which continue to maintain political and economic ties with the French Republic. Likewise, the Dutch empire, fuelled by maritime trade, in certain periods controlled outposts in Indonesia, the Caribbean, and South America, with remnants of its rule still visible in constituent countries of the Kingdom of the Netherlands in the Caribbean – Aruba, Curaçao, and Sint Maarten – as well as in the special municipalities of Bonaire, Saba, and Sint Eustatius (Caribisch Nederland), with the latter remaining a sunny fraction of the Netherlands as such. Today, both nations grapple with the legacies of these empires, facing ongoing debates over historical responsibility and appropriate framings of memory,² which inevitably encompasses the dangers of mandating memory in the name of human rights.³

The resurgence of anti-racist movements in the early 2020s reignited global debates about the role of states in legislating historical memory, particularly concerning colonialism and slavery.⁴ These confrontational debates, mostly styled as “*On vous accuse*”, have pushed for formal recognition of historical injustices, including through radical cultural policies,⁵ based on a belief that the past injustices of the colonial world still haunt contemporary inequalities. In the Netherlands, attention has turned, amongst other aspects of that debate, to whether the

country should adopt a memory law that acknowledges its colonial past, with comparisons often drawn to the French “Taubira Law” of 2001.⁶ The latter legislation in France recognises the transatlantic slave trade and slavery as crimes against humanity.

This essay explores the tensions surrounding memory laws, focusing on the contrasting approaches of France and the Netherlands. While France embraced the formal regulation of historical memory nearly two decades ago with the adoption of a law by its parliament, the Netherlands has opted for more symbolic recognition on behalf of the head of state, avoiding direct parliamentary involvement through a formal legislative process. The essay argues that, despite neither approach being capable of fully satisfying all sides in the debate on how to frame colonialism in the present, the Dutch model is notably less problematic concerning its impact on freedom of expression, adherence to the rule of law, and the fit towards a unique set-up of the Kingdom of the Netherlands.⁷

Taubira Law and the birth of memory laws in France

The French debate on historical memory in the early 2000s led to the coining of the very term “memory laws” (*lois mémorielles*),⁸ which is central to this whole *Verfassungsbook*. Such laws, designed to shape public understanding of historical events, ignited intense controversy among French historians,⁹ who were concerned about the growing role of states in shaping historical narratives. One notable example is the Taubira Law, often referred in such a way after Socialist Member of Parliament and later Justice Minister Christiane Taubira. This law, emblematic of French left-wing populism, was enacted in 2001,

framing recognition of the transatlantic and Indian Ocean slave trades as crimes against humanity and mandating their inclusion in school curricula.¹⁰ It followed earlier French memory laws such as the Gayssot Law (1990), brought by a communist deputy Jean-Claude Gayssot, which criminalised Holocaust denial,¹¹ and the later Armenian Genocide Law (2001),¹² which acknowledged¹³ the Armenian genocide.¹⁴ The subsequent Mekachera Law (2005), initially requiring schools to teach the “positive role” of French colonialism, was emblematic, in contrast, of the right-wing populism. Its controversial provisions were later repealed. Currently, only the Gayssot (1990) and Taubira (2001) laws remain in effect in France.

The introduction of this legislation, especially of Taubira and Mekachera laws – prescribing both positive and negative roles of colonialism in France – went not without controversy. Pierre Nora, one of France’s most distinguished historians and the author of a term central to memory studies, *lieux de mémoire*¹⁵ (sites of memory), argued that such memory laws, which he called “a distinctively French legislative sport” (*ce] sport législatif purement français*)¹⁶, impose an anachronistic view of history by applying modern legal concepts like “crimes against humanity” to past events.¹⁷

Historians like Nora warned that this stance promoted a simplistic dichotomy of historical guilt and innocence, flattening the complexity of historical processes like the slave trade – a dichotomy that, as I argue elsewhere,¹⁸ diverted academic thinking into reproducing the militant clichés of today’s critical legal academia. Olivier Pétré-Grenouilleau,¹⁹ a prominent scholar on slavery,²⁰ also criticised the Taubira Law. He argued that the transatlantic slave trade, though horrific, did not qualify as genocide because its purpose was exploitation rather than

extermination.²¹ This view sparked a lawsuit against him, led by activist groups, who attempted to imply the consequences by analogy with the Gayssot Law on Holocaust denialism.²² Although the charges were eventually dropped, this shows that the Taubira law, despite its seemingly non-punitive character,²³ was not purely innocent, and has had a significant chilling effect on freedom of academic expression in France.

The backlash against the “left-wing” Taubira and “right-wing” Mekachera laws led to the emergence of the *Liberté pour l'histoire* (Freedom for History) movement,²⁴ which mobilized historians²⁵ – including those from other European countries – against government intervention in historical scholarship. In 2008, they issued the “*Appel de Blois*”,²⁶ signed by well-known scholars such as Carlo Ginzburg, Eric Hobsbawm, Timothy Garton Ash, Aleida and Jan Assmann. This manifesto called for an end to what they rightly saw as state-imposed historical narratives that restricted free debate and inquiry. The group warned that memory laws risked becoming a form of censorship, turning the government into an arbiter of historical truth.

Critics of the Taubira Law also pointed out that it focused almost exclusively on the culpability of white Europeans, ignoring the broader historical context, including the central role of Arab traders²⁷ in the African slave trade.²⁸ This selective memory contributed to a simplistic, binary narrative that framed colonial crimes solely in terms of European guilt. Scholars mobilising against French memory laws as well as some later accounts in this socio-legal debate on free speech further highlighted how this form of moral oversimplification reduced history to a vehicle for assigning collective guilt, ignoring other actors involved in the trade.²⁹ This tendency is, regrettably, prevalent among proponents of critical legal studies and so-

called “third world approaches to international law” (TWAIL) today.³⁰

The Dutch mnemonic constitutionalism: let His Majesty speak

In contrast to the formal legislative approach in France, the Netherlands has opted for symbolic acts rather than enacting memory laws. In 2020, Dutch Senator Peter Nicolai proposed to explore a possibility of adopting a memory law similar to the French Taubira Law, potentially recognising Dutch participation in slavery and the slave trade as crimes against humanity.³¹ Until now, the Dutch Parliament has not adopted such a law, which I consider a positive outcome for freedom of expression, considering the convincing alternative move undertaken recently from the Dutch leadership.

On 19 December 2022, Prime Minister Mark Rutte formally apologised for the Netherlands’ role in slavery,³² followed by a similar apology from the head of state, King Willem-Alexander on 1 July 2023,³³ to mark the anniversary of slavery’s abolition in Dutch colonies.³⁴ The King’s apology also acknowledged the controversial involvement³⁵ of the Dutch royal family³⁶ itself and even announced the commissioning of an independent study³⁷ on the role of the House of Orange-Nassau in the context of colonial history.³⁸ Although these apologies lack formal parliamentary endorsement, officially published and disseminated on governmental platforms, they function similarly to formal memory laws by influencing public discourse and shaping collective memory. This effect extends even to current –

unlikely successful – attempts to advance reparation in courts,³⁹ on the basis of these symbolic acts by the head of the state.

These symbolic acts should certainly be seen as part of the broader phenomenon of mnemonic constitutionalism,⁴⁰ which – as I argue elsewhere⁴¹ – does not even necessarily imply a formal amendment of the constitution. They may be even classified as “soft” memory laws⁴² within the growing nomenclature of such legislations amongst scholars in this field, representing symbolic actions acknowledging historical injustices without imposing legally binding consequences.⁴³ While lacking the formal procedural authority of the legislation, similar to other non-punitive memory laws adopted by the Parliament (such as commemorative resolutions),⁴⁴ they significantly shape national ontological narratives and serve as official recognitions of past atrocities. Arguably, the impact of such softer forms of mnemonic constitutionalism is even stronger given the enduring nature of the monarchy in the Netherlands. The King (Queen) in the Dutch constitutional monarchy is also a symbol of national unity and continuity, embodying the nation’s identity and providing a sense of stability and historical connection, which is significant in a country known for its decentralised governance and diversity. In this respect, the monarch acts as an ontological custodian of collective memory and identity within the constitutional framework.

The potential of expanding memory laws in the post-colonial context is further complicated in the Netherlands, where the legal framework of the Kingdom of the Netherlands introduces additional challenges that might appear less obvious on the first glance. Namely, the Kingdom comprises four constitutive countries (*landen*): the Netherlands, Aruba, Curaçao, and Sint Maarten. The adoption of any memory law,

under such settings,⁴⁵ may require a careful and sensitive consideration of whether it applies only to the “European” Netherlands or to all the constitutive countries of the Kingdom of the Netherlands, including those in the Caribbean region, as well. Furthermore, if such a memory law were to be enacted as a *rijkswet* (Kingdom Act) and, thus, not exclusively by the Dutch parliament (as a standard *wet*), it would require the agreement of all the Kingdom’s constituent countries (as the so-called *consensusrijkswet*, Consensus Kingdom Act), likely complicating the legislative process and highlighting the differing perspectives on colonial history between the European and Caribbean parts of the Kingdom.

Formal memory laws compared to the Dutch 2022-2023 approach

While memory laws often aim to foster reconciliation by formally recognising historical injustices, the French experience shows that self-inculpatory memory laws (when a state acknowledges responsibility for past atrocities)⁴⁶ can also provoke unintended consequences, as can self-exculpatory memory laws (when a state delegates the guilt for past atrocities to other nations). At the same time, the Dutch framing of historical memory through symbolic gestures, such as the recent apologies from the Prime Minister and especially the King, may offer a more flexible and contextually appropriate way of acknowledging the colonial past.

Formal memory laws passed by parliaments, while well-intentioned, carry significant risks, particularly regarding freedom of expression. In the Netherlands, the legal framework

already includes provisions in the Dutch Criminal Code (Article 137) to address incitement to hatred,⁴⁷ which encompasses Holocaust denial in its judicial interpretation. Recently, the Cabinet also announced an intention to prohibit Holocaust denial more explicitly.⁴⁸ Expanding these provisions to cover the denial of colonial past through a punitive memory law could lead to unintended consequences, such as limiting academic and public discourse.

But even non-punitive memory laws can contribute to what is known as “cancel culture”,⁴⁹ where individuals are penalised for expressing views that challenge the accepted narrative. Such laws can also create a “chilling effect”,⁵⁰ when scholars and journalists are scared to discuss the controversial topics expressing views that might contradict the rhetoric of some formal, self-exculpatory or even self-inculpatory memory laws.⁵¹ In France, the Taubira Law has been criticised for contributing to this phenomenon, with scholars and public figures facing social and legal repercussions for dissenting opinions on sensitive historical topics.

Conclusion: navigating the tightrope of history

The debates over memory laws in France and the Netherlands illustrate the delicate balance between the perfectly legitimate calls for acknowledging historical injustices and protecting intellectual freedom. While the French legislative approach aimed to formally recognise the colonial crimes of the French empire, it has also sparked significant controversy and backlash from historians who argued that such laws limit free inquiry and impose a state-sanctioned version of history.

In contrast, the Netherlands has so far avoided these pitfalls, opting – most recently – for symbolic apologies from both the Prime Minister and the King rather than formal legislation. As Dutch legislators consider whether to adopt a memory law, they must navigate the tension between historical recognition and free speech. The French experience offers valuable lessons, particularly in how memory laws – initiated by both left- and rights-wing populists – can (un-)intentionally constrain this debate. Through a model of symbolic recognition, the Netherlands is currently pursuing a more balanced approach that acknowledges its colonial past, notably through the King, who embodies a form of ontological security and mnemonic constitutionalism in the country.⁵² This approach, however, maintains space for open, critical dialogue in an era when much of today's world contends with either the forces of cancel culture and dangerous academic drift to explicit “wokeness”⁵³ or the grip of overtly authoritarian – both “right”⁵⁴- and “left”⁵⁵-wing – memory laws. Such memory laws have been also part and parcel of the ideological machinery in countries like Russia⁵⁶ or China⁵⁷, along with possibly less explicitly authoritarian but nonetheless problematic⁵⁸ and contentious⁵⁹ memory regulations in countries like Poland.⁶⁰

In walking this fine line, the Netherlands seemingly realises that while laws can indeed shape historical memory, they can also inhibit it. Instead of outright copying the French “sport” of legislating history, the Dutch approach offers a potentially more sustainable and nuanced framework for addressing one of the most contentious chapters in European history – an example that may be instructive for other nations grappling with the challenges posed by memory laws.⁶¹

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“Competitive Victimhood” in Poland



On 10 July 2024, the 83rd anniversary of the Jedwabne pogrom, an alternative commemoration was held near the monument to the massacre of Jews by their Polish neighbours.¹ Replete with Roman-Catholic religious references, it boiled down to prayers for Poland and the presentation of posters and slogans: “We demand the truth about Jedwabne!”, “We demand exhumation!”. Participants in the official commemoration of the murdered Polish Jews were confronted with an almost physical, violent narrative. As a result, they could not reflect in peace on the suffering of the savagely murdered.

The situation in Jedwabne can be considered the quintessential example of the phenomenon of “competitive victimhood”². Over recent years, this phenomenon has grown exponentially, manifesting itself in the mushrooming of new commemoration sites, historical institutes, and celebrations, all focused on Polish victimhood set in contrast to Jewish victimhood. To such an extent, in fact, that some of the politicians of the former right-wing coalition have even directly used the term “Holocaust of Poles”, and some of the monuments intended to honour Polish heroism in rescuing Jews turned out to be embarrassing manipulations.³

The introduction of a legal component into this already complex and emotionally charged mosaic of memory, instead of calming and ordering the disputes, seems only to reinforce antagonistic attitudes, whether on the Polish, Jewish or Ukrainian side. In such a situation, the law can become a weapon both for and against historians and politicians alike, but it can also harm the witnesses of history, the still living victims of past crimes, or their relatives.

Competitive victimhood in mnemonic constitutionalism

The legal governance of history and memory, of which legal regulations concerning competitive victimhood are an important part, has been a consistent pattern in modern politics around the world. Its presence varies thematically, geopolitically and ideologically, appearing in different settings. One such setting is constitutionalism, understood as a coherent system of limitations of governmental powers, where the authority and legitimacy of the government are recognised only if such limitations are respected.⁴ Placed in this context, mnemonic constitutionalism, a term coined by Uladzislau Belavusau, can be broadly defined as a process of embedding specific historical paradigms in the structures and framework of national constitutional law, European law, memory laws (understood as provisions of the law shaping and imposing collective understandings or even sanctioning particular claims about historical events).⁵ Mnemonic constitutionalism also includes judicial assessments of interpretations of the past – ranging from the evaluation of the constitutionality of specific laws by constitutional courts, to regular judicial reasoning dictated by ideological and political pressure.

References to the victimhood of the Polish nation can be found in Polish constitutionalism in many of its elements, starting with provisions penalising Holocaust denial which explicitly mention people of Polish nationality or Polish citizens of other nationalities. In principle, such provisions do not constitute anything exceptional or *a priori* violating of standards for the protection of freedom of expression. However, when their enactment or interpretation is taken over by very strongly national-

istically tinged authorities, they can lead to distortions recognising only one national victimhood, and even to a distortion of historical facts.

Victimhood with a legal stamp under PiS

The most well-known attempt to decree the victimhood of the Polish nation into law was initiated by the Law and Justice party (PiS) and their coalition nationalistic members in 2018, on the eve of the International Day of Holocaust Remembrance. It was the infamous Amendment to the Bill on the Institute of National Remembrance, that soon became labelled as the Holocaust Bill. It introduced new legal measures for protecting the good name of the Republic of Poland and the Polish Nation, most prominently in its highly controversial Article 55a. This article established criminal liability for any act of public and false attribution of responsibility or co-responsibility to the Polish Nation or the Polish State for crimes committed by the German Third Reich or for any other crimes that are crimes against peace, crimes against humanity or war crimes.

What followed was the mix of fierce legal and international reactions,⁶ including by top free speech scholars, Jewish community leaders and administrations of Israel and the US. President Andrzej Duda, dependent on political will of PiS, signed the bill, at the same time referring it, uncertain about its constitutionality, for *ex post* review to the Polish Constitutional Tribunal, also captured by PiS.

However, this judgment's significance was weakened by the fact that by the time of its announcement, the second amendment to the same Bill entered into force on 17 July 2018, leaving only provisions for civil remedies in cases alleging infringement

of personal rights relating to protection of the good name of the Republic of Poland and the Polish Nation. Therefore, the sanctions of the criminal law have disappeared not through legal analysis or judicial evaluation, but as a result of political interventions.

The second amendment was accompanied by a joint declaration by the Israeli and Polish prime ministers.⁷ Its idea was to acknowledge the victimhood "of the other side". The Declaration stressed that the term "Polish death camps" is blatantly erroneous and that the wartime Polish Government-in-Exile "attempted to stop this Nazi activity". The Declaration also rejected anti-Semitism and "anti-Polonism", equating these terms in a kind of an equilibristic attempt. As noted by recently deceased Yehuda Bauer, the leading expert on the Shoah and a world-class Holocaust scholar, the Declaration was not only factually erroneous but also a betrayal of the memory of the genocide victims, motivated by mundane present-day political considerations.⁸

The purely political dimension of this legal saga is evidenced by another point: Not a single court case has been run on the basis of the new provisions since they came into effect. The usual path of civil law and personal rights protection laws has proved much more popular. Thus, there have been judgments in Poland declaring a certain person, involved in protecting the good name of the Polish nation, to be the victim of a violation of personal rights in a case involving inappropriate media coverage of "Polish camps" (despite the fact that he was not alive during World War II and had no personal connection to the case).⁹ Such abuses were, in a sense, stopped by the Court of Justice of the EU, which ruled that Polish courts have no jurisdiction to adjudicate against a German publisher for using the

phrase “Polish extermination camp”, initiated by a Polish survivor of German Nazi concentration camps.¹⁰

Who should apologise?

In Poland, in addition to Polish-Jewish relations, “competitive victimhood” also affects another important area of memory, concerning Polish-Ukrainian history. Polish-Ukrainian relations bear a heavy historical burden related to centuries of economic exploitation and the suppression of the identity of Ukrainians and other minorities by the Polish nobility, which partly provoked the heinous acts of mass ethnic cleansing of Poles by the Ukrainian Insurgent Army (UPA) and Stepan Bandera’s faction of the Organisation of Ukrainian Nationalists (OUN) in Volhynia and Eastern Galicia in 1943-45 (then in Nazi German-occupied Poland). The unhealed wounds caused by these events also brought serious political and legal repercussions. The Russian 2022 war against Ukraine mitigated them in part, but it neither eradicated them from public consciousness, nor deprived them of their political potential to sustain past feuds.

Polish-Ukrainian relations remain one of the most sensitive points on the European memory map, outlined by the contours of the law. Polish expectations, discerned broadly within the society and governmental circles, for the Ukrainian authorities – and Ukrainians – to “apologise for Volhynia”, are a proxy for what is likely to become an even more controversial topic after the end of the Russo-Ukrainian war. On the other hand, some statements from the Ukrainian side, expressed in the past, by, among others, the head of the Ukrainian Institute of National Remembrance Institute, Antoni Drobovych, should also be considered problematic.¹¹ For example, for a long time he didn’t

see the possibility of Ukraine lifting the ban on searching for and burying the remains of tens of thousands of Polish victims of the crimes of Bandera. Ukraine's current memory laws, which protect the memory of UPA fighters responsible for murdering Poles and Jews, are extremely difficult to accept from the point of view of the Polish historical narrative.

In this case, it seems that the only way to compromise is by dropping the "competitive victimhood" and recognising the perspective of the other side. The latest Ukrainian position seems to be moving in this direction: The Polish authorities have been asked for precise lists of sites where exhumation is to be carried out. At the same time, however, a demand has been made that Poland guarantee the prevention of "acts of vandalism at memorial and burial sites" of Ukrainians. This was a reference to the Mount Monasterz, where a plaque with the names of 62 UPA members was destroyed in 2015. Even though the restoration has already taken place, the restored plaque does not contain the problematic names of UPA fighters, but commemorates the historical event itself.

Poland, in turn, must look at the mnemonic constitutionalism of Ukraine through the prism of one more dimension, defined by Maria Mälksoo as "memory-based security" (mnemonic security).¹² Here, security is based on the assumption that a certain understanding of the past should be decreed in public memory and consciousness, thereby creating a defence mechanism against various kinds of dangers threatening a given statehood (among others, dangers of a military and armed nature). In case of Ukraine, these dangers have been clearly indicated as coming from the side of Russia.

Historical policy after PiS

The pursuit of a particular historical policy is the domain of all governments, regardless of their ideological preferences. Therefore, after the elections won by the Polish pro-democratic opposition in October 2023, there was no radical turn in the historical narrative based on Polish victimhood. Important changes have taken place, such as replacing the directors of some of the key memorials and museums¹³ – although not everywhere: The PiS-appointed director of the Institute of National Remembrance, remains unchanged.¹⁴ Furthermore, the legislative changes introduced by the PiS party remain in force. Clearly, some of the changes cannot be made quickly or without violating the law, and this cannot be allowed to happen: A large part of PiS' governance was based on such violations.

However, it would certainly be important to have some sort of state message, formulated if only in a narrative layer, in which the Polish state would officially dissociate itself from the politics of “competitive victims” and speak of their common fate, suffering, and memory. An important decision in this regard was made by the Polish Minister of Justice, Adam Bodnar. In particular, he requested disciplinary proceedings against the Rector-Commander of the Academy of Administration of Justice, Michał Sopiński, for posting on his social media account an entry calling for the humiliation, physical violence (“shaving heads”) and causing social harm (deprivation of citizenship and academic titles) to Professors Grabowski and Engelking in connection with their statements about the results of their long-standing scientific research on the Holocaust.¹⁵ In a request issued on July 15th, the Minister of Justice demanded

that disciplinary proceedings be conducted as Sopiński, contrary to the statutory obligation to remain apolitical, systematically and demonstratively engaged in the current political struggle, violated ethical and academic standards.

National victimhood and the rule of law

What has certainly changed, however, is the restoration of the rule of law and independent judiciary. The topic of democratic backsliding in Poland has been addressed very often on *Verfassungsblog*, and the dangers created by this backsliding are profound.¹⁶ They also had a direct bearing on the situation of those who opposed the vision of a single, Polish, national victimhood, as was best illustrated by the lawsuit against the aforementioned Holocaust scholars.¹⁷ In Poland of 2016-2023, it was also possible to pass any law, even the most contrary to human rights standards, because the checks and balances system of laws was paralysed by the political will of those in power. Today this is no longer possible.

At the same time, politics still inevitably dictates attitudes towards the legal governance of the phenomenon of national victimhood. In Poland this applies mostly both to the Polish-Israeli and Polish-Ukrainian relations. Russia's brutal onslaught and war against Ukraine has paradoxically created a window of opportunity for a profound Polish-Ukrainian historical reconciliation, which nevertheless faces a number of difficulties. It is the responsibility of those in power to take advantage of these (and to initiate, for example, a critical working group together). As always, historical facts should remain the core and starting point – but their interpretation, including those recognised by law, must take into account different perspectives and different

victimhood. Only then can the law fulfil its essential, harmonising role in the social sphere, which is certainly not to antagonise entire communities or nations.

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Andrea Pető

Appropriation of Memory

*Four Reasons Why Illiberal Politics Appropriated the Memory of
the 1956 Hungarian Revolution*



“

If we take '56 as a starting point, we probably would not have done what President Zelensky did two and a half years ago, because it is irresponsible, because he seems to have put his country on the defensive in a war.”¹

These words of Viktor Orbán’s political director, Balázs Orbán (unrelated), completed the process of turning the government of Hungary, which was occupied by Russian/Soviet troops four times in the 19th and 20th century (1849, 1914, 1944-45 and 1956), from anti-Russian, anti-Soviet to pro-Putin-Russian in less than a decade.

The advice to surrender to the occupying Russian forces instead of resisting came as no surprise, considering the international expectations of heroism were low as far as the pro-Putinist Hungarian government was concerned.

However, using 1956 as a historical analogy with present Ukraine fighting for its existence against Russia nevertheless surprised quite a few observers. The 1956 revolution was an uprising of the Hungarian People against its Soviet-subordinated government and evolved as part of the series of anti-communist uprisings in Soviet-occupied Europe. It lasted only 13 days before being crushed by Soviet forces – too short for the internal conflicts and paradoxes to play out publicly. For a long time, the idea that anti-communism was a legitimisation basis of newly founded democracies after 1989 seemed to be unchallenged even by illiberal memory politics until recently. It is no accident that Ursula von der Leyen asked at a meeting of the European Parliament in Strasbourg without naming Orbán: “There are still some who blame this war not on Putin’s lust for power but on Ukraine’s thirst for freedom, so I want to ask

them: would they ever blame the Hungarians for the Soviet invasion in 1956?”²

To gain an insight into the reconceptualisation and reframing of the 1956 revolution in illiberal Hungary,³ it is first necessary to acknowledge the obvious fact that no individual or political party can claim exclusive “ownership” of the memories associated with any historical event. The concept of appropriation by Michel de Certeau helps to underline that the consumption of history is never a passive process, and different groups could demand the ownership of an event. Producers of memory are incorporating their own meanings and values into the consumption of culture and that amounts simultaneously to revising culture.⁴

In this contribution, I am analysing the reasons for the appropriation of the 1956 Hungarian revolution. I argue that these reasons are four-fold: First, the memory of 1956 has been divided from the start. Second, half of the population, namely women, were excluded from this memory. Third, the revolution was a bottom-up event. Fourth, the transition after 1990 was built on the concept of authenticity, and truth made the narrative vulnerable to illiberal appropriation.

1956: A divided memory from the start

The history of 1956 was tabooed before 1989 as the Kádár regime, leading Hungary from 1956 to 1989, was founded on the crushed revolution in collaboration with the Soviets. Their frame of history writing was heavily ideological and labelled the 1956 revolution as a “counter-revolution”. With this, the regime aimed to fill up the rhetorical space about the events. At the same time, politics enforced historical amnesia on the revolu-

tion with effective censorship, imprisonment, and, from the 1960s, a concession to consume while other parts of the Soviet Block lacked essential goods. Bloody oppression led to the largest wave of migration of 200,000 men and women from Hungary in four months.⁵ The deal to consume instead of doing politics led to the much-admired model of “Goulash communism”. It was constitutive in forgetting, omission, and amnesia as tools for successfully depoliticising Hungarian society after 1956. The anti-communist emigration tried to keep its interpretation alive, and since 1989, several competing versions of memorialisation have been present. This factor makes the memory of the 1956 revolution an easy target for appropriation by the current government as no original ideas of thinking were needed, just a quick rewarming of what has been the legacy and cultural patterns of collaboration of the Kadar regime.

1956: A history of giving up on half of the population⁶

Women were fighters, nurses, and politicians in 1956. However, Hungarian emigres wrote a history of 1956 without a particular interest in women, as their primary framework of interpretation was anti-communism and political history. Women were present in history as wives and daughters of critical male politicians, not worthy of the attention of historians, if only as mirrors of the activity of great men.

The figure of the armed women fighters was disturbing the imagination of social order, and there was not much discussion about women as leaders, fighters, or politicians either. Women’s agency and autonomy were non-topics. The 1956 Revolution was also fought against communist emancipatory politics, and it was, in several aspects, a conservative revolution. Demands of

the workers' councils, such as to ban liberal abortion laws in Hungary with a nationalist pro-natalist agenda labeling the right to abortion as a communist trick to destroy the nation, were not even really discussed during important debates about redefining reproductive rights after 1989.⁷ Women's absence from the historiography of the 1956 Revolution led the illiberal regime to include women in the narrative of "national feminism".

I did anonymised interviews with at that time emerging far-right politicians in early 2000.⁸ In their life stories, conservative and far-right female politicians entering political life after 1989 narrated 1956 as a turning point: the moment they became anti-communists. Therefore, the memory of 1956 was more empowering for conservative and far-right female politicians than for progressive ones. Remarkable female politicians were rare during communism and in the democratic opposition. For the few female politicians on the progressive side, it was not an option to relate to the events of 1956 as they had a solid anti-communist agenda. Therefore progressive politics failed to relate critically to the statist communist period. The rhetoric of anti-communism was successfully used to discredit the traditions and values of progressive politics. This made it possible for the illiberal regime to quasi-capture the historical role of women and squeeze them into the narrative of "national feminism".

1956: Not only an elite-driven revolution presented as a revolution of the elite

After 1989, one might wrongly assume that the collapse of communism brought about a significant change in the historical narrative of 1956. However, forced amnesia, together with a meta-narrative of “counter-revolution”, have produced a variety of conflicting meanings to 1956, which became already visible during the festive reburial of Imre Nagy, the executed Prime Minister on 16th June 1989. Stefan Auer warns about a peaceful real political dilemma regarding the legacy of 1956 in 1989.⁹ Namely, how to relate to a peaceful, mass-driven revolution of 1956 defeated violently by the Red Army by a regime like that of 1989, which had been set up through peaceful roundtable negotiations. Intellectuals, being the driving force of the 1989 transition, were advocating for the concept of a “self-limiting revolution”, not to give space for “revolutionary” ideas, solutions, or violence and to “return to normality” as soon as possible based on the concept of “anti-politics”.¹⁰

For Hannah Arendt, 1956 was an example of a “spontaneous revolution”, a concept coined by Rosa Luxemburg. This was as far as possible away from the ideals and values of the participants of the Hungarian Roundtable Talks, who were setting the script for the transition to democracy. Popular memory of the “boys of Pest”,¹¹ very young, working-class men who were fighting with weapons against the occupying Red Army in 1956 was sidelined in canonised historiography of 1956 after 1989 as being an example of political radicalism.

The post-1989 neoliberalisation of Hungary was based on stripping workers of their rights and privatising their property, slicing up the trade union movement. This transformation was led by political parties creating apolitical neoliberal subjects, not by a popular movement. Worker's councils played a key role in 1956 and were praised by Arendt as alternatives to the party system. Workers during the elite-driven roundtable discussions were not powerful actors as the transition process was driven by political parties and not by movements or by trade unions.

1956: The authentic "truth" narrative

After 1989, there was a great public need for consumption and appropriation of the past and for informational compensation, which led to the opening of previously closed archives. In this paradigm, testimonies serve as authentic and true memories as opposed to the allegedly elite-driven, manipulated narratives. Families and the private sphere were the sites where it was hoped that the state could not penetrate them and where identity formation defining "us" and "them" in an authentic and essentialised way took place. The family was also the site that was the most resistant to communist emancipation and served as a resource where expectations regarding femininity and masculinity have not changed much. Due to the continuity of gender stereotypes in family memory, the history of 1956 has become the family story of heroic men and loving female relatives who also suffered but cared for their beloved sons and partners, which fits to the illiberal so called "family-friendly" ideology.¹²

Conclusion: Appropriation of 1956 version 2.0

It is encouraging that the Hungarian Revolution in 1956 was a critical event that formed the identity of several generations. The recent hijacking by illiberal forces is just one step in the long process of appropriations. The anti-communist PM Orbán turned out to be pro-Putin.¹³ What is considered “cool” or acceptable can shift and change depending on the context and on who can offer innovative and convincing alternatives in the future. Péter Magyar, the rising opposition leader in Hungary, on 23 October 2024,¹⁴ invoked and claimed the legacy of the “boys of Pest”. In his present struggle against FIDESZ and Orbán for power, Magyar employs a rhetorical strategy that the latter used against the old, corrupt, and non-patriotic communists in 1956. Magyar should be in a hurry with the appropriation of the memory of 1956 Revolution 2.0 version, as the forthcoming general elections in 2026 are less than a year away.

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Peter Vermeersch

Remembering Democracy

How Belarusian “Artivists” Reclaim the Past to Forge a Future



In the years following the brutal suppression of pro-democracy protests in Belarus in 2020 and 2021,¹ a wave of politically engaged Belarusian artists – visual artists,² musicians,³ filmmakers, poets and novelists⁴ – have been driven into exile. Many have been branded as “extremists” by the regime and would face imprisonment if they were to return to Belarus, joining the numerous political activists already in detention. Now scattered abroad, these artists not only use their work to reflect on the repression at home, but also often seek new ways to keep the spirit of resistance alive.

Examining the “artist” efforts that have emerged in exile offers interesting insights. It shows how memories of Belarus’s recent and distant past, including the protests themselves, are being mobilised to lay the groundwork for a democratic future in Belarus, even if democracy is currently not a tangible possibility. Through some artistic examples, this chapter explores how such work intervenes in the field of memory politics and considers its significance for pro-democracy activism in Eastern Europe.

Some examples of Belarusian exile art

One example is “Dresses for Freedom” by the Prague-based Belarusian-Cuban artist Anna Karan, a visual work commemorating the Belarusian women who marched against the regime back in the summer of 2020. Karan collected dresses worn during those protests and covered them with layers of paint – mostly red and white. Now displayed, the clothes have been transformed from everyday objects into something more enduring and monumental.

This work has gained increased resonance by being featured in a recent exhibition at the Mission of Democratic Belarus in Brussels, a cultural initiative founded by exiled Belarusian democratic forces to advance awareness of the plight of pro-democracy activism and politics. By virtue of being showcased so near to key EU institutions in Brussels, politically engaged Belarusian art may have the ability to rally international support against the current regime. It also highlights the broader geopolitical stakes at play.

A similar story can be told about the work of visual artist-turned-activist Darya Siamchuk – known as Cemra, a pseudonym that translates to “darkness” in Belarusian. Her project “Lazaret” showcases canvases and ceramic objects that bear the imprint of bloodstains and raw, wound-like abrasions. “A wound does not destroy the subject and does not kill”, she explains on her website,⁵ “it makes the subject alive: potentially more alive and self-aware than before”. The message is as personal as it is political: The depicted wounds are emblems of both damage and resilience. Failure is not necessarily the end, the artist seems to be saying; it can be a form of preparation for what’s to come.

The reds and whites in this work symbolise wounds and bandages but also echo the white-red-white flag. Individual wounds become inscriptions on the symbolic body of a nation in exile. And like Karan’s “Dresses for Freedom”, Cemra’s “Lazaret” has been exhibited at a venue rich in political meaning: the Museum of Free Belarus, an institution founded in Warsaw in July 2022. Poland is the largest haven for Belarusian exiles, and the country’s pre-1989 history of the anti-communist mobilisation resonates well with those struggling for democracy now.

Almost five years after the 2020 elections, when the prospects for democracy in Belarus appear bleak, art exhibitions like these can help to keep fragile hopes alive. They form part of what Heinrich Kirschbaum has called a “revolution of patience”⁶ – a sustained struggle for democracy that persists through memory and creative expression and stubbornly refuses to let the cause fade from the political agenda.

Red, white, and the art of invoking the past

One way in which such art intervenes in the field of memory politics is through its reliance on the “national colors” of Belarus: red and white. This visual representation functions as a shortcut to tell a specific historical narrative about the Belarusian nation, one that supports a struggle for democratic freedom and competes with the official state narrative.

The crux is this: Instead of using the colours of the current official flag of the country – the red-green two-colour flag that is an adaptation of the one used during the Soviet era – these activists have presented, invoked and worked with the white-red-white emblem, which refers to another past: that of the Belarusian People’s Republic of 1918.⁷ The white-red-white flag was also the country’s official flag for the brief period between the fall of the Soviet Union in 1991 and Lukašenka’s referendum in 1995, after which a variant of the Soviet-Belarusian flag and coat of arms was introduced. The use of the white-red-white flag (not only in visual art, but also on book covers and by putting it on display at musical performances) incorporates important but officially denied legacies into a new culture of national remembrance, one that revalues the political power of

exile activism and seeks to confront the dominant historiography of the Soviet Union in Belarus.

The establishment of such a new culture of memory, with new symbols of national representation, functions as a form of democratic emancipation. The aim of this “artistic memory work” is thus not only to expose the falsehoods behind the state’s historical propaganda and the regime’s problematic practice of linking civic duty with patriotic adherence to state-mandated history; it also actively foregrounds a new (but also historically rooted) repertoire of images and symbols, songs and sounds, memorials and monuments. In doing so, the activists hope to stimulate interest in a broader and more honest exploration of the country’s history and liberate that history from the regime’s national narrative. They also seek to celebrate the role of protesting citizens and exiled communities as an inherent part of the Belarusian national narrative.

New memories vs. the solidification of the regime’s authority

Such memory interventions are essential to counter the hyper-memorialisation that is already in place in Belarus and keeps driving Belarusian nation-building under Lukašenka. Lukašenka’s regime has weaponised historical memory precisely to entrench its authority. Since 2020, the regime’s tactics on this front have only intensified, with the state now fostering a culture of patriotic memory through campaigns, monuments and museums.⁸

Lukašenka’s strategy has centered on aligning the official national narrative with a selective glorification of Soviet history,

particularly the legacy of World War II (known as the Great Patriotic War). This narrative champions state power, Russian cultural ties, and Soviet heroism while distancing Belarus from democratic values and European historical perspectives. In essence, the regime portrays Belarusian history as a mere extension of Soviet history.

The old but in recent years revamped Museum of the Great Patriotic War in Minsk is a spectacular example of this. It has been transformed into a symbol of national identity that glorifies the Soviet role in the war. Parades and public rituals associated with the war reinforce the image of Belarus as a perennial victim of Western aggression. Stalinist purges and other Soviet oppressions endured by Belarusians, on the other hand, are downplayed or ignored, erasing Belarus's own struggles for independence and democracy. An example of the latter is the regime's dismissive stance on the Kurapaty massacres.⁹ These massacres took place near Minsk between 1937 and 1941, when thousands of Belarusians who were regarded as "enemies of the people" (intellectuals, political opponents, minority groups) were executed by Stalin's NKVD secret police. In recent years, attempts to hold spontaneous commemorations and protests in Kurapaty have been met with state harassment or arrests. The government has also removed makeshift memorials erected by activists and allowed the construction of commercial facilities nearby, which many see as a deliberate degradation of the site's memorial significance.

Even though Lukašenka's hyper-memorialisation strategies are often aimed at making people forget certain parts of the past, they still take the form of "memory campaigns". In 2022, for example, the "Year of Historical Memory" was proclaimed, a project aimed to instil an "objective" view of Belarus's past. The

campaign began with an unusual public lesson on “historic memory” taught by Lukašenka himself and was then continued by a series of exhibitions, conferences, and educational programs, all meant to counter what Lukašenka’s administration saw as hostile efforts by others to “rewrite history”.

Laws have also intensified control over memory. Since January 2021, the white-red-white flag has been classified as extremist, making its display punishable. Legislating memory has also happened on the level of the constitution, as has been explained by Belavusau¹⁰. The 2022 referendum, held amid Russian troop movements through Belarus, added provisions to consolidate the regime’s authority over historical interpretation. Article 15, for example, mandates the state to “ensure the preservation of historical truth and memory of the heroic feat of the Belarusian people during the Great Patriotic War”.

Finally, the regime’s historical narrative has been reinforced through a foreign policy that aligns Belarusian memory with Russian geopolitical interests. Russian dominance has become normalised in Belarus, as is exemplified by the government’s military support to Russia in the war against Ukraine and Belarus’s official recognition in November 2021 of the Russian annexation of Crimea.

Complications, challenges, and hope against hope

Exiled Belarusian activists and artists have sought to expose the political misuse of nationalist symbols by undemocratic forces while striving to construct new symbols of national unity and resistance from the ground up, drawing on alternative historical legacies. Yet, their efforts often face challenges not only from the regime but also from some observers abroad who reframe or

misrepresent these symbols as a form of political nostalgia that propagates primordialist, romantic or even exclusionary notions of Belarusian nationhood.

In Lithuania, for instance, some politicians have voiced concerns that Belarusian exiles might harbour revisionist nationalist views – and thus, implicitly, territorial claims – based on a somewhat obscure interpretation of the Grand Duchy of Lithuania’s history (an interpretation which considers Belarusians as the inheritors of that political entity). Although such revisionist sentiments, let alone territorial claims, find little support among Belarusians in Belarus or abroad, fears have occasionally surfaced in Lithuanian politics; and they have engendered caution among citizens and heightened Lithuanian suspicions of Belarusian exiles.¹¹ Activists who seek to mobilise national memory through the white-red-white flag in their art must navigate this terrain with care to avoid being undermined by such politicisations.

Another challenge is that, despite some success in raising international awareness, the struggle for Belarusian democracy has largely receded from global attention and is now rarely making headlines. Most international news about Belarus is now filtered through the lens of the war in Ukraine, which has moreover reshaped perceptions of Belarus itself. The international view of Belarus has narrowed: The country’s internal struggle for democracy has been overshadowed by its role as an enabler of Russian aggression. The situation has not been made easier by the fact that Belarus has been subject to a “creeping annexation” by Russia.¹² This development obscures the kind of Belarusian identity that exiled and imprisoned Belarusian pro-democracy activists have been trying to construct.

Despite these challenges, many Belarusians in exile remain remarkably resilient and determined. If there is reason for hope, it must be this: There have been cases in the past where the struggle against authoritarianism initially failed, only to lead to a sudden change at a later stage. In 1968, for example, the Prague Spring in Czechoslovakia was crushed by Soviet forces, and the ensuing period of “normalisation” reasserted state control and extinguished the hopes of a generation for reform. But the memory of that uprising persisted, living on in art, literature and underground circles until the Velvet Revolution of 1989 brought down the regime.¹³

One can only wonder how long it will be before another Velvet Revolution unfolds in Eastern Europe. In the meantime, Belarusian activists continue to preserve the memory of the near-revolution of 2020, writing down its history, cherishing its symbols, and ensuring it is remembered. Only by keeping this memory alive can it one day serve as the foundation for another attempt to make it happen.

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Maria Mälksoo

The Baltic Politics of Post-War Accountability for Russia



Will the Russian war against Ukraine prove to be a watershed moment for the implementation of international criminal law to the powerful of this world? Parallel to the events on the battlefield, an intense legal-political debate over the possible ways to prosecute Russia's aggression against Ukraine has unfolded,¹ exposing strains in the rationale and legitimacy of international criminal law.² Given that Russia is not a party to the Rome Statute (while Ukraine has accepted the International Criminal Court's (ICC) jurisdiction over alleged crimes committed on its territory since November 2013 through two declarations),³ the ICC is unable to prosecute the Russian leadership for the crime of aggression in the context of Russia's ongoing war against Ukraine. Nor can a referral by the UN Security Council circumvent the jurisdictional restrictions due to the Russian veto power therein.

The heated deliberations about the preferred institutional mechanism for holding Russian decision-makers accountable have led to debates over options such as trials before national courts with international elements, a dedicated special tribunal, or the ICC regarding crimes which fall within its jurisdiction. The United States and Germany have expressed support for a "hybrid" tribunal, including national and international elements. Ukraine, on the other hand, along with the "Core Group" of Friends of Accountability has advocated a special international tribunal either based on a multilateral treaty between interested states under the Council of Europe auspices, or an UN General Assembly-endorsed setup.⁴ The Baltic states have emerged at the diplomatic forefront in pushing this tribunal, insisting on holding Russia accountable for the aggression against and atrocities in Ukraine. The Baltic politics of accountability-seeking for Russia serves as an instance of

“diplomacy with memory”⁵ – a strategic diplomatic action that employs the past for achieving certain aims on the international stage for the future. Underpinned by their own experiences of Soviet crimes, which to this day largely remain legally unaccounted for, the Baltic states’ pursuit of accountability for Russia’s aggression provides an evocative illustration of how the political remembrance of the past informs states’ ontological security-seeking and foreign policies⁶ in the present. In the Baltic case, the name of the game is deterring Russia *inter alia* by legal-political means.

From the Baltics, with deterrence

Insisting on the imperative to establish Russia’s accountability for the crime of aggression and calling for the utilisation of the frozen Russian state assets for the reconstruction of Ukraine⁷ have emerged as the trademark Baltic foreign legal policy post-2022.⁸ The Baltic variant of memory-political deterrence⁹ endorses the norms of legal accountability for the gravest international crimes, on the one hand, but also has an element of aspiring for a modicum of symbolic justice over the Baltics’ own past experiences with Russian and Soviet imperialism, on the other. The Baltic voices in the international justice debates have adopted an emphatic public conscience role in defending the normative consistency of an existing international “rules-based” order and seeking to strengthen the Western alliances in the comprehensive defence of that order. The Baltic foreign legal policy is outspoken on Russia’s accountability issue, including on social media under the hashtag #SpecialTribunalNOW. Yet, it is not naïve in the sense of expecting a fast turnaround of the traditional cautiousness of

larger states about universal jurisdiction regarding the crime of aggression, nor in overcoming the many existing reservations about creating a special tribunal for Russia. Still, a hybrid tribunal is deemed to compromise international law “at a critical time when the legitimacy of international law must be restored to effectively confront, both militarily and judicially, the crime of aggression against Ukraine”¹⁰ by Russia, a permanent UN Security Council member. Likewise, a national tribunal is considered as deficient for restoring the legitimacy of international law. Hence, the Baltic representatives have advocated for the creation of an international criminal tribunal, preferably in the format to ensure the broadest possible international legitimacy of the tribunal, albeit the original UN General Assembly-endorsed aspiration has gradually become moderated to the Council of Europe-based format instead. Impunity would set a precedent for repeating the aggression: “unchecked in Ukraine, Russia will inevitably advance further”.¹¹

We see here the intertwining of the two traditionally conceived types of deterrence: While in the most immediate sense an international special tribunal is about punishing the aggressor at the highest level (deterrence by punishment), it further works to raise the cost of aggression, both in the present and future (deterrence by denial). For “whereas punishment deters through the fear of pain, denial deters through the fear of failure”¹², thus threatening the aggressor’s ability to achieve its goals and supposedly incentivising restraint on future aggressive behaviour. The latter is supposed to be instigated by the very going after the Russian leadership (“the troika”) through the preferred international tribunal format. Establishing accountability for the grave violations of the existing order would accordingly demonstrate the resolve and credibility of its defenders.

As Erki Kodar, Estonia's undersecretary of legal and consular affairs put the point at a thematic Chatham House event:

“The way this war ends will determine the type of peace that we will have. We have to be more steadfast in our responses against all aggressors who undermine the international rules-based order, and take action to deter Russia and others as to show that this is not acceptable.”¹³

Since the Soviet leaders never had their “Nuremberg” “for their crimes of aggression at the time”¹⁴, “the crimes of Stalin are being repeated in Ukraine. After the Second World War we promised ‘Never again’, but this promise has been broken”¹⁵.

As by attacking Ukraine, Russia is concurrently attacking the fundamental principles of the United Nations and the OSCE, the Baltic “existential security interests” are directly “at stake in this war”.¹⁶ The negation of the impunity principle and the fierce commitment to the accountability-normative deterrence nexus are hence concurrently part of a pragmatic advancement of the Baltics’ sense of security in the post-2022 world.

A vicarious struggle for historical justice

The Baltic efforts for deterrence through accountability are mobilized by deeply held values, their painful historical experience and vicarious identification with the Ukrainians’ plight.¹⁷ By highlighting the deterrent value of legal accountability, they reinforce the expressive value of the no-impunity norm for their identity and sense of security. Thus, while the core international crime of aggression has palpable regional resonance for the

Baltic states, the significance of the case at hand is emphatically maintained to be of general importance.¹⁸

The Baltic politics of accountability is further underpinned by a belated search of a symbolic closure with their own experiences of Soviet aggression and a concomitant quest for some retrospective justice thereof.¹⁹ The Russian war against Ukraine has brought the Baltic physical and identitarian security concerns into an interconnected deterrence framework, intertwining the Baltics' and Ukraine's policy agendas on both military security and international justice fronts. Notably, since 2022, the Baltic states have been at the forefront of demanding a more substantial NATO engagement in the war, supporting Ukraine's membership case in the EU and NATO, and providing proportionally significant military, political and economic aid to Ukraine.

Such politics demanding Russia's multi-dimensional accountability for the aggression against Ukraine is informed by the Baltic nations' experience of Russia as "a repeat offender"²⁰. The historical experiences amplify their broader warning to the non-Russian world ("We know how the story goes if Russia is signalled that their actions may go unchallenged and they are not held accountable"²¹). Meanwhile, the Baltic diplomats are careful to avoid leaving the impression of their support for Ukraine being about settling old scores. Rather, the Baltic states draw on their shared experience with Ukraine. When the Core Group of Accountability met in Tallinn, Estonia in spring 2023, the group was received at the Vabamu Museum of Occupations and Freedom, chronicling Estonia's experience through the Second World War and the consecutive Soviet and Nazi occupations. This exposure was intentional to demonstrate that the special tribunal issue is about "something bigger"²², namely, to

safeguard that what has happened in Ukraine “doesn’t happen again”.

The Baltics hence express a self-ascribed special responsibility to not let the West “quietly sweep [...] their failures under the carpet”²³. Holding the Russian leadership accountable is therefore “also a matter of not repeating the horrors of history again”, as the then Estonian Prime Minister Kaja Kallas argued at the 2023 Munich Security Conference:

*“We had the Nuremberg Tribunal and the Tokyo Tribunal, but there has never been a Moscow Tribunal, and that has given Russia the impression that they will go unpunished. We must stop the endless cycle of Russian wars of conquest and send a clear signal that no one in the Russian leadership is untouchable. If we fail in this, no one will be able to feel safe – crimes without punishment will encourage and inspire new atrocities.”*²⁴

Practical steps taken

The Baltic Three were among the founders of the intergovernmental Register of Damage for Ukraine based at the Council of Europe,²⁵ assisting to gather evidence and damage claims to pave the way towards the establishment of an international compensation mechanism for victims of Russian aggression.²⁶ They are further participating in the joint investigation team of the European Union (JIT) and the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) tasked to collect evidence of the crime of aggression committed by Russia in Ukraine and ensure that Russia’s actions do not go unpunished. The Baltic states have expressed

continuous support for the investigation of the ICC into the situation in Ukraine,²⁷ participate in an international coalition that is involved in bringing the children deported to Russia back to Ukraine as part of the Ukrainian peace formula,²⁸ have introduced entry bans to people who have committed or supported grave human rights violations in the context of the Russian war,²⁹ and intervened as a third party in the case of *Ukraine v. the Russian Federation* before the International Court of Justice in 2023 among 30+ states.³⁰ All Baltic parliaments have recognised Russian atrocities as an act of genocide against Ukrainian people.³¹

The “second Nuremberg moment”?

Not many expect seeing Putin and his entourage being held accountable in an international court for the crime of aggression against Ukraine. Yet the respective foreign legal policies of the Baltic states epitomise the belief that the pursuit itself matters regardless. The Baltic Three are pursuing the accountability norm as a foreign policy strategy, arguing that Russian leadership’s accountability is part of the international community’s general deterrence responsibility to discourage potential future offenders. The non-execution of the accountability norm further buttresses the aggressor’s resolve for failing the international community’s declared commitment, and thus devaluates the credibility of international law and its restraining frameworks on the use of force in international relations.

Nonetheless, a chasm persists with regard to legal accountability in international relations at large, as most perpetrators of mass atrocities escape legal proceedings in reality.³² Whereas the prohibition norm of aggression is explicitly codified in inter-

national law, the Kampala Amendments on the Crime of Aggression have been ratified only by 45 states. Russia's war against Ukraine has brought the enforcement issue of the proclaimed accountability norm to the forefront of public deliberations, along with the issues of international criminal law's selectivity, the ICC's legitimacy and the Eurocentricity of the global accountability regime.³³ Russia's full-scale invasion of Ukraine fits the bill of clear non-compliance with international law, as Russia is in blatant violation of the territorial integrity and non-aggression norm. This textbook case of accountability is obligatory in theory but complicated in its practical implementation due to disagreements over the appropriate enforcement mechanism.

The punitive practices – and their (non-)implementation – are good indicators of the structures of power and authority in international society.³⁴ The reluctance of the leading Western states, notably the United States, to endorse a fully international accountability mechanism, illustrates this observation only too well. Besides the US's vulnerability towards the "hypocrisy charge"³⁵ in relation to its own unlawful (and yet not internationally accounted for) war on Iraq in 2003, there is an oft-recognised tension between the broader goals of justice and peace. The crux of the justice dilemma is the impossibility of solving today's and preventing tomorrow's wars concurrently. The agents pursuing an argument of deterrence through accountability are consequently bound to navigate the perennial peace versus justice dilemma. The Baltic way of tying the deterrence argument to the long-term guardianship of the "rules-based international order" illustrates an attempted escape from this standard bind through the rejection of a

minimalist/negative definition of peace and the embracing of a positive, long-term peace.

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Martin Schulze Wessel

Memory-Driven Foreign Policy

*How German Memories Shaped Views on Russia and the Decision
to Supply Weapons to Ukraine*



Memory can be a form of liability in international relations. When enmities between two states are treated as inherited legacies, a coalition becomes unthinkable, weakening both states in the global system of powers. The history of Franco-German relations is a good example of this. The ideal actor in international relations is sovereign – sovereign even in relation to its own memory. Only a sovereign actor can realise its interests in forming the most promising alliances with other states. This Machiavellian ideal however has little to do with reality: Foreign policy is always embedded in memories. Sometimes, foreign policy actors may instrumentalise the public memory. In most cases, they consciously or unconsciously follow the assumptions underlying a particular memory.

In my contribution, I will focus on one question: Why did it take so long for the German government to decide to supply weapons to Ukraine? I argue that memory – particularly the legacy of the First and Second World Wars – played a central role. I will first examine some of the positions on foreign policy issues driven by memory of the First or Second World War since the 1980s then look at the broader German discourse on memory and its consequences for current foreign policy decisions.

Zooming in: striking politicians' statements since the 1980s

In 1983, as Germany debated whether to respond to the Soviet deployment of SS-20 medium-range missiles by rearming with American Pershing missiles, former German Chancellor Helmut Schmidt, despite having lost the chancellorship over this issue, made a surprising statement. He emphasised the fundamental peacefulness of the Soviet leadership, claiming that Brezhnev

had aimed for peace, as did the current Politburo. Schmidt drew this conclusion from his memory of the Second World War: People in the Soviet Union did not love Stalin, but “they loved their country, and they defended it with a tremendous capacity for suffering. They learnt to hate the war”. But who were “they”? Schmidt referred to “the peoples of the Soviet Union”, “first and foremost the Russian tribes” – a term that, paradoxically, appeared to include Ukrainians and Belarusians in addition to the Russians, reflecting an imperialist worldview rather than a peaceful one. This view, rooted in colonial Russian traditions, was adopted even as Germany had renounced its own imperial ambitions in Eastern Europe.

In June 2016, two years after Russia’s annexation of Crimea, another former German chancellor, Gerhard Schröder, gave an interview to the newspaper *Süddeutsche Zeitung* in which he called on Germany to take a positive stance towards Russia.¹ The reason for this was also rooted in memory: Russia, Schröder said, had endured immense sacrifices during the Second World War. Four years later, he had framed this memory into a political obligation for Germany, asserting in *Der Tagesspiegel* that Nazi Germany’s campaign of annihilation had aimed to erase Russia from the global political stage.² “We must never forget this – and German policy towards Russia must take greater account of this than it is currently the case.” This position reveals a paradox as well: In the Russian-Ukrainian war, Schröder took sides with the aggressor because the aggressor had been attacked by Germany eighty years earlier. However, his argument overlooked a critical distinction – Nazi Germany had not attacked Russia, but the Soviet Union as a whole, and Ukraine and Belarus had suffered more than Russia under German occupation.

After Russia's full-scale attack on Ukraine, it wasn't until August 2024 that Chancellor Olaf Scholz finally articulated a simple truth: that the sacrifices made by Ukraine during the Second World War give Germany a special responsibility for Ukraine in the present. "In view of our responsibility to our own history, there can only be one place for Germany in this situation: at Ukraine's side", Scholz said in a speech to mark the 80th anniversary of the failed assassination attempt on Adolf Hitler on 20 July 1944 at the German Resistance Memorial Centre in Berlin. "In 2024, we cannot commemorate this 20th July without thinking of the brave citizens of Ukraine who have resisted the criminal Russian war of aggression for more than two years."³

Zooming out: foreign policy discourse shaped by war memories

In Germany, there is a close link between remembrance and foreign policy issues, which the Kremlin is well aware of. Current wars and the threat of war are reflected upon and discussed in Germany with reference to the First and the Second World War. The memory framework used to interpret the present has a decisive influence on German foreign policy. The political debate of the 1950s was largely determined by the theory of totalitarianism, which implied an equation between the National Socialist past in Germany and the Communist present in the Soviet Union. This resulted in the classic opposition of freedom in the West versus dictatorship in the East. The totalitarian opponent was assumed to be ready to attack in principle, reminiscent of the aggressiveness of National Socialist

Germany. This memory gave rise to the policy of vigilance towards the opponent, defence and containment.

Since the 1960s, the memory of the First World War, into which the European powers had slipped, has played a much greater role than before – at least that was the common interpretation of the prehistory of the First World War, long before the publication of Christopher Clark's "Sleepwalkers". From the point of view of the left and liberals in particular, the aim was now to defuse conflict dynamics and ensure *détente*. The problem was no longer the enemy, but the enmity itself. There was a fear that prestige thinking and grandstanding could lead to war, as seen in the First World War, or that a nuclear war could simply be triggered unintentionally. The lesson taught by the First World War was not to be vigilant and ready for war (*kriegstüchtig*), but to be cautious.

The First World War also played a major role as a memory in the 1980s during the discussion about NATO rearmament. With certain left-wing politicians such as Oskar Lafontaine or Rolf Mützenich, a line can be drawn from them to the present. Today, it is in part the "Bündnis Sahra Wagenknecht" which takes up the positions of the SPD in the 1980s. The newly founded party is characterised by a tendency to judge the warring parties from a position of equidistance, seeing the war as the fault of both sides (Russians and Ukrainians or Russians and Americans). The lesson of the First World War is prudence, and it is the virtue of prudence (*Bedächtigkeit*) that Olaf Scholz claims for himself today with regard to the Russian-Ukrainian war (for more details see my essay in FAZ⁴).

The memory of the First World War obscures the fact that Russia alone started the war and is thus pursuing a long-term strategy that goes far beyond the domination of Ukraine. Putin

is striving to establish hegemony over Eastern Europe and, in the long run, to create a new world order together with China. Those who perceive this danger are guided by another historical parallel: The parallel of the destruction of the Versailles peace order by Nazi Germany, starting with the remilitarisation of the Rhineland in 1936, followed by the Munich Agreement, the annexation of Austria in 1938, and culminating in the attack on Poland in 1939. The historical comparison is drawn repeatedly by historians such as Timothy Snyder, Heinrich August Winkler and myself, and has been embraced by some conservative and green politicians. As in the 1950s, the contrast between freedom and dictatorship is once again emphasised today.

Although the parallels between Nazi Germany's aggressive foreign policy in the 1930s and Putin's foreign and military policy today are difficult to deny, there are considerable reservations in Germany about projecting the memory of the Second World War onto the present. This has to do with the German memory of the Holocaust. During the *Historikerstreit* in the 1980s, a consensus emerged in German historiography and the culture of remembrance that the Holocaust was a singular crime. This consensus is well-founded, but it is nevertheless creating challenges for public discourse when it comes to comparing National Socialist rule with other regimes. This led to a divergence between the German historical discourse and the historical discourses of many East-Central and North-East European nations where the comparison between the totalitarian powers Nazi Germany and the Soviet Union plays a major role.

The specific character of German memory also influenced the discussion about the Russian-Ukrainian war in Germany. In Baltic and Polish discourse – and of course in Ukrainian

discourse – it is widespread to describe the Russian war against Ukraine as genocidal. This characterization seems justified, given that the Russian army systematically targets the civilian population and civilian infrastructure, commits crimes against Ukrainian children and has declared its intention to destroy Ukraine as an independent nation. Nevertheless, German contemporary historians – especially Ulrich Herbert – have opposed the use of the term “genocide” to refer to the Russian-Ukrainian war. They also don’t want to apply the term “war of extermination” to Russia, because the term was to be used exclusively for the German war in Eastern Europe. These historians argue that framing Putin’s war in such terms risks relativising German war crimes and thus breaking the taboo of the German culture of remembrance (see Ulrich Herbert in TAZ⁵ and my reply⁶ to him).

Conclusion

The German debate on whether and to what extent Germany should support Ukraine in its war against Russia with arms supplies is closely linked to Germany’s collective memory. For a long time, Germany’s guilt for the crimes of occupation during the Second World War was largely associated with Russia – and not with Ukraine and Belarus. It is only since the Russian invasion in 2022 that the highest levels of the German government have begun to recognise the special responsibility Germany has towards Ukraine, a responsibility that also stems from the memory of the Second World War. Along with this change, it can be observed that the imperative of “Never Again”, closely tied to the German memory of the Second World War and especially of the Holocaust, is gradually being formulated in more abstract

terms in historical-political debates, despite some resistance. “Never Again” not only means never again waging a war of aggression or committing genocide again but also supporting a nation like Ukraine that is being attacked in a brutal war in violation of international law. Even if the aggressor itself (like the victim of its aggression) was invaded by Germany in the Second World War.

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Marco Siddi

The Politics of Forgetting and Foreign Policy



On 23 October 2024, the anniversary of the second and decisive battle of El Alamein in the Second World War, the official profile of the Italian Ministry of Defence tweeted:

“#ElAlamein #23October 1942, a place and a date that tell of valour and sacrifice, a chapter as heroic as it is tragic in our history. We honour the brave Italian soldiers who fought in the sands of North Africa. With them we remember with deference all the #Fallen soldiers who sacrificed their lives for our freedom.”¹

While the emphasis on valour, sacrifice and heroism was not new in official Italian memory of the battle, the post went a step further by arguing that fascist Italy’s army – which was fighting side by side with German Nazi forces – had sacrificed itself “for our freedom”. What does this claim tell us about Italy’s memory politics in the third year of a far-right government led by post-fascist politician Giorgia Meloni?

Engaging with historical research, which has detailed extensively Italy’s brutal actions in the war, was certainly not the ministry’s goal. Steering public memory of the war and the fascist regime appears as a more likely motivation. Recent works have highlighted the ideological and political connections between Italy’s leadership then and now.² For Meloni and her allies, it is important to revise the historical record that portrays fascist Italy as an aggressor. Instead, Meloni’s and her allies’ discourse depicts wartime Italy as a respectable and valiant belligerent that eventually became a victim of war, particularly of communist and Yugoslav crimes. To convey this message, Italian officials have resorted to several instruments from the “toolbox” of memory politics, particularly the (re)construction

of historical narratives, the (ab)use of *lieux de mémoire* (places of remembrance) such as El Alamein and the silencing/forgetting of key historical facts; in this case, Italy's war and colonial crimes.

The politics of remembering and forgetting

Scholarly research has highlighted several recurrent mechanisms of (ab)using historical memory,³ including the use 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. In this contribution, I will focus on “forgetting” the past, which is one of the least studied, and yet most relevant aspects of memory politics. Analyses of memory politics tend to underplay mechanisms of forgetting because they focus mainly on the narratives of the past that are selected and constructed by memory agents (people with discursive power who craft such narratives) for their “usability” in the present. Less attention is paid to events that could or should logically be part of official memory but are not, and to the processes leading to their exclusion. Yet, forgetting is an intrinsic part of memory politics; it is inherent to the construction of selective memories.

The “politics of forgetting” – as I call the political strategy of omitting or marginalising key historical events in official memory – influences both domestic and foreign policy. Its effects on foreign policy are multifarious. Not remembering a historical event, or selectively forgetting parts of it, enables a certain foreign policy posture. A further issue arises when an event that is “forgotten” or marginalised in national narratives plays a major role in the political constructions of another

country. This may lead to dissonant or conflicting discourses in international fora, and ultimately to confrontational foreign policies.⁴ Colonialism is a particularly pertinent example concerning memory politics in Europe. As research has shown, leaders of European countries do not consider colonialism a “useful past” for present purposes; hence they marginalise, reinterpret or even silence it in official memory – in the EU and on the national level.⁵

State leaders and institutions take a central role in the politics of forgetting. As Paul Ricoeur has argued,⁶ these actors may impose a canonical narrative using intimidation or seduction, stripping others of their original power to recount their actions themselves. At the same time, efforts to confine certain historical events to oblivion can only be successful if they are endorsed by a substantial part of society. They require a secret complicity by society, which makes forgetting a semi-active behaviour. Ricoeur calls this “forgetting by avoidance”, the expression of bad faith motivated by the will not to inform oneself, not to investigate the harm done to others; in short a “wanting-not-to know”.

Forgetting and international politics

Scholarly literature has identified three types of forgetting in memory politics, which are often at play simultaneously and have various effects on international relations: forgetting as denial, as fading away and forgetting through reinterpretation and adaptation.⁷ Forgetting as denial is an active process that involves the negation of events and of someone else’s memory. In international politics, forgetting by denial may cause a quick escalation of conflict with actors who believe that their memor-

ies are being erased. In the face of denial, they often escalate their activities and seek international recognition of the memories they hold dear.

Forgetting as fading away is primarily passive and involves the natural marginalisation of memories over time. However, it could also be the result of the prioritisation of other narratives, and hence of purposeful marginalisation. This type of forgetting can be branded as a threat by political actors who argue that “it will occur unless we guard against it”. This may lead them to advance a range of measures to “protect memory”, for example by constructing museums, memorials, archives and by holding commemorative ceremonies.

A third type of forgetting occurs in the process of reinterpreting and adapting the past to current narratives. It combines forgetting and marginalising the past with the active construction of new narratives. For instance, following the rise of geopolitical tensions since the mid-2010s, it is common to hear depictions of the Cold War as a period of stability with relatively little conflict. This narrative marginalises the memory of conflicts in the Global South during the Cold War, as well as the memory of the arms race and nuclear brinkmanship. This kind of forgetting may lead to a distorted picture of the past and, for instance, to longing for a world that never really existed.

Italy's memory politics of fascist wars and colonialism

Different mechanisms of forgetting operate simultaneously within Italian memory politics. Self-acquitting narratives that downplay Italy's crimes in the Second World War and in its former colonies, such as the “myth of the good Italian”⁸, were constructed by the Italian elites as early as the 1940s. Over the

following decades, they were propagated through various media, from the printed press to cinema, and found receptive ears in large parts of the Italian public opinion, who – as theorised by Ricoeur – wanted to either forget the lost wars and colonial experiences or recast them in a positive light.

Positive reinterpretation was particularly important for those who had been involved in decision-making or had other significant roles in the wars. The lack of a Nuremberg-style tribunal for Italian war criminals, as well as Cold War divisions – which made confrontation with the Soviet Union a priority for the West, and left territories where Italy had committed war crimes on the other side of the Iron Curtain – enabled processes of omission, selective memory and distortive reinterpretation. Moreover, former colonial functionaries retained near-exclusive control of colonial archives and purposefully used them to construct narratives and even historiography portraying Italians as “good colonialists”.

Hence, state and societal structures preventing an honest confrontation with the national past have long been in place. They downplayed or negated Italian responsibilities, even while a growing body of historiography showed that Fascist Italy had committed war crimes and,⁹ arguably, genocide in its colonies.¹⁰ In recent years, even before Meloni came to power, high-level Italian officials had publicly denied Italy’s war crimes and enacted foreign policy decisions – such as prioritising economic extraction or supporting detention centres for migrants in Libya.¹¹ These actions were ominously reminiscent of colonial practices, especially in the eyes of local actors. In 2019, then undersecretary for foreign affairs Manlio di Stefano denied Italy’s colonial past¹² altogether to argue that, thanks to the

supposed lack of a “colonial tradition”, Italy could claim a leading foreign policy role:

*“Italy can and should be a protagonist of a new season of sincere and concrete multilateralism. We can be one because we have no skeletons in our closet, we don’t have a colonial tradition, we haven’t dropped bombs on anyone and we haven’t put the noose around the neck of any other economy.”*¹³

Until the Meloni government, however, Italian official memory had largely prioritised narratives of anti-fascist resistance and of Nazi crimes against Italian soldiers after 8 September 1943 (when Italy signed an armistice with the Allies and *de facto* switched sides in the war).¹⁴ Marginalising the previous alliance with the Third Reich and colonial crimes was primarily a function of foregrounding the “useful past” of Italy’s anti-Nazi resistance since September 1943.

Post-fascist forgetting and rewriting

The statements of high officials in Meloni’s government exploit the “memory gaps” left by previous official narratives and take them a step further by reassessing events that took place during Italy’s alliance with Nazi Germany. The cited tweet of the Ministry of Defence should be understood in this context. Having ideological, political and sometimes even family links to fascist-time officials, Italy’s current leadership has an interest in re-evaluating the actions of the regime – and little or no sympathy for anti-fascist narratives.¹⁵

Mechanisms of forgetting are even more central to Meloni's memory politics than to earlier Italian narratives. Not only are colonial and war crimes marginalised and denied (only Holocaust denial has remained a taboo for Meloni), even battles that Italy conducted together with Nazi Germany – such as El Alamein – have been rebranded as “fights for freedom”. Their nature as a war of aggression on foreign soil against the military alliance that eventually defeated the fascist regime and paved the way for Italian democracy is omitted entirely.

The recent tweet of Italy's defence ministry has been widely reported in the international press. Yet, it has not elicited a prompt response from the countries that fought and lost hundreds of thousands of soldiers in the battles against the Axis and fascist Italy. Embroiled in current geopolitics and domestic issues, they appear to tolerate the “excesses” of the Italian government, which at least has fallen in line with today's pressing international crises, from Ukraine to the Middle East. The Meloni government has likely taken note and concluded that, after all, Western partners do not mind its deceptive reinterpretation of fascist history too much.

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Taha Yasseri

The Memory Machine

How Large Language Models Shape Our Collective Past



The standardization of collective memory involves the processes through which shared memories and narratives are shaped, maintained, and transmitted within a society through formal procedures and often supported by policy. In the digital age, the advent of artificial intelligence (AI) and Large Language Models (LLMs) like GPT has significantly impacted this phenomenon. While these models offer unprecedented capabilities in processing and generating human-like text, they also pose risks to the diversity and plurality of collective memory. Here, I discuss how LLMs influence the standardization of collective memory, the potential dangers of their widespread use, and the importance of regulatory frameworks to mitigate these risks.

The nature of collective memory and its standardization

Collective memory is a socially constructed phenomenon that enables communities to recall and interpret the past, forming a foundation for shared identity and cultural continuity. Maurice Halbwachs emphasized that memory is deeply embedded in social contexts and interactions, asserting that individual recollections are influenced by societal norms and values.¹ The standardization of collective memory involves establishing frameworks that determine which memories are preserved, how they are represented, and the mechanisms through which they are communicated across generations.

Barbara Misztal noted that modern societies experience a redefinition of collective memory due to the diversification of social fields, leading to a plurality of specialized memories rather than a unified narrative.² This fragmentation challenges traditional normative frameworks and highlights the import-

ance of recognizing multiple perspectives in the construction of collective memory.

The digital transformation of collective memory

The digital age has ushered in an era where traditional collective memories are digitized. These are digital versions of collections or memories that previously existed in other forms. For example, social media accounts may recontextualize historical events in modern formats. An example is an Instagram account impersonating a historical figure like Anne Frank,³ sharing fabricated photos and stories that mimic known narratives but in a contemporary setting. While such accounts can raise awareness, perhaps in a more organic and horizontal manner, they also risk distorting historical accuracy.

Beyond digitization, entirely new forms of collective memory have emerged through digital platforms. Wikipedia, as an online encyclopedia, serves as a repository of collective memory reflecting the obsessions and biases of different communities regarding politics, history, and identity.⁴ The platform's pluralistic nature allows multiple aspects of the same event to coexist, such as articles on the September 11 attacks alongside those discussing related conspiracy theories.

Digital platforms offer unique opportunities to study collective memory. Web analytics enable researchers to directly measure and analyze how current events trigger interest in past events. For example, a new airline crash can lead to increased attention to previous crashes with similarities, resulting in cumulative attention that surpasses that given to the current event.⁵ Similarly, it has been studied and reported how external events like terrorist attacks can affect collective memory and

shared identities, influencing how societies perceive the “us versus them” narrative.⁶

Large Language Models and the standardization of memory

To understand how LLMs affect our collective memory, it is important to first understand how they function. LLMs are trained on vast amounts of text data, learning patterns and relationships between words to predict the most likely word sequences in response to prompts. When given a prompt, an LLM generates a response by selecting words based on statistical probabilities derived from its training data. It has been shown among many sources that a corpus of text on Wikipedia has been heavily used to train current LLMs.⁷

However, LLMs do not understand content as humans do and lack the ability to verify facts or access real-time information, at least at the time of writing this chapter. Their responses are linguistic constructions rather than verified information. Therefore, they can result in outputs that are coherent and well-structured but not necessarily truthful.

Risks of standardization

The reliance on LLMs introduces risks to the plurality of collective memory. Research indicates that while LLMs can mimic average human behavior, they struggle to replicate the diversity inherent in human societies.⁸ The iterative use of LLMs, where their outputs become part of future training data, can create a feedback loop that reinforces a narrow, standardized interpretation of events. Over time, this may erode the multifaceted

nature of truth and collective memory, leading to a homogenized cultural narrative.

Since LLMs generate responses based on the most probable word sequences, they tend to reflect dominant narratives present in their training data. This can lead to the marginalization of minority viewpoints or alternative perspectives that are underrepresented in the data. This would be in stark contrast to the promise of Web 2.0 and crowd-based information repositories such as Wikipedia.

Propagating illusions of consensus and pluralistic ignorance

As users interact with LLMs and perceive them as authoritative sources, there is a risk of propagating illusions of consensus. This can lead individuals to believe there is a consensus on an issue where none exists, especially when the LLM's responses lean towards a specific perspective. The repetition of a single source's claim can be misinterpreted as a consensus supported by multiple independent sources, a phenomenon known as the illusion of consensus.

The illusion of consensus, combined with the spiral-of-silence mechanism coined by Noelle-Neumann – where individuals hesitate to express minority opinions due to a perceived lack of support, further isolating these views and perpetuating a self-reinforcing cycle of silence – can lead societies to adopt non-pluralistic perspectives on complex issues.⁹ Unlike platforms like Wikipedia, which uphold principles of neutrality and pluralism through transparent editorial processes, LLMs operate with opaque, proprietary training data, limiting the representation of marginalized opinions.

The widespread use of LLMs in journalism, academia, social media, and other areas amplifies these risks. As LLMs become integrated into content creation and information dissemination, they may inadvertently standardize narratives and influence public perception. This could have profound implications for democratic discourse, cultural diversity, and the preservation of minority histories and perspectives.

The potential for LLMs to shape collective memory necessitates a critical examination of their role in society. Without intervention, there is a danger that LLMs could contribute to the erosion of cultural pluralism and the homogenization of societal narratives.

Regulatory frameworks and mitigation strategies

Regulating the datasets used to train LLMs is crucial. Ensuring that training data includes diverse perspectives, especially from marginalized groups, can help mitigate biases. Transparency in data selection and curation processes is essential to hold developers accountable for the representativeness of their models. Efforts should be made to audit and document the sources of training data.

In addition, it is necessary to establish a legal framework to govern development and deployment of LLMs. Policies should require companies to address biases and ensure their models do not perpetuate misinformation. Regulations might include mandates for regular bias assessments, transparency reports, and mechanisms for individuals to contest and correct erroneous outputs. These requirements are not met in the current regulations, such as the EU AI Act.

Promoting digital literacy

Enhancing public understanding of how LLMs work is another crucial step in mitigating risks. Educational initiatives can help users critically evaluate AI-generated content, recognize potential biases, and understand the limitations of LLMs. By fostering digital literacy, societies can reduce the likelihood of misinformation spreading unchecked.

Investing in research to develop LLMs that prioritize diversity and context-awareness is essential. This includes exploring methods to incorporate ethical considerations into model training and developing techniques to preserve the multifaceted nature of collective memory. Collaborative efforts between technologists, social scientists, and ethicists can lead to more responsible AI systems.

In an era where Large Language Models increasingly shape how societies remember and interpret history, it is crucial to recognize their potential impact on the diversity and plurality of collective memory. By implementing regulatory frameworks, fostering digital literacy, and prioritizing ethical AI development, we can ensure that these technologies enhance rather than homogenize our shared narratives, preserving the richness of human history for future generations.

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Connective and Disjunctive Memory

Russian Digital Media in the 2020s



Digital memory studies assume that the content and form of individuals', groups' or multitudes' memories are inseparable from the communication technologies that store and transmit them. Digital systems such as social media, instant messengers, large digital platforms and generative AI services mediate users' knowledge of the past and shape their memory-related practices.

Our understanding of how memory has been transformed in the digital age has evolved significantly. This includes the digitisation and mediation of all aspects of life;¹ changes in the structure, hierarchy, production and consumption of mediated knowledge about the past;² and the transformation of collectives and collective memory online. Digital memory scholars highlight a shift to “connective memory”³, which connects individuals to a multitude of users as opposed to the memory of a collective. Additionally, the importance of forgetting has become an essential demand of participants in digital communication, which leads to the importance of understanding “disjunctive memory” as well.⁴ Undermining the hopes for progressing empathy and understanding in the digital age, its disruptive effects materialise in Russian digital media discourse in the 2020s – driven by both state policy and the inherent nature of online communication.

Connective memory

Connective memory, as a foundational concept in digital memory theory introduced by Andrew Hoskins,⁵ refers to online memory that emerges from the spread of digital technology, the omnipresence of the digital archive and users' interactions. It suggests that social media users experience memory as both

past and present. They remember by creating individual pathways of contacts and data access and feel compelled to engage in the production and consumption of emotions and memories online. Unlike traditional, static collective memory, connective memory is continuously co-produced, shared and reshaped in real-time across digital platforms, integrating personal and public experiences. It emphasises the interplay of human and technological agency in creating a fluid, participatory memory landscape.

Connective memory relies on multiple social and technological factors. One key factor is the creation of the digital archive⁶ – a term for the extensive repository of digitised materials relating to the past and present. The archive transcends institutional boundaries. It links institutionally-curated historical sources, group memoirs and materials from individuals, covering both professional and non-professional representations. The digital archive can be viewed as an existing body of data, a potential knowledge construct, and an ongoing process of producing and consuming information. The foundation of the archive lies in the vast, user-accessible online databases. Ideally, such an archive allows individuals to access and engage with a globally preserved memory. Although transparency, accessibility, and connectivity may not be fully achieved, the digital archive still offers growing opportunities to connect elements of digital memory.

Connectivity can also be understood as a feature of an individual digital media user's experience. Connective memory on the internet arises through technology-mediated human interactions, searching for evidence of past events, sharing emotions and stories, and linking current events to past experiences. Further work on connective memory involves refining and

contextualising the concept. Additionally, I propose introducing the concept of “disjunctive memory” as a trend that both supplements and sometimes opposes the connective tendency in digital memory.

Disjunctive memory

Despite its potential for connectivity, digital memory is also inherently non-cohesive, fragmented and susceptible to rupture and disjunction. For example, in 2015, internet companies operating in Russia were mandated by Igor Shchegolev, an aide to President V. Putin, to ensure Russian citizens’ right to be forgotten. To comply, Yandex, a major Russian IT company specialising in internet search, limited the depth of searches on the archives of the Livejournal blog network to two months.⁷ Livejournal’s archives at the time indexed 340 million posts and 1 billion comments from 2000 to autumn 2015. The sudden restriction sparked protests as the archive was an invaluable historical and cultural resource reflecting the Russian-speaking culture of the 2000s. The right to oblivion in this case, according to commentators,⁸ was used to strengthen state control over the internet and to protect the political elite from scrutiny.

Digital memory is de-hierarchical by its nature: It challenges traditional power structures while introducing new complexities in how memory is shaped and controlled. Digital technologies disrupt traditional, structured systems of memory production, storage, and dissemination. In pre-digital contexts, memory was often curated by authoritative institutions like universities, museums, or states, which controlled what was remembered or forgotten. In contrast, digital memory is decentralised, allowing individuals to create and access memory

directly through platforms like social media whose owners have replaced traditional gatekeepers. The de-hierarchical nature of digital memory, along with the very individual drive of each user to explore the past (driven by curiosity, trauma, family history, etc.), resists the creation of a single narrative about the past. In social media, users' digital memory is often agonistic and conflictual.⁹ By nature, memory is always someone's memory, implicitly justifying that person's version of the past in competition with others' versions. Another factor is the demand to erase memory from the digital archive, known as the right to be forgotten,¹⁰ which is sought by individuals, groups, and institutions alike. Regardless of the general characteristics of digital memory, its connective and disjunctive tendencies become most apparent when considered in political and sociocultural contexts. To illustrate this point, I will provide some examples.

Disjunctive memory as policy

In Russia during the 2000s and 2010s, a great amount of data was digitised through the efforts of various institutions, groups of professionals, as well as volunteers. Specifically, in the wake of archival declassification in the 1990s, large databases documenting crimes of the Soviet regime were created. For example, archives of the International Memorial helped establish over a dozen digitised databases.¹¹ These data served as the basis for various digital commemorative projects, such as the Open List.¹² This comprehensive database of victims of political repression in the USSR (1917-1991) was built on a Wikipedia model and contains over 3,000,000 records.

New possibilities for digital data representation and message transmission have led to projects focused on connect-

ive “living memory”. The commemorative project Minute by Minute, funded by donations and operating on Twitter and Telegram, meticulously reconstructs the chronology of traumatic events. There is the 2004 Beslan school siege (a terrorist attack in Beslan, North Ossetia, Russia, where armed Chechen militants took over 1,100 hostages, including hundreds of children), the Chornobyl (“Chernobyl” in Russian) disaster and the 2022 Russian invasion of Ukraine. Posts are published at the precise times each event occurred, allowing users – years later – to relive the events as they happened. Such publications spark strong emotional responses and waves of personal memories on social media.

At the same time, the disjunction of online memory is becoming increasingly prominent in the current political context. The battle for control over historical memory has been central to establishing an authoritarian regime in Russia. Since the early 2000s, the Russian authorities have worked to erase memories of Soviet terror, block investigations into Stalinist crimes, like the mass shootings in Katyn and Sandarmokh, and rewrite the history of the USSR – benefiting state power and normalising state violence. By the 2010s, the organisation Memorial (comprising Memorial International and Human Rights Centre Memorial) faced mounting pressure, leading to the International Memorial’s dissolution in 2021.¹³ In the 2020s, penalties increased for challenging Kremlin-backed WWII narratives. In 2023, a new school textbook was introduced, praising Stalin, condemning the USSR’s collapse, and promoting a propagandistic view of the annexation of Crimea, the “Donbas war”, and the 2022 invasion of Ukraine.¹⁴ Following the full-scale war with Ukraine, an unofficial campaign in Russia has sought to dismantle memorials to repression victims, while the

Prosecutor General's Office has begun reviewing and revoking rehabilitations of Stalin-era victims.¹⁵ In the 2020s, state-imposed narratives on Russia, Ukraine, and Western relations have dominated the media.

Digital commemoration projects for victims of political repression face strong opposition from Russian authorities. Many digital projects and databases related to historical memory, especially on Soviet-era repression, are blocked or restricted. In October 2024, Roskomnadzor (the Russian Federal Service for Supervision of Communications, Information Technology and Mass Media) blocked the site for the annual Return of Names event honoring repression victims,¹⁶ and online projects covering recent political events targeted for erasure were restricted as well. Similarly, OVD-Info, which monitors political detentions, was blocked in 2021 and designated a foreign agent. The investigative journalists' media Proekt, blocked the same year, was deemed "undesirable" due to its work on corruption and the legacies of Soviet history. Many platforms documenting the war in Ukraine were similarly blocked during 2022. These restrictions aim to create gaps and barriers to preserving memory and independent analysis.

In wartime, digital information battles intensify. For instance, after Russian forces withdrew from Bucha, Ukraine, on March 31, 2022, Western media published photographs of civilian bodies on the streets and in mass graves, turning Bucha into a symbol of Russian war crimes. Searches in Google for images of Bucha after that yielded images of civilian deaths, whereas searches in the Russian search engine Yandex yielded none, instead displaying Bucha as a tourist destination.¹⁷ This manipulation of information, access restrictions, misinformation and

growing distrust among internet users amplify the disjunction of memory.

Disjunctive memory as a feature of online communication

However, fragmentation of memory does not the legacies of Soviet history only occur due to bans or censorship. Often, it's an unintended result of how digital memories are produced, circulated, and consumed. Users often weaponise competing historical interpretations to justify political conflicts, debating history through the lens of their agendas. Digital memories are often polarising, with historical discussions framed in black-and-white terms, accompanied by high emotionality and verbal aggression. Online, people seek solidarity with like-minded individuals who affirm their beliefs through shared memories, often leading to the outright rejection of memories from opposing perspectives. Despite access to vast historical records, users may deny the truth of accounts that conflict with views of their own.

For example, in 2024, Russian investigative journalist and activist in exile Elena Kostyuchenko posted on Facebook about her childhood in Yaroslavl, recalling her family's extreme poverty in 1997, food shortages, and her feelings of shame. Her posts became part of ongoing debates within the Russian (primarily emigrant) anti-war opposition, on who bears responsibility for Russia's democratic collapse and Putin's rise to power, leading to the war in Ukraine.

Her posts triggered hundreds of comments, primarily from people in the anti-war opposition. Some of these commentators sharply rejected Kostyuchenko's memories as "fabricated", claiming that they remembered the year 1997 as relatively pros-

perous in Russia, and had personally experienced none of the hardships she described. For one witness to discredit another based on hardly comparable circumstances (hardship in Yaroslavl for one versus prosperity in Moscow for the other) seems illogical. This illustrates how one's own more salient memory may overshadow the multiple, coexisting memories of others, even though all can be true. Nonetheless, such a realisation was largely absent from the debate.

The mistrust of others' memories in this discussion appears linked to the participants' alignment with opposing factions within the Russian opposition in exile. From a single childhood memory, participants drew sweeping conclusions about who in Russian politics of the 1990s-2000s should bear responsibility for Putin's rise to power, the failure of democracy, and, ultimately, the war in Ukraine. Those who emphasised their political differences from Elena Kostyuchenko and her supporters expressed them by rejecting her memory and accusing her of fabrication.

The hope was that social media, by making others' experiences open and visible, might foster empathy and an understanding of differing perspectives. Yet the prevailing nature of memory debates is agonistic. Divergent memories highlight fragmentation within social groups. Social media discussions reveal that digital memory breaks down when faced with uncomfortable or conflicting accounts. Even within groups seemingly united by shared political goals, conflicting memories often lead to hostility toward those with differing recollections.

In this example, the disjunctive effects arise both from the nature of digital memory on social media and the specific political and cultural context shaping narratives of the past. The connectivity and disjunction of memory are not mutually

exclusive but rather complementary trends in digital media. Understanding this fragmentation is crucial for evaluating how digital memory functions.

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Rethinking Remembrance

*Memory as a Tool for Violence Prevention in the Offline and Online
World*



Memory stands as one of humanity's most enduring and vital resources, serving as both a repository of historical knowledge and a mirror to societal evolution. As a collective endeavour, remembrance is often invoked as a source of wisdom, offering guidance to prevent the repetition of past tragedies. Ideally, it acts as a moral compass, ensuring that the lessons of history are internalised to safeguard future generations. However, the practice of memorialisation – whether through monuments, commemorative rituals, or memory laws – often falls short of fulfilling its most profound promise: to prevent the recurrence of violence. In a digital world, those promises of non-reoccurrence take on a new meaning but also offer an opportunity to engage more meaningfully with the learning potential memory has to offer.

Do we truly learn from the past?

The fundamental question is whether societies truly learn from the past. Can commemorative practices such as memorials, museums, and national remembrance days effectively transform attitudes and behaviours to deter violence? Empirical evidence, regrettably, remains scarce. Despite the proliferation of memorialisation practices globally, their tangible impact on reducing violence or fostering reconciliation and healing is often assumed rather than rigorously demonstrated.

For instance, while memory laws are important in justice delivery, suggesting they may also serve as incentives of deterrence, their effectiveness in transforming behaviours or attitudes remains largely speculative. Similarly, while monuments honour the fallen, they often become static relics of the past, disconnected from the dynamic needs of modern

communities. If visitors are primarily tourists or those with a direct personal connection to the commemorated events, how much can these spaces truly influence societal attitudes on a broader scale? What is clear, however, is that slogans like “Never Again” risk becoming empty promises unless they are tied to actionable strategies and measurable outcomes.

The limits of symbolism: from aspirations to actions

There is a growing critique of the placebo effect of memory and its “fetishisation”¹ – the tendency to treat memorialisation as an all-encompassing solution to societal wounds. Symbolic reparations, such as monuments and commemorative rituals, undoubtedly have value in acknowledging loss and fostering collective sentiments – at least initially. Yet, their potential to foster meaningful and long-term change remains limited if they fail to engage critically with the conditions that allow violence to occur. A compelling critique emerges against the over-reliance on memory. Scholars and practitioners have urged the need to “repair symbolic reparations”². By shifting the focus from memory’s symbolic potential to its practical implications, memorialisation should go beyond aspirations for a more moral and just society that only promises healing for victims. However, these aspirations often lack the necessary empirical grounding to produce meaningful outcomes.

Adopting an evidence-based approach to memorialisation requires moving beyond prescriptive frameworks of “dealing with the past”, which prioritise moral remembrance or view memory as a civic duty. Instead, these critical voices suggest that there must be a critical interrogation of whether memorialisation can consistently foster human rights values or if such

efforts merely serve as symbolic gestures. This interrogation invites rethinking the interplay between memory, education, justice, and reconciliation in a way that yields tangible and measurable outcomes. Such a shift would involve systematic evaluations of the effectiveness of these practices, challenging long-held assumptions about their inherent value.

Addressing causes, not just consequences

Traditional approaches to memorialisation tend to focus disproportionately on the consequences of violence – honouring victims, commemorating loss, and fostering collective unity through mourning. While these practices are important for processing trauma and acknowledging suffering, they often overlook the root causes of violence. This omission is not incidental; addressing the underlying factors of violence often involves confronting uncomfortable truths about political failures, social inequalities, and systemic injustices. Wars, genocides, and acts of terrorism are rarely the result of isolated or spontaneous events. Instead, they emerge from long-standing historical, political, and economic issues. Yet, these complexities are often excluded from mainstream commemorative narratives, as they risk sparking controversy and demand for accountability. Alternatively, these are used to reactivate the conflict, exploiting the divisive potential of the past.

By sidestepping these difficult conversations, societies remain vulnerable to repeating the same patterns of violence. To address this gap, memorialisation must move beyond the act of commemorating loss and engage directly with the structural causes of violence. For example, rather than focusing solely on the victims of a specific atrocity, memorials should also educate

visitors about the historical, political, and economic conditions that allowed such events to unfold. This approach would encourage not only empathy for the victims but also a deeper understanding of systemic issues, equipping individuals with the tools to recognise and challenge these patterns in the future.

Envisioning a more transformative approach to memorialisation

Memory as our societal learning capital is currently operating with instant memorial solutions that often encapsulate only the experience of victimisation (individual and collective) rather than also incorporating knowledge of the past. To enhance the preventative potential of memorialisation, efforts must transcend mere commemoration and actively engage with systemic prevention strategies grounded in education, critical reflection, and collective action. Educationally focused memorials should emphasise historical context, equipping visitors with an understanding of the social, political, and economic conditions that foster violence. Such spaces, when combined with interactive learning tools in museums, through workshops, or multimedia installations, can encourage critical engagement with the factors underpinning societal conflicts.

Locally owned and contextually relevant memorials can further foster community dialogue and promote inclusive narratives. These spaces must challenge simplistic dichotomies, such as “good versus evil” or “us versus them”, which often perpetuate the divisive ideologies underlying violence. Survivor testimonies and diverse perspectives play a vital role in human-

ising abstract discussions, offering nuanced insights into the causes and consequences of violence. By incorporating these narratives, memorials can facilitate, e.g., reconciliation and challenge stereotypes that hinder societal cohesion.

Additionally, embedding forward-looking messages advocating for peace, justice, and equality into memorialisation initiatives can inspire proactive engagement. Programs and pledges linked to memorials may empower visitors to take action within their communities. By addressing contemporary issues such as systemic injustice, hate, and violence, memorials can become a sustainable investment into the future, able to prolong their relevance and impact over time. However, the long-term success of such efforts requires consistent monitoring and evaluation to assess their educational and societal contributions.

From offline to online memorialisation

The online environment offers opportunities to effectively leverage the potential of memory. In this sense, digital remembrance refers to the use of digital technologies and platforms to preserve, commemorate, and engage with memories of individuals, events, or cultural heritage. It combines traditional forms and tools of remembrance with the capabilities of digital tools, creating a modern, often more accessible and interactive way of memorialising. In addition, it offers us a way to harvest results and track the impact of remembrance through big data. For example, the library of the International Court of Justice (ICJ) holds the archives of the Nuremberg International Military Tribunal. It consists of film footage, written documents, metal disk recordings of the hearings and several exhibits. To facilitate the long-term conservation of the intellectual content, the

paper and audio-visual components of the archives have been digitalised. These virtual tribunals offer access to court transcripts, indictments, sentences, and briefings, adding to the long-term impact of trials held after the Second World War. By digitalising such archives, we can easily track and monitor their use through e.g., download information or geospatial tracking.

Digital archives increase the accessibility of historical evidence but are also increasingly serving as a way to create heritage from offline memorials and make memories accessible to a global audience. For example, the Manchester Together Archive,³ created after the terrorist attack in 2017, has now collected and processed over 10,000 objects left as tributes by members of the public in spontaneous memorials around Manchester following the incident. Across the world, other major mass victimisation events have used the digitalisation approach to break barriers of location and physical space, adding an afterlife to spontaneous memorials, which are fundamentally ephemeral in their original form. Preservation and heritagisation of offline memories into digital content can safeguard them against the degradation and loss associated with physical media, ensuring that they endure for future generations. However, the mass accumulation of all things memorial also invites a reflection on the excesses of memory as an ever-accumulating commodity.

Digital tools, such as virtual reality (VR) or augmented reality (AR), allow users to engage with memorial content in immersive ways, making the experience more impactful and meaningful. In certain cases, such digital technologies allow museum visitors or students a valuable opportunity to engage directly with distant memories. The National Holocaust Centre in Nottinghamshire, already in 2017, piloted a ground-breaking

project showing 3D holograms of Holocaust survivors telling their stories and answering questions from visitors. Since then, many other historical and cultural institutions have successfully implanted the “survivor holograms” in the urgent effort to preserve the experience of Holocaust survivors in the “post-witness era”. These innovations offer new regimes of mediation and immersion, suggesting future obsolescence of the physical (the fragile body of the survivor). In the same manner, they are forcing us to rethink what form of memorialisation might resist entropy and how memorialisation’s aspiration to heterotopias,⁴ permanence and eternity might come to fulfilment or not.

Indubitably, digital platforms allow users to personalise how they interact with memories, fostering a deeper emotional connection and, therefore, offering a myriad of educational opportunities. Digital memorials can incorporate multimedia elements, such as videos, photos, and text, to provide rich educational experiences that traditional memorials might lack. In addition, the added value of digital memory resides in its potential to bridge generations and increase reach to younger audiences – native to digital environments – ensuring the continuity of memory and awareness. However, the opportunities that come with the digitalisation of memory also carry some risks that should not be taken lightly. Falsification of knowledge – either of the past (history) or the present (fake news) – becomes harder to monitor and sanction in digital environments. Technologies such as artificial intelligence (AI) have unprecedented reach and impact, yet the ethical underpinnings of knowledge production and delivery of these complex algorithms remain hard to grasp. If asked how it combats historical revisionism, ChatGPT, for instance, suggests that it is “most effective as a supplement to, rather than a replacement for,

rigorous research and media literacy efforts” and that it relies on trusted data sources, verifies them to ensure neutrality and bias reduction.

Yet, the falsification of knowledge is only one side of the coin, the other being the abuse of experiences to assist extremist ideologies. Research shows that extremists are increasingly using mainstream video games and gaming chat platforms to spread hate and acquire surrogate experiences of acting as perpetrators of crimes. These, for instance, include the creation of Nazi concentration camps, the holding of online Nazi rallies or the management of an Uyghur detainment camp in games such as Roblox and Minecraft.⁵ As an underregulated environment, these digital spaces point out our extreme vulnerability to cultures of violence making the need for a more effective engagement with the past even more poignant.

From memory to action: bridging the gap

The challenge with memory lies in transforming remembrance from a passive act into a dynamic process of learning, reflection, and action. Transforming memorialisation into an effective mechanism for violence prevention demands a shift from conventional practices. It demands the adoption of an evidence-based approach to offline memorialisation, rigorously evaluating its outcomes and challenging its assumptions. Trials, monuments, and commemorative rituals must be designed not merely as symbolic gestures but as catalysts for systemic change. Digital tools offer opportunities to leverage the potential of memory. By confronting difficult truths, fostering collaboration, and prioritising prevention, we can ensure that memory serves

not only as a damage management instrument but also as an effective tool for building a more just and peaceful future.

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