DISSERTATIONES
RERUM
POLITICARUM
UNIVERSITATIS
TARTUENSIS
22

ANDRII NEKOLIAK

# ‘Memory Laws’ and the Patterns of Collective Memory Regulation in Poland and Ukraine in 1989–2020: A Comparative Analysis

DISSERTATIONES RERUM POLITICARUM UNIVERSITATIS TARTUENSIS

**22**

DISSERTATIONES RERUM POLITICARUM UNIVERSITATIS TARTUENSIS
**22**

**ANDRII NEKOLIAK**

# ‘Memory Laws’ and the Patterns of Collective Memory Regulation in Poland and Ukraine in 1989–2020: A Comparative Analysis

UNIVERSITY OF TARTU
Press
1632

Johan Skytte Institute of Political Studies, University of Tartu, Estonia.

Dissertation has been accepted for the commencement of the degree of doctor of Philosophy (in Political Science) on June 21, 2022 by the Council of the Johan Skytte Institute of Political Studies, University of Tartu.

Supervisor: Vello Pettai, PhD
Director
European Centre for Minority Issues

Opponent: Maria Mälksoo, PhD
Senior Researcher, Department of Political Science
University of Copenhagen

Commencement: 18 August 2022 at 13:00 at Lossi 36-214, University of Tartu

The publication of this dissertation is granted by Johan Skytte Institute of Political Studies, University of Tartu, Estonia and by the Doctoral School in Economics and Innovation. This research was supported by the University of Tartu ASTRA Project PER ASPERA, financed by the European Regional Development Fund and Dora Plus, an Estonian government programme supported by the EU Regional Development Fund.



ISSN 1736-4205
ISBN 978-9949-03-939-5 (print)
ISBN 978-9949-03-940-1 (pdf)



University of Tartu Press
www.tyk.ee

# ABSTRACT

The dissertation investigates the politics of memory laws in Poland and Ukraine since the democratizing moments of 1989/1990. Considering two cases emblematic of the intensity of the politics of memory in the region, the thesis aimed to explain the overall patterns of memory legislation evolution and explicate the specific processes of punitive memory law-making in the parliaments of Poland and Ukraine. It systematically investigated the political dynamics behind collective memory regulation in two country-cases.

I contribute to the state of the field in three ways. On a conceptual level, the thesis distinguishes the domain of collective memory regulation from transitional justice politics. It critically revisited the works over the concept of 'memory law' in order to show how this conceptual category can be used to analyze the patterns of collective memory regulation. In particular, I introduced a novelty with regard to the conceptualization of memory law originally formulated by Eric Heinze against the backdrop of other works in the field. Empirically, the dissertation provided an exhaustive and systematic investigation of commemorative law-making in the parliaments of two country-cases. The dissertation advanced its analysis based on a unique set of legislation consisting of 447 and 719 parliamentary acts issued by Ukrainian and Polish legislatures, respectively.

Analytically, the dissertation explicated the reasons behind the patterns of collective memory regulation (Study 1) and the specific processes of the emergence of punitive memory laws (Study 2) in Poland and Ukraine. The rationale for dividing the dissertation into Study 1 and Study 2 was to illustrate the potential of operationalizing the concept of memory law into the empirical investigation of the politics of memory of country-cases. Study 1 examined the patterns of commemorative lawmaking in the parliaments of Poland and Ukraine, asking why there was a variation in intensity and propensity of commemorative lawmaking occurring in the politics of Polish Sejm and Ukraine's Verkhovna Rada. Study 1 formulated two hypotheses regarding the politics of memorialisation. It set an aim to verify these hypotheses through an empirical investigation of the politics of memory laws in two countries.

Furthermore, Study 2 engaged in process analysis of the emergence of punitive memory laws in the national parliaments of Poland and Ukraine. It asked why there was a variation in criminal punishment functions between Polish and Ukrainian laws on historical denialism. While each country-case outlawed certain instances of historical speech over the national past, the severity of prohibitions found in the relevant laws was different. As an analytical added value of the investigation, Study 2 argued that the types of orientation towards national historiographies taken in the politics of the Sejm and the Verkhovna Rada predicted the variation in the formulation of punitive provisions between Polish and Ukrainian laws on historical speech.

# TABLE OF CONTENTS

# LIST OF TABLES

## LIST FIGURES

# LIST OF ABBREVIATIONS

| | |
|---|---|
| AK | Armia Krajowa |
| AWS | Akcja Wyborcza Solidarność |
| CIS | Commonwealth of Independent Nations |
| CPU | Communist Party of Ukraine |
| CUP | Congress of Ukrainian Nationalists |
| EU | European Union |
| GPW | Great Patriotic War of 1941–1945 |
| IPN | Institute of National Memory (Poland) |
| KPN | Konfederacja Polski Niepodległej |
| KKL | Koło Konserwatywno-Ludowe |
| NAD | Extraordinary Commission on Review of Draft Laws on the Access to Archives and Documents of Former Security Agencies (Sejm 3) |
| NIP | Extraordinary Commission on Review of the Draft Laws to the IPN Law and the Law on Disclosure of Information about the Documents of the Communist Regime (Sejm 5) |
| NKDV | Narorndiy Komissariat Vnutrennyh Del |
| NRU | Narodnyi Rukh Ukrainy |
| NZS | Narodowe Siły Zbrojne |
| OUN | Organization of Ukrainian Nationalists |
| PiS | Prawo i Sprawiedliwość |
| PO | Platforma Obywatelska |
| PRL | Polska Rzeczpospolita Ludowa |
| PSL | Polskie Stronnictwo Ludowe |
| RPR | Reanimation Package of Reforms |
| RSFSR | Russian Soviet Federative Socialist Republic |
| SLD | Soujusz Lewicy Demokratycznej |
| UD | Unia Democratyzna |
| UINP | Ukrainian Institute of National Memory |
| UP | Unia Pracy |
| UPA | Ukrainian Insturgent Army |
| URP | Ukrainian Republican Party |
| UNR | Ukrainian People's Republic |
| UW | Unia Wolności |
| USSR | Union of Soviet Socialist Republics |

# 1. INTRODUCTION

The region of Central and Eastern Europe (CEE) is well-known for the intensity of its domestic memory politics. In academic and public-polemic discourses, there is a recognition and widespread perception of perennial struggles over the representation of the second world war (WW2), the memory of communism, and the democratic transitions of 1989/1990 permeating the politics and societies of the region. Maintaining and highlighting the relevance of the past is particularly acute in the region. Major political science work on the politics of memory in the region attests to this view and has analysed how official commemoration is emblematic for the dynamics of historical memory construction across 'memory regimes' of the countries of the region (Bernhard and Kubik, 2014). In this regard, this study looks at the projection of the politics of memory into the legal regulation of collective memory. I argue that the concept of 'memory law' (and particularly the way it is leveraged in this dissertation) enables the structured study of the trajectories and magnitude of debates over collective memories in the region.

This dissertation investigates the politics of memory laws in Poland and Ukraine, considering the two cases emblematic of the intensity of commemorative lawmaking in the region. In 2006, the Ukrainian legislature adopted its first punitive memory law pertaining to the memory of the Holodomor. Thereafter in 2015, the Ukrainian legislature officially protected the memory of Ukrainian WW2 nationalists with a new punitive memory law having bolstered the legislation over collective memory. From 1998 in Poland, the Law on the Institute of National Memory (IPN) of 1998 set up a baseline prohibition of the denial totalitarian crimes of WW2. In 2006 and 2018, the Polish legislature further toughened legislation and criminalised speech ascribing Polish co-responsibility for Nazi crimes during WW2. These instances of punitive memory-law making indicated how parliamentary politics in both country-cases have appropriated historical discourses and intervened in the construction of national collective memories about the events of the past.

Moreover, the outcomes of these incidents of punitive law-making in their respective national legislatures were different due to the varying severity of the enacted laws. In Poland, punitive memory laws introduced clear sanctions for public acts of historical speech. Every time since the democratic transition of 1989, the political-legislative process over memory in the Polish legislature ended with the enactment of punitive memory laws that had clear formulation of punitive sanctions over historical speech in their content. In Ukraine, the national legislature has also adopted punitive memory laws over time as well. However, practicality and enforcement of these laws was usually diluted in the legislative process. These laws should still be considered punitive memory laws in the sense that they expressed a prohibitive stance on the interpretation of the national history by the Ukrainian legislature. This dissertation poses the following questions: 1) Why do countries in East-Central Europe engage in the regulation of

historical speech by the means of adopting punitive memory laws? 2) Why do the outcomes of punitive memory law-making differ in the national legislatures?[1]

At large, it would be a mistake to consider these events of punitive memory law-making as isolated instances. There should instead be a broader view of commemorative lawmaking. Beyond notable incidents of punitive memory laws receiving considerable international attention, there were three decades of commemorative lawmaking focused on of the national legislatures developing profiles of memory legislation and underpinned with certain ideational conceptions of Polish and Ukrainian histories respectively. Over the years, both national legislatures voted to hold celebrations on the anniversaries of historical events, commemorated individuals of the past, and developed commemorative calendars advancing interpretations of national histories through legislation. Therefore, on the top of the narrower focus on punitive memory law-making, this dissertation also asks 1) why have the national legislatures in the two countries developed a varying intensity of engagement with commemorative lawmaking? 2) What were the profiles of memory legislation developed in Poland's Sejm and Ukraine's Verkhovna Rada? 3) How did these profiles progress through decades of parliamentary memory politics in the two countries? 4) At what points in legislative memory work, around what individual historical themes, and why were punitive memory laws attempted in the politics of the national legislatures of each country-case?

Therefore, the dissertation undertakes two research tasks. The first is to examine the patterns of commemorative lawmaking in two country-cases, to analyse the political dynamics behind memory legislation production, to scrutinise the content of memory legislation profiles, and to trace the evolution of these profiles since the democratic transition of 1989/1990. The second research task is more narrowly concerned with punitive law-making — instances and processes of when and why laws regulating historical speech emerged in the politics of the national legislatures of Poland and Ukraine.

The two research tasks warranted introducing a dual framework of analysis. The first analyses the patterns of collective memory regulation (the first dependent variable) and the second provides an insight into the events of punitive memory law-making (the second dependent variable). I define a pattern of collective memory regulation as a constellation of memory laws (declarative, regulatory, and regulatory punitive) adopted by a national legislature over a period of time (in a legislative cycle or over a few legislative cycles). I combine static and

[1] I define criminal punishment function of a memory law in narrow and legal-technical sense. A punitive memory law has a criminal punishment function when it contains a provision (a sanction of a legal norm) that prescribes punishment for public instances of historical speech. Through the thesis, I also use expressions 'punitive function' and 'punitive dimension' of memory law as synonyms of criminal punishment function. Therefore, this definition of the dependent variable for Study 2 should not be confused with more sociological understanding of the term 'punitive' when, for instance, civil law regulations is deemed to exercise restrictive effect or function over social relations. See the next chapter for conceptual discussion over the notion of punitive memory law.

dynamic views over memory legislation in this definition. From a static point of view, a constellation (a profile) of memory legislation in a given period of time refers to a combination of commemorative declarations about individual historical themes as well as major regulatory laws on national memory infrastructure (see the next chapter for the meaning of these terms and the taxonomy of memory laws). Dynamically, the projection of a memory legislation constellation (a memory law profile) into time means a pattern of collective memory regulation. To put it simply, a pattern of collective memory regulation means the way how a national legislature combines various types of memory laws in commemorative lawmaking in one or several legislative cycles. A pattern of collective memory regulation refers to how memory law profile fledges in commemorative lawmaking of a legislature over time.

The rationale to divide the dissertation into 2 studies illustrates the potential of operationalising the concept of memory law into the empirical investigation of the politics of memory. I seek to demonstrate the way one could investigate the politics of memory from complementary analytical viewpoints. In this regard, Study 1 provides an insight into patterns of commemorative lawmaking in Poland and Ukraine since the democratic transition of 1989/1990. Study 2 provides a more attenuate process analysis of the punitive memory laws that have emerged in the national legislatures of Poland and Ukraine. These laws regulating historical speech were central to political competition over memory and marked the events when commemorative lawmaking turned to the harshest (punitive) form of intensity in how it memorialised the Polish and Ukrainian past.

The two research tasks should not come across as completely empirical. Both of the tasks and ensuing research questions presented in chapter 1.3 have theoretical dimensions. This dissertation defines its first research task (Study 1) in verifying empirically the theoretical works over temporality of parliamentary memory regulation.

**Hypothesis 1 for Study 1: Transitional Justice Politics Hypothesis.** The way transitional justice scholarship conceives the memorialisation process suggests an early engagement with commemorative lawmaking in the national legislature. This theoretical intuition about memorialisation processes can be formulated as follows. When democratic transition occurs, the political and commemorative spheres are freed from the influence of non-democratic political class following a democratising moment. In the new political environment, the issues of historical memory (especially those that were 'silenced' under the previous regime) quickly enter state-sanctioned historical remembrance of a post-transition country. On a practical level, this moment means that the new democratic politics is conducive to engaging in various types of commemorative lawmaking in the national legislature and the formation of the content of collective memory a post-transition country. The new political class introduces a commemorative calendar for the country re-institutionalising the 'time-map' of national history (Zerubavel, 2003). The national legislature creates a pantheon of national heroes, records, historical events, and anniversaries to be commemorated by general public.

Following this reasoning, the conventional view of democratic transition and memory politics suggests the temporality of parliamentary memory regulation. The national legislature formed in the course of democratic transitions does all of the legislative memory work in the very early period following the political transition (during the first few legislative cycles of the national legislature). Conventional intuition about the nature of democratic transition and the temporality of early engagement with the memory law domain in the national legislature is found in how major theoretical work on transitional justice views the memorialisation process after political transition (Teitel, 2000; Elster, 2004).

The temporality in Elster's framework plays out at two levels of decision-making in the process of memorialisation: at the level of political calculation and in the theory of emotions. Both indicate that an immediate post-transition politics should favour immediate and intensive commemorative lawmaking. On the one hand, countries emerging from longer periods of non-democratic rule and for those who are more constrained in their policy choices, commemorative lawmaking is a more tangible policy choice than engaging with criminal punishment and purges or keeping a political impetus for a major lustration law (Elster, 2004, p. 73–76). At the level of political calculation, it is easier to institute a remembrance day or adopt an anniversary commemorating the past than to push harsher forms of justice-seeking with regard to the past. Moreover, in his view of the mechanisms of transitional justice, Jon Elster theorises the role of resentment in the politics of memory and justice (ibid., pp. 218–240). The intensity of commemorative lawmaking and the consequent amount of legislation-making about the past should fade as resentment involved in transitional justice mechanisms fades over time (ibid., p. 227). Both levels of decision-making in the memorialisation process suggest that the politics of the democratic legislature following political change progresses towards more commemorative lawmaking output. Importantly, put at the level of memorialisation, Elster's line of reasoning suggests the early temporality of engagement with commemorative law in the national legislature.

Ruti Teitel suggests a similar view of the memorialisation process following the event of political regime change (Teitel, 2000). Proceeding from a legal theory oriented view of transitional justice, she argues the 'normative direction' of political change that plays out at various levels of truth-seeking with regard to the past and posed by the conception of justice-in-flux (ibid., pp. 5–7, 70–71). The temporal component of the framework becomes clear when Teitel theorises historical justice. According to Teitel, transitional justice requires transitional history ('collective history making') to overcome the rupture posed by the moment of political change and establishes a 'truth regime' about the past discursively and politically (ibid., 69–72, 83–88, 109–113). Put at the level of commemoration, this theoretical reasoning indicates that commemorative lawmaking to settle historical accounts of the past should come rather earlier than later in the democratic political transition. Therefore, the electoral victories of the new democratic political class in the very first legislative cycle of a post-transition legislature should lead to higher intensity of commemorative lawmaking. The first parliamentary elections

to a post-transition legislature is an independent variable to explain commemorative lawmaking. At large, intensive commemorative lawmaking should take place in the first legislative cycle of a post-transition legislature or during first few legislative cycles of the national parliament (Hypothesis 1).

**Hypothesis 2 for Study 1: Politics of Memory Hypothesis.** An alternative hypothesis for the dissertation is corroborated from the literature on the politics of memory. In a nutshell, the way this literature conceives the memorialisation process suggests late engagement with commemorative lawmaking in the national legislature and points to the centrality of the nationalist political forces in pushing for more commemorative lawmaking in the parliament. This theoretical view about memorialisation processes can be formulated as follows. Following democratic transition, the representation of the national past becomes an arena for political and discursive struggles in a post-transition country (including in the politics of the national parliament). Political memory agents (individual politicians and political forces habituating the parliament) instrumentalise the representation of the past as leverage for their political struggles with each other (Bernhard and Kubik, 2014).

In the view of the politics of memory literature, political forces usually defined as national-conservative or nationalist have a special proclivity to engage in the political struggle over the content of collective memory. Moreover, in a post-transition country that broke away from the years of communist rule, these nationalist forces position themselves in stark opposition to the previous political class (ex-communists) in national politics. These nationalist political forces argue for the essentialist view of national history usually. They consider that after finally being 'freed' from the decades of communist propaganda about the national past, a national community can 'recover' its genuine collective memory. It is important to add that these political forces keep the relevance of the past acute in public and political discourse. The more these political forces are able to influence (or take over) the politics in the parliament, the more they are likely to instrumentalise the past in commemorative lawmaking.

Moreover, political memory agents take over the memorialization process to advance quite an exclusivist vision on the national past. In particular, these political forces engage commemorative lawmaking to advance historical narrative of 'triumph and trauma' in the representation of the national past (Assmann, 2004). They tend to promote a 'self-exculpatory' view of the national past excusing a national community (which they claim to uniquely represent) of its 'dark pasts' (Dixon, 2018). Sometimes, this self-exonerating view of the national past borders the case of historical whitewashing to excuse a national community from responsibility for the events of misconduct committed in the past (Margalit, 2002).

The politics of memory literature suggests the temporality of parliamentary memory regulation. As the democratic politics of a post-transition country progresses, the intensity of engagement with commemorative lawmaking depends on the political victories of these political forces to capture a majority in the parliament electorally. Therefore, the electoral victories of these political forces is an

independent variable to explain the higher intensity of commemorative lawmaking in the parliament. On a practical level, with each of the moments when these political forces take hold of democratic politics in the national legislature, they engage various types of commemorative lawmaking to influence the formation of the content of collective memory. The progression of democratic politics in a post-transition country means more political-discursive contest about the representation of the past. The more there is democratic consolidation and democratic politics, the more commemorative lawmaking should a national parliament experience over time. Consequently, intensive commemorative lawmaking should take place in the latter legislative cycles of the national parliament rather than in the early ones depending on how the politics of memory advanced from the initial point of democratic transition (Hypothesis 2).

Therefore, this dissertation defines its first research task in verifying empirically the abovementioned theoretical work on the temporality of the memorialisation process having formulated two competing hypotheses for empirical investigation (Study 1). It delivers this research task through a detailed and systematic investigation of the politics of commemorative lawmaking in the parliaments of Poland and Ukraine. Moreover, the second research task is to investigate the mechanisms of punitive memory law-making in two country-cases (Study 2). On an analytical level, the latter contributes to the politics of memory literature in the region by uncovering the emergence of punitive memory laws. This study explicates the mechanisms of punitive memory law-making by investigating the cases of Polish and Ukrainian laws regulating historical speech. Study 2 is guided by the question of what was the relationship between national historiographies and the political apprehension of historical interpretation developed in the politics of national legislatures in Poland and Ukraine?[2] As the added-value of the investigation undertaken for Study 2, I argue that the orientation towards national historiographies taken in the politics of national legislatures predicated the variation in criminal punishment functions of punitive memory laws in Poland and Ukraine.

This dissertation offers a systematic analysis of the politics of memory laws and the patterns of collective memory regulation in Poland and Ukraine. I claim this ambition in three ways. Firstly, on a conceptual-taxonomical level, the dissertation explores various approaches to the notion of 'memory law' that have emerged in the last decade of scholarship. It demonstrates how the conceptual category of 'memory law' can be used to survey debates over collective memories in the region. Methodologically and empirically, the dissertation is a two-level study showing how the category can be used to find a numerical expression for

[2] In contrast to Study 1, Study 2 is not guided by an explicit political science hypothesis using a formalized set of variables. This is due to the process-tracing (outcome-explaining) nature of Study 2. In other words, using the logic of variable-centered research design would defeat the purpose of process analysis employed for Study 2. However, the issue of 'casting net widely' for alternative explanations in process-tracing type of research is accounted for in Study 2. See more explanation in the Research Design and Methodology section of this dissertation.

the gravity of collective memory debates and politics of memory on the examples of two country-cases. Analytically, the study explicates the reasons behind the patterns of collective memory regulation and the specific processes of the emergence of punitive memory laws in Poland and Ukraine.

The dissertation is structured as follows. The next chapter (Chapter 2) introduces the conceptual premise of the dissertation. On a conceptual-taxonomical level, the dissertation highlights the various approaches to the notion of 'memory law'. I justify a composite (three-fold) understanding of the concept originally developed by Eric Heinze. I amend the Eric Heinze taxonomy and argue that collective memory regulation marks a domain of legislative engagement with the past distinct from the phenomena of transitional justice politics. Moreover, chapter 2.2 maps out the state of the field regarding the politics of memory in Poland and Ukraine. It highlights the contribution of the dissertation to the field and argues that studies of these country-cases so far did not attempt to analyse the wider patterns of commemorative lawmaking nor did they explore the application of the concept of memory law to its full benefit.

The state of the field section is followed with chapter 2.3 on case selection and methodology. In the section, I justify the focus on Poland and Ukraine and introduce two research problems. Importantly, I justify case selection for the dissertation in relation to both dependent variables. To put it simply, the dissertation encompasses two studies. Case selection for both studies is being justified for each of the studies in its own right and in the view of its own dependent variable. The sub-sections on Study 1 and Study 2 in chapter 2.3 introduce the main research puzzles pertaining to the two dependent variables and corroborate sets of research questions for empirical investigation. Study 1 deals with the politics of commemorative lawmaking in Poland and Ukraine. Chapters 3 and 4 encompass Study 1 and analyse the first dependent variable. These chapters analyse the trajectories of memory law profiles in Poland and Ukraine. Specifically, they investigate the political dynamics and production of commemorative and regulatory memory laws. The chapters analyse the content of memory law profiles over time and discuss the ideational components of political struggles in the Sejm and the Verkhovna Rada since the democratic transitions of 1989/1990. In these chapters, I use shorthand expressions of the Polish memory debate and the Ukrainian memory divide to highlight the progression of parliamentary politics in the two countries. I further explain how this progression has shaped the historical-ideational profiles of memory legislation in each country. I argue that the structure of political competition over memory in each country-case explains the 'mounting' and 'deferred' patterns of commemorative lawmaking in both country-cases.

The two chapters advance their analyses by accessing the data sets of memory legislation collected for the dissertation. The set of legislation for Ukraine covers 447 legislative acts, and for Poland there are 719 legislative acts. In Poland's case, the bi-cameral legislature adopted 477 acts in the lower house (Sejm) and 242 acts in the upper house (Senate). Chapters 3 and 4 cover three decades of parliamentary memory regulation in the two countries. The timeframe of the analyses

runs from the first transitional legislatures of the Sejm in 1989 and the Verkhovna Rada in 1990 and ends at the eve of WW2 commemorative anniversaries in May 2020. The strategies of data collection and empirical analysis for Study 1 is outlined in chapter 2.3.

The memory legislation datasets cover commemorative legislation (commemorative declarations over historical events, figures, and remembrance days) as well as regulatory and regulatory punitive memory laws. In coding the memory law profiles, I advance the analysis of parliamentary memory regulation from the outward and inward perspectives over the first dependent variable. Chapters 3 and 4 provide what was the distribution of the memory legislation between legislative cycles of the national legislatures since the moment of democratisation of 1989/1990. In other words, they look at the distribution of the sub-variants of commemorative legislation from the first post-transition and successive legislatures of the Sejm and Verkhovna Rada. Thus, the chapters periodise the frequencies and shifts in legislative memory work showcased by the commemorative lawmaking output produced by the respective national legislatures. In other words, this empirical work provides an outward view of memory law profiles and how they emerged and progressed.

These chapters Chapters 3 and 4 also provide an inward view of commemorative lawmaking by analysing the memory law profiles according to their thematic content. They break up commemorative legislation into categories according to the periods of national histories that the acts addressed in particular legislative cycles. This approach digests the saliency of individual historical themes in the workings of national legislatures and in particular legislative cycles. The backdrop of this empirical work combines outward and inward perspectives on memory legislation to demonstrate how the progression of parliamentary politics in the two country-cases affected the progression of commemorative lawmaking output underpinned with the ideational conceptions of Polish and Ukrainian histories.

Study 2 deals with punitive memory law-making in the two national legislatures. Chapter 4 examines the specific processes of punitive memory law-making in the national legislatures of Poland and Ukraine. The chapter scrutinises the processes behind the adoption of Ukraine's Laws on the Holodomor (2006) and Freedom Fighters (2015). It encompasses the process analysis of Poland's IPN Law (1998), the amendments to the Lustration Law (2006) and amendments to IPN Law (2018). I offer a typological distinction between adversarial and accommodating orientations towards national historiographies to explain the variation in criminal punishment between Poland's and Ukraine's punitive memory laws (the second dependent variable). On this note, the chapter 5 appropriates an interpretative process-tracing to explain why there are variations in criminal punishment function of punitive memory laws voted by the national legislatures of Poland and Ukraine. The process analysis methodology and strategy of empirical analysis for Study 2 is outlined in chapter 2.3 of the dissertation.

Chapter 5 explains the variation of outcomes relating to the second dependent variable. Methodologically speaking, the process analysis employed for Study 2 adheres to a minimalist understanding of process regarding the outcome

explanation. Empirically, this methodological choice means that the explanation of outcomes is linked to the context of the legislative process in the national legislatures. In developing the conclusions of Study 2, I claim that the views of parliamentary memory agents involved in legislative work over national histories defined the difference between punitive memory laws in Poland and Ukraine. Table 1.1 re-iterates the argument of the emergence of punitive memory laws with national historiographical orientation being a central node of the process analysis arguments of Study 2.

**Table 1.** The politics in the national legislatures, national historiographies, and the adoption of punitive memory laws in Poland and Ukraine

<table>
<tr><th colspan="2">Explanans</th><th colspan="2">Explanandum</th></tr>
<tr><td colspan="2">Memory agent mobilises around the history issue</td><td colspan="2">The outcome of the political-legislative process</td></tr>
<tr><td rowspan="2">Type of engagement with national historiography</td><td>Accommodating</td><td rowspan="2">Punitive memory law enacted without criminal punishment function</td><td rowspan="2">Punitive memory law enacted with criminal punishment function</td></tr>
<tr><td>Adversarial</td></tr>
</table>

The conclusions of the thesis are devoted to explaining the variations between the patterns of collective memory regulation in Poland and Ukraine (the first dependent variable of Study 1). Chapter 6 on conclusion discusses the findings and implications of Study 1 and addresses the ‘mounting’ and ‘deferred’ patterns of collective memory regulation in the two country-cases. It explains the terms and explains the reasons for the two paths of commemorative lawmaking, that were born out in the Polish and Ukrainian legislatures since 1989/1990. The section argues that an instrumentalist perspective on memory politics competition explains the differences in the patterns of collective memory regulation in the parliaments of Poland and Ukraine.

In particular, the conclusions structure the discussion of memory law profiles around the two characteristics of the first dependent variable: the late intensity of commemorative lawmaking and the difference in proclivity towards sub-types of memory law. The conclusions borrow the ‘winner-loser’ model of memory politics by Kate Korycki (2019) to illuminate the substance and the findings of the investigation of the politics of memory laws encompassed by Study 1. Using the apparatus developed by Korycki, the conclusions of the thesis explain the variations in the patterns of collective memory regulation (the differences in timing of and in proclivity for particular sub-types of memory law) in Poland and Ukraine. By applying the Korycki model to both country-cases, I intend to demonstrate how the potential of her model can be unpacked to the investigation of memory laws undertaken in this dissertation. In particular, I argue that the analytical parameters of Korycki’s model deserve wider acceptance by political scientists and

memory scholars who work with instrumentalist, actor-centered explanations of memory politics.

The conclusions address the findings and implications of Study 2 that aimed to explain the emergence of punitive memory laws in the national legislatures of Poland and Ukraine (the second dependent variable). In particular, chapter 6.2 reflects on the methodological choices of Study 2 to understand process analysis in minimalist and interpretative terms. It explains why this choice was justified in the context of Study 2 and how this choice stands vis-à-vis current debates on process analysis. The concluding remarks posit avenues for future research over memory laws in the region.

# 2. THE CONCEPT OF 'MEMORY LAW', RESEARCH DESIGN AND METHODOLOGY OF THE DISSERTATION

This chapter introduces the analytical parameters of the dissertation. It first reviews the notion of a 'memory law'. The literature review section is structured around three questions guiding the conceptual work. First, I analyse if relevant authors are concerned with posing taxonomical criteria in their approaches to the concept of memory. In this regard, section 2.1 reviews the content of these approaches and the points where they converge. Drawing from existing literature, I then judge how useful these approaches are for operationalisation to precede into empirical investigation. Thirdly, in order to advance the conceptual work, I explore existing approaches to the notion in favour of a three-fold conceptualisation of memory law originally formulated by Eric Heinze.

Thereafter, the chapter proceeds to establish the contribution of this dissertation by discussing state of the field in section 2.2. In section 2.3, I substantiate the relevance of the Poland-Ukraine case comparison for Study 1 and Study 2. Section 2.3 also discusses how Study 1 addresses the patterns of collective memory regulation and how Study 2 illuminates the saliency of the investigation of punitive memory laws in regard to the thesis's contribution to existing scholarship on the politics of memory in the region. Given the dual framework of the study, section 2.3 is conceived around discussing the proprieties of Study 1 and Study 2. It develops a set of corresponding research questions, addresses issues related to the chosen methodology, and explains the strategies of data collection and empirical analysis.

## 2.1. Conceptualising a 'Memory Law'

In the section, I identify two levels of conceptual work over the concept of memory law. The higher-order level of conceptual work is concerned with establishing taxonomical criteria in developing the notion of memory law. The works in this strand organise conceptual thinking over the concept around the criterion of functionality of memory law. At this end of conceptual debate, the functional criterion of punitiveness presents the main conceptual tool to understand memory law. At the lower-order level of the conceptual debate, the accounts deal with idiosyncratic examples of particular laws before proceeding with conceptual and classificatory work over the notion.

The section starts by organising scholarly approaches to the concept around these two levels of conceptual work before discussing them in greater detail. This includes discussion of some of the most notable definitions and taxonomical endeavors of Nikolay Koposov and Eric Heinze. In this regard, Table 2 presents existing approaches to the notion of memory law organised around two ends of the conceptual debate. The intention of this section is to show how the shortcomings of the conceptual debate of the second-order can be dealt with solid

taxonomical parameters of the first-order conceptual work. In the latter regard, navigating between the accounts positioned on both ends of the conceptual debate, the section argues in favour of a three-fold conceptualisation of memory law originally formulated by Eric Heinze. I showcase how Heinze's conceptual categorisation has the potential to encompass other classificatory approaches as well as to account for the shortcomings of the second-order level of conceptual debate. In advancing the conceptual debate over memory law, I offer a refinement of Heinze's original formulation. Finally, I argue that collective memory regulation is a domain of legislative engagement with the past that is distinct from the phenomena of transitional justice politics. The section ends with an amended taxonomy of memory law suitable for empirical investigation into the patterns of collective memory regulation.

**Table 2.** Conceptual-taxonomical approaches to the notion of 'memory law'

| **The level of conceptual debate** | **Conceptual-Taxonomical Criterion** | **Classification** | **The author** |
|---|---|---|---|
| 1st order | Punitiveness (criminalisation of historical speech) | 'Hardcore' and 'Periphery' | Koposov (2018) |
| 1st order | Punitiveness | Two modalities: laws that 'invite citizens to remember' (on remembrance days) and laws punishing historical 'negationism' (bans on Holocaust denial) (Fronza, 2006, p. 609) | Fronza (2006) |
| 1st order | Punitiveness (criminalisation of historical revisionism) | Holocaust denial laws, criminal codes of Central and Eastern European states | Belavusau (2013) |
| 2nd order | Punitiveness is recognized in the first entry of the template | a) Genocide denial laws;<br>b) Laws dealing with 'legal prescription of historical commemoration' in a post-dictatorship context;<br>c) De-communisation laws;<br>d) Laws dealing with mass atrocities 'subsequent to introduction of the crime of genocide in international law' and criminal proceedings (Belavusau and Gliszczyńska-Grabias, 2017, p. 13–14) | Belavusau and Gliszczyńska-Grabias (2017) |

| The level of conceptual debate | Conceptual-Taxonomical Criterion | Classification | The author |
|---|---|---|---|
| 1st order | the regulatory (state-administrative) action; Punitiveness is argued to differentiate within regulatory category | Regulatory (punitive and non-punitive) and non-regulatory (declaratory) | Heinze (2017) |
| 1st order | Punitiveness ('form') | Prohibitive and prescriptive (coercive and non-coercive) | De Baets (2017, 2018) |
| N/A | Effects of law on collective memory | Direct (criminal litigation) and indirect (regulation of access to 'mnemonic content' by a legislative act) effects of law on collective memories: laws on archives, Holocaust denialism, and libel (Savelsberg and King, 2007, p. 198–199; also, 2005, p. 601) | Savelsberg and King (2007) |
| 1st order | Legal effects | Declarative and penal | Fraser (2011) |
| N/A | Aim of the law in relation to minority experiences | Memory laws that legislate over 'positive' or 'negative' perceptions of the genocidal past (Gutman, 2016, p. 576) | Gutman (2016) |
| 1st order | Punitiveness | Holocaust denial laws 'Commemorative lawmaking' is used to refer to discursive context of legislative procedure | Bucholc (2019) |
| 2nd order | The level of codification of legal act; Punitiveness is recognised in the second sub-category of legal measures | Ostensibly legal provisions and legal measures (mnemonic constitutionalism, punitive and non-punitive memory laws, quasi-memory laws) | Bán (2020) |

If one examines the landscape of memory and law scholarship, one major point emerges in thinking about how a piece of legislation exactly intersects with the domain of collective memory construction. As Table 2 demonstrates, the first conceptual ramification to define a memory law pertains to its punitive capacity. Almost universally, scholars recognise bans on historical speech as capturing the essence of a conceptual category of memory law (Koposov, 2018). It might be argued that such a state of affairs in scholarship is clearly influenced by the genealogy of genocide denial legislation across different country contexts. Scholarly and public intellectuals discussion over *loi memorielle* itself was promoted by the cases of the first Holocaust denial legislation being introduced in Europe (Stein,

1986; Vidal-Naquet, 1992; Shermer and Grobman, 2000; Lewy, 2014). Therefore, the topic of punishing Holocaust denialism looms large in the historiography and law (Khan, 2004) and the study of the history of historical denialism as a criminal offence (Fronza, 2018).

Moreover, as a spin-off of this discussion, legal scholars have reacted with political philosophy reflections on the punishment of historical speech in a liberal democracy (Fronza, 2006; Teachout, 2006). In legal scholarship, this trend was influenced by an expansion of genocide (Holocaust) denial legislation at the level of the EU since 2008 (Knechtle, 2008; Pech, 2009; Cajani, 2011; Temperman, 2014). The endeavours of legal scholars are usually concerned with historical denialism laws given the repercussions of outlawing free speech in the context of a democratic and liberal society. When a historian or legal scholar speaks about memory law, they usually mean historical denialism laws that prescribe punishment for public acts of historical speech. Moreover, the understanding of the term is almost exclusively reserved for one particular case — 'memory law' is more commonly mentioned during discussion of Holocaust denial legislation. At large however, regardless of the genealogy and history of the notion, the approach to consider bans on historical denialism as memory laws *par excellence* has a more persuasive conceptual rationale.

From a collective memory studies point of view, an exclusive focus on historical denialism laws in the definition of memory law has the strongest conceptual resonance with the notion of collective memory. The conceptual resonance is found in the argument that by banning instances of historical speech, a punitive memory law directly influences collective societal representations of the past. In the field of collective (cultural) memory studies, the term collective memory is used to refer to group representations of the past. While the original formulation focused on social frameworks (family, class, or the nation) enabling a shared, collective representation of the past (Halbwachs, 1992 [1925]), the argument extends to the public and communicative spheres — e.g. communicative and political memory (Assmann, 2004; Erll, 2011b). In its extension to politics, the 'national-collective' memory is a framework 'through which nationally conscious individuals can organize their history' (Müller, 2004, p. 3). In this light, Savelsberg and King point out that conceptualising the intersection between collective memory and law relates to how law, conceived broadly as legal regulation and law enforcement, influences the construction of collective representations of the past in public-communicative sphere (Savelsberg and King, 2007). By making the case about historical denial laws as memory laws, scholarly accounts remain in conceptual communication with the idea of collective memory and the assumption about the influence of historical denialism laws on societal collective representation of the past.

Classifying instances of historical denialism legislation as memory laws is uncontroversial among the existing scholarship that underpins major taxonomical work about memory laws (Fraser, 2011; De Baets, 2017, 2018; Koposov, 2018). This point is well illustrated by most works referenced in Table 2. On this matter, Antoon De Baets distinguishes between *prohibitive* and *prescriptive* memory

laws. This definition of memory law captures the principle of coerciveness. The taxonomical criterion that drives De Baets work is the punitive 'form' of memory law (2017). Elsewhere, he defines memory laws as ones that 'prescribe or proscribe certain views of historical figures, dates, symbols or events' (De Baets, 2018, p. 47). As Eric Heinze notes when interpreting De Baets work 'the word 'proscribe', on his [*De Baets's*] view, entails punitive norms on the behaviour of individuals, whereas 'prescribe' both non-punitive and declaratory' (Heinze, 2017, p. 418). Conversely, De Baets's approach is noteworthy for specifying a range of exact sub-types of memory laws that refer to the field of public commemoration. In his view, these are the laws on *historical figures, symbols, dates,* and *events* (De Baets, 2018, p. 47–53). In his definition, De Baets provides examples of different types of laws in parallel of the notion of declarative memory law in other classifications.

There is a sense of some internal contradiction implicit to De Baets' work. In his views of the laws that govern the work of historians, De Baets gives contradictory evidence of genocide denial laws. On the one hand, genocide denial laws fall into the sub-category of laws on historical events (De Baets, 2018, pp. 52–53). On the other, genocide denial laws enjoy a separate standing in De Baets' taxonomy at large (ibid., p 40, 59–62). Regardless of this idiosyncrasy, the criterion of punitiveness (with regard to laws inferring punishment on the historical speech of individuals) is captured with this approach. This approach contributes to the first-order conceptual discussion over memory law.

De Baets' point about the content of memory laws parallels the works of other scholars interested in the politics of commemoration. The politics of memory scholarship usually classifies 'commemorative calendars' and laws instituting *memorial (remembrance) days* within the non-punitive category (Zerubavel, 2003, pp. 1–36). Emanuela Fronza (2006) identifies the intersection between the politics of memory and lawmaking. Fronza conceptualises *commemorative laws* as the ones 'inviting citizens to remember' pointing to the domain of public commemoration, which is foremost illustrated with the example of instituting remembrance days by national legislation (Fronza, 2006, p. 609). The second modality is reserved for 'criminal laws adopted at the supranational and national level that punish the negation, minimisation, or justification of the Holocaust' (ibid., p. 609). Fronza reserves the category of punitive laws to the prohibition of Holocaust denial only. These approaches demonstrate the merit of distinguishing between commemorative (non-punitive) and punitive memory laws in the concept of memory law. Fronza's approach remains at the first-order level of conceptual work in this regard.

The punitive/non-punitive distinction is classified in other works on collective memory and law. In this regard, David Fraser parallels Fronza's distinction by differentiating between purely declarative laws and from laws that have attached punitive sanctions (Fraser, 2011). According to Fraser, the punitive category refers to Holocaust denial laws. Parallel to that, the declarative category resembles 'legislative acts authorising the appropriation of a place in a park and the dedication of some public funds for the erection of a monument' (Fraser, 2011, p. 29).

In this short definition of declarative memory laws, Fraser delineated the same phenomena that De Baets named 'non-coercive prescriptive memory law' (De Baets, 2018, p. 54). Commemorative lawmaking, according to Fraser, 'officialises' the representation of a particular historical event, yet does not attempt to produce any additional legal effect (Fraser, 2011, p. 29). Moreover, the distinction by Fraser parallels other classificatory approaches to the notion. Fraser distinguishes between punitive and non-punitive memory law with his approach, therefore can be categorised as first level of conceptual work.

An example of empirically rather than taxonomically-driven work is presented by Belavusau and Gliszczyńska-Grabias (2017). In their differentiation, the authors seemingly do not identify or relate to any explicitly stated taxonomical criterion to differentiate between their variants of memory law (Belavusau and Gliszczyńska-Grabias, 2017, p. 13–14). Table 2 provides a short summary of the examples given as memory laws by the author. Belavusau and Gliszczyńska-Grabias rely on empirically vast exploration into cases of international and national legislation as well as legal practice concerning history to come up with an inclusive roster of memory laws. In other words, the approach is empirical in a sense that exploration in the various cases of history and memory-related laws precedes the conceptual choices in taxonomising memory law. This broad approach is evidenced in their definition of memory law as 'state-approved interpretations of crucial historical events' (ibid., p. 1). This definition is broad enough to account for a vast universe of possible legislation, with the example of commemorative and anniversary legislation foremost. Belavusau and Gliszczyńska-Grabias parallel the notion of commemorative laws by Fronza and De Baets. Conversely, Belavusau and Gliszczyńska-Grabias consider the distinction between punitive and non-punitive laws implicitly. Genocide denial laws are presented in the first category of memory law in their outline (see Table 2). Moreover, the authors are explicitly guided by the punitive/non-punitive distinction referring to examples of historical denialism legislation in other parts of their work.

A dubious admission on the part of the authors pertains to considering the cases of memory-laden effect of criminal proceedings. Belavusau and Gliszczyńska-Grabias mention criminal proceedings in their approach to memory law. Moreover, they also include the example of post-communist laws on 'decommunising' public space in Central and Eastern Europe into their conceptualisation. The inclusion of criminal proceedings is problematic as it moves the conceptual discussion over memory law into the domain of law enforcement. In their approach the authors did not provide any rationale for the inclusion of criminal proceedings in their outline of memory laws. It is not clear if Belavusau and Gliszczyńska-Grabias would consider criminal procedure codes as memory laws.

Belavusau and Gliszczyńska-Grabias did not consider this conceptual blurring as a problem in their approaches interested in the 'legal governance of memory' — an array of legal regulation and judicial mechanisms affecting collective memory construction. In this light, the inclusion of de-communisation laws is more solid, yet idiosyncratic decision. It might be argued that conceptual choice for the

de-communisation laws covered by Belavusau and Gliszczyńska-Grabias are not worthwhile as the basis of an informed taxonomical decision. Therefore, three out of four examples provided by Belavusau and Gliszczyńska-Grabias' outline are conceptually linked to the landmark point of Savelsberg and King on memory law and the collective representation of the past. However, this approach loses conceptual coherence in regard to de-communisation laws. In this latter example, Belavusau and Gliszczyńska-Grabias fit the second-order level of memory law conceptual debate.

A similarly broad view on the intersection between law and collective memory is offered by Susanne Karstedt (2009). The account offers a view of 'legal institutions' and their linkage to collective memory. According to Karstedt, legal institutions encompass the examples of laws related to historical interpretation and judicial and quasi-judicial law enforcement (ibid., pp. 1–27). This approach is broad and includes 'constitutions, property rights and legal liberties, as well as administrative law' in addition to criminal justice procedures and constitutional adjudication (ibid., p. 3; see also Scheppele, 2009). In other words, this approach commits to considering the effects of the law and legal procedures in conceptualising the link between collective memory and the law. As Karstedt argues, legal institutions 'might be less important in shaping and constructing the content of collective memories but are channels for the expression of individual memories that link them to others' (Karstedt, 2009, p. 5).

Here, the approaches of Belavusau and Gliszczyńska-Grabias (regarding criminal procedure in the outline of memory laws) or Karstedt parallel the approach of Savelsberg and King (2007). The latter are also interested in the intersection between collective memory and law as a social phenomenon. Specifically, they are more interested in the effects of legal procedure on collective memory than with the formal scaffolding of the concept of memory law. Both Savelsberg and King and Karstedt go beyond outlining the notion of memory law understood strictly as a legal act to exercise regulatory power over the behaviour of individuals. Later in the section, I show how with a formal approach to concept scaffolding, the examples of legal procedure as well as transitional justice laws are ruled out from the conceptualisation of memory law. Moreover, also shows how the inclusion of laws on de-communisation (provided by Belavusau and Gliszczyńska-Grabias) can be justified as a solid, taxonomical decision.

As for other conceptually and taxonomically-driven works, Yifat Gutman (2016) is more narrowly concerned with punitive memory laws. Gutman posits the aim of the law in relation to the historical experience of a victimised minority as the taxonomical criterion to distinguish between punitive memory laws. This approach differentiates between memory law legislating over 'positive' and 'negative perception of a violent past' (ibid., p. 576). According to Gutman, the 'first type seeks to maintain a negative memory of a violent history, and the second aims to fortify a positive memory of such history' (Gutman, 2016, p. 576). Gutman catagorises the first type of legislation as referring to examples of Holocaust denial legislation in Europe. The second type is applicable to Gutman's

case study on the politics of memory in Israel and concerns the representation of Palestinian persecution in the 1940s.

Gutman's approach demonstrates two merits. It is explicitly concerned with the collective representation of the past by means of law, thus preserving a conceptual resonance with mainstream understandings of a 'national-collective' memory or the political memory of a nation-state (Feindt et al., 2014). In this regard, Gutman ties her definition to the 'nation-state' level of collective memory: 'I center here on […] laws that ban a negative perception of a violent history in order to fortify a positive memory of the nation-state' (Gutman, 2016, p. 576). On the other hand, Gutman's differentiation captures the punitive/non-punitive distinction in conceptualising memory law. From a law studies point of view, this is less narrow approach than focusing on criminal law punishment for historical speech only. Gutman understands punitiveness to be any penal ban on historical speech, potentially including bans based on administrative rather than criminal law regulation. Gutman also states that there are a variety of non-punitive commemorative laws and emphasises the non-punitive category in its analytical work (ibid., pp. 275–276). The approach of Gutman therefore most closely resembles the work of Fronza in its conceptual choices.

Moreover, Gutman's approach resonates with lower-order conceptual discussions on memory law. Similar to de Baets, Gutman attempts to classify punitive memory laws according to their content (the perception of historical event), which is either 'positive' or 'negative'. In other words, her approach is focuses on the kinds of historical speech being prohibited by a given piece of legislation. To a degree, this approach resonates with De Baets' definition of memory law as 'prescribing or proscribing' particular representations of views about historical events, figures, and dates. Put simply, Gutman's point with regards to legislating over negative and positive perceptions of the past is implicitly linked to the definition of proscription and prescription in De Baets' work. There are convergences and parallels implicit to the works of both scholars. Similarly to Fronza, both authors capture punitiveness as the main functional criterion to define memory law. Beyond that, both authors attempt to scaffold the examples of other (non-punitive) laws that are 'inviting citizens to remember' and concerned with content of collective memories (the remembrance of historical events, figures, and dates).

Marina Bán emphasises making a formal legal distinction at the level of legal codification of memory laws. In her formalist classification, Bán distinguishes between *ostensibly legal provisions* and *legal measures* as two types of 'memory governance' (Bán, 2020). The first category is irrelevant for conceptualising memory law. In the legal classification, these are non-legal measures supporting the complex phenomenon of 'memory governance' (ibid., p. 51). The legal measures category refers to legislation on memory explicitly. According to Bán, depending on the level of legal codification, legal measures consist of constitutional provisions on history (mnemonic constitutionalism), memory laws (punitive and non-punitive), and quasi-memory laws (ibid., p. 52).

Bán suggests that the punitive and non-punitive distinction argued by other major taxonomical work over the notion of memory law. Yet, there are some

components of the work which are open for critique. Bán argues for classification on the level of legal codification of a legal act rather than on the functional proprieties of a particular piece of legislation. To provide an example here. Bán reserves a separate place for constitutional texts being the apex of her *legal measures* category. This corresponds to legal theory approach to distinguish between higher-order constitutional laws, ordinary laws, and lower-order legislation. Consideration for the separate treatment of constitutional texts is based on the principle of formal hierarchy of the system of legislation. However, this classification is not based on functional criterion or propriety of memory law at large. Punitiveness as a functional criterion in conceptual work over memory law appears in the second component of the legal measures category. Therefore, from the point of view of this dissertation, Bán follows the approach of Belavusau and Gliszczyńska-Grabias in falling close to the second tier of conceptual debate over memory law. In their approach, concerns over empirical considerations to capture a vast array of legal measures precipitates the classificatory work of memory law.

Moreover, a point of more perennial critique pertains to the quasi-memory law category. Bán defines this category as a 'collective of provisions which, on the surface, do not contain historical references, but still possess a historical dimension' (Bán, 2020, p. 53). The author provides examples of citizenship laws, public administration regulations, the laws on judicial systems, and minority protections as falling into this category (ibid.). The author recognises that such laws do not contain explicit references to historical events or collective representations of the past in their formulation, but still choose to have separate considerations for this broad regulatory legislation (ibid.). It might be argued that the approach of Bán loses conceptual resonance with the notion of collective memory. In particular, this part of Bán's work presents a shortcoming as there is no way to make taxonomical decisions about such laws according to their collective memory-related content or the functional propriety of a piece of legislation.

The examples given by Bán in the quasi-memory law category are broadly regulatory laws on the parameters of nation-building rather than laws addressing the collective representation of the past. The logic of Bán's argument is that if a citizenship law or a minority protection law supports or disapproves certain views about history, there is some basis to consider these laws relevant for the conceptualisation of memory law. Yet there is a lack of solid reasoning to make nominal decisions in favour of codifying these examples of broad regulatory legislation as regulatory memory laws.

In many respects, this challenge in Bán's conceptualisation is representative of the challenges met by major classificatory works over the notion of memory law in the field. Drawing from the discussion presented above, it might be said that the challenge of conceptualising memory law is positioned between two intellectual tasks (higher and lower-order level respectively). On the one hand, the main scholarly approach so far has been putting forward a taxonomy of punitiveness in delineating the categories of memory law. The taxonomy is directed by a vast array of scholarly accounts over memory laws. The criterion takes a slightly different form in various accounts, yet it guides conceptual thinking of

memory law. Moreover, punitiveness is a conceptual parameter that is abstract and functional enough to capture a regulatory function of denialist law. Furthermore, it should be stressed again that the taxonomy of punitiveness has a strong and unproblematic resonance with the idea of collective memory, conceived in either its communicative or political ('national-collective') strands (Assmann, 2004; Müller, 2004; Erll, 2011b). By banning instances of historical speech, punitive memory law performs regulatory function over the collective representation of the past and historical discourse in society.

There is a second-order level to the conceptual work over memory law beyond making the punitive/non-punitive distinction. For instance, both De Baets and Fronza refer to a vast array of non-punitive laws ('commemorative laws', 'declarative laws' in other classificatory approaches). Additionally, De Baets profiled the laws according to their content differentiating between historical events, figures, and remembrance days legislation (De Baets, 2018, p. 47–53). The second-order conceptual work attempts to specify a range of memory laws regulating the representation of the past beyond cases of historical denialism. However, when it comes to making decisions to profile examples of legislation, conceptual choices are usually diluted with scholarly accounts providing idiosyncratic examples of relevant legislation. Usually these accounts refer to particular examples of commemorative legislation (commemorative declarations on the anniversaries of historical events and figures, memorial days etc.). At the second-order level of conceptual work, scholarship remains illustrative rather than taxonomical when speaking about the non-punitive (commemorative) category of memory laws. Therefore, the intellectual challenge of memory law lies in striking a balance between putting forward a functional taxonomy on the one hand and avoiding the pitfall of providing a roster of relevant commemorative legislation on the other.

The conceptual intuition that guides all of these works on non-punitive memory laws is to refer to non-punitive formats of commemoration stipulated by legal acts. Yet, this conceptual intuition often lacks a solid taxonomical criterion to make informed choices within the category of non-punitive laws. In other words, many accounts capture the qualitative difference of non-punitive laws without being able to state explicitly what underpins this differentiation.

Purely declarative memory laws are largely unproblematic (relating to a conceptual resonance with 'national-collective' memory) as they shape the content of the shared representation of the past. Commemorative declaration to a historical event, figure, or a law establishing a remembrance day, defines the content of collective memories. However, there are examples provided in existing classificatory works on memory law that go beyond purely commemorative legislation, yet fall into the category of non-punitive memory law. To go back to David Fraser's (2011, p. 29) example of major campaign to reform the representation of the past in public space. For Fraser, it would be different from instituting a memorial day, for instance. However, the latter and the former examples are both non-punitive and 'declarative' memory laws as opposed to a clearer category of punitive memory laws. Moreover, solving the conceptual challenge at the second-order level of conceptual work requires preserving clear and unproblematic resonance with the

notion of collective memory to avoid conceptual stretching and the inclusion of broadly regulatory laws under the term of memory law. Therefore, the following question persists with regard to classificatory work at the second-order level of conceptual debate. How to make informed taxonomical choices when dealing with the non-punitive category of memory law?

There are two ways to continue with the conceptual hardship of memory law beyond the punitive/non-punitive distinction. The first is to avoid any attempts to continue with conceptual-taxonomical work. This decision is illustrated by accounts aware of the inherent complexity of the concept and strategically opt-out of making any additional taxonomical choice. Marta Bucholc's (2019) approach to 'commemorative lawmaking' is illustrative of such a decision. Having summarised the work of Belavusau and Gliszczyńska-Grabias and highlighted the problems with profiling broad regulatory laws as memory laws, Bucholc recedes from solving the conceptual puzzle altogether, instead preferring to profile examples of Holocaust denial legislation as memory laws.

Bucholc considers the cases of Holocaust denial legislation only as memory laws. The author notes that these laws pursue an 'explicit goal […] to ban certain memories from being expressed' (Bucholc, 2019, p. 92). In other words, punitive memory laws are the least problematic in making conceptual-taxonomical choices over memory law. However, Bucholc radically limits the universe of possible cases of memory law when making taxonomical decisions while, at the same time, being aware of conceptual debates.

Moreover, Bucholc expands on commemorative lawmaking:

> "*I am using the notion of commemorative lawmaking to address the laws and regulations which do not directly govern the expression of memories of the past, and which are not related to the past by way of explicit or implicit statements by official agents acting in their official capacities. The notion of commemorative lawmaking covers the cases in which the connection between law and memory is construed by way of framing beyond the lawmaking itself*" (Bucholc, 2019, p. 93)

In other words, Bucholc favours the discursive context of the legislative process in her definition instead of solving the conceptual hardship over the parameters of memory law. From the point of view of this dissertation, the term 'commemorative lawmaking' used by Bucholc parallels better the category of declarative memory law — that is lawmaking activity dedicated to producing anniversary legislation about historical events, figures, and remembrance days.

An alternative approach is to continue with conceptual-taxonomical work and to further the distinctions in the non-punitive (commemorative lawmaking) category. To summarise the argument so far, the conceptual hardship in classifying memory laws is positioned between paying attention to the functional propriety of memory law (the first-order conceptual work) and furthering distinctions within declarative category according to their content (the second-order conceptual work). The reminder of the section proceeds with a discussion over Nikolay Koposov's and Eric Heinze's approaches to memory law. By comparing two landmark approaches, it showcases the intellectual challenges in classifying

memory laws and makes a conceptual choice in favour of Heinze's categorisation. Moreover, I offer a refinement of Eric Heinze's approach in contribution to the conceptual debate over memory law.

Nikolay Koposov defines punitiveness of memory law as a criterion for navigating between different examples of memory legislation. The author defines memory laws as an act regulating the representation of the past (Koposov, 2018, p. 2, 6–7). The definition also resonates with the conceptual parameters of collective, communicative or political, memory. According to Koposov, 'hardcore' memory laws pertain to the criminalisation of statements about the past. 'Periphery' memory laws deal with the broad regulation of collective remembrance. Koposov provides a rough roster of the laws in the declarative category.[3] As Koposov puts it, the more pronounced the 'memorial component' of a law is, the more it moves to the 'centre of category of memory laws' (Koposov, 2018, p. 6). This statement forms a central piece of Koposov's intuition about non-punitive memory laws. In other parts of the work, the author uses to the notion of 'memorial' or commemorative components of memory law as synonyms to refer to particular examples of commemorative lawmaking and anniversary legislation.

While Koposov's approach excels in the empirical depth attached to the concept at its 'periphery' segment, it lacks additional taxonomical criterion to categorise declarative memory laws further. It lacks a clearer conceptual perspective in order to show how such a vast array of legislative acts on history cohere to one conceptual label. As Koposov recognises himself, 'memory laws are a complexly structured category that includes several subtypes and various borderline cases' reaching beyond acts criminalising statements about the past' (Koposov, 2018, p. 7). For Koposov, there is an intuitive sense that parliamentary declarations about the anniversaries of historical events or remembrance days are distinct from, for instance, 'heavier' regulatory laws conducting a de-communisation campaign in public space. However, Koposov provides a little guidance on how to make distinctions in the periphery strand of laws or how to categorise within the category further.

The analytical hardship in distinguishing between non-punitive varieties of commemorative laws is addressed by a three-fold conceptualisation of memory laws by Eric Heinze. In addition to accounting for a punitive/non-punitive distinction, Heinze's taxonomy specifies the regulatory intervention of a state in the

---

[3] The periphery laws include:

"*laws giving official assessment of historical events, including those that recognize certain events as crimes against humanity; laws on state symbols, holidays, remembrance days, and commemorative ceremonies; acts renaming cities, streets, and public institutions to commemorate historical figures or events; laws on the creation of museums, erection of monuments, and organization of archives; laws on education that regulate the teaching of history; legislation on veterans and on the memory of fallen soldiers; laws granting amnesty to the participants in certain historical events (such as the Paris Commune and the Spanish Civil War) or repressions and providing compensations for past injustices; lustration acts that aim at purifying public institutions from collaborators of a former regime; and laws prohibiting certain symbols, parties, and ideologies (which involves a historical assessment*)." (Koposov, 2018, p. 6)

collective representation of the past as the second parameter of memory law. Firstly, Heinze defines laws affecting historical memory 'through the aim or effect of adding expressive weight within public discourse to some preferred version of a given history, commensurately subtracting from the expressive weight of rival versions' (Heinze, 2017, p. 427). Building on the intersection of Habermas's communicative action theory and law studies, Heinze elaborates on the notions of substantive and expressive 'weights' that refer to empirical validity and representational capacity of claims about history. Although Heinze does not enshrine his approach or a definition of laws affecting historical memory in the memory studies field, his conceptual apparatus resonate with Halbwachs' and with the conceptual language of memory studies. To put it simply, the expressive weight in Heinze parallels the 'memorial' aim or 'commemorative component' of Koposov and others work as it delivers similar meaning to the conceptual debate over memory law.

Moreover, Heinze's approach proves to be the most insightful in capturing the breadth of legislative engagement with the construction of a 'national-collective' memory. As a legal theorist, Heinze puts forward a taxonomy of the regulatory (state-administrative) action in the core of his approaches to memory law. Depending on if a memory law requires administrative 'authorisation', it is either declarative or regulatory. Moreover, if a regulatory law interferes with individual freedoms (e.g. it prescribes punishment for historical speech), it is either punitive or non-punitive. The non-punitive category of laws entails 'some state action', which is not strictly punitive but aims at stirring collective representation of the past (ibid., pp. 417–418). Thus, in this categorisation, regulatory laws are distinguished from purely declarative and clearly punitive, falling between the two latter categories based on the criteria of state. Here, the approach by Heinze is preferable to focus on the level of codification of legal acts committed by legal scholars working with the concept of memory law (e.g. the 'mnemonic constitutionalism' in Belavusau and Gliszczyńska-Grabias, 2020; Bán, 2020).

The novelty and the merit of Heinze's approach is in introducing the second axis into conceptual-taxonomical work on memory law. Types of regulatory intervention may be seen as varying from being purely symbolic (declarative), to regulatory non-punitive, to regulatory punitive. According to Heinze, declarative memory law is not backed with the involvement of the state-administrative apparatus. These are largely commemorative declarations that promote a certain historical interpretation positively. The category thus parallels Fronza's idea of commemorative laws as 'inviting to remember' in how their affect historical discourse. Largely, the declarative category in Heinze's taxonomy accounts for commemorative laws on anniversaries of historical events, figures, and remembrance days in other classificatory works. All of the cases under the declarative category of memory laws are those that mark 'state-approved interpretations of crucial historical events' in the formulation of Belavusau and Gliszczyńska-Grabias (2017, p. 1). Moreover, the three-fold taxonomy also accounts for cases of narrower a conceptualisation of memory law limited to historical denialism laws. Thus, the

regulatory punitive category encapsulates the laws regulating historical speech, with a prime example being Holocaust denial laws.

Figure 1 (below) provides an illustrative visualisation of how the Heinze's approach can be compared with other classificatory approaches. To summarise, the analytical merit of Heinze's work is in advancing two criteria (axes) for making conceptual choices in the study of memory law. Both of the taxonomical criteria preserve conceptual communication with the notion of collective memory and both are functional parameters to define memory law. Thus, the approach by Heinze remains at the first level of conceptual debate. Importantly, the approach does not fall short by sliding into the second-order level of conceptual debate. The latter end of the conceptual debate is showcased by accounts that are loose with their conceptual choices over memory law and guided by idiosyncratic examples of various laws without stating any criterion precipitating their classificatory approaches.

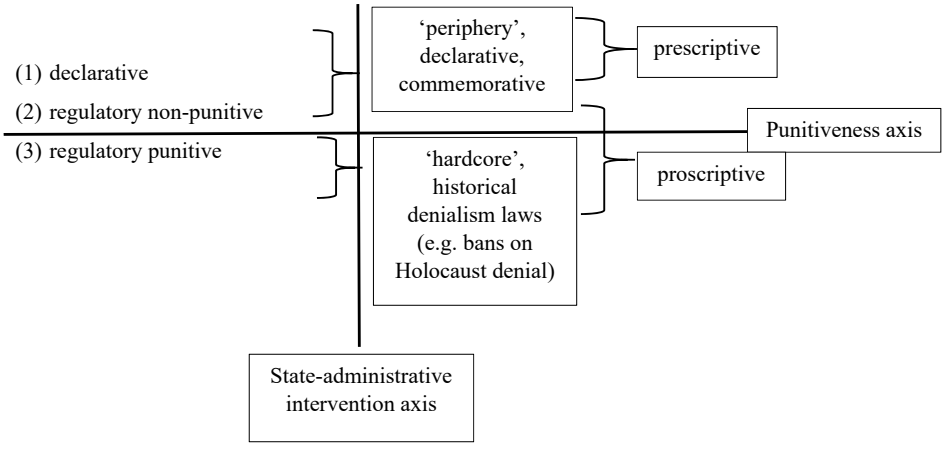



**Figure 1.** Eric Heinze's types of memory laws versus other classifications (Koposov, 2018; De Baets, 2017; Fronza, 2006)

A particular merit of Heinze's approach is evidenced in its ability to profile non-punitive laws with greater precision. This is achieved by introducing a second taxonomical criterion (axis) of state-administrative action into the conceptual debate. In this regard, Heinze tackles a problem outlined by Nikolay Koposov, who mentioned that there is a great difference between memory laws in the 'periphery' category but did not offer any additional functional-taxonomical criterion to guide conceptual choices further. The regulatory sub-category in Heinze's taxonomy (placed between purely declarative and purely punitive) deals with this shortcoming by Koposov and other authors who have had approached the conceptualisation of non-punitive memory laws.

To briefly compare the two approaches with one relevant example, Koposov provides an example of acts such as renaming cities, streets, and public institutions in declarative (periphery) batch of memory laws (Koposov, 2018, p. 6).

In Koposov's framework, purely declarative parliamentary acts celebrating anniversaries of historical events or historical figures fall into the same category. To apply Heinze's distinction, an act reforming the representation of the past in the public space would require the employment of administrative capacity by the state to carry out renaming in a public space. In other words, a given example should be distinguished from purely declarative types of memory law. Therefore, it is regulatory non-punitive memory law regarding the in the three-fold classification given that the state intervention in collective representation of the past is more tangible in an act renaming public infrastructure.

Furthermore, a three-fold taxonomy of memory laws by Heinze can be compared to other works in the field. One example is Savelsberg and King, who mention that the law affects the collective representation of the past through the regulation of 'mnemonic content' (2007). They understand the latter to mean 'production, accessing, and dissemination of knowledge structuring historical memories' (ibid., p. 198). In this respect, they mention archival laws, libel laws, and Holocaust laws (ibid., p. 197–199). Their argument is that these laws influence the collective memory of historical events or historical facts by regulating publicly available knowledge of the past in a way preferred by lawmakers. As in case of Koposov, applying Heinze's distinction allows us to sort out these examples with greater conceptual precision. Two examples in Savelsberg and King's work stipulate public actions requiring the administrative resources of a state (archival laws and bans on historical speech)[4]. These examples are illustrated by Heinze's distinction of regulatory non-punitive law (archival laws), and regulatory punitive (criminalisation of historical speech) facets of memory law. Therefore, regulation of 'mnemonic content' in Savelsberg and King could be seen paralleling the regulatory (state-administrative) authorisation in the approach by Heinze.

It has been established so far that there is a merit of having two axes to capture the variety of memory law and advance conceptual choices over the notion. However, there is one admission that Eric Heinze's approach suffers from on the regulatory component of his conceptual categorisation. At a certain point, Heinze admits that from a legal realist point of view any law can be a regulatory memory law according to its legal effects (Heinze, 2017, pp. 415, 427–429). Moreover, the admission of effects of law in practice is found in the definition of law affecting historical memory broadly 'through aim or effect' (ibid., p. 427).

The problem with this admission is not in stretching the premises of collective memory too far. It is that in the regulatory (non-punitive) category there is no way to make an informed taxonomical decision about a relevant law. Some

[4] It is clear that libel laws fall into the realm of private law stipulating an action of private individuals. Moreover, the example of libel laws does not pass Heinze's threshold of having an explicit aim of 'state intervention' to add an 'expressive weight' to a particular interpretation of the past. Although, this is not to deny, as Heinze writes himself, that from a legal realist point of view, defamation law may still affect historical memory construction (Heinze, 2017, pp. 430–431). See the discussion about the looseness of regulatory dimension in Heinze's work later in the section.

accounts explicitly recognise and allow for this conceptual looseness. In account of this admission by Heinze, Karstedt (2009) offers the same logic in her argument about law and collective memory. Most notably, Savelsberg and King parallel this point by Heinze and argue that any law might regulate representation of the past in how it is applied in larger public life regardless of whether a legislature aims to regulate the collective representation of the past or not. In the context of their article, Savelsberg and King speak of libel law in Israel operating as country's memory law (Savelsberg and King, 2007, p. 199). According to the authors, the way this ordinary regulatory law was applied in practice attested to its collective memory-laden effect. Parallel to that, Baranowska speaks of 'de facto memory law' in her analysis of Turkey's case law on the freedom of speech. This allows for the effects of law in the conceptualisation of memory law (Baranowska, 2020, pp. 250–251). This admission by Heinze (and others) to allow for the legal effects of the law in considering memory law cases hollows out the potential of his taxonomy at the regulatory dimension. The problem is that major pieces of ordinary regulatory legislation (e.g. citizenship laws, national symbols laws, preambles of constitutions, or defamation laws) fall under the conceptual category of regulatory memory law.

The way to resolve this conceptual tension is two-fold. Firstly, the notion of 'effects of law' in Heinze's definition should be abandoned. To make an informed taxonomical decision about a relevant law as a memory law, one should limit the number of possible cases. However, the decision to limit the number of cases should not be as radical as in case of Bucholc (2019). Secondly, the focus on the aim of a law should be retained and narrowed down to cases where there is legislative intent to regulate the collective representation of the past. To resolve this problem, I propose to narrow the regulatory dimension of Heinze into three regulatory subcategories: laws conferring legal statuses in recognition of historical experience; laws on representation of the past in public space; and laws on memory institutions.

Narrowing down the regulatory component of Heinze's conceptualisation still preserves the originality and coherence of his conceptual thought on the axis of regulatory (state-administrative) intervention in collective memory construction. The logic of moving from 'lighter' to 'heavier' kinds of state-administrative intervention in the content of collective memory is taken into account. In conferring legal status to the recognition of individual historical experiences, the validity of the memories of a particular group of individuals is endorsed symbolically and practically. The examples of war veterans or victims of political repression legislation fall under this category. Symbolically, such laws provide 'expressive weight' to the representation of particular historical experiences. Such laws recognise the validity of collective memories largely within the means of civil law. A legal status law confers a reverential attitude to be expected from co-citizens and general society towards a war veteran or a victim of the political repressions of the past. Practically, the legal status of a war veteran or a victim of political repression creates a set of rights and entitlements for an individual. Usually, such laws reserve financial and budgetary entitlements for such individuals (e.g. special

pensions) to be administered by governmental bodies or local authorities. The regulatory (state-administrative) intervention in collective representation of the past is two-fold in case of a legal status law. It confers a durable (i.e. ending with the physical death of an individual) status to a person based on an interpretation of relevant historical experience. Such a law also requires administrative action by public bodies and the state apparatus towards the designated cohort of individuals.

State-administrative involvement in the collective representation of the past is more noticeable in acts renaming national memory infrastructure. The post-communist 'de-communisation' laws removing symbols of the past from public spaces (or alternatively mandating building historical monuments) fall into this category. Following the logic by Heinze, a de-communisation law requires a more tangible 'authorisation' by public bodies. Such a law usually mandates local municipalities or public and private enterprises to conduct renaming by issuing lower-order acts; outlines a procedure and deadline for the renaming; and issues public funds to reform the representation of the past in the public space. Thus, Heinze suggests the example of de-communisation of public space law involves the the execution of public renaming implies a heavier outreach of the state-administrative apparatus being involved in the process of enforcing the relevant law. The example of laws mandating either the renaming or removal of symbols shapes the content of spatially available knowledge of the past in a society.

Finally, the heaviest form of state-administrated authorisation of the collective representation of the past is marked by cases when legal regulations establish special national institutions or procedures to manage 'national-collective memory' (Müller, 2004). After being created, memory institutions and memory procedures foster collective representation of the past directly and continuously. Publicly-funded memory institutes engage in public education, conduct history research, and organise public commemoration events. In their regulatory capacity, national memory institutes are permanent organisations mandated by states that rely on pre-determined lists of administrative and commemorative functions outlined in a respective framework of law (Dujisin, 2021). National memory institutes manage and produce knowledge about the past, thus influencing the content of collective memories.

Refining the Heinze's conceptual categorisation of memory law builds a concept around three categories. These categories are organised around two axes (punitiveness and state-administrative intervention). Declarative (commemorative) law encompasses the cases of anniversary legislation pertaining to historical events, historical figures, and dates. Regulatory memory law marks the cases of laws managing the infrastructure of national memory. Lastly, regulatory punitive law encompasses legislation penalising instances of historical speech. The three-fold conceptualisation corrects the assumptions or shortcomings of other classificatory approaches. Developing Eric Heinze's ideas further helps to encompass other approaches by offering two taxonomical axes guide conceptual choices over memory law.

In particular, the narrower conceptualisation of the regulatory dimension in Heinze's taxonomy achieves three things. Firstly, it rules out the admission of

'effects of the law' from the conceptualisation of memory law. As a result, this does not allow the admission of 'de facto' memory law (e.g. Baranowska, 2020). This narrower treatment of the regulatory dimension sets a boundary between regulatory memory laws and broadly regulatory laws. By definition, it rules out cases when general laws are also involved to some extent in nation-building — e.g. through the use of national symbols or citizenship (Bán, 2020), as well as preambles of constitutional texts containing historical references (Nyyssönen and Metsälä, 2020) are considered to be memory laws. Finally, the choice for a narrower treatment of the regulatory dimension rules out the instances when a broadly regulatory law exercises collective memory-related effect (e.g. Savelsberg and King, 2007). In terms of practical choices, a narrower treatment of the regulatory dimension helps to avoid blurring conceptual distinctions between broadly regulatory laws on parameters of nation-building and cases of memory law. To put it simply, regulatory memory law should not mean a defamation law in one case or an anti-hate speech law in another context-specific case. At large, the narrower treatment of the regulatory dimension originally formulated by Eric Heinze enables making a better-informed taxonomical choice in profiling memory legislation on the axis of its regulatory capacity.

It has been established how regulatory memory laws could be distinguished from broadly regulatory laws with a narrower treatment of the regulatory dimension in Heinze. Another conceptual question arises. How can regulatory memory laws be distinguished from transitional justice measures? There is an array of measures that address the past and are also being codified in laws and legal regulations. From the view of this dissertation, transitional (retroactive) justice laws mark an adjacent but different domain of legislative engagement with the past. Again, the narrower treatment of the regulatory dimension assists in ruling out the phenomena of transitional justice politics from the conceptualisation of regulatory memory law and organises cases when these measures are counted as memory laws (e.g. in Koposov, 2018).

A narrower treatment of the regulatory dimension of memory law assists in setting conceptual boundaries with transitional justice laws. From practical point of view, while restitution, compensation, amnesties, or lustration laws might speak to particular historical experiences of individuals in the past, they do not create a more enduring legal status for relevant individuals. This legislation instead produces one-time legal effects than a more enduring form of state-administrative intervention in the collective representation of the past. A lustration law upholds a procedure to disqualify individuals from incumbent civil service posts or precludes individuals from taking a governmental post based on politically relevant criteria. On the opposite side of the transitional justice spectrum, measures addressing the victims of a repressive political regime such as a property restitution act can reserve a special procedure for targeting individuals to be reimbursed for incurred losses under the previous political regime. A temporal framework of such laws is limited in two ways. Usually, there is a time-period when a legal claim for restitution can be raised or a procedure for vetting of public officials can be conducted. The goals of these laws are fulfilled when a person is

restituted in its legal capacity as an owner or reimbursed for property-related losses endowed in the previous political regime or vetted out of public service. This line of reasoning can be continued on the examples of amnesties and compensations addressing perpetrators and victims of previous political regimes. Similarly, the latter and the former laws produce one-time legal effect after being enacted. A one-time compensation to the victims of the previous political regime should not count as regulatory memory law if it does not produce a more durable format of regulatory engagement with past.

A more permanent regulatory intervention in the collective representation of the past is found in cases when an individual enjoys a set of corresponding rights and obligations based on the view of their historical experiences and found in a legal status law. In this, laws on veterans that both recognise a particular historical experience and endow individuals with a particular legal status fulfilling the criteria of the state-administrative action. In terms of the state-administrative parameter, the benefit of the doubt is on the side of a war veteran status law in contrast to compensation, restitution, or lustration legislation. Most importantly, regulatory intervention in the memorialisation process is explicit in its intent to create a legal status for a group of individuals based on their relevant historical experience in the past.

Beyond this pragmatic reasoning to rule out transitional justice laws from the conceptualisation of memory law, there is a more persuasive argument about the memorialisation process. Neither lustrations, amnesties, nor compensation laws target the memorialisation process *per se* or preserve a conceptual resonance with the definition of collective memory as a shared representation of the past. In other words, examples of transitional justice laws do not fulfil the aim to add 'expressive weight' (Heinze, 2017) or memorial component (Koposov, 2018) to a particular historical representation. From the point of view of this dissertation, collective memory regulation is more thoroughly concerned with the process of memorialisation and shaping official commemoration by means of law.

Examples of transitional justice laws aimed at individuals (defined as perpetrators or victims of the previous political regime) and are tangible in their legal effects, delivering legal punishments or legal remedies to these groups of individuals. In contrast, the reasoning found in major work on memory laws suggests that memory laws are specifically concerned with the memorialisation of the past. Stiina Löytömäki formulated this distinction vividly, arguing that memory laws are profoundly linked with the process of memorialising the past and legislating over a sense of collective victimhood in the past (2005; 2012; 2014). Therefore, given these pragmatic and analytical reasons, it is useful to treat *collective memory regulation* as a distinct domain from that of transitional justice politics. Each domain marks the phenomenon of legislative engagement with the past on different levels. Collective memory regulation is about legislating the collective representation of the past involving the media of memorialisation, e.g. a threefold notion of memory law. Transitional justice politics refers to justice (criminal trials, vetting of former state security apparatus, compensations, property restitutions) concerned with the punishment for/vindication of the atrocities of the past.

## 2.2. State of the Field over the Politics of Commemorative Lawmaking in Poland and Ukraine

This section discusses the relevance of existing studies of Polish and Ukrainian memory politics in relation to the focus of this dissertation. It reviews existing scholarship on how systematically studies explored commemorative lawmaking of the two country-cases. This chapter posits that existing scholarship has only partially covered the topic of commemorative lawmaking in both country-cases. There are two characteristics which can be attributed to current studies of memory laws in academic scholarship:

1) Studies that discuss separate cases of commemorative or punitive memory legislation in Poland or Ukraine by providing illustrative case studies of salient memory legislation. In other words, thematically, these studies are limited in a sense of covering only how individual historic themes emerged in Polish and Ukrainian memory law profiles over time.

2) Studies that examine salient cases of memory legislation without a view of the broader political dynamics around temporal memory law profiles. In other words, these studies are limited in the sense of the time-periods covered by their respective analyses.

Therefore, this chapter contributes to the field of existing research by arguing that the concept of memory law is leveraged in this dissertation to overcome the shortcomings of prior partial analyses of commemorative lawmaking in Poland and Ukraine.

Most notably, Koposov (2018) has focused on the politics of memory laws in Poland and Ukraine. The analysis by Koposov is illustrative of both the above mentioned shortcomings. Koposov's Ukraine analysis was mostly limited to discussing a recent case of Ukrainian legislation coming after 2014 in the eighth legislative cycle of the Rada (Koposov, 2018, pp. 198–203). Moreover, Koposov mentioned the Holodomor Law of 2006 adopted in the fifth legislative cycle of the Rada as an example of the country's punitive memory law predating the post-Euromaidan legislature. Yet, he did not analyse the political dynamics around the 2006 law (ibid., p. 189). Moreover, Koposov analysed few cases of commemorative (declarative) legislation (that is the 2000 Law on the veneration of the Great Patriotic War) having looked into a broader timespan of the memory law in Ukraine. However, the author did not expand these pieces of analysis further by systematically surveying the commemorative legislation and political dynamics around the politics of the Verkhovna Rada over time. Koposov's review is valuable for an overview of the legislative motions tabled before the Rada on the verge of 2000s and 2010s (ibid., pp. 190–196). Therefore, from this dissertation's point of view, his analysis was limited thematically and temporally, focusing on the most salient cases of Ukrainian legislation.

In a similar manner, Koposov approached the study of Polish memory law profile by either singling out notable punitive laws or discussing separate regulatory laws since the democratic transition of 1989 (ibid., pp 161–163). Yet, similar to his discussion of Ukraine, Koposov did not attempt a more systematic work of surveying commemorative legislation in various legislative cycles of the Polish Sejm. Importantly, while Ukraine's case study forms a separate chapter in Koposov's book and the author provided a general narrative of the country's politics of memory, the Polish case is discussed in an overview chapter on East European memory laws. In other words, the country-case analyses did not enjoy the same standing analytically and empirically in Koposov's work.

The scholarship of Ukraine's memory politics has been tilted towards discussion of Ukrainian presidential initiatives in public commemoration or the relevance of the country's dynamics of regionalism for the political competition over memory (Shevel, 2010; 2014; 2016; Portnov, 2013; Hrytsenko, 2017; Klymenko, 2016). In this regard, the focus on the politics of memory happening in the Ukrainian legislature was secondary if even being singled out at all. The most emblematic case is presented by Hrytsenko (2017), who exclusively focused on the politics of memory of the country's presidents as agents of political competition over the memory of post-Soviet Ukraine. Similar critiques can be attributed to the work of Portnov (2013), who profiled the different commemorative policies of Ukraine's presidents.

Existing scholarship on Ukraine's memory politics has discussed the relevance of country's regional cleavage and the political dynamics of the representation of the national past. These accounts have usually profiled the collective memory of Ukrainians as 'divided memory' (e.g. Shevel, 2011) and discussed the political ramifications of these memory dynamics as a factor in politics and the wider society of the country. In this regard, Kasianov has provided the most salient contribution, having written exhaustive overviews of the country's politics of memory in the three decades of Ukraine (post 1991). Kasianov primarily focused on the memory policies of Ukraine's presidents while singling out cases of punitive memory laws in separate accounts (Kasianov, 2012, 2015, 2018). Similar to Koposov, Kasianov provided overview of the post-Euromaidan legislation of the eighth legislative cycle of the Rada (Kasianov, 2018, pp. 293–307). Yet, in this account, the focus on the cases of legislation is only one element of a larger framework on 'historical policies' of changing Ukrainian presidents and governments. These accounts did not try to survey legislative memory work in the Ukrainian legislature systematically and exhaustively and analyse the evolution of country's memory law profile in detail. Moreover, these accounts did not argue the pattern of political process behind commemorative lawmaking in Ukraine's legisature remaining largely empirical overviews of the country's politics of memory and its political cleavages.

Scholarship on Ukraine has quite often touched upon the issue of memory legislation when relevant. Authors have mentioned memory legislation as parts of their larger overviews of memory politics and the regional cleavages of the country. For instance, Yurchuk mentions the cases of commemorative legislation

adopted in the post-Euromaidan eighth legislative cycle of the Rada and, among other things, dealing with the memory of the nationalist movement of WW2 (Yurchuk, 2017, pp. 126–129). The focus on these examples by Yurchuk comes secondary to her main focus examining controversies related to the public commemoration of Ukrainian WW2 nationalists in post-independence Ukraine. Furthermore, quite similarly to Hrytsenko, Klymenko (2016) focused on the initiative of Ukraine's president concerning the Holodomor memory in the fifth legislative cycle of the Rada. The author discusses the events of the Holodomor Law-making in the context of Ukraine's presidential policies of nation-building. Similar to Yurchuk, Klymenko (for a different analytical reason) discusses the law in the context of cultural trauma theory (Klymenko, 2016). These studies were not informed by the idea to systematically survey legislative memory work around the individual historical themes since the point of democratic transition in the Ukrainian parliament.

As for accounts explicitly concerned with the processes of legislation-making, Shevel (2011) looked into the issue of legislative memory work relating to Ukrainian WW2 nationalism in a systematic manner. Similar to Yurchuk, Shevel traced the political dynamics of how the topic of Ukrainian WW2 nationalists emerged in the politics of national legislature since the early 1990s. On the one hand, Shevel discusses the cases of the country's Political Repression Victims Law of 1991 and the Veterans Status Law of 1993 as adopted in the first legislative cycle of the Rada (Shevel, 2011, pp. 149–150). On the other, Shevel identified 23 motions of commemorative legislation dealing with the memory of Ukrainian WW2 nationalism which were tabled before the Rada in the early 2000s (ibid., p. 151). All these legislative drafts appeared in successive legislative cycles of the Rada (The fourth, fifth, and sixth). Additionally, Shevel (2016) provided a content analysis of the cases of commemorative legislation adopted in 2015 in the Rada's eighth legislative cycle.

Both of these analyses singled out the issue of commemorative legislation adopted in the Ukrainian legislature to some degree, as well as highlighted the progression of parliamentary politics around memory legislation. However, this was done to provide background information for the different analytical focus of the case analyses. From the point of view of this dissertation, these respective analyses were thematically and temporally limited. They focused on one individual historical theme in the legislation (Ukrainian WW2 nationalism) in selected legislative cycles of the Rada. Shevel discussed how the issue of legal status of nationalist combatants appeared first in the first legislative cycle of the Rada with the cases of political repression rehabilitation and the veteran's law from 1991 and 1993 respectively. Thereafter the article looked into the political dynamics of the later convocations of the Rada and the work of the parliamentary committee mentioning an array of drafts of legislative amendments from the 1990s.

Moreover, by surveying the political developments and legal amendments to the two major laws, Shevel focused on the regulatory dimension of memory law in a selected legislative cycle. Her account could have been corroborated by an analysis of the anniversary legislation dedicated to Ukrainian WW2 nationalists

in commemorative lawmaking. Largely, the work by Shevel is based on different analytical reasoning. Specifically, Shevel compares the policies of memory of post-Soviet Ukraine and post-Franco Spain. Therefore, the account did not investigate the broader dynamics of the politics of memory and the content of the Ukrainian memory law profile systematically as this was an irrelevant task for the author.

Scholarship on Poland's memory politics has focused extensively on transitional justice in the country. Most notably, the case of the IPN Law of 1998, the adoption of the lustration policy in the 1990s, and the revisions to the lustration policy in the 2000s. Therefore, it might be said that existing studies have been tilted towards a segment of lawmaking activity in the Polish legislature. Most notably, Ochman discussed the regulatory legislation of the management of memory sites adopted in the third legislative cycle of Sejm (ibid., pp. 57–64). The discussion of the relevant legislation appeared as a part of Ochman's focus on the course and controversies of public commemoration in the country since 1989. In addition to surveying developments around the legislation of the late 1990s, Ochman analysed the attempts of de-communisation of public space legislation in the Sejm in the latter parts of the 2000s (ibid., pp. 75–90). Therefore, in terms of this dissertation, Ochman's analysis was limited to a segment of regulatory memory laws in selected legislative cycles of Sejm in the late 1990s and the latter parts of the 2000s.

Beyond the issue of regulatory legislation, Rawski (2019) focused on the politics of anniversary legislation in the political processes of the Sejm. Rawski notably focused on a few cases of commemorative legislation tracing the political dynamics in the Polish Sejm to the memory legislation of the Sejm's second cycle. In terms of the profile of the legislation, Rawski focused on the commemoration of the end of WW2, thus being interested in one individual historical theme in the commemorative lawmaking-output of the Sejm. Rawski traced the political process around the most notable WW2-related anniversary legislation in the second, fifth, and seventh legislative cycles of the Sejm. In other words, the account was limited to a segment of the declarative (anniversary) legislation-making output in selected convocations of the Polish legislature.

Similarly, other studies focused on the discursive evolution of individual historical themes in the legislation of relevant cycles of the Sejm. In this regard, Kończal (2020) examined the political and commemorative developments surrounding the adoption of legislation dedicated to the "Cursed Soldiers" (a group of Polish WW2 combatants) in Polish Sejm at the verge of 2010s. The focus of Kończal was to examine how public memorialisation of an individual historical theme entered legislative memory work and culminated in the adoption of a remembrance day by the Sejm. In her article, Kończal surveyed the political process and the events of drafting and endorsing a national remembrance day declaration of 2011. In terms of this dissertation, the analysis committed to a shortcoming of focusing on a selected individual historical theme in a selected legislative cycle of the national legislature on the example of one declarative memory law. To put it simply, a broader perspective on the individual historical themes of how various groups of Polish WW2 combatants were commemorated by the Sejm in the legislation in the beginning of 2010s was not considered.

Furthermore, scholarly accounts of the politics of memory in Poland have discussed the most notable regulatory frameworks of the national memory infrastructure. Existing scholarship has reviewed the origins, the function, and the politics of memory of the Polish Institute of National Memory (IPN). In these analyses, the regulatory law on the IPN of 1998 (adopted in the third legislative cycle of the Sejm) is duly mentioned and referenced in the context of this scholarship (Stola, 2012). Moreover, in transitional justice scholarship, the commemorative lawmaking of the Polish legislature was sometimes singled out in addition to the main narrative of the works reviewing Polish legislation. Millard's work is illustrative of this point. In this regard, Millard (2021) reviewed the adoption and evolution of the laws in recognition of historical experiences by the Polish legislature. Millard discussed the case of the Polish Combatants Law of 1991 (Sejm 10 of PRL) and the Anti-Communist Activist Law of 2015 (Sejm 7) and traced the political developments regarding both laws in the Sejm (Millard, 2021, pp. 42–49). From the point of view of this dissertation, this account focused on a segment of regulatory legislation — legal status laws in recognition of historical experiences — as being relevant to the main focus of the work. Yet other pieces of regulatory legislation on the national memory infrastructure of the 1990s and 2000s were not surveyed.

Similarly, legal scholarship analyses have focused on a segment of commemorative lawmaking-output by the Polish legislature. Usually they surveyed punitive law-making developments in selected legislative cycles of the Sejm (Grzebyk, 2018; Baranowska and Gliszczyńska-Grabias, 2018; Belavusau, 2019; Pohl and Burdziak, 2020). For instance, Belavusau (2019) provided a legal commentary on the de-communisation law of 2016 and the amendments to the IPN law of 2018. From the point of view of this dissertation, these analyses missed another punitive law in the eighth legislative cycle of the Sejm — the 2016 amendments to the IPN law. Moreover, in a similar legal-minded way, Gliszczyńska-Grabias (2014) provided legal analysis of the punitive memory law of 2006, surveying the developments of the fifth Sejm. In particular, this account assessed the law against the backdrop of international and European legal frameworks, comparing it with Holocaust denial legislation adopted in a number of Western European states. A more substantial commentary on the 2006 law was provided by Kaminski (2010), who attempted a more detailed analysis of the legal provisions of the surveyed law vis-à-vis the Polish doctrine of criminal law. From a political science point of view, while these accounts provide relevant scholarly explorations in notable cases of salient memory legislation, they did not pursue an aim to conceptualise memory law explicitly or debate the pattern of political process behind commemorative lawmaking in the national legislature.

## 2.3. Research Design, Empirics, and Methodology

This dissertation offers a dual framework for the analysis of the politics of memory laws in Poland and Ukraine. The first level of framework is concerned with the analysis of the patterns of collective memory regulation in Polish and Ukrainian legislatures, that is their memory law profiles of both countries and the evolution of commemorative lawmaking over time (the first dependent variable). The second level provides an insight into the events of punitive memory law-making (the second dependent variable). The sections below discuss the case selection and empirical analysis strategies of Study 1 and Study 2 respectively.

The sub-section on Study 1 addresses the issue of how selected country-cases cohere to the first dependent variable emulating the logic of most similar system design (MSSD). It introduces the first research puzzle and develops a set of research questions for the investigation of parliamentary memory regulation in Poland and Ukraine. The sub-section on Study 2 introduces the research puzzle in relation to the second dependent variable. For this study, the choice to frame case selection decision in this sub-section is justified by the "influentialness" of country-cases and process tracing for comparative analysis of Poland and Ukraine. I further explain why following the logic of MSSD was not warranted for Study 2. Having justified the case selection, the following sub-sections focus on empirics and methodologies outlining the strategies of empirical inquiry within the dual framework of the dissertation.

### 2.3.1. Study 1: Examining the Patterns of Collective Memory Regulation in Poland and Ukraine

Study 1 deals with the analysis of the composite patterns of parliamentary memory regulation in Poland and Ukraine. While the focus of Study 2 is on process-tracing punitive memory legislation constellations enjoyed a separate case selection justification, at the first level of analysis the dissertation considered a set of requisite (ancillary) conditions shared by Poland and Ukraine making them comparable cases in terms of a most-similar-systems (MSSD) design (Przeworski and Teune, 1970). In terms of a larger view of the politics of memories, the two country-cases cohere on a number of ancillary dimensions:

- Firstly, the timing of political system liberalisation roughly coincided in both countries marked by the fall of state socialism in Poland in 1989, which was followed by the collapse of the Soviet Union in 1991. Consequently, the liberalisation of respective political systems allowed for the circulation of various historical interpretations in both nations.
- Secondly, since the initial democratic transitions of both countries, their political systems of have been democratic and competitive. The country-cases fulfil the prerequisite of having experienced multiple parliamentary and presidential

elections and the alternation in political power by governing majorities. In the realms of the national politics of memory, the circulation and expression of various historical views (including by means of political activity) is allowed.

- Thirdly, the importance of the historical experiences of WW2 in both countries. Both Ukraine and Poland experienced Nazi and Soviet occupation during and after WW2. As the consequence of these historical experiences, the public, academic, and political debates in post-communist, transitional Poland and Ukraine overwhelmingly revolved around the issues, events, and experiences of WW2. In the realms of parliamentary politics, the lawmaking activity of parliamentary memory agents were often concentrated on regulating the representation of WW2 specifically. To assess the historical dimension further, notions of intellectual history might be used. Poland and Ukraine were exposed to totalitarianism either through their 'bloodlands' experience of WW2 (Snyder, 2010) or when seen through the lenses of the 'post-totalitarian' theoretical framework (Tucker, 2015).
- Fourthly, the political landscapes of both countries emerged and were structured around the anti-/post-communist party-political cleavage early after the post-communist transition. In both country-cases, the early legislative mobilisations over collective remembrance issues in the national parliaments were structured around the respective camps of hardcore communists (or post-communists) versus national-democratic (and nationalistic) politicians and groupings.
- Fifthly, 'mnemo'-geopolitical factor from of a neighbouring country exercising influence over the domestic political debates over collective memories is present in both countries. Since the transition, the national politics of memory in Ukraine and Poland has often been shaped in response to Russia's official stance to defend Stalinism and praise the Soviet Union's role in WW2 in bilateral and international relations.
- Sixthly, active post-communist historical scholarship has emerged in both countries in response to the liberalisation of the politics of memory focusing on the same historical events and periods. In both countries, activist historiography has revisited the topic of WW2 and the Soviet/communist past with the intention of historical truth-seeking and recovering national-collective memories. In Ukraine, activist scholarship has focused on the representation of Stalinism in Ukrainian history the of 1930s and the role of the nationalist, anti-Soviet insurgency of WW2 (for an overview of this scholarship see Yurchuk, 2017 & Kasianov, 2010). In Poland, activist scholarship has been concerned with Polish-Jewish relationships during WW2 (Engelking, 2001; Gross, 2001; Grabowski, 2013)

Regarding the wider trajectories of memory regulation, there is a variation in the characterisation of the first dependent variable of memory legislation in Poland and Ukraine. The two country-cases present a dazzling variation of the characteristics of the first dependent variable because of (1) the intensity of the engagement between parliamentary politics and commemorative lawmaking. There is (2) a propensity to favour one particular type of memory law over the other in memory regulation. To translate this into the language of research design literature, while the two country-cases cohere on a number of ancillary dimensions, they vary on the two values (characteristics) of a crucial (dependent) variable. Therefore, ***the research puzzle for Study 1 is:*** W***hy is there a variation in the characteristics of memory law profiles between Poland and Ukraine?***

The delayed intensity of memory law profiles forms the first value of the dependent variable warranting investigation into the patterns of collective memory regulation in Poland and Ukraine. The intensity of memory regulation in Poland and Ukraine points to a trend. An intensification of memory law occurred in the second or even third decade of post-communist politics in both countries. On the factual side of legislation-making output, both country-cases offered little in terms of numbers of introduced commemorative declarations in the 1990s. In Ukraine, parliamentary memory regulation grew since the early 2000s reaching its first spike in the politics of the Verkhovna Rada between 2007–2012. In Poland, the beginning of the 2000s presented an observable turn in how often the Polish legislature produced commemorative legislation.

Moreover, the propensity to favour particular types of memory law over the others in memory regulation is evident in both country-cases. Firstly, both countries introduced vast arrays of commemorative legislation mounting over their regulatory memory law constellations. Secondly, parliamentary memory regulation in the Polish legislature was more consistent in employing vignettes of declarative memory law. The Polish legislature introduced commemoration of historical events, historical figures, and remembrance days parallel to each other, having augmented the declarative dimension of memory law over time. In contrast, the Ukrainian legislature commemorated more historical figures than anniversaries of historical events at the declarative level of memory law. Moreover, the majority of commemorative days addressing the repressive Soviet past in Ukraine were introduced by the executive branch (the country's presidents) while the Ukrainian legislature failed to introduce a remembrance day calendar for the country on its own.

In a similar manner, Polish and Ukrainian memory law profiles differ on the regulatory dimension of memory law. Parliamentary memory regulation in Poland developed a strong regulatory profile concerning national memory infrastructure (legal status laws, memory procedures, and memory institution laws). In Ukraine, parliamentary memory regulation did not develop a national memory infrastructure of the complexity and scope of Poland. The Ukrainian legislature had not employed some types of regulatory memory law at all. In this regard, Ukraine's presidents were responsible for building up the national memory infrastructure for the country. To provide a crucial example, the creation of the Ukrainian

National Memory Institute (UINP) in 2006 was done by the presidential degree. Thus, the institution fell under governmental oversight after being created. The creation of the Polish memory institutes (IPN, the Pilecki Institute) were codified in major regulatory laws adopted by the Polish legislature.

To sum up, the dissertation delineated its first research task in explaining the markedly different trajectories of memory regulation in Poland and Ukraine. Guided with above mentioned considerations concerning the comparability of the cases and the characterisations of memory law profiles, this dissertation seeks to explain the variation of these larger patterns of collective memories regulation since the democratic transition in both nations. The analysis of the first dependent variable of memory legislation politics over three post-communist decades (see chapters 3 and 4) was conceived while keeping the set of ancillary conditions of the politics of memory in mind. Importantly, the delayed intensity and the propensity for particular types of memory law are both characterisations of the first dependent variable. The two country-cases diverge in terms of a structured (MSSD) type of research design on these two characterisations of the first dependent variable.

Overall, the structured type of design employed for Study 1 did not correspond to the main goal of the dissertation. In terms of case selection decision, the dissertation was also driven with the observations concerning the adoption of punitive memory laws with varying criminal punishment function in two country-cases. The second goal of the dissertation (that is its second level of analysis provided in chapter 5) was to diagnose the relationship and the mechanisms of punitive law-making. This meant that emulating the MSSD design was not commensurate to the goal. This goal of the dissertation required its own logic of case selection and inquiry, warranting the introduction of a dual framework. The next section explains how the country-cases cohere on the second dependent variable. The sub-section on Study 2 introduces the research puzzle with regard to the politics of punitive memory laws in Poland and Ukraine.

### 2.3.2. Study 2: Explaining the Variations of the Criminal Punishment Functions of Punitive Memory Laws

The puzzle that motivated Study 2 pertains to the variations in punitive memory law (in their enactment and their severity) in Poland and Ukraine. In Poland, the politics of memory in parliament motivated the adoption of few punitive laws with clear criminal punishment functions since the democratic transition. These few laws were introduced with a clear formulation of legal provisions regarding historical speech. In contrast, while post-independence Ukraine's parliament has adopted a batch of punitive memory laws since 1991, the criminal punishment function of these laws has been circumvented. In other words, the outcomes of these legislative mobilisations were different as showcased by pieces of memory legislation. The observation of varying outcomes of punitive law-making is the first component of the research puzzle of Study 2.

The case selection strategy for Study 2 can be described as 'influential cases' invoked in existing research design literature (Gerring, 2017; Gerring and Cojocaru, 2016). According to Gerring and Cojocaru, 'influential cases' are salient for case selection because they pose a decisive implication for the validity of a theory. Gerring and Cojocaru describe influential cases as ones having a 'profound effect on the probability of a hypothesis being true' (Gerring and Gojocaru, 2016, p. 403). The sampling decision for an influential case is based on theoretically relevant intuition or prior knowledge about the case. In this regard, Seawright and Gerring argue that the usefulness of influential cases in relation to contributing to larger body of knowledge (theory or analytical-explanatory proposition) is produced by inquiry into such cases. Seawright and Gerring write that 'the goal of this style of case study is to explore cases that may be influential vis-à-vis some larger cross-case theory' (Seawright and Gerring, 2008, p. 303).

Moreover, Gerring and Cojocaru specify the distinctiveness of influential cases for research design decisions by saying that these cases 'may define the relationship of interest. What makes a case influential is not its model fit but its influence on the model' (ibid., p. 403). The authors associate influential cases with the goal of conducting a diagnostic study to assess the operation of mechanism in the phenomenon of interest (ibid., p. 404; Gerring, 2017, p.102). This makes influential cases reflect the category of deviant cases. As the authors note, influential cases 'mirror' deviant cases, as the latter are chosen for 'disconfirming' a pattern or causal relationship of interest while the former are looked at for the value of diagnosing the relationship of interest (Gerring and Cojocaru, 2016, p. 404).

Furthermore, the rationale of the case selection for Study 2 uses the logic of 'typical case' selection described by Beach and Pedersen (2018). Beach and Pedersen bond their case selection strategy to the value of process-tracing in a particular case. They note 'if we are interested in tracing a causal mechanism linking X and Y, we want to trace it in cases where it could have been present, at least in theory' (ibid., 839). Therefore, the authors develop a typology of 'mechanism-centred' designs that involve quite purposeful case selection decisions instead of condition-centred designs like MSSD or MDSD (ibid., pp. 855–856). 'Typical cases' are 'understood as the cases where a priori we can expect the theorised X – Y relationship through the theorised mechanism to be present' (p. 848). The authors corroborate a typological approach for their 'typical' case selection and argue that 'when our research goal is to make strong within-case inferences about whether X is linked to Y, and/or shedding light on how X is linked with Y, we trace mechanisms only in cases where they can in theory be present' (ibid., p. 850). Beach and Pedersen's rationale for case selection is purposeful in the sense of choosing cases based upon assumptions about the presence of a causal mechanism representative of a specific relationship of interest among the larger population of cases (ibid., 848–850). Levy corroborated the same argument considering 'process-tracing' a distinct type of case study research by itself (Levy, 2008, p. 10, 11–12).

This dissertation interprets the selected country-cases as influential based on observations about current scholarly knowledge of the politics of punitive memory laws in a specific region. The two country-cases are influential because of the distinctiveness of domestic politics of memory being emblematic (or representative) of the phenomenon of punitive memory laws. Particularly, both country-cases repeatedly engaged in punitive law-making over the course of post-communist politics of memory warranting the investigation into these instances. Moreover, the dissertation considers the two-country cases typical being interested in diagnosing the mechanisms leading to the instances of enactment of punitive memory laws in Poland and Ukraine. A short look at the state of the knowledge about the politics of punitive memory laws is needed to showcase the "influentialness" of the country-cases.

The second component of the research puzzle for Study 2 research is drawn from the current state of scholarship over the politics of memory laws in the region. There is some political science and historiographical work that explores the punitive memory laws in the region. Most notably, Koposov (2017) analysed the origins of the Eastern European laws on historical denialism stressing the taxonomical distinction between Western and Eastern European laws in this regard and branding these Eastern European laws as 'post-communist' memory laws (2018, pp. 126–176). In view of Koposov, there is a separate conceptual and empirical saliency of Central and Eastern European punitive memory laws that diverted notably from their Western European counterparts (e.g. Holocaust denial legislation). Moreover, in her conceptual-taxonomical endeavour, Eva-Clarita Pettai (2022) elaborated on the relevance of these Central and Eastern European punitive memory laws for the comparative study of politics of memory. The depth of empirical investigation into instances of punitive memory legislation varies depending on the aims of a particular piece of scholarship. In other words, there is historiographic-empirical and conceptual-taxonomical work that acknowledges the saliency of the topic of memory law and draws from individual country-cases. However, scholarship about the reasons to enact punitive memory law and (more narrowly) to explain why there is a notable variation in the function of punitive memory laws across the region is lacking.

This study draws upon the previous findings of Bachmann et al. (2020) to justify research design and the choice to focus on the politics of memory in Ukraine and Poland for Study 2 closely. In their article, Bachmann et al. start with a normative argument about the permissibility of punitive action against expressions of historical speech vis-a-vis the liberal-constitutional principle of free speech. Moreover, the approach of the authors is based on a premise to link the discussion over punitive memory laws with the dynamics of political regimes in the region. Against the backdrop of discussing the 'liberal-democratic' paradox of liberal political regimes enacting 'illiberal' punitive laws on memory, Bachmann et al. proposed and thereafter dismissed a few explanations for punitive law production in Central and Eastern Europe.

Leaving aside the political-philosophical observations about political regime dynamics (which are beyond the scope of this study), the approach of Bachmann

et al. is notable for offering a few explanations for the enactment of punitive memory laws. After having stated the scarcity of in-depth comparative research into the politics of memory laws, the authors defined a number of explanatory variables for the enactment of punitive memory laws in the region:

(1) the significance of a historical event (the number of victims of a historical atrocity);

(2) the character of the political system of the county;

(3) the prevention of historical denialism based on concern over minority rights protection.

Their analysis suggests that these factors did not explain the adoption of punitive memory laws in the context of the article's focus on Central and Eastern Europe and a number of other country-cases including Turkey (Bachmann et al., 2020, pp. 3–5). According to Bachmann et al., none of these key explanatory factors are predicated or significantly correlated with the adoption of punitive memory laws.

Moreover, the authors propose two additional explanations for punitive memory law-making that might be equally attributed to work in the context of liberal and illiberal (hybrid) political regimes. These are (4) judicial activism on the part of national courts and (5) public request (grassroots activism) on behalf of human rights communities or civil society agents to adopt a punitive memory law. The authors disregarded these propositions to explain the punitive outcomes of legislative processes in Ukraine and Poland (see more on this in chapter 2.2.4) Therefore, the second component of the research puzzle for Study 2 is drawn from the current state of scholarship over memory laws production in the region. Building upon previous observations that questioned the relevance failed to explain variations in the enactment of punitive memory laws (Bachmann et al., 2020), this study pushes the research agenda by also inquiring about variances in the punitive capacity of memory laws.

Utilising these two region-specific observations: the one about the variation in criminal punishment function of punitive memory laws (DV) and the other admitting the lacuna in explaining why these laws are being enacted in a specific region (IVs), this dissertation engages in a process analysis of the adoption of punitive memory laws in Poland and Ukraine. ***The research puzzle for Study 2*** asked ***why, if not explained by Bachmann et al., is there a variation in the outcomes of the legislative process over punitive memory laws in Poland and Ukraine?*** This comparative study aimed at producing case-specific knowledge through the investigation of the politics of memory law in the two countries.

The strategy of case selection based on either influential or typical case rationales presupposes quite purposeful case selection in contrast to comparable case designs like most-similar or most-different-systems-design (MSSD or MDSD). The latter designs contextualise cases in a set of requisite conditions to argue for an explanatory factor causing an outcome. The intellectual exercise of engaging in structured design is in controlling for alternative explanations (the issue of

causal homogeneity) by specifying how cases relate to broader set of dimensions. Depending on the aim and the context of a study, the set of conditions is kept diverse, or, alternatively 'most similar' to ensure that these ancillary dimensions are 'controlled for' and do not account for the outcome of interest (Przeworski and Teune, 1970, p. 33).

An alternative case selection decision for Study 2 could be in engaging with structured (MSSD) design with Study 1. However, the dissertation refrained from explicitly spelling out this design as its main methodological choice and explaining it only in relation to Study 1. To explain this further, Study 2 aimed to investigate the variations in criminal punishment functions of enacted punitive memory laws as its primary goal. Therefore, the research design for Study 2 captured the variation at the dependent variable while the case selection choice accounted for a negative case implicitly.[5]

Secondly, the research design literature deals with the issue of the inferential power of more purposeful (influential or typical) case selection designs in contrast to structured types of design. On the one hand, Beach and Pedersen argue that typical cases already cover for the lack of consideration for scope conditions as they associate typical cases with process-tracing. For Beach and Pedersen, the proper application of process-tracing already covers for other causal conditions. As the authors argue, 'control for other causes occurs therefore at the level of evidence within a case, which matches with the level of our causal inferences being made (within case)' (Beach and Pedersen, 2018, p. 853). In this light, for Beach and Pedersen, the answer to the issue of causal homogeneity is to select two and more typical cases to assess the operation of the causal mechanism (ibid.; Beach and Kaas, 2020, p. 229). Moreover, Norman developed the same argument on process-tracing and the homogeneity of causal mechanisms for interpretative

[5] For the sake of research design exercise, it still might be analytically useful to select a case from the region, where a punitive memory law was not even attempted in political-legislative process by being drafted, presented and argued for in a legislature. This would attenuate the Poland-Ukraine comparison with a decisively negative case and amount to a three country-cases design. Yet, such a choice would be seemingly problematic from a methodological and pragmatic point of view. On the one hand, there is a general methodological concern about the hardships of empirical investigation into a case where a dependent variable was not observed (Mahoney and Goertz, 2004). Beach and Pedersen meet this requirement metaphorically, stating that 'One does not go moose hunting in Manhattan. If one wants to have any chance of shooting a moose, one should go hunting where they can in principle be present, such as the backwoods of Alaska or Maine" (Beach and Pedersen, 2018, p. 864). Moreover, a broadened three cases design would require adding new 'key variables, operationalisation of key variables, and providing an outline of the scope conditions of post-communist politics' to account for having a third country-case (Bennett, Fairfield and Soifer, 2019, p. 2). Therefore, the incorporation of a potential third country-case should probably enjoy no more than 'plausibility probe' status (Levy, 2008). Moreover, on the logistical side of things, making a choice in favour of three country-cases would pose a batch of pragmatic concerns (e.g. accounting for data availability, mastering additional foreign language skills to an operational level of knowledge etc.). In general, these methodological and logistical concerns outweighed the benefit of engaging with a broadened three country-cases design.

process-tracing (Norman, 2015a, p. 7). Parallel to that, Gerring and Cojocaru also associate the usefulness of influential cases with bringing new evidence in the knowledge over particular subject (Gerring and Copojaru, 2017. p. 410). The usefulness of influential case selection decisions is associated with the goals of within-case investigations and specifically with uncovering causal mechanisms operating in the relationship.

This section proceeded from the observation about the varying criminal punishment functions of memory regulation in Poland and Ukraine and additionally addressed current regional knowledge of the topic. The case selection decision for Study 2 is framed in terms of the "influentialness" of the politics of memory in Poland and Ukraine — both being emblematic for their punitive memory laws. The dissertation intends to uncover the origins of these punitive laws in a process-oriented study. The focus on Poland and Ukraine coheres with larger accounts of their politics of memory. Therefore, Study 1 focuses on comparable-case research design. Study 2 is based on a more purposeful case selection decision on the value of second dependent variable (the variations in criminal punishment functions between Polish and Ukrainian memory laws).

The next two sub-sections outline the strategies of investigation given the dual framework of the dissertation. The first is an analysis of the patterns of memory regulation in Poland and Ukraine *en masse* and over time. Procedures and the overall strategy of inquiry in the country-cases on the first dependent variable are provided in section 2.3.3. Chapters 3 and 4 of the dissertation present the analysis of the trajectories of the memory law profiles and the narratives over national politics of memory of the two country-cases respectively. The section 2.3.4 deals with process analysis methodology and describes how process analysis was applied in the context of this dissertation. Specifically, it singles out the interpretative component of Study 2.

### 2.3.3. Empirics and Methodology for Study 1

The empirical component of Study 1 relies on the sets of memory legislation retrieved, compiled, and coded manually by the researcher. This was accessed using the official legislative databases of Poland and Ukraine. The data collection strategy proceeded as follows. At first, I surveyed two official Polish and one official Ukrainian legislative database. This work amounted to surveying and looking through 7,672 and 6,689 legislative acts for the Polish legislature (for the Sejm and the Senate respectively) and 21,622 legislative acts for the Ukrainian legislature. I surveyed each and every legislative act adopted (as well as the ones put forward but not adopted by the national legislatures eventually). This round of data collection yielded preliminary sets of legislation and indicated disparities in two systems of legislation. The Ukrainian legislature on average adopts more pieces of administrative value, which is reflected in the higher legislative output by the Verkhovna Rada in comparison to the Polish legislature.

In the second round of data collection, the pools of national legislation were narrowed down to 719 legislative acts of memory legislation adopted by the Polish legislature and 447 pieces adopted by the Ukrainian legislature. The starting date for data collection for Poland was July 1989 when the new Polish legislature convened following the parliamentary elections of the summer of 1989 that marked the point of communist rule demise in the country. For Ukraine, the start date was April 1990 when the Verkhovna Rada of the Ukrainian Soviet Socialist Republic convened after the first semi-free parliamentary elections were held in the Soviet Ukraine. These transitional parliamentary elections either started or coincided with the broader democratisation of public life, including the national politics of memory. Moreover, the independence declaration of Ukraine on the 24th of August 1991 was not chosen as a starting point to survey memory legislation as the event did not mark a point of political transition. In the aftermath of the 1991 independence proclamation and leaving the Soviet Union, Ukraine did not hold new parliamentary elections. This necessitated the inclusion of the last Verkhovna Rada of Soviet Ukraine that endured until the election of 1994 into the analysis. Moreover, quite similarly to the Polish Sejm elections of 1989, the parliamentary elections the Rada in 1990 defined the political cleavages in the Ukrainian legislature that motivated parliamentary politics of memory for the remainder of the 1990s. The ending date for surveying the legislative databases was May 2020. The eve of the annual end of WW2 celebrations in both counties seemed to be the most relevant and salient historical event that marked three decades of parliamentary memory regulation in both countries.

A round of coding the sets of memory legislation followed under the conceptual premises of a study to distinguish between three sub-variants of memory law, considering the commemorative components of each piece of legislation. This revealed declarative, regulatory, or punitive legislative acts. Working through the sets of legislation relied on the parameters of the concept of memory law developed in chapter 2.1 of the dissertation. Under the declarative laws, I profiled the cases of commemorative declarations addressing historical events, historical figures, and the ones instituting remembrance days. The regulatory dimension included surveying and categorising more substantial regulatory laws dealing with legal statuses in recognition of historical experiences, reforming the representation of the past in public space, and national memory institutions (as well as amending laws). Finally, profiling punitive laws regulating historical speech about the Polish and Ukrainian past concluded the work of the first round of coding.

In this round of coding, a close reading of memory legislation was carried out to reveal blanket legal norms and to establish inter-linkages in the national systems of legislation to double-check if any relevant piece of parliamentary regulation was not left out from the empirical corpus of the study. Furthermore, I additionally created a system of key codes in the Ukrainian and Polish languages in order to survey the national legislation systems. The key words included: ‘jubilee’, ‘anniversary’, ‘memory’, ‘commemoration’, ‘history’, ‘historical memory’, ‘decommunisation’ (variants with and without a hyphen), ‘declaration’, ‘rehabilitation’, ‘political repression’, ‘veterans’, ‘historical figure(s)’, ‘historical event(s)’,

'veterans', 'commemoration', 'institute of national memory/remembrance', 'memory desks', 'memory site' etc. This system helped to navigate the legislative databases to ensure the validity of the empirical data collection. The system of codes was worded to ensure valid translations of the terms between the Ukrainian and Polish languages. In other words, the code system ensured the coherent search and retrieval of legislation across both languages.

The issue of the legal validity of the legislation was considered in data collection and analysis. If a piece of legislation loses its legal force it is no longer considered a valid piece to exercise regulatory power over social relations (e.g. due to being abrogated by a constitutional review body). Such pieces of legislation that lost their legal force overtime form a part of empirical component of the dissertation. Therefore, the empirical component of the study accounted for the temporal dimension of the research task accounting for the fact that legal acts lose legal validity over time.

Moreover, the opposite consideration with regard to amending the original legislation was also considered in the empirical work. If a piece of legislation is amended by the national legislature, the last editorial version is counted as the legally valid legislation and previous versions are disregarded. This issue does not concern the vast array of commemorative declarations and pertains to regulatory memory laws. To address the issue, I differentiated between original and amending laws in memory legislation sets. In practical terms, this differentiation was achieved by looking through each editorial version of the original pieces of legislation. The amended pieces of legislation were included in memory legislation sets if they introduced substantial changes in light of the conceptual parameters of the dissertation. In the empirical chapters, I provide relevant information about the amending laws, the nature of their changes, and make clear which amendments warranted investigation and why others (usually non-substantial and technical in nature) were excluded.

Having retrieved the memory legislation sets, a round of coding ensued. This coding procedure looked for the legislative intent of particular commemorative declarations on historical events, historical figures, and remembrance days. It looked at the historical periods addressed by the legislation. In terms of historical events anniversaries and remembrance days, the choices were straightforward as such commemorative acts are usually clear about the events and periods that they address. In terms of coding acts dedicated to historical figures, a more intricate logic of analysis was applied to tackle the issues of how to categorise individuals contributing to different historical periods of Polish or Ukrainian history. Such choices were context-dependent and relied on evidence of legislative intent in the text of commemorative acts.

To provide an illustrative example of how coding choices were made about seemingly ambiguous cases of commemorative acts. The Verkhovna Rada's declaration on the event of 125$^{th}$ anniversary of Volodymyr Vynnychenko's birth was coded as addressing the period of the Ukrainian Revolution of 1917–1922 (VRU, 2005c). At the first glance, it might seem that any coding choice is problematic as Volodymyr Vynnychenko (1880–1951) might belong to different historical

periods: Ukraine in Imperial Russia (pre-WW1); the UNR period of 1917–1922; or as a figure of cultural history of the 20th century. Yet the text of the declaration is unambiguous as it commemorates Volodymyr Vynnychenko not as a prominent novelist in the history of Ukrainian literature, but as the head of the UNR government in 1917. In other words, there is enough evidence of legislative intent to define this act about Volodymyr Vynnychenko as a figure of political history belonging to the UNR period of 1917–1922. Therefore, the declaration from 2005 is profiled as addressing a period of Ukrainian history between 1917–1922. The analogous logic of profiling based on looking at the legislative intent of the content of commemorative legislation was applied to Polish and Ukrainian sets of legislation.

In this empirical work, there was a number of parliamentary acts that still could not be categorised with a more intricate logic of coding decisions outlined above. These are cases of ambiguous legislation, which provide no relevant clue of legislative intent in their content or refer to events that resist being periodised. Such cases of commemorative legislation were categorised as 'Other' in chapters 3 and 4. Each of the empirical chapters explain what were those cases and why they stand aside from other commemorative legislation. For instance, the Ukrainian legislature issued commemorative declarations on the anniversaries of the creation of the United Nations. These acts were clearly commemorative as they memorialised a historical event praising its world-historical significance. However, the acts resisted being profiled in any periods of the Ukrainian national history. To account for such cases, chapters 3 and 4 explain coding decisions of this kind.

In order to trace memory legislation production, the dissertation relies on empirical evidence drawn from the debates of parliamentary committees (minutes of the meetings); debates in the national parliaments (verbatim reports and video-recordings of the parliamentary sessions); official documents produced by parliamentary committees; the information about the movement, legal work, and the passage of legislation produced by the official chancelleries of the national parliaments in Poland and Ukraine. All of these materials were retrieved by accessing online or digitalised archives of the parliaments as well as publications (compendia) produced by the chancelleries. Finally, to examine the broader context of legislative memory work, I relied on pieces of academic historiography to analyse historiography and public memory debates in both countries.

I used the corpus of gathered sources to identify and analyse:

(1) What is a broader composition of memory legislation and lawmaking output in the two country-cases since the transitional parliamentary elections to the national legislatures of 1989 in Poland and of 1990 in Ukraine?

(2) What is the content of these broader constellations of memory legislation (declarations on historical figures; historical events; remembrance days and anniversaries; regulatory laws on memory infrastructure; memory procedures etc.) adopted by the post-transitional convocations of the national parliaments?

(3) How have these constellations of memory legislation evolved with the passage of time in successive convocations of the national parliaments?

(4) What is the distribution between the variants of memory laws produced by successive convocations of the national parliaments in Poland and Ukraine throughout the 1990s, 2000s, and 2010s and what were the content of these memory legislation profiles evolving through successive parliaments?

(5) What were the salient turning points in parliamentary memory regulation in the two-country cases in terms of quantity (e.g. surges in the number of particular laws being adopted around particular convocations of the national legislatures) and the quality of memory laws (the evolution of the content of memory legislation)?

(6) What were the political alliances constellations and the composition of the national parliaments motivating parliamentary memory regulation?

(7) Who were key memory actors (political party factions and individual politicians) in parliamentary politics and lawmaking activity in the national parliaments?

Chapters 3 and 4 encompass Study 1 and provide analysis of questions 1–7.

### 2.3.4. Empirics and Process Analysis for Study 2

The research for Study 2 necessitated adopting a process-tracing methodology that is commonly used to investigate causal mechanisms and uncover the causes of observable phenomena in political science (Bennett and Checkel, 2015). In this regard, adopting a process-tracing methodology helped to explain what that led to the varying outcomes of legislative memory work in the two country-cases. In particular, by adopting a process-tracing methodology, this dissertation explains the relationship between national historiography and the punitive outcomes of the legislative processes of both Poland and Ukraine. The study points out that the parliamentary memory agents type of engagement with national historiographies predicates the outcomes of the legislative process.

Depending on the research aims, a process-tracing methodology is used for theory-development, theory-testing, or specific-outcome explanations (Beach and Pedersen, 2013). Most commonly, process-tracing is used for theory development and theory testing. The analytical ambition that is associated with process-tracing substantiates the relevance of the method for generalisation, theorisation, and the ability to come up with explanatory frameworks in political science (Bennett and Checkel, 2015). The method is also used for specific empirical outcome explanations in case study research (Beach and Pedersen, 2013). Beach and Pedersen define explaining-outcome process-tracing (EOPT) as providing ‘minimally sufficient explanation of a puzzling outcome in a specific historical case’ (ibid., p. 3). The authors define the intellectual process of EOPT as ‘working

backward from the outcome by sifting through the evidence in an attempt to uncover a plausible sufficient causal mechanism that produced the outcome' (ibid., p. 20, 169). By appropriating a process-tracing mindset, this study emulated the third type of process-tracing following the advice of Beach and Pedersen.

**Table 3.** The process of punitive law-making: the analytical and empirical levels of Study 2

| **Analytical level** | **The cause** | **The process** | **The outcome** |
|---|---|---|---|
| | Memory agent mobilises around history issue in the parliament | Either adversarial or accommodating orientation towards national historiography is taken by a memory agent in the context of legislative process | Punitive memory law is adopted with or without criminal punishment function |
| **Empirical level** | Memory agent tables a memory bill or legislative amendment | Memory agent argues historical views in the content of a bill and/or in the course of political-legislative process over the issue | The event of punitive memory law adoption in the legislature |
| **Diagnostic evidence** | Sequence of events; accounts | Sequence of events; accounts | Sequence of events; accounts |
| **Data sources** | Materials of parliamentary committees (minutes of the meetings); materials of the plenary debates in the national parliaments (verbatim reports and vide-recordings of the plenary sessions); documents produced by parliamentary committees (decisions of the committees); the materials and information produced by the official chancelleries of the national parliaments | | |

The standard requirement for adopting process-tracing is that causal mechanism is argued by unpacking the combination of the parts of the causal process (entities and activities). In order to demonstrate the operation of the causal mechanism, a practitioner of the methodology uses nouns and verbs to formulate the causal mechanism and describe the relationship between entities and activities that form parts of the causal mechanism. Analytical-theoretical level is linked to the empirical investigation by linking empirical manifestations of the phenomena under study with the parts of a proposed (tested) casual mechanism. Waldner formulates this requirement when giving advice to process-tracing practitioners to think in terms of causal graphs (analytical level) and 'event-history maps' (the empirical level) in a systematic manner when mapping out causal mechanisms. For Waldner, the two levels of a causal sequence should correspond with each other to fulfil the requirement of causal adequacy for a given explanation (Waldner, 2015, p. 126, 132). He writes:

> *'A central function of process-tracing is to establish a correspondence of descriptive inference between the event-history map(s) and the causal graph, showing that the events in a particular case constitute the theorised value of a random variable as expressed in the causal graph*' (Waldner, 2015, p. 150)

Table 3 summarises the application of EOPT in the context of this study by providing the causal mechanism and demonstrating how it is linked with the empirical level of investigation. The gathered material for Study 2 guiding its process analysis was used to identify and analyse:

(1) What were the events and the course of punitive memory law-making in the national parliaments?

(2) Around what historical and public remembrance issues was the legislative criminalisation of historical speech attempted by the national parliaments?

(3) What was the content of these attempts to legislate over historical speech and what were the outcomes of legislative-political initiatives in the national parliaments?

(4) How have key parliamentary memory agents argued the need for punitive memory laws and what was the content of their historical views?

Therefore, the dissertation relied on extensive document analysis to examine the processes surrounding memory legislation production. The analysis of the above questions are provided in chapter 5 that closely deals with the politics of punitive memory laws. To demonstrate national historiographical engagement with memory law production in the legislatures, I highlight the evidence from parliamentary politics of when and how memory agents mobilised to produce punitive memory laws. To translate this into the language of process-tracing scholarship, I used the gathered material for three kinds of 'diagnostic' evidence (Collier, 2011; Beach and Pedersen, 2013):

(1) To establish the material side of legislative process (such as facts about parliamentary process and legislation drawn from empirical evidence). This corresponds to epistemological stances of process-tracing scholarship to explore the empirical manifestations of the phenomena under study;

(2) To establish a chronology of events in the legislative process and in memory legislation production. This is in order to identify the 'moves' of parliamentary memory agents in the legislative processes[6];

[6] These propositions implicitly cover Beach and Pedersen's definitions of 'sequence of events' and 'accounts' when they deal with types of evidence in the process-tracing methodology. Beach and Pedersen define the sequence evidence as one dealing with 'the temporal and spatial chronology of events predicted by a hypothesised causal mechanism' and consider evidence as dealing with 'the content of empirical material' (Beach and Pedersen, 2013, p. 99).

(3) To showcase the interpretative side of the political-legislative processes of memory law production by the key memory agents involved in these processes.

The latter point requires elaboration. In a broader scholarly discussion about the philosophical and epistemological premises of process-tracing methodology, the method is largely associated with positivist research agendas concurrent with goals of theory-testing or theory-building (Beach and Pedersen, 2013). As recent developments in process-tracing literature suggest, the methodology is compatible with interpretative research agendas as well (Pouliot, 2015; Norman, 2015; Robinson, 2017). The idea behind interpretative process-tracing is that by analysing meanings and interpretations by social agents in the causal mechanism, it is possible to assess the role of values and beliefs in theorising over the elements of causal mechanism. However, accounting for interpretations is done without abandoning 'experience distant' assumptions of process-tracing methodology (Schaffer, 2016; Cecchini, Kaas, and Beach, 2020). In other words, this epistemological stance over process-tracing allows for including interpretative component into a study when utilising the method by paying attention to, as Ceccini, Kaas, and Beach note, 'beliefs, values and meaning of individuals' (ibid., p. 3). The incorporation of the interpretative component is done without confusing epistemological stances in one research agenda or, alternatively, the need to go for a discourse analysis methodology instead and abandon the process-tracing mindset altogether.

In the memory studies scholarship, an example of incorporating interpretation in studying the legislative process is presented by Laure Neumayer's work on memory politics in the European Parliament (Neumayer, 2015). In her work, Neumayer applied process-tracing to examine the political-legislative processes of the European Parliament relating to the memory of communism, which was promoted by members of the European Parliament (MEPs) representing Central and Eastern European countries in the institution in the mid-2000s. The author performs the outcome-explaining process-tracing by analysing the institutional and argumentative strategies of MEPs representing the new EU member states to investigate the adoption of the 2009 European Parliament (EP) Declaration condemning the crimes of Soviet communism during WW2.

The Neumayer's approach to understanding the causal mechanism is informed by an interpretive research design and the theory of socially embedded agency in the institutional context (ibid., p. 2). This epistemological stance becomes clear in a statement choosing the process-tracing methodology. Neumayer writes 'the contention of this article is that it is necessary to meld discourse analysis with a sociological study of group mobilisation, within specific policy-making forums, in order to take fully into account the issue of agency in transnational 'mnemopolitcs'' (ibid., p. 345). Moreover, the author elaborates on the study of 'practice' in the EP and, at the empirical level, combines discourse analysis on the one hand with document analysis, archival analysis, and interviewing on the other (ibid.,

p. 346). In her application of process-tracing, Neumayer aims to relate the examination of commuism-related memory to the institutional context of the EP to deal with issues of symbolic power, representation, and legitimacy by 'institutionally embedded actors' involved in legislative memory work (ibid., p. 345, 346)

However, Neumayer never reflects on how combining discourse analysis (or ethnographic observations) with document analysis relates to the broader process-tracing debates. Although the issue at hand is paramount for a current discussion over process-tracing methodology in specialised handbooks literature (Bennet and Checkel, 2015, pp. 14–16).

Consequently, a few issues in Neumayer's article regarding the application of process-tracing remain unclear. Firstly, it remains unclear what the function of discourse analysis in unraveling the causal mechanism with a focus on the 2009 EP declaration. Secondly and consequently, it remains unclear how to treat of pieces of evidence drawn from document analysis vis-à-vis evidence from discourse analysis such as interviews and how to address issues of 'representation, symbolic power, and legitimacy' (Neumayer, 2015, p. 345). A process-tracing perspective on the evidence would treat the latter material either as a source of information about the chronology of events or consider it for its crucial content for arguing a mechanism. Alternatively, adopting a more ethnographic line of methodological thinking, the discourse analysis material could be taken to reconstruct social or discursive 'practice' with a focus on meanings, beliefs, and values of memory agents involved in the political-legislative work. Most importantly, in applying outcome-explaining process-tracing, Neumayer did not expand on how discourse analysis is linked to the components of the causal mechanism exactly in her account of process-tracing.

In fact, it seems to be that there are two components to the article's analysis: one is the process-tracing of political-legislative work over the adoption of the 2009 EP declaration and the other is mapping out parliamentary discourse over communist crimes remembrance. The work by Neumayer amounts an account of outcome-explaining process-tracing with an additional interpretative component rather than 'interpretative process-tracing' as theorised in recent literature (Pouliot, 2015; Norman, 2015a, 2015b; Cecchini, Kaas, and Beach, 2020). This is because the discourse analysis component alone does not explain the 2009 EP legislation adoption outcomes.[7] While it provides rich empirical value, the

[7] The presentation of empirical material in the analysis section of the work provides evidence for my statement here. After mapping out evidence drawn from the rounds of debate in the EP plenary session, the author described the process of adopting the 2009 EP declaration in the following way: "After this first debate, the negotiations of the Resolution involved four consecutive steps leading to a compromise between the two biggest parliamentary groups." (Neumayer, 2015, p. 354). The evidence drawn from the parliamentary debate simply supplements the main narrative of tracing the process of legislation adoption. In other words, there is no necessary link between the content of the claims about the memory of communism produced in the parliamentary debate and the final outcome of the legislative process in the EP. On this note, in terms of applying an interpretative process-tracing mindset to study the decision-making in the European Union's institutions, Norman (2015b) provided a more

discourse analysis component is not 'necessary' for the explanation of the political event under study (Collier, 2011). Thus, the interpretative component in Neumayer's article is secondary and supplementary to the main research strategy of conducting outcome-explaining process-tracing.

This dissertation sides with the interpretative premise of causal mechanism formulated by Cecchini, Kaas, and Beach (2020) and emulates the logic of Neumayer in approaching the political-legislative process of the national legislatures. To account for the shortcomings of Neumayer's work, it reserves the interpretative component of the study for dealing with discursive context legislative process. In practical terms, I looked for and coded the formulation of legislative intent in exploring the processes around the adoption of punitive memory laws. In this regard, Study 2 provided the content of claims about history (interpretations and arguments about historical events) in order to code the orientation of relevant memory agents in the course of parliamentary processes over punitive memory laws. The analysis of chapter 5 of the dissertation provides evidence on the orientations to the national historiographies that were developed in during parliamentary committee and plenary session work. It explains the cases when these orientations influenced the outcomes of legislative process. A series of process analysis tables in chapter 5 visualise the empirical analysis undertaken for Study 2.

Some pieces of gathered empirical material informed the study at different stages. For the Ukrainian component of the work, I conducted eight semi-structured expert interviews in October 2019 in Kyiv to supplement the empirical components of the study. The interviews were conducted with high-profile agents of national memory politics: parliamentarians, officials in the Ukrainian Institute of National Memory (UINP), a former minister of justice, memory activists, and historians. All of the interviewees were involved in parliamentary politics or legal work concerning the drafts of national memory legislation and have close knowledge about the politics of memory unfolding in the parliament in the 2000s and 2010s. The interviews clarified the chronology of events with regard to the process of drafting main pieces of legislation by the UINP in the period following the Euromaidan transition of 2014. The interviews were valuable in double-checking the information drawn from other sources. I opted not to focus heavily on collecting more interviews when progressing with the dissertation as a certain saturation point had been reached in data collection by gathering other empirical evidence. As for collecting interviews to support Polish component of Study 2, fieldwork trip to Poland was precluded with the Covid-19 related restrictions on movement in the spring 2020. Nevertheless, this shortcoming is accounted for with the fact that the database of parliamentary committees work (including

persuasive account on how to understand the link between institutional policy development and the perceptions of key agents. In particular, Norman elaborated on the specifics of his process-tracing research strategy to couple interviewing with document analysis in the empirical component of the work and supplementary materials of the article

verbatim reports of the sittings of the committees) of the Sejm was fully available online.

The credibility of the process-tracing methodology is ensured by identifying plausible alternative explanations for the outcome of interest (the issue of equifinality). The sufficiency of the argued causal mechanism is a point of interest for practitioners of the methodology (Bennett, 2008, p. 705; Beach and Pedersen, 2013; Waldner, 2015, pp. 128–130; Gonzalez-Ocantos and LaPorte, 2021). The usual requirement for utilising process-tracing and its strands that have a varying degree of theoretical ambition is to 'cast the net widely' for alternative explanations that might be applicable to a particular study (Bennett and Checkel, 2015, pp. 18–19). This informs the analytical integrity and persuasiveness of the method.

In developing the argument of the process analysis of Study 2, I control for alternative explanations by relying on previous research on punitive memory laws in Poland and Ukraine. As discussed above, the main findings of prior research was that the reasons for enacting punitive memory laws in both counties did not come from societal requests or grassroots pressures. As Bachmann et al. noted with regard of Ukraine, 'transitional legislation, which forbids sullying the reputation of anti-Soviet war heroes, banned communist symbols and Holodomor denial, was accompanied by some but no majoritarian support in opinion polls' (Bachmann et al., 2020, p. 9). The authors continued by concluding that 'there is no evidence for these laws as demand-driven' in the case of Ukraine (ibid)[8]. With regard to Poland, the authors argued the same noting that the recent punitive turn of Polish lawmakers was 'the result of a clear-cut top-down process' (ibid., p. 10) and suggested that the incumbent political class has driven mobilisation over the issue of memory of WW2 in Poland, not the public.[9] Taking into account these findings about the lack of civil society input or broader societal mobilisation compelled the research strategy of this dissertation to focus on the adoption of punitive memory laws in the national parliaments.

Finally, to explain the narrow view of process analysis undertaken in Study 2, this dissertation intentionally adhered to a minimalist understanding of the process of legislation-making instead of a system-theoretic view of process and process analysis (Hall, 2003; Beach and Pedersen, 2016). In contrast to Bachmann et al. (2020) who searched for a macro-explanatory framework for the enactment

[8] The same argument was corroborated by Lyubashenko (2020).

[9] On a different note, while the analytical component of Bachmann et al. findings is compelling, the article suffered from few empirical shortcomings, which, in turn, this study addressed. On the one hand, the authors surveyed only recent legislative developments and, empirically speaking, failed to provide an exhaustive account of punitive memory legislation. This included omitting some salient Polish and Ukrainian laws from the 1990s and 2000s. Moreover, in the design of the research, the authors did not survey the content of the broader field of commemorative laws stating 'we will not deal with non-binding memory laws' (ibid., p. 2) and, thus, limited the ambition of their research. In other words, empirically speaking, in contrast to Study 1 of this dissertation, their approach was not predicated upon the intention to examine shifts in the composition of memory legislation (and punitive memory laws in particular) of these country-cases over time and in detail.

of punitive memory laws in the region, Study 2 looks at the specific events and deliberations of legislation-making to explain the adoption of punitive memory laws. Reckoning with the discussion of punitive memory laws by Bachmann et al., this dissertation narrowed the ambition of Study 2 to a specific process analysis of legislative memory work in the parliaments. Moreover, the findings of Study 2 confirm the argument about the elite-level, top-down driven production of punitive memory laws and point to the politics of memory happening in the national legislatures. As the added-value of this dissertation, Study 2 highlights the modalities of historiographic-parliamentary political engagement as the main explanatory factors for producing and, eventually, augmenting punitive memory law constellations in Poland and Ukraine.

# 3. THE POLITICS OF MEMORY LAWS IN POLAND IN 1989–2020

This chapter examines the pattern of collective memory regulation in Poland since the democratic transition of 1989. It provides an analysis of the evolution of Polish memory legislation. This chapter argues that there is an ideational cleavage running through the politics of memory laws in Poland, Poland's parliamentary memory regulation is centred around the coexistence of two historical-ideational paradigms about the past. These are played out in different forms of declarative, regulatory, and punitive memory law. The first paradigm is concerned with the memory of victims to the crimes of Nazi and Soviet occupation. Memory laws of this type preserve a tangible link to transitional/retrospective justice and memorialisation through how they approach Polish WW2 experiences. The second paradigm moves away from the concerns of individual memory and legislates for the collective representation of Polish victimhood. As this chapter shows, a conceptual tension between the two historical-ideational paradigms can be found at each parameter the memory law of Polish post-communist politics since 1989.

The Polish memory debate has progressed through different governments and changes in the content of memory legislation. The Polish memory debate has gone through three phases since late 1980s. This can be periodised around the three post-1989 decades with major junctures presented by the parliamentary elections of 1997, 2005, and 2015. The ideational dimension of collective memory regulation and the political dynamics of parliament were predicated on the character of the political transition of 1989. In this regard, the commemorative/anniversary legislation of the early 1990s concerning Polish pre-WW2 statehood or the struggles of the Poles through the 20$^{th}$ century were largely uncontested in parliamentary politics. A handful of acts addressing these individual historical themes were passed routinely without vivid political-legislative contestation.

Politically, the focus of memory regulation in the 1990s reflected the anti/post-communist memory cleavage in parliament. Since the democratic transition, the former political opposition to the communist regime dominated parliament. However, due to the electoral failure of the Solidarity political camp in 1993, the communist successor parties dominated the legislative field. The return of the nationalist memory camp to parliamentary dominance in 1997 reverberated in collective memory regulation, when there was a push to strengthen the anti-communist component of historical remembrance. Since the late 1990s, the nationalist memory camp built a profile of memory legislation around anti-communist interpretations of the national history. The memory law profile of the time remained largely on the side of the first paradigm of memory regulation (concerned with the Nazi and Soviet occupations). Ideationally, the memory camp led legislative memory work to disavow its post-communist political counterparts by legislating over the memory of the era of the Polish Peoples Republic (PRL) and the interpretation of Polish experiences of WW2. Against this backdrop, the political-legislative advancement of the anti-communist/nationalist memory camp in the

third Sejm was crucial in setting up a mounting pattern of commemorative lawmaking in Poland.

The significance of the third Sejm in setting up the pattern of political competition for the next decades of parliamentary memory regulation can be expressed as follows. The main winner of a legislative cycle of the Sejm pushes for more legislative memory work based on its own view of Polish national history. At the same time, the minority faction (usually, the most numerous political opposition faction) largely resists this new spin of commemorative lawmaking, both politically and discursively. In this regard, since the third Sejm, the parliamentary dominance of the nationalist memory camp in the fifth Sejm (2005) and eighth Sejm (2015) were followed with an over-supply of commemorative lawmaking. The nature of these political dynamics is reflected in three mini-case studies contained in next sections of the chapter. Each of these case studies showcases the argument about the character of political competition in parliament. These sections are based on the periodisation of three decades of collective memory regulation in the parliament. However, additionally, the narrative of each section presents a case study of the landmark commemorative pieces of each respective decade of parliamentary politics. These are intended to showcase the pattern of political dynamics in the respective legislatures of the Sejm.

It is important to note that the pattern of political competition set in the third Sejm holds irrespective of the ideational profiles of the two incumbent memory camps. In the 1990s, the antagonistic memory camps reflected the anti/post-communist political cleavage in the legislature. In the 2000s, the Polish memory debate entered its second phase focusing on aggrandising the anti-communist component of collective memory. In this second phase, the character of the political competition in the Sejm moved to the former anti-communist (nationalist) memory camp itself. As parliamentary politics progressed and a restructuring of the political landscape took place, the relevance of the anti/post-communist cleavage faded. This was due to the electoral demise of the communist successor parties. The nationalist memory camp became illustrative of the dynamics that previously ran across the nationalist/post-communist memory camp. While the Polish memory debate moved towards heavily favouring the nationalist memory camp in the 2000s, the pattern of political competition survived the demise of the post-communists and persisted in the next legislative cycles of the Polish legislature.

Over time, due to the mobilisations of the nationalist memory camp in the fifth Sejm (2005–2007) and eighth Sejm (2015–2019), the politics of memory laws moved to memorialize the second paradigm of Polish history. Ideationally, the memory law profile of Poland expanded to develop individual historic themes from WW2 with an array of new remembrance days and anniversary legislation being introduced in the latter part of the 2000s. In the parliamentary developments of the 2010s, legislative memory work entered a third phase since the 2015 Sejm elections. Thematically (through the topics of Polish-Jewish relationships during WW2 and Ukrainian WW2 nationalism) the ideational profile of the memory legislation was entrenched to memorialise a sense of Polish collective victimhood.

Politically, the legislative memory work emerging in the politics of the third Sejm (and ensuing through legislative cycles of the fifth and eighth Sejm) signalled the persistent pattern of political competition structured around winners of respective legislative cycles. The main winners of legislative cycle, that is the two most numerous political factions in the parliament, compete against each other politically and by means of engaging commemorative lawmaking. Usually, the main winner of legislative cycle in respective legislature of the Sejm pushed for the ideational expansion of memory law profile over-supplying commemorative lawmaking in scope and complexity at large.

Sections of the chapter below reflect the periodisation structured around three decades of parliamentary memory regulation. The first section provides an overview of the Polish memory legislation. It also elaborates on the main political memory camps of the Polish legislature since the democratic transition of 1989. Thereafter, the chapter analyses the commemorative lawmaking since. The sections of the chapter pay particular attention to the cases of legislative cycles of the third, fifth, and eighth Sejm and to how individual historical themes evolved. Each section provides a case study of the crucial commemorative legislation of their respective decade.

To showcase the pattern of political dynamics closely, the sections discuss the case of commemorative legislation dedicated to the communist regime remembrance in the third Sejm 3 (Sejm, 1998a), Żegota Council in the seventh Sejm (Sejm, 2012d), and the Pilecki Institute Law in the eighth Sejm (Sejm, 2017f). These cases are chosen for being illustrative of the pattern of political competition in the Sejm. While the composition of parliament and the memory camps have changed over time, this pattern was visible across different legislative cycles. Moreover, the three chosen cases are salient in terms of their differentiation between two historical-ideational approaches to the past. They represent the most salient individual historical themes running through memory legislation of their respective decade. At the backdrop of these case analyses is the aim to showcase both the political dynamics behind the evolution of the memory law profile and the change in historical-ideational approaches to Polish history occurring in memory legislation.

## 3.1. The 'Mounting' Pattern of Collective Memory Regulation in Poland in 1989–2020

The memory legislation analysed in this chapter consists of 719 legislative acts adopted by the Sejm and the Senate of the Republic of Poland. The start date for data collection is July 4 1989 (the date when the Senate and the Sejm convened after the democratic parliamentary elections of June 1989). The end date is 28 May 2020, meaning the legislative material covered in this thesis amounts to three decades of parliamentary memory work. In total, the analysis covers 10 convocations of the Polish parliament. In these 10 convocations, the Sejm has

adopted 7,672 pieces of legislation. Among the pool of the legislation, 477 legislative acts can be categorised as memory laws (as outlined in chapter 1). For the 10 convocations of the Senate, there have been 6,689 legislative acts adopted, with 242 that may be categorised as declarative memory laws relevant for the analysis.

The two tables below outline information about each convocation of the Polish legislature, the years of the incumbency of the respective chamber, as well as the number of memory laws adopted for each category. Figure 2 profiles the number of legislative acts of the Sejm for each conceptual category outlined in chapter 1 of the dissertation. Moreover, Figure 3 profiles the memory declarations of the Senate accordingly. It should be noted that all commemorative acts of the Senate fall into the category of declarative memory legislation. In other words, Figure 3 does not differentiate between the three sub-categories of memory laws for the Senate. This is due to the role of the Senate in the legislative process as the upper chamber of the Polish legislature. While the Sejm adopts regulatory legislation and is thus the main lawgiver, the Senate endorses or rejects the laws adopted by the Sejm. In total, the Senate has issued 242 acts of a commemorative nature between 1989–2020.

The major trend in parliamentary memory regulation is a gradual expansion of legislative memory work and the production of memory laws. The early convocations of the national legislature of the 1990s remained light in terms of declarative and regulatory memory laws being introduced. With a turn of the millennium, the trend of memory regulation continued to reach a record spike in absolute numbers of legislative output around the eighth Sejm. As Figure 2 demonstrates, since the early 2000s the politics of memory in the national legislature was conducive to producing more commemorative declarations. This expansion of legislative memory work happened gradually for each of the conceptual parameters of memory law since the politics of the third Sejm. Furthermore, the legislative cycle of the eighth Sejm provided another spike. Since 2015, commemorative lawmaking witnessed a notable expansion.

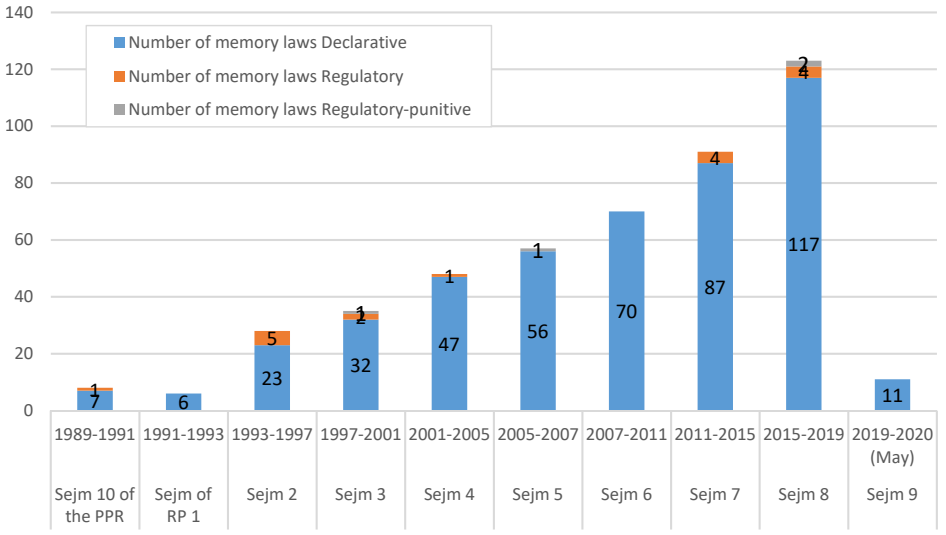



**Figure 2.** The convocations of the Sejm of the Republic of Poland and memory laws, June 1989–May 2020

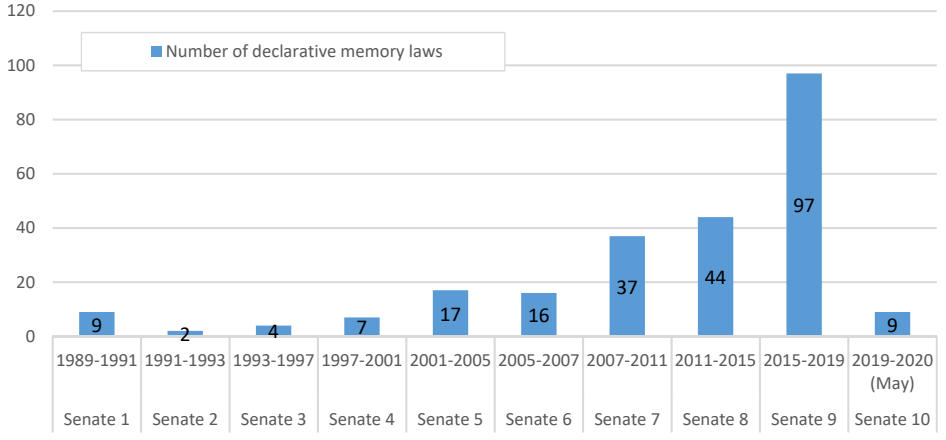



**Figure 3.** The convocations of the Senate of the Republic of Poland and memory laws, June 1989–May 2020

The workings of the Senate attest to the same 'mounting' trend over time. After the elections of 2007, the seventh Senate doubled the number of adopted declarations about the past. All commemorative acts of the Senate fall into the category of declarative memory legislation due to the Senate's standing as the upper chamber of parliament that does not issue regulatory legislation on its own. As Figure 3 shows, in 2007–2011 the Senate adopted more pieces of commemorative

legislation than the two prior convocations together. Moreover, since the parliamentary elections of 2015 the seventh Senate became the most prolific convocation in its post-1989 history offering the highest number of declarations about the past. Between 2015–2019, the Senate adopted equal amounts of commemorative declarations (97 acts) than the three preceding convocations did together between 2005–2015. The next sections explore the evolution of parliamentary memory regulation in relation to thematic constellations found in commemorative legislation. The next sections examine the content of commemorative lawmaking over individual historical themes and the temporal progression of the memory legislation.

This chapter argues a preponderant role of the Sejm in the progression of the Polish memory legislation. This is due to the constitutional role of the lower chamber of the parliament in the legislative process. However, the sections of the chapter point to the cases when the Senate prompted legislative memory work in the Sejm. As for the interactions between the two chambers at the level of commemorative lawmaking, the Senate introduced a few individual historical themes into memory legislation. In particular, section 3.3 of the chapter specifies that the memorialisation of historical figures that relate to the representation of Polish-Jewish experiences of WW2 began in the Senate with the endorsement of the memory of Irena Sendlerowa by a commemorative declaration in 2007. Thereafter, legislative memory work in the Sejm continued with the memorialisation of the Polish rescuers of Jews during WW2 referring back to the act of the Senate. Moreover, there was a case of interaction between the chapter concerning the 2006 punitive memory law. Chapter 4 discusses the case of punitive law-making and the role of the nationalist senators of the PiS faction in the events of the legislative process. However, even in that notable case of interaction, the legislative initiative and political impetus came from the politicians of the Sejm.

The constellation of memory legislation and its progression over time came as result of the political cleavages running through domestic politics. Two cleavages in parliamentary memory politics defined the profile of early memory regulation and set up the trajectory of political-discursive battles over memory issues. In the 1990s, the Polish memory debate was structured around anti/post-communist political cleavage in the politics of the national legislature. The post-communist camp was represented by individual memory agents and the post-1989 parliamentary clubs[10] of Soujusz Lewicy Demokratycznej (SLD) and Polskie Stronnictwo Ludowe (PSL). In the 1990s, the anti-communist memory camp was in relative disarray and represented by multiple small parliamentary groupings and individual memory agents. In the first and second Sejm, the parliamentary faction of Unia Democratyzna (UD) was representative of the anti-communist memory camp alongside the smaller groupings of Konfederacja Polski Niepodległej (KPN). In the latter part of the 1990s, the nationalist memory camp was well-organised and

[10] Although the English language usage of 'club' is rather colloquial, the chapter occasionally uses it to stay true to the indigenous Polish word *klub* to refer to a party faction (*klub parlamentarny*).

represented by politicians from Akcja Wyborcza Solidarność (AWS) and Unia Wolności (UW). Therefore, altering the majoritarian statuses in the Sejm, parliamentary memory agents of these party factions drafted and argued for the main pieces of memory legislation. The early constellation of memory legislation came from these two camps of parliamentary politics.

Moreover, changes in the majoritarian statuses in the Sejm between the post-communists and anti-communist camps in the parliamentary elections of 1997 were immediately reflected in legislation-making output. In particular, the nationalist memory camp mobilisation for the elections of 1997 was a defining point in setting up the course of the political-legislative memory law process for decades to come. The next section demonstrates how the post-communist memory camp conceded their interpretation of the national past to the nationalist memory camp in the third Sejm. In legislative memory work, this concession occurred around two historical themes debated in the parliament. Firstly, the nationalists were successful in arguing for the criminal equivalence of the Nazi and Soviet regimes that occupied Poland. The legislative amendments put forward by this memory camp disavowed the potential of any positive representation of the communist era in Polish history/ This curbed the political standing of SLD and PSL factions. Moreover, the post-communists conceded to the nationalists on the issue of memorialisation of PRL-era abuses as well. In the 1990s, post-communist memory agents provided some vivid examples while contesting the nationalist-led memory offensive in parliamentary debates. However, the nationalist memory camp was successful in actually codifying its views of the national past in adopted memory legislation.

The changes in the parliamentary memory politics landscape reverberated through the quality and pattern of parliamentary memory regulation over time. A notable trend of the early 2000s was the fading political significance of anti/post-communist memory cleavage in parliament. In the 2000s, post-communist memory agents usually mobilised in support of commemorative declarations and sporadically enjoyed minority status in parliament. The second cleavage of the Polish memory debate ran between individual memory agents and the parliamentary factions of Prawo i Sprawiedliwość (PiS) and Platforma Obywatelska (PO). Additionally, the two factions were often supported by smaller minority factions in parliamentary memory regulation in respective legislatures of the Sejm through the 2000s and 2010s.

A pattern of the nationalist memory camp mobilisation continued in the fifth, sixth, and seventh Sejm (2005–2015). The decade was conducive to expanding the 'mounting' trend of legislation-making output. Particularly, in the fifth Sejm, PiS parliamentary memory agents introduced the second ideational paradigm of Polish history, thus, tilting the Polish memory legislation. Importantly, in the punitive law-making in 2006 these memory agents took a stance concurrent with their larger views of the national historiography of WW2 (discussed in chapter 5). The next sections proceed with a closer analysis of the individual historical themes and the overall trajectory of the political-legislative process over memory in Poland.

## 3.2. The Emergence of the Anti-Communist Memory Cleavage in the Parliament (1990s)

Declarative memory regulation in Poland has legislated over the anniversaries of historical events, historical figures, and remembrance days. This legislation advanced a historical narrative about the Polish people resisting two equally criminal regimes — German Nazism and Soviet communism. Against the backdrop of individual historic themes, the political memory camps were concerned with the advancement of a historical narrative arc that unites together the memorialisation of Polish historical statehood in the 20th century, Polish WW2 experiences, and the communist PRL era. Over time, parliamentary memory agents developed these three topics in collective memory legislation in relation to each other. The section below examines these thematic constellations in the early political-legislative process.

The section argues a seminal role of legislative memory work in the third Sejm. Politically, the pattern of political competition in the third Sejm presented a qualitative difference from preceding legislative cycles. The reason for the special significance of the third Sejm in parliamentary memory regulation is that the nationalist memory camp pushed an explicit memory regulation agenda using memory issues against their political opponents (the post-communist memory camp). As the section below discusses, in the second Sejm commemorative legislation with an anti-communist component could have been endorsed by the post-communist memory camp in cases when the legislation asserted the independence narrative. The third Sejm made a crucial difference politically. The nationalist memory camp was well-organised politically and seized their opportunity to use commemorative lawmaking against their political opponents.

To showcase these political dynamics, the section below discusses the case of the second Sejm declaration over the June 1956 events and in particular the third Sejm's declaration over the crimes of the communist regime. The former declaration went through the legislative process easily, mostly due to being supported by the SLD-PSL leadership of the second Sejm. The latter, although endorsed by the third Sejm, was more vividly contested in the parliamentary process. The anti/post-communist memory cleavage running through the politics of the Sejm became more evident in the third legislative cycle (in contrast to the politics of preceding legislatures) marking the first phase of the Polish memory debate.

Importantly, the tension of the Polish memory debate in its early phase reverberated through the framing of individual historical themes and the content of the declarations over the past. Parliamentary memory regulation in this period started by memorialising the victims of WW2 and communist crimes. Therefore, the memory legislation of the early phase fell on the side of the first paradigm of Polish history in memory regulation. Furthermore, the pattern of political competition in the third Sejm remained in place in the subsequent legislative cycles. In the early 2000s, the evolution of the memory legislation continued by strengthening the anti-communist component of historical remembrance. Over time, this

evolved into a sense of collective Polish victimhood in commemorative law-making. In the context of legislating over historical events, figures, and remembrance days, the sections below show how this second type of collective memory regulation unfolded in parliamentary memory politics and became prevalent in the most recent decade.

**Table 4.** The convocations of the Sejm of the Republic of Poland and the number of declarative memory laws, June 1989–May 2020

| Convocation | Years | Declarative memory laws | | |
|---|---|---|---|---|
| | | Historical events | Historical figures | Remembrance days |
| **Sejm 10 of the PPR** | **1989–1991** | **4** | **2** | **1** |
| **Sejm of RP 1** | **1991–1993** | **2** | **4** | |
| **Sejm 2** | **1993–1997** | **18** | **5** | |
| **Sejm 3** | **1997–2001** | **18** | **13** | **1** |
| **Sejm 4** | **2001–2005** | **16** | **28** | **3** |
| **Sejm 5** | **2005–2007** | **24** | **29** | **3** |
| **Sejm 6** | **2007–2011** | **27** | **40** | **3** |
| **Sejm 7** | **2011–2015** | **32** | **47** | **8** |
| **Sejm 8** | **2015–2019** | **54** | **57** | **6** |
| **Sejm 9** | **2019–2020 (May)** | **10** | **1** | |

**Table 5.** The convocations of the Senate of the Republic of Poland and the number of declarative memory laws, June 1989–May 2020

| The convocation | Years | Declarative memory laws | |
|---|---|---|---|
| | | Historical events | Historical figures |
| **Senate 1** | **1989–1991** | **6** | **3** |
| **Senate 2** | **1991–1993** | **1** | **1** |
| **Senate 3** | **1993–1997** | **1** | **3** |
| **Senate 4** | **1997–2001** | **7** | |
| **Senate 5** | **2001–2005** | **12** | **5** |
| **Senate 6** | **2005–2007** | **11** | **5** |
| **Senate 7** | **2007–2011** | **17** | **20** |
| **Senate 8** | **2011–2015** | **15** | **29** |
| **Senate 9** | **2015–2019** | **58** | **39** |
| **Senate 10** | **2019–2020 (May)** | **8** | **1** |

Table 4 and Table 5 categorise memory laws, that were previously introduced by Figure 2 and Figure 3 as part of a composite view of memory regulation according to the conceptual parameters developed in chapter 1 of this dissertation. The tables profile the commemorative declarations into anniversary legislation about historical events and figures of remembrance days. It is important to note that the Senate as the upper chamber of parliament adopted anniversary legislation over having not instituted remembrance days on its own.

Moreover, in the thematic constellations of memory legislation, declarative acts fall into six distinguishable categories. The Polish legislature consistently adopted acts commemorating the Polish pre-WW1 past, the Second Polish Republic, the events of WW2, and the years of the communist PRL. The first category encompasses declarative legal acts that dealt with the representation of the Polish past in the 18th and 19th centuries. The second category includes legal acts that dealt with commemorating the events of the establishment of interwar Poland in 1918–1939. Commemorative acts regarding the Second World War are divided into two categories of WW2-related events. To account for the significance of the topic of Katyn in legislative memory work, the columns of Table 6 differentiate between this historical theme in the legislation and the more general declarations dedicated to WW2. The topics of Katyn and Soviet communism emerged as separate themes in commemorative lawmaking that warranted such an approach to divide WW2-related declarations in two columns of the table. Finally, parliamentary memory agents dealt with commemorating the PRL-era and the democratic transition of 1989. The declarative acts dealing with the representation and memorialisation of the two latter themes are united under the PRL code.

In terms of assessing the number of commemorative declarations, the first convocations of the Sejm introduced few commemorative acts while the subsequent convocations expanded this number. Since the 2000s, the Sejm started introducing more commemorative acts in comparison to the previous decade. A similar pattern of expansion holds for the Senate as well. In this regard, two legislative mobilisations in the politics of the national legislature come at the forefront. Since the election of 2005, the significance of the memorialisation of the PRL-era was reflected in the surge of commemorative declarations over the topic in the fifth Sejm. This surge is overshadowed by a major expansion of commemorative lawmaking in each of the categories in the legislative cycle of the eighth Sejm.

**Table 6.** The convocations of the Sejm of the Republic of Poland and declarative memory laws about historical events, June 1989–May 2020

| The convocation | Years | Historical events | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Pre-WW1 past | Second Polish Republic | WW2 | Katyn and Soviet | Polish People's Republic | Europe | Other |
| **Sejm 10 of the PPR** | **1989–1991** | | **1** | | **2** | **1** | | |
| **Sejm of RP 1** | **1991–1993** | **1** | | | **1** | | | |
| **Sejm 2** | **1993–1997** | **2** | **6** | **3** | **2** | **5** | | |
| **Sejm 3** | **1997–2001** | **1** | **4** | **4** | **2** | **3** | **2** | **2** |
| **Sejm 4** | **2001–2005** | **1** | **2** | **6** | **2** | | **1** | **4** |
| **Sejm 5** | **2005–2007** | **4** | **4** | **1** | **1** | **10** | **1** | **3** |
| **Sejm 6** | **2007–2011** | **4** | **6** | **5** | **3** | **3** | **1** | **5** |
| **Sejm 7** | **2011–2015** | **4** | **3** | **16** | **3** | **2** | | **4** |
| **Sejm 8** | **2015–2019** | **11** | **14** | **11** | **3** | **10** | **1** | **4** |
| **Sejm 9** | **2019–2020 (May)** | | **1** | **4** | **2** | | | **3** |

The Polish legislature commemorated a number of other historical events that did not fall into the major categories. A handful of these parliamentary declarations are united under the remaining codes 'Europe' and 'other'. The former refers to the anniversaries of the establishment of the Europe-wide institutions, e.g. signing the foundational EU treaties or the establishment of the Council of Europe. The latter encompasses pieces of legislation that commemorated the visits of Pope John Paul 2 to Poland, events related to the establishment of the United Nations, which are irrelevant to the mainstream of declarative memory legislation encompassed in the five major categories.

A look at the content of early memory regulation and the related politics of memory is in order. The declarative memory acts adopted by the first convocations of the Polish parliament in the 1990s established a historical narrative about 20th century Poland. Parliamentary memory agents in the Sejm reinvigorated the commemoration of pre-WW2 Poland to provide a mnemonic validity to historical Polish statehood and distance it from communist era interpretations of Polish history. On the other hand, a considerable portion of memory legislation engaged with Polish WW2 experiences. Against the backdrop of WW2 legislation, parliamentary memory agents introduced a historical narrative about the two totalitarian regimes occupying Poland in the years of WW2. The underlying motif of the legislation was devoted to commemorating victims of the crimes of two totalitarian regimes committed in Poland. In terms of historical-ideational profile, this orientation in legislative memory work made declarative legislation of this period

stand quite close to the domain of transitional (retrospective) justice and the notion of legal restorationism.

The Sejm of the PRL (elected in the democratic transition) made some decisions in the commemorative field to challenge communist interpretations of the past. The mobilisation of the anti-communist camp in the PRL Sejm was conducive to the commemoration of the Second Polish Republic of the interwar era. Among its first decisions in 1990, the Sejm established an honorary insignia for the veterans of the War of 1918–1921. Article 1 of the law defined that the newly introduced cross is meant for individuals that contributed to the 'consolidation of Polish independence' in the aftermath of the First World War (Sejm, 1990e). Beyond providing symbolic recognition to former veterans, the Polish legislature turned to interpret the events of the past in a more coherent manner In 1993, the Sejm adopted two resolutions commemorating the independence struggle of 1918–1919. The Sejm argued that independence presented 'imperishable' value for Poles and, thus, paid tribute to all freedom fighters on the 75th anniversary of the Polish independence proclamation (Sejm, 1993a). The Sejm recognised the Greater Poland Uprising of 1918–1919 as a foundational event in modern Polish history that led to the establishment of modern Polish statehood (Sejm, 1993b). On a different occasion, the Sejm also commemorated the uprisings of 1919–1921 in Upper Silesia to separate from Germany and unite with independent Poland. The Sejm resolution paid tribute to the historical struggles of the Silesian Poles in this regard (Sejm, 1994b). Additionally, the second Sejm commemorated the battle of Warsaw (1920) arguing that resistance to the communist intervention helped to consolidate the Polish independent state after the First World War (Sejm, 1995e).

Moreover, parliamentary memory agents instituted the commemoration of the Second Polish Republic of the 1920s. In 1997, the Sejm issued a declaration about the unification of Silesia with Poland as a result of Polish separatist struggles in Weimar Germany presenting the unification as a direct outcome of Polish insurgencies in the region (Sejm, 1997c). On another occasion, the Sejm commemorated the reunification of the Baltic Sea Coast (Gdansk Pomerania) with the Polish republic in 1921 (Sejm, 1995a). In subsequent years, these two anniversaries became regular topics in the commemorative calendar of the Sejm appearing consistently in the workings over commemorative resolutions of each next convocation of the Polish legislature.

As for other thematic constellations and legislative memory work, the post-1989 Sejm commemorated the Polish victims of the Soviet regime in the 1930s. On one occasion, the Sejm commemorated the anniversary of the Stalinist deportations of Polish nationals residing in the western parts of the Soviet Union to Soviet Kazakhstan in 1936 (Sejm, 1995d). Since the mid-1990s, the topic of the Stalinist deportations became part of the commemorative calendar of the Sejm with the legislature routinely issuing commemorative declarations dedicated to the anniversaries of the historical event. In terms of a larger historical-ideational profile, all of these acts commemorated the victims of historical atrocities against

the backdrop of a narrative arc that stressed Polish efforts towards independent statehood.

The Polish memory debate in its early phase was structured around the post/anti-communist cleavage in parliament and found its expression in WW2 legislation. In interpreting the Polish experiences of WW2, the second Sejm devoted a separate commemorative declaration to the anniversary of the end of WW2 in Europe in May 1995. The significance of this declaration issued jointly by the Sejm and the Senate introduced a coherent narrative of WW2 and laid out a pattern for subsequent legislative memory work over war memory. Importantly, the declaration was the first memory act of the Polish legislature that explicitly introduced the notion of two totalitarian regimes occupying Poland in the course of the war. In parliamentary memory politics, this declaration epitomised the narrative over Polish WW2 experiences for the next decades of parliamentary memory regulation.

A look at the content of the historical themes and the political events around the declaration adoption is in order. The declaration over the 50th anniversary of the end of WW2 argued that Poland was the first victim of the Second World War due to a conspiracy between Nazi Germany and the Stalinist Soviet Union. Poles fought on all wartime fronts and in the resistance movement against both occupying forces. Moreover, the declaration stressed the natural continuity of Polish WW2 experiences and the imposition of the communist regime in Poland after the war. In this regard, the Sejm argued that the end of the war 'did not bring the emergence of a democratic regime in Poland as it remained subjugated by the totalitarian [Stalinist] power' (Sejm, 1995b).

In parliament the discussion and endorsement of the 50th anniversary of WW2 declaration demonstrated the emergence of two parliamentary camps of Polish post-1989 politics. With the declaration, the Polish memory debate became entrenched around post/anti-communist memory. The political contestation of WW2 memory was waged in the Sejm by the camps of post-communists represented by the SLD faction and opposing them the nationalists from UW and KPN parliamentary clubs. Ultimately, as discussed by Rawski, the nationalist memory camp was successful. The nationalist memory camp instituted the narrative of two totalitarianisms occupying Poland (Rawski, 2019). More specifically, the commemorative declaration cracked down on the mnemonic validity of the communist era interpretation of WW2 by delegitimising the value of May 9 commemoration (the Soviet victory in WW2 day), linking it to the Soviet occupation of Poland.

Commemorative lawmaking in the second Sejm 2 develops the argument by Rawski on the basis of different legislative material of the time. The adoption of commemorative legislation in the second Sejm usually went relatively uncontested in the legislative process of the time. In other words, the post-communist camp conceded to the interpretation of the past offered by smaller parliamentary factions, including the cases when this legislation was posited by political opponents of the post-communists in the legislature. To consider a few relevant

examples of the time. In 1994, 1995, and 1996, the second Sejm voted to commemorate the memory of the battle of Warsaw of 1920, the Warsaw Uprising of 1944, and the anti-communist demonstration of June 1956 respectively. Each of the declarations addressed different periods of Polish history before WW2, a major WW2 event, and the early years of the PRL. Politically, the first declaration was offered by the PSL faction and supported by the SLD partner faction attesting to the recognition of Polish pre-WW2 statehood. In other words, the commemorative validity of the longer timespan of Polish history was not a part of political competition at the time. Moreover, the second one was adopted through a shortened acclamation procedure showcasing broad support of the interpretation of WW2 was epitomised by the struggle of the Poles during WW2. The third declaration had a pronounced intention to disavow the PRL-era and was supported with an overwhelming vote by 336 members of the parliament.

Moreover, it is important to note that the second and third declarations were posited by parliamentarians of minority factions (Unia Pracy and KKL respectively). Yet, they were supported by the post-communist winners of the second Sejm (SLD and PSL). These events showcased that there was a tacit acknowledgement of the validity of longer Polish historical statehood across the political aisles as well as the historical narrative of the Poles in the 20th century. Therefore, commemorative legislation concerned with disavowing the communist past explicitly (see the commemoration of the anti-communist strikes of June 1956 proposed by the KKL) went uncontested politically and interpretatively. This declaration was supported by the Presidium of the Sejm and the Marshall of the Sejm Józef Zych (SLD), who offered to compress the procedure and to vote on the draft right away (Zych, 1996). In other words, the post-communist memory camp largely conceded on the issue of the memorialisation of PRL-era abuses.

The anti/post-communist memory cleavage became more vivid in the political competition of the third Sejm. In contrast to the second Sejm, the pattern of political competition over memory issues introduced in the first section of this chapter got its expression with the events of lawmaking in the third Sejm. This pattern was precipitated by the nationalist memory camp returning to parliamentary dominance in 1997 while the SLD and PSL factions enjoyed a minority position in the Sejm. The constellation of the two memory camps discussed by Rawski played out around the interpretation of Polish WW2 experiences centred on two totalitarianisms once again in early 1998 when the Sejm entered its third legislative cycle. In the third Sejm the relevance of anti/post-communist political cleavages sparked vivid legislative memory work in contrast to the anaemic political competition of the second legislature. In the third Sejm, the nationalist memory camp advanced an explicit politics of memory agenda. The events of how the nationalist memory camp established the interpretative link between war memory and the experiences of PRL-era in early 1998 are discussed later in the section.

The introduction of remembrance days to the Polish commemorative calendar reflects the argument about the tension between the two historical-ideational types of memory regulation and about the ‘mounting’ expansion of Polish memory

regulation over time. On the factual side of the politics of memory laws, the early legislature of the Sejm introduced a handful of commemorative dates to be celebrated annually while the trend to develop a national commemorative calendar grew in the later convocations of the parliament. On the ideational side of memory regulation, the first remembrance days that were introduced in the legislature reflected the baseline post-communist historical narrative about the Polish past. The acts introducing remembrance days in the early period of memory regulation were concerned with memorialising the Polish independence struggle in the twentieth century. In particular, they stressed Polish resistance to two totalitarian regimes occupying Poland during WW2. In terms of the distinction between two types of memory regulation, the institutionalisation of this historical narrative in memory regulation remained motivated by the memory of victims of Nazi and Soviet totalitarianism preserving a link to the domain of retrospective justice.

The 10th convocation of the Sejm of the Polish People's Republic, elected as a result of the democratic elections of June 1989, restored the Polish constitutional tradition on remembrance days. In this regard, the Sejm abrogated the communist-time interpretation of the origins of Polish historical statehood with legislative action. There are two parliamentary acts which played a particular role in re-interpreting the historical foundations of Poland after the transition of 1989.[11] In early 1990, the Sejm cancelled a major communist-era memorial day commemorating the establishment of the communist regime in Poland. The act of 1990 cancelled the law (valid since 1945) that established July 22 as the Day of the Rebirth of Poland and the 'sovereign power of the People of Poland' (Krajowa Rada Narodowa, 1945). This Krajowa Rada degree laid down the foundation for the communist-era interpretation of Polish history during the PRL. By its decision, the democratically elected Sejm deprived the communist era narrative of mnemonic validity (Sejm 1990c). Moreover, in the same parliamentary session of April 6, 1990, the Sejm introduced 3 May Day into the country's commemorative calendar. This parliamentary act was motivated by the perception of the longer historical tradition of Polish statehood. The new remembrance day referred to the adoption of the Polish Constitution on the 3 of May 1791 as a foundational event of Polish modern history. The parliamentary act restored the anniversary giving way for a new post-communist interpretation of the timeline of Polish statehood reaching back to the 18th century (Sejm, 1990d). On the narrative arc of Polish history, the commemorative declarations strengthened the validity of the record of Polish pre-WW1 statehood.

As for other anniversaries in the Polish commemorative calendar, the third Sejm commemorated the victims of Stalinist oppression. In the 1990s, the Sejm

[11] Prior to the two parliamentary acts of 1990, the Sejm had restored Polish Independence Day which commemorates the establishment of the Second Polish Republic in 1918. The day was restored by the Sejm of the Polish People's Republic in early 1989 before the elections to the Sejm in June 1989. In other words, it preceded the 10th convocation of the Sejm and is beyond discussion in this section.

voted for four commemorative acts dealing with the 50th, 55th, and 60th anniversaries of the Katyn atrocity (Sejm, 1990a; 1990b; 1995c; 2000a). The topic of the Katyn massacre of 1940 appeared in the workings of the national legislature as early as the democratic transition as two declarations of the 1990s addressed the topic. However, a major portion of interpretative work was done by parliamentary memory agents in the third Sejm. These acts focused on the individual victims of the massacre remaining on the side of the first historical-ideational paradigm of memory legislation. Beyond commemorating individual victims of the massacre, the commemorative act of 2000 provided a broader interpretation of the Second World War in Polish history. The act argued that the Polish people were the victim of the two totalitarian regimes which perpetrated their crimes in Polish territory during the war. Thus, the Katyn massacre was one in a sequence of horrendous crimes against the Polish people committed during WW2 (Sejm, 2000a). In terms of commemorating events of the war, the second and third Sejm introduced the commemoration of separate wartime historical events (the Battle of Monte Cassino) or important anniversaries of the course of the war such as the 60th anniversaries of the creation of the Polish Armed Forces in the East and the Polish Farmers Battalions (Sejm 1994a, 2000d, 2001c). The parliamentary acts on these historical events diversified the WW2 remembrance framework of the first decade of memory regulation.

Commemorative lawmaking of the 1990s dealt with the commemoration of the democratic transition of the 1980s. Since 1989, the Sejm adopted eight commemorative acts dealing with the representation of the PRL years in Polish history and interpreting the communist times against the backdrop of the independence narrative. Among the first convocations of the Polish parliament, the second Sejm was the most prolific in commemorating the events of the popular anti-communist struggle by dedicating five commemorative acts to the PRL-era. On the one hand, all of these parliamentary acts spoke to a broader narrative of Polish history that disavows the communist regime and adds mnemonic validity to the representation of the anti-communist struggle of the Poles after WW2. In terms of their historical-ideational profile, these declarations remained on the side of the first type of memory regulation focusing on the memorialization of the victims of PRL regime.

A number of these acts introduced commemorations of separate events of popular anti-communist upheavals during the existence of the PRL regime. The declarative act of 1995 venerated the victims of the Polish protests of December 1970 that were suppressed by the communist authorities (Sejm, 1995g). Moreover, since 1995, the Sejm regularly commemorated the victims of the martial law introduced by the communist government to crack down on the anti-communist struggle (Sejm, 1995h). The Sejm regularly devoted commemorative acts to participants of the anti-communist protests of 1956 and 1976 (Sejm, 2001a; 2001b). On the other hand, the Sejm celebrated the anniversaries of the strikes of the 1980s and the creation of the 'Solidarity' movement on a few occasions. In 1995, the Sejm commemorated the 15th anniversary of the creation of the Solidarity movement. The parliamentary act reasoned that the strikes of the summer of 1980 were a 'culmination' of the Polish struggle against the communist regime

(Sejm, 1995f). Moreover, according to the declarative act of 2000, the Polish strikes of 1980 reverberated throughout the continent, brought about the decline of the communist regimes across the region, and enabled the process of European integration (Sejm, 2000b). All of these acts fell into the first type of memory regulation stressing the continuity of Polish struggles throughout the 20th century.

The early convocations of the Polish legislature introduced the main parameters of the national memory infrastructure. The regulatory dimension of the law encompasses the legislation over the legal status of historical experiences, reforming memory in public spaces, and establishing memory laws. At the backdrop of the regulatory law, the focus of the parliamentary memory agents was on institutionalising the narrative of the Polish independence struggle. On the ideational side of parliamentary work, Polish memory tensions reverberated through the regulatory dimension of memory law. While the regulatory laws of the 1990s attested to the first paradigm of memory regulation, the post-2015 legislative laws can be overwhelmingly classified as belonging to the second paradigm of Polish history in memory regulation.

The progression of parliamentary politics and the nature of political competition was behind this interpretative work in memory legislation. Table 7 introduces the main pieces of Polish regulatory memory legislation. The section thereafter proceeds with an in-depth look at the content and the parameters of the memory laws. The majority of the laws discussed fell under the first type of memory regulation. In this regard, the Pilecki Institute Law of 2017 introduced the second historical-ideational paradigm into memory legislation. Before the chapter investigates this latter law, it takes an in-depth look at the content and the parameters of earlier pieces of legislation.

**Table 7.** Regulatory memory laws on national memory infrastructure in Poland, 1989–2020

| **Type of regulatory law** | **Laws** |
|---|---|
| **Legal statuses in recognition of historical experiences** | The Law on Combatants (1991)<br>The Law on Activists of Anti-Communist Opposition (2015) |
| **Representation of the Past in Public Space** | The Law on the Council on Preservation of Memory of Struggles and Martyrdom (1988)<br>The Law on the Protection of Former Nazi Extermination Camps (1999)<br>The De-Communization Law (2015)<br>The Amending Law of the IPN Law (2016)<br>The Law on Graves of the Veterans of Struggles for Polish Independence and Sovereignty (2018) |
| **Memory Institutes** | The IPN Law (1998)<br>The Pilecki Institute Law (2017) |

The Polish memory laws creating legal statuses in recognition of historical experiences consist of a two-tier system of legislation. A major piece of legislation over WW2 veteran status, (the Law on Combatants) was introduced in 1991. It reinterpreted WW2 by recognising the mnemonic validity of the independence struggle against the Nazi and Soviet totalitarian regimes occupying Poland. On the other hand, the legal framework focusing on the representation of the past in public and legal statuses witnessed further expansion with the Law on Activists of Anti-Communist Opposition of 2015. This law further solidified the anti-communist component of historical remembrance in commemorative legislation. The more recent regulatory laws are going to be discussed in the section 3.4 of this chapter.

From the onset, the issue of WW2 veteran status legislation in Poland was caught up with the issue of defining the victims of the communist era abuses. Both issues were approached in one major piece of legislation — the Law on Combatants and the Victims of the War and the post-War period adopted in 1991. This law proceeded by interpreting Polish WW2 and post-WW2 experiences with communism as inextricably linked. In modelling the new law, the Polish legislature pointed to the validity of the Polish independence struggle. In this regard, the law endowed individuals involved in the struggle for independence during (and in certain instances before) WW2 with the legal status of a combatant. Simultaneously, this law lessened the validity of communist-era interpretations of WW2 events by cancelling the PRL's Law on the Special Entitlements of the Combatants (1982). This previous law protected the mnemonic validity of the imposition of 'people's power' in Poland as well as the October Revolution of 1917 (Sejm, 1982). Thus, the 1991 Law explicitly delivered a mnemonic aim with regard to communist era interpretations of the past.

Foremost, the Combatants Law defined Nazi Germany, the Soviet Union and the communist apparatus as responsible for violations and repressions against the Polish people. The Law introduced three legal categories to be applied to individuals based on differences in wartime experiences. Table 8 summarises the categories of individuals defined as combatants, those granted equal status, or those defined as victims of communist era repressions. It is important to note that while the main focus of the law was on Polish WW2 experiences, this was not its exclusive focus.

Such instances included the participation in popular insurgencies for Polish statehood following the First World War. In other words, the 1991 Law provided validity to a broader arc of Polish history and sought to memorialise Polish statehood in the 20$^{th}$ century. When defining war combatants, Article 1 of the law specified the participation in the Polish formations of the First World War, popular insurgencies and/or struggles for the establishment of Polish sovereignty as a prerequisite for being granted the status of a combatant.

**Table 8.** The categories of war veterans according to the Law on Combatants of 1991 (compiled based on the provisions of the original law)

| **Combatant activities** | **Equivalent of combatant activities** | **Political repression victim** |
|---|---|---|
| **Article 1** | **Article 2 and 3** | **Article 4** |
| • Military service in the Polish Armed Forces or Polish regiments in the Allied Armies at all wartime fronts;<br>• Participation in the Polish formations and organizations in the First World War, insurgencies for Polish independence or protection of the Polish territories;<br>• Participation in the Polish Underground formations and organizations, including partisan squads in 1939–1945;<br>• Military service in the Allied Armies and also organization of the resistance movements in 1939–1945 with the exception of the service in NKVD of the USSR or other formations responsible for activities against the Polish people;<br>• Participation in the Polish underground formations fighting for independence of Poland in the territory of Poland from 1 September 1939 to the end of 1956, if those formations fought for Polish independence and sovereignty;<br>• Participation in combat against the Ukrainian Insurgent Army and the Wehrwolf groups | • Conduct of civil administration activities in the territories of insurgencies and in the administration of the Polish Underground in 1939–1945, and also in underground independence movement formations in 1945–1956;<br>• Participation in militarized public service for Polish sovereignty and independence before 31 December 1945;<br>• Giving clandestine education to Polish children and youth in 1939–1945;<br>• Shipment of Polish Navy at the vessels under the national or Allied forces flags for participation in military actions in 1939–1945;<br>• Participation in the struggles for Polish sovereignty in Silesia, Greater Poland, Lubusz Land, Gdansk, Pomerania, Kashubia, Warmia and Masuria in 1914–1945;<br>• Participation in armed insurgency for Polish independence in Poznan in June 1956, if participation caused death or injury;<br>• Confinement in the internment camps because of individual's combatant activities;<br>• Confinement in Nazi prisons, concentration and extermination camps and also in other places of imprisonment […], and also in prisons and camps in the USSR, in prisons under NKVD jurisdiction in Poland | • Imprisonment in Nazi prisons, concentration and extermination camps or other places of imprisonment based on political, ethnic, religious or racial reasons;<br>• Confinement in ghettos based on ethnic and racial reasons;<br>• Imprisonment in prisons and camps of the USSR, forced deportations to the USSR;<br>• Imprisonment in Polish prisons in 1944–1956 on the basis of legal decisions taken by the Polish authorities, military or special courts, or without a verdict in 1944–1956 for political, religious activities related to struggle for Polish sovereignty and independence |

Moreover, Article 2 of the law referred to a number of activities defined by the Polish legislature as equal in nature to wartime combatant activities. It specified that participation in the struggles for 'Polish-ness and freedom' in Silesia, Greater Poland and other Polish territories in 1914–1945 against the 'occupiers' counts as a prerequisite for legal recognition (Sejm, 1991). Again, as in the case of Article 1, Article 2 chose a broader timeframe for activities that speak about the aim of the Law to recognise the mnemonic validity of the Polish independence cause in the twentieth century beyond WW2 experiences. Finally, the law conferred a special legal status for victims of political repression in communist Poland from 1944–1956. The Law defined that if a person suffered imprisonment because of political or religious activities aimed to restore Polish sovereignty and independence in the post-WW2 years, this experience counted as a case of political repression. The Polish Combatants Law of 1991 put the validity of the Polish independence struggle at the backdrop of regulatory intervention into legislating over legal statuses and the representation of WW2. In its ideational profile, the law interpreted Polish WW2 experiences with reference to the crimes of and victims of two totalitarian regimes.

Furthermore, the original law of 1991 infringed on the validity of the communist era interpretation of WW2 by banning a few categories of individuals from recognising their WW2 experiences. The original law of 1991 excluded the communist state security apparatus from being endowed with a war veteran status. Additionally, Article 24 of the law excluded NKVD personnel as well as personnel of other repressive bodies of the USSR who committed repressions against the Polish people from such recognition. Moreover, the law excluded professionals in the criminal justice system apparatus of the PRL from being granted such legal status, if the execution of duties in the criminal prosecution, courts, the penal system involved repressions against individuals, who were involved in the independence movement in 1944–1956 (Sejm, 1991). The regulatory function of the Law aimed to ostracise the communist era interpretation of WW2 and to disavow the possibility of recognising or legally endorsing the totalitarian regime apparatus.

There were 37 amendments to the original Combatants Law. These laws usually did not change the basic approach to Polish WW2 experiences outlined in 1991. With regard to the main provisions of Articles 1–4 of the original 1991 law, some of the amendments changed the legal terminology used. In addition, few of the amendments played a more explicit regulatory role with regard to representing Polish WW2 experiences by adding new categories into the original articles. On the historical-ideational side, the amendments remained within the first paradigm of memory legislation.

Two Amendments to the Combatants Law of 1991 (voted for in the same plenary session of the Sejm on the 24 and 25 of April 1997) warrant closer attention. The cases attested to how the post-communist memory camp held a grip over the legislative memory work of the second Sejm, yet conceded to the nationalist memory camp on certain issues of historical interpretation. The two 1997

laws illuminates the Polish memory debate in its first phases running through the anti/post-communist cleavage in Polish politics.

The first amendment of 1997 to the Combatants Law strengthened the anti-communist component of the original law. The legal act recognised the strikes of December 1970 in Poland among the list of activities of Article 2 of the original Combatant Law (Sejm, 1997a). The Law further pushed the ideational link in interpreting Polish WW2 experiences and the experiences of the PRL-era as one narrative arc of Polish history. Moreover, an additional amendment dealt with the issue of Ukrainian wartime nationalism. The second amendment extended combatant status to participants of the crackdown on Ukrainian nationalists in the Polish-Ukrainian borderlands in the aftermath of WW2. The new paragraph conferred combatant status on veterans of the 'extermination battalions (istrebitelnyie batalijony) in the former Polish vojevodships of Lviv, Stanislaw, Tarnopil and Volhynia in the defence of Polish nationals from Ukrainian nationalists in 1944–1945' (Sejm, 1997b).

Moreover, the same article recognised the veteran status of the Armed Forces (Ludowe Wojsko Polskie) and security forces of the communist Polish government if they participated in combat against the regiments of the Ukrainian Insurgent Army in the Polish-Ukrainian borderlands (ibid.). On the surface, the two amendments seemingly pursued opposing goals in conferring legal status in recognition of historical experiences. The first law is concerned with providing validity to the anti-communist struggle and the latter with protecting the memory of pro-communist combatants. However, from a larger historical-ideational view, the two laws proceeded from the same premise to protect the memory of the victims of historical abuses.

The events unfolding in the legislature around adopting the second of the two laws warrant closer attention. With this Law, the theme of Ukrainian WW2 nationalism entered the memory debate in the politics of the Sejm. Moreover, in terms of parliamentary memory politics, by introducing the amendment regarding pro-communist combatants fighting against Ukrainian nationalists, the Polish lawmakers eased the prior ban on the recognition of experiences of communist combatants envisaged by the original law of 1991. At the level of parliamentary memory politics, this outcome was achieved through the majoritarian role enjoyed by the post-communist SLD and PSL parliamentary clubs that were able to diversify the interpretation of Polish WW2 experiences through parliamentary committee work (Grabek, 1997a; 1997b) and in parallel waiving the nationalist camp's objections in the course of plenary session debate (Komorowski, 1997). In April 1997, the post-communist factions still held a grip over the political-legislative process in the second Sejm before the autumn 1997 elections changed the parliamentary constellation in favour of the nationalist memory camp.

On the other hand, in the instance of recognising the validity of December of 1970 in Polish history, the post-communist camp conceded to the narrative of the nationalist camp over the interpretation of the PRL-era. Through this legislative amendment, Polish lawmakers strengthened the anti-communist component of the narrative arc of Polish history by equalising the experiences of anti-communist

activism during the PRL-era with Polish WW2 experiences. Therefore, the constellation of the two laws accommodated both historical themes and are illustrative of the broader political and ideational cleavages of the Polish memory debate in its first phase.

In 1999, the aim of the 1991 Combatants Law was diversified with the inclusion of historical experiences of individuals who gave refuge to Polish Jews or saved the lives of independence struggle participants during WW2. Giving refuge to or saving others were added to the list of activities of Article 2 constituting activities equal in status to combatant activities (Sejm, 1999). Thus, the amendment put the experience of suffering persecution during WW2 at the backdrop of legislative regulation once again.The original Combatants Law of 1991 as well as the amendments adopted in the course of the 1990s were born out in the politics of the two memory camps. They fell on the side of the first historical-ideational paradigm of memory legislation. Beyond the particularities of individual historical themes entering parliamentary memory regulation, these regulatory laws were centred on the recognition of the narrative of Polish struggles during WW2.

In the politics of the early Sejm, a particular feature of the constellation of regulatory memory laws is that Poland inherited its national memory infrastructure from the PRL-era. This strand of laws consisted of pre-1989 laws in the Polish People's Republic. Before the transition of 1989, the Polish legislature adopted two laws to deal with the memorial sites of Auschwitz-Birkenau and Majdanek in 1947. Moreover, the Polish parliament created the Council on Preservation of Memory of Struggles and Martyrdom in 1988. These laws remained valid after the democratic transition before being upgraded in post-transition memory legislation. In this regard, in the 1990s the third Sejm upgraded the management of the former Nazi camps in 1999 with a separate law. Yet, a crucial development happened later in the subsequent decades of parliamentary memory regulation. The first phase of the Polish memory debate was reflected in the quality of the regulatory laws of the 1990s as they were concerned with the memory of WW2 victims. The ideational shift in the regulatory dimension of memory law came in the politics of the eighth Sejm when the debate moved towards the second paradigm of Polish history in memory regulation. Before the latter sections of the chapter dwell on the content of the laws prompted by this historical-ideational shift, it looks at the early Polish regulatory laws constellation.

In 1988, the Sejm of PRL adopted the Law on the Council on Preservation of Memory of Struggles and Martyrdom (Rada Ochrony Pamięci Walk i Męczeństwa). The focus of the law was commemorating Polish historical experiences in the twentieth century in its pro-communist interpretation. The law endowed the Council with the preservation and management of the sites of Polish martyrdom as well as the martyrdom of other nations in the Polish People's Republic. The law defined a set of commemorative functions for the created memory institution. Article 3 of the law endowed the Council with a task to foster the Polish people's collective remembrance. On a practical level, the Council was mandated with the organisation of commemorative events related to historical events, figures, and sites of Polish martyrdom as its main commemorative function.

Additionally, the law prescribed the Council to estimate the current state of memorials, museums, wartime graveyards, and other 'objects' of the 'people's memory'. To do that, the Council was given the prerogative to issue expert opinions while bodies of power were obliged to consult the Council regarding the matters of historical sites including the preservation of sites of former Nazi camps in Poland (Sejm, 1988). Moreover, although the law did not speak of the Holocaust directly, Article 3 of the law singled out the 'graveyards of the victims of Hitler's terror'.

Holocaust site management was upgraded in 1999. In 1999, the third Sejm introduced another law (the Law on the Protection of Former Nazi Extermination Camps)(Sejm, 1999b). The law defined parameters for the preservation and protection of eight extermination camps created in Poland by the Nazis during WW2. The 1999 law memorialised the sites of a number of former Nazi camps in addition to the two camps that were already protected by communist era law. The law mandated the creation of special protective cordons around the sites of former Nazi camps. It defined the obligations of the government and local vojevodships (regional authorities) in preserving the memory sites, regulated property and construction work issues. Additionally, one provision addressed its commemorative function more explicitly. The law defined the procedure for allowing public gatherings in the territories of former Nazi camps. In particular, it granted the local province governors a prerogative to decline requests for public gatherings if such gatherings may infringe on the 'dignity or character' of the Holocaust memorials (Sejm, 1999b). In other words, the regulatory intervention of the law in the representation of collective memory concerning individual victims of WW2 defines the law's ideational profile.

The Senate declarative memory laws in the early post-1989 period followed the pattern of collective memory regulation established by the Sejm. Table 2.6 categorises the anniversary legislation of the Senate according to the individual historical themes emerging from the content of memory legislation. It keeps the same codes for periods of Polish history as it was for the Sejm. In terms of numbers, the Senate's approach to regulating collective remembrance remained light in the 1990s. The three first convocations of the Senate adopted a scarcity of declarations addressing the past. These acts mostly dealt with the memory of WW2, Katyn, Soviet communism, and the years of the Polish People's Republic. With the advancement of the politics of memory in the legislature, the Senate expanded commemorative lawmaking consistently between 1997 and 2015. In the second decade of memory regulation, the Senate adopted more memory laws across each of individual historical theme. After the parliamentary elections of 2015, the ninth Senate expanded memory regulation at the declarative parameter by adopting the highest number of declarations devoted to historical events of the past in comparison to any preceding convocation of the upper chapter of the parliament elected since 1989.

**Table 9.** The convocations of the Senate of the Republic of Poland and declarative memory laws about historical events, June 1989–May 2020

| The convocation | Years | Historical events | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Pre-WW1 past | Second Polish Republic | WW2 | Katyn and Soviet communism | Polish People's Republic | Europe | Other |
| **Senate 1** | **1989–1991** | | | **2** | **1** | **3** | | |
| **Senate 2** | **1991–1993** | | | | **1** | | | |
| **Senate 3** | **1993–1997** | | | | | | | |
| **Senate 4** | **1997–2001** | **2** | **2** | | **1** | **1** | | **1** |
| **Senate 5** | **2001–2005** | | **2** | **5** | **1** | **2** | | **2** |
| **Senate 6** | **2005–2007** | **1** | **2** | | **3** | **3** | | **2** |
| **Senate 7** | **2007–2011** | | **4** | **3** | | **3** | | **5** |
| **Senate 8** | **2011–2015** | **2** | **2** | **4** | | **5** | | **2** |
| **Senate 9** | **2015–2019** | **13** | **15** | **6** | **2** | **12** | | **10** |
| **Senate 10** | **2019–2020 (May)** | | **1** | **2** | **1** | **2** | | **2** |

The Senate declarative memory regulation reflected the tension of the Polish memory debate in legislative memory work. The first Senate declarations affirmed the mnemonic validity of the democratic transition in Poland by stressing continuity of historical Polish statehood, defending the memory of the victims of WW2, and depriving the mnemonic validity of the PRL. These three remembrance topics attested to a broader narrative of interpreting Polish history as a sequence of Polish struggles for national independence. The historical-ideational shift in the profile of commemorative declarations came after the national legislative elections in 2015. The change is found in the representation of collective Polish victimhood through the individual topics of Ukrainian WW2 nationalism and Soviet communism.

A look at the content of the Senate's regulation of collective memory is also in order. In the first decade of memory regulation, the Senate established the parameters of post-communist interpretations of WW2. The democratically elected Senate addressed WW2 in one of its first declarations in 1989. The Senate declaration argued for an equal role of the Soviet Union and Nazi Germany in launching the war on the continent back in 1939 and being responsible for the horrendous crimes of WW2 (Senate, 1989). According to the Senate, the conspiracy between the two totalitarian regimes accounted for the wartime atrocity of Katyn against the Polish people, which became a 'symbol of Polish victimhood in the East' (Senate, 1990a; Senate, 1992). Consequently, the post-WW2 communist regime of PRL perpetrated further violations and transgressions of human rights (Senate, 1990b; Senate, 1990c).

During the first decade of memory debate in the Senate, the intervention in the commemorative domain remained on the legal and constitutional side of the law engaging with the past. In other words, the commemorative acts themselves as well as the surrounding legislative memory work remained on the side of the first paradigm of Polish history in memory regulation. For instance, in a move to condemn the communist system and the communist regime of the PRL, the Senate proclaimed the legal continuity between the Second and the Third Polish Republics and disavowed the years of the PRL with a separate declaration following the nationalist memory camp's consolidation in parliament after the 1997 elections (Senate, 1998). The historical-interpretative component of the declaration remained light with the act being concerned with the symbolic issue of constitutional continuity of Polish statehood. The commemorative act is illustrative of commemorative output of the Senate in this period.

Tables 10 and 11 map out the parliamentary acts devoted to historical figures' commemoration adopted by the Sejm and the Senate. They note a 'mounting' pattern of commemorative lawmaking for historical figures. This means that the Polish legislature commemorated more figures of the past with the passage of time. On the factual side, the Sejm adopted more declarations than the Senate in absolute numbers. This reflects the preponderant role of the Sejm in parliamentary memory regulation and in the legislative system of Poland. Moreover, the parliamentary elections of 2015 provided a juncture in legislative memory work as the number of declarations in this domain grew in absolute numbers for both chambers of the national legislature. The politics of the eighth Sejm as well as the profile of historical figure commemoration are addressed in the section 3.4 of this chapter.

**Table 10.** The convocations of the Sejm of the Republic of Poland and declarative memory laws about historical figures, June 1989–May 2020

| The convocation | Years | Historical figures | | | | |
|---|---|---|---|---|---|---|
| | | Pre-WW1 past | Second Polish Republic | WW2 | Polish People's Republic | Other |
| **Sejm 10 of the PPR** | **1989–1991** | | **1** | | | **1** |
| **Sejm of RP 1** | **1991–1993** | | **3** | | **1** | |
| **Sejm 2** | **1993–1997** | | **2** | | **3** | |
| **Sejm 3** | **1997–2001** | **3** | **3** | **1** | | **6** |
| **Sejm 4** | **2001–2005** | **2** | **5** | **6** | **3** | **12** |
| **Sejm 5** | **2005–2007** | **9** | **5** | **5** | **2** | **8** |
| **Sejm 6** | **2007–2011** | **14** | **4** | **5** | **4** | **13** |
| **Sejm 7** | **2011–2015** | **14** | **9** | **3** | **10** | **11** |
| **Sejm 8** | **2015–2019** | **17** | **9** | **11** | **8** | **12** |
| **Sejm 9** | **2019–2020 (May)** | | | | | **1** |

**Table 11.** The convocations of the Senate of the Republic of Poland and declarative memory laws about historical figures, June 1989–May 2020

| The convocation | Years | Historical figures | | | | |
|---|---|---|---|---|---|---|
| | | Pre-WW1 past | Second Polish Republic | WW2 | Polish People's Republic | Other |
| **Senate 1** | **1989–1991** | | | **3** | | |
| **Senate 2** | **1991–1993** | | | **1** | | |
| **Senate 3** | **1993–1997** | | **2** | **1** | | |
| **Senate 4** | **1997–2001** | | | | | |
| **Senate 5** | **2001–2005** | **5** | | | | |
| **Senate 6** | **2005–2007** | **1** | | **2** | | **2** |
| **Senate 7** | **2007–2011** | **7** | **3** | **4** | **2** | **4** |
| **Senate 8** | **2011–2015** | **8** | **2** | **6** | **6** | **7** |
| **Senate 9** | **2015–2019** | **9** | **9** | **6** | **7** | **8** |
| **Senate 10** | **2019–2020 (May)** | | | | **1** | |

On the historical-ideational side of parliamentary memory work, the commemoration of historical figures is reflected in the tension of the Polish memory debate. In its first phase, legislative memory work was directed toward consolidating the national pantheon of heroes dedicated to pre-WW2 personalities and disavowing communist-era interpretations of the past. In the 1990s, historical figures commemoration aimed at restoring the memory of pre-WW2 personalities, commemorating the Polish resistance in WW2, and the victims of PRL-era abuses. Moreover, with the progression of parliamentary politics, the Polish memory debate moved towards the second historical-ideational paradigm of Polish history. At the level of memory discourse and against the backdrop of WW2 remembrance, political memory camps turned their focus to the topic of the positive representation of Polish-Jewish relationships during WW2. This interpretative shift occurred due to nationalist memory camp mobilisation in the 2000s and 2010s.

In the 1990s, the Sejm validated the memory of pre-WW2 Polish statehood. In terms of commemorating the political leaders of the pre-WW2 era, the Sejm commemorated Gabriel Narutowicz among its first commemorative acts on figures of the past (Sejm, 1998c). On a different occasion, the Sejm commemorated the memory of Josef Pilsudski as the main protagonist of the historical narrative of pre-WW2 Poland. Usually, the texts of the acts affirmed the role of these figures in contributing to the integrity of Polish statehood after WW1 (Sejm, 1996a). In the same period, the celebration of anniversaries of figures related to WW2 events attested to disavowing communist era interpretations of the war. In a declaration on the Polish soldiers defending Poland in September 1939, the Sejm paid a commemorative tribute and argued that the Polish struggle against occupying regimes lasted for 55 years and ended with the fall of communism

(Sejm, 1994c). This equalised interpretations of Polish WW2 experiences and the establishment of the PRL regime. In terms of commemorating historical figures, since the early 1990s, the political memory camps commemorated the WW2-period generals of the Polish army regularly — most notably Stanislaw Maczek among others (Sejm, 1994d).

In this period, the Polish legislature turned to memorialising the PRL-era in Polish history. The Polish suffering during communism was singled out with the commemorative declaration to Jerzy Popiełuszko, a Catholic priest and a victim of communist reprisals in the martial law era (Sejm, 2004b; 2005f). In the first decade of memory regulation, the Sejm commemorated Cardinal Stefan Wyszyński by naming a university in Warsaw after him and celebrating the centennial of his birth (Sejm, 1999c; 2000c). The latter legal act argued the role of the archbishop in helping the Polish nation endure communism. Generally, historical figures commemoration by the Sejm in the first phase of the Polish memory debate confirmed a historical narrative arc of Polish history attesting to the first paradigm of Polish history in memory regulation.

The pattern of political competition structured around the advancement of the winner of the legislative cycle of the third Sejm manifested itself in the wake of the parliamentary elections of 1997. The case of ensuing competition in the third Sejm round the representation of PRL-era in memory legislation showcased the actualisation of the anti/post-communist memory cleave in the parliament. The winners of the legislative cycle of Sejm (the nationalist partner factions of AWS and UW) set the agenda of legislative memory work in the parliament. In the previous legislative cycle of the second Sejm, parliament was controlled by the post-communist memory camp of SLD and PSL while the nationalist memory camp was in disarray after being divided into small parliamentary groupings from 1993–1997. Politically, the nationalists asserted the initiative in the legislative process and the post-communists lagged behind. The new parliamentary landscape of parliament played out around the very early memory laws discussed in the course of parliamentary debates and voted in by the Sejm in early 1998.

The theme to interpret Polish historical experiences of communism as equal to Polish WW2 experiences continued in parliamentary memory regulation. The first commemorative act of the third Sejm was adopted on the occasion of the Polish independence proclamation in 1918. The declaration stressed that commemorating the event is a "prerequisite to reflect that for a half of a century Polish aspirations for freedom and democracy were suppressed by the Hitler's and Soviet occupants and, thereafter, against our tradition, [Poland was] subjugated to the communist rule of the Soviet Union" (Sejm, 1997d). Therefore, the Sejm subscribed to the narrative of the Polish independence struggle and commemorated those Poles, who defended 'the idea and the institution' of an independent Poland (ibid.). In subsequent years, parliamentary memory regulation focused on bringing together an interpretation of interwar, WW2, and post-WW2 events in one narrative arc stressing the continuity of the Polish independence struggle throughout the 20th century.

Furthermore, the nationalist memory camp of the third Sejm pushed to disavow the validity of the PRL-era in Polish history with legislative action. Ideationally, the occasion of drafting and endorsing the declaration of 1998 on the communist regime condemnation signified the entrenchment of memory politics towards disavowing communist-era interpretations of the past and pushing for the memorialisation of the Polish independence struggle narrative instead. In terms of its historical-ideational profile, the declaration remained on the side of the first paradigm of memory regulation first type of memory regulation. Politically, it is illustrative of the Polish memory debate of the period being structured around the advancement of the nationalist memory camp in legislative memory work.

In 1998, the Sejm condemned the communist totalitarian regime in Poland. This parliamentary act presents a separate significance for the first decade of parliamentary memory regulation following the transition of 1989. On the one hand, the act posited legal condemnation of communist totalitarianism and abuses of individual rights during the PRL-era. It also expanded on the historical narrative by interpreting the Polish past. In its historical-interpretative component, the declaration of 1998 outlined the independence narrative in a coherent manner arguing the communist regime was imposed in Poland against the nation's will by the outside power naming the Soviet Union and Josef Stalin as responsible (Sejm, 1998a). It argued that the post-WW2 order established at Yalta disregarded the will of nations toward national independence and sovereignty. Yet, according to the act, despite this hardship, the Poles resisted the PRL-era regime in numerous instances of anti-communist protests that started in the 1950s and ended with the strikes of the 1980s. The act interpreted these discrete events of anti-communist protests during PRL-years as a continuous struggle for national independence that created a staging ground for the restoration of Polish sovereignty. The declaration remained closely linked to the agenda of transitional justice by arguing for the need to punish individual perpetrators of communist era abuse, vindicating the victims of the PRL, and avoiding collective responsibility (Sejm, 1998a).

Due to the inclusion of the last paragraph on transitional justice, it might be argued that the ideational profile of the 1998 declaration remained on the side of the first paradigm of memory legislation. The legal work over the draft of the 1998 declaration unravelled fledging memory politics cleavage of third Sejm. Moreover, the process of drafting and discussing the declaration revealed conceptual tension in how parliamentary memory agents approached the matter of the PRL-era. In developing the declaration, the nationalist memory camp pushed for a strong independence narrative and historical narrative-making core for the declaration. In contrast, the post-communist camp tried to turn a debate over the declaration into a debate over transitional justice and avoid historical interpretation. On the one hand, the interpretative struggle between two political camps accounted for the final narrative of the declaration as well as subsequent political competition in the third Sejm.

In early 1998, following the parliamentary election, a group of AWS club MPs offered a declaration to legally condemn the communist regime (Niesiolowski et al., 1998). Control over the parliamentary committee on Justice Affairs was crucial for the AWS faction in pushing forward the declaration condemning the PRL regime. In two sittings of the committee in May 1998, the AWS MPs maintained the historical narrative to be put in the declaration before the vote at a plenary session. On the one hand, the dominance in parliamentary politics was achieved with the refusal of PSL MP Grzegorz Kurczuk to take part in committee work on the declaration in order to oppose the AWS-sponsored interpretations of PRL-era (Kurczuk, 1998). On the other hand, the objections made by Aleksandr Bentkowski (PSL) during the committee that aimed to ameliorate the wording of the draft were voted down (Bentkowski, 1998; Iwanicki, 1998). The hold of the AWS faction over the leadership of the Justice Affairs Committee was instrumental in modelling the narrative of the declaration.

Moreover, while PSL deputies failed to control the process of drafting the declaration, a more vivid intellectual opposition to the AWS project emerged during the two rounds of parliamentary debates. The debate that ensued in the plenary session is illustrative of how the post-/anti-communist memory cleavage running through the politics of the national legislature in the 1990s was reflected on the interpretative side of legislative memory work. The intellectual opposition to the AWS narrative followed from both the nationalist and the post-communist memory camps. During the first round of parliamentary debate, Jacek Kuroń (UW), who offered his alternative draft of the declaration condemning the communist regime, pushed for an alternative approach to dealing with the past (Kuroń, 1998a). Discussing the draft declaration, Kuroń contested the AWS interpretation of the independence narrative pointing to the multiplicity of historical experiences during the communist regime from 1944–1989. In the words of Kuroń, the AWS draft subscribed to 'the narrative of freedom fighters' uncritically obscuring the complexity of individual experiences under communist rule (Kuroń, 1998b). Importantly, Kuroń insisted that legislation cannot regulate historical debates nor should it assign collective responsibility as the category of legal responsibility can be only individual (ibid.). Thus, much of the intellectual opposition by Kuroń was aimed to turn the parliamentary debate over the memory of the PRL into a debate over transitional justice by remaining attentive to the legal component and reasoning of the draft. In particular, on the historical-interpretative side of the project, Kuroń offered to focus on individual experiences under communism under the backdrop of legal regulation of collective memory about the national past under communism.

Moreover, the opposition to the AWS draft followed from the post-communist memory camp. A vivid intellectual response came from Danuta Waniek (SLD) arguing that the AWS project intended to ostracise former communists with the nationalists exclusively controlling the memory debate (Waniek, 1998). Moreover, echoing Kuroń's reasoning, Janusz Dobrosz (PSL) referred to the memory of the anti-communist uprisings as well as to the Beirut-era reprisals against the PSL in 1940s to showcase the multiplicity of individual experiences under the

communist regime. The post-communist MP insisted that the condemnation of the PRL regime should focus on actual perpetrators of communist era atrocities rather than make claims about history (Dobrosz, 1998). In other words, Dobrosz's opposition to the AWS project entrenched the debate on transitional justice making a legal argument rather than a historical narrative. By providing their arguments, the post-communist memory camp resisted assigning a totalising interpretation of national history over individual historical experiences.

The last point of the declaration linking together memory and the need to advance justice to particular perpetrators ameliorated the original historical narrative-making impetus of the draft. This element of the 1998 declaration came as a result of concessions made between the partner parliamentary factions of AWS and UW representing the nationalist memory camp (Śledzińska-Katarasińska, 1998). The concession between the major nationalist factions of parliament accounted for an alternative project of the declaration argued by high-profile MP Jacek Kuroń (UW). Therefore, while the general orientation of the declaration was to disavow the memory of the PRL and to argue the independence narrative at the core of Polish collective memory, the declaration preserved a tangible link with the domain of transitional justice remaining on the side of the first paradigm of memory regulation. The AWS-UW partner factions supported the individual politicians of a smaller faction (KPN) in the declaration's final draft. The SLD faction almost in full membership voted against it in the plenary of the Sejm.

To sum up the Sejm 1998 declaration, the case of the anniversary legislation is illustrative of the political dynamics that characterised the third Sejm and the ideational competition that occurred. The winner of the third Sejm was represented by partner factions of AWS-UW that pushed for legislative memory work. It was resisted politically and discursively by the post-communist memory camp reflecting the political cleavage of the decade. The results of the legislative memory work showcased a political win for the nationalist memory camp while intellectual responses posited during committee and plenary debate provided an array of alternative historical interpretations. However, these responses were not able to change the parliamentary politics pushed by the winner. This pattern of political competition held in the next legislative cycles of the Sejm. The same pattern of played out for the next decade of memory regulation even after the relevance of the anti-communist/post-communist memory cleavage faded.

Enjoying dominance in the third Sejm, the nationalist memory camp turned to historical narrative-making by introducing an anti-communist component in the politics of the legislature against the backdrop of legislating over Polish WW2 experiences. In 1998, the Sejm introduced a remembrance day commemorating Poland's underground state. In contrast to the two rather short parliamentary acts on remembrance days of 1990 discussed in the previous section, the Sejm resolution expanded on an interpretation of historical events of WW2 by implicating these events in a historical narrative arc about the Polish past. According to the parliamentary act, the Polish independence struggle started with the establishment of the resistance movement during the siege of Warsaw in September 1939. This independence struggle evolved into the establishment of the structures of the

Polish underground state during WW2 and endured with the activities of the Polish government in exile (Sejm, 1998b).

To commemorate the national struggle for independence, the Sejm established September 27 as the Day of Polish Underground State. In sum, as it might be seen, the three parliamentary acts of the 1990s establishing first remembrance days subtracted mnemonic validity from communist era interpretations of WW2 that dominated official remembrance in pre-1989 Poland. All of the acts focused on establishing interpretative continuity between experiences of pre-WW2 Poland, Polish WW2 experiences, and post-1989 Poland. The acts instituting the days as well as surrounding legislative memory work put these remembrance days into the first type of parliamentary memory regulation firmly. The post-1997 third Sejm intervened in the regulation of historical speech in an event of punitive law-making enjoying the majoritarian status in the parliament. A closer look at the events of the case is in chapter 4 assessing the punitive component of the nationalist memory camp mobilisation in parliamentary memory work.

The post-communist factions' return to dominance in parliamentary politics happened in 2001. However, the political demise of the nationalists did not mean the full reverse of the parameters of memory regulation set up by the preceding decade of legislative memory work. The discursive-interpretative dominance of the nationalist view of Polish history largely went unchallenged in the legislative memory work of the fourth Sejm. On the historical-ideational side of parliamentary regulation, declarative memory laws legislated over three elements of the narrative arc of Polish history: united pre-WW1 events; WW2 memory; and the Polish anti-communist struggle during the PRL-era. The post-communist memory camp in fourth Sejm was able to diversify commemoration and interpretation of individual historical themes in the period. In this regard, the fourth Sejm is a landmark in that the topic of Ukrainian WW2 nationalism entered legislative memory work. However, the interpretation of the topic by parliamentary memory agents followed the ideational premise to commemorate individual victims of WW2. Therefore, the profile of the legislation remained in the confines of the first historical-ideational paradigm of memory legislation.

The majority of declarative acts about anniversaries adopted in the legislative cycle of the fourth Sejm were concerned with the memory of WW2 and the representation of Soviet communism in Polish history. In 2003, the Sejm established the commemorative decoration for the victims of the Soviet deportations to Siberia, Kazakhstan, and the Northern parts of Russia. The act recognised the individual historical experiences of deported Poles, who remained devoted to the 'ideals of freedom and independence'. To commemorate the events of the deportation, the Sejm established the 'Siberian Deportee Cross' meant for Polish nationals deported to parts of the Soviet Union in 1939–1956. The law outlined a separate procedure for being granted the decoration by the President of Poland (Sejm, 2003c).

On the historical-ideational side of memory work, the fourth Sejm introduced six declarations about the past that interpreted the experiences of WW2 and Soviet totalitarianism in Poland. These memory declarations confirmed the

narrative over Polish WW2 experiences inherited from a preceding decade of memory regulation. In other words, the post-communist camp largely accepted the narrative over WW2 that implicitly disavowed the communist era in Polish history. In this regard, the 'Memory and Responsibility' declaration posited that attempts to deny the equal role of Nazi Germany and the Soviet Union in starting the war should be resisted (Sejm, 2004a). Additionally, the act of 2005 recapitulated the narrative point about the common fault of Nazi Germany and the Stalinist Soviet Union and added that the end of WW2, to which Poles contributed greatly, did not end totalitarian perpetration in Poland. According to the Sejm, the ramifications of the war ended 45 years after the formal end date of WW2. Thus, the declaration considered the anti-communist struggle of Poles as a direct consequence of Polish WW2 experiences (Sejm, 2005c). Moreover, remembering Katyn by the Sejm 4 followed the template established by preceding declarations commemorating the atrocity. In this regard, the Katyn declaration of 2005 stressed that Soviet perpetration against Polish officers became possible as a result of the deliberate plans of two totalitarian regimes to destroy Polish statehood and the national community (Sejm, 2005b). Politically, the declaration was offered by the SLD-dominated Presidium of the Sejm. The post-communists conceded to the nationalist memory camp narrative over Stalinism in Polish history.

Parliamentary memory agents in the fourth Sejm diversified WW2 remembrance by developing a new topic in legislative memory work. At the politics of memory level, the adoption of the first declaration dedicated to events in Volhynia from 1943–1944 signified the failure of the nationalist memory camp to push their memory agenda in the post-communist dominated fourth Sejm. In contrast to the prior Sejm, the nationalist memory camp conceded to the narrative of Ukrainian WW2 nationalists in order to memorialise the events of Volhynia. The events of the Volhynia memorialisation are salient as they show how post-communist memory camp was resisting the nationalist memory camp interpretation of the historical event. For the time being, the post-communist camp was successful politically. Yet, while the anti/post-communist cleavage in parliamentary politics would remain relevant for the fourth legislative cycle of the Sejm and successive legislatures, the gravity of the Polish memory debate (and, consequently, the interpretative dominance over history issues) moved from the post-communist to the nationalist memory camp.

A look at the events of the case as well as an interpretative component of memory work is in order. In 2003, the Sejm memorialised the 60$^{th}$ anniversary of the Volhynia massacre of 1943 by a separate declaration. This was the first act to memorialise the events of wartime hostilities in Ukrainian-Polish borderlands in memory legislation. At large, the commemorative act remained on the side of the first type of parliamentary memory regulation. Politically, this was due to post-communists hold over the fourth Sejm and their refusal to push for more militant memorialisation of the topic (as argued by the nationalist memory camp). The act spoke of Poles who suffered ethnic cleansing by Ukrainian nationalist militias in Galicia and Volhynia. The act also commemorated Ukrainian civilians falling victim to retaliatory actions by Polish WW2 regiments. It called for discovering

an accurate historical account of hostilities in the Ukrainian-Polish borderlands and framed the events as a 'tragedy' that happened between the two nations in the context of the German occupation of the region in WW2 (Sejm, 2003a). In general, the narrative and the language of the declaration remained embedded in protecting the validity of the experiences of victims of WW2 atrocities on the sides of the conflict.

The events of the declaration adoption are illustrative of the Polish memory debate and the competition between two memory camps. Approaching anniversary of the event in 2003 provided the nationalist camp, represented by PiS and PO factions in Sejm 4, with an occasion to push for Volhynia memorialisation. In the submitted draft of the declaration in February 2003, the PiS parliamentarians conceptualised the wartime events in Volhynia as 'genocide' committed by Ukrainian nationalists against the Polish people. Moreover, the project called on the Ukrainian government to condemn the crime of genocide committed in Volhynia (Kuchciński, 2003). This legal and semantic conceptualisation of the wartime events epitomised by the nationalist camp narrative.

However, the control over the parliamentary committee work by the SLD faction was crucial in turning down the PiS project and adopting instead the project offered by Bronisław Komorowski (PO) (Komorowski, 2003). The project was presented as the result of cooperation between the PO parliamentary faction and the Presidium of the Sejm. Importantly, the project declaration was supported by the Presidium of the Sejm led by Marshal Marek Borowski (SLD) and four vice-marshals representing SLD, PSL, and PO parliamentary factions. In other words, the post-communist memory camp sided with PO rather than with PiS.

The support of the SLD-composed leadership of the Sejm for the PO parliamentarian project was instrumental in its adoption. This support was instrumental for the course of deliberating and endorsing the declaration draft in the sitting of the International Affairs Committee of the Sejm. In contrast, the PiS-sponsored project and the genocidal conceptualisation of the events argued in the sitting of the committee were declined (Jaskiernia, 2003). Moreover, the parliamentary committee's approval of Komorowski's project predetermined the swift adoption of the declaration by SLD, PSL and PO parliamentarians while the PiS faction opposed (Sejm, 2003b).

The incumbent post-communist memory camp in Sejm 4 attempted to diversify the representation of WW2 experiences signalling the preponderant role enjoyed by SLD and PSL memory agents in the politics of the national legislature. In 2005, the Sejm commemorated the liberation Auschwitz extermination camp by a separate declaration on the occasion of the 60$^{th}$ anniversary. The declaration was offered by the Presidium of the Sejm dominated by SLD members and led by Włodzimierz Cimoszewicz of SLD. The act paid tribute to the victims of the camp as well as to the Red Army soldiers who liberated the camp (Sejm, 2005a). This latter point of the declaration allows for a positive representation of the Soviet Union's role in WW2 somewhat infringing on the Polish narrative of WW2 stating equal criminality of German and Soviet totalitarianism argued by

memory legislation of the preceding decade. Again, the initiative of post-communist parliamentarians and their control over the gears of the legislative process in the parliament were crucial for commemorating the memory of the Red Army liberators of Auschwitz.

On a larger dynamics of the politics of memory, the post-communist memory camp conceded to the nationalist camp's interpretation of the PRL-era in the workings of the fourth Sejm. In the 2000s, parliamentary regulation expanded the number of remembrance days to commemorate annually incorporating an anti-communist component in memory legislation. These new legislative acts focused on arguing the Polish nation's endurance to the communist rule after WW2 thus equalising the interpretation of Polish WW2 and post-WW2 experiences with communism. In 2002, the Sejm introduced a commemorative day for the victims of martial law in Poland. The parliamentary act, thus, memorialised the victims of the communist regime of PRL of the last decade of its existence (Sejm, 2002). Moreover, to commemorate the democratic transition of 1989, the Sejm introduced the Day of Solidarity and Freedom in 2005 to be celebrated on 31 August. The new day marked the anniversary of the Gdansk Agreement between the government of the Polish People's Republic and the Polish strikers. The agreement was concluded as a result of massive protests in August 1980. The events of the protest led to the creation of the Solidarity movement in communist Poland. The parliamentary act reasoned that this date marks the beginnings of the Polish movement for national freedom (Sejm, 2005d).

Moreover, the Sejm proclaimed John Paul II Day in a separate act during the same parliamentary session (Sejm, 2005e). The parliamentarians stressed the role of Pope John Paul II in helping Poles to endure the communist regime. The new remembrance days memorialising individual victims of the PRL regime and popular anti-communist resistance during the communist era showcased the first paradigm of Polish history in memory regulation. Since the introduction of the Solidarity and Freedom Day in 2005, the nationalist memory camp led to further expansion of the number of remembrance days to include anniversaries of other Polish anti-communist strikes and upheavals.

The advancement of post-communist politics in the 2000s also raised the prominence of memory issues in the Senate. The fourth Senate passed commemorative declarations more often and more consistently following the pattern of legislative memory work in the Sejm. The Senate introduced a historical narrative arc of the Polish struggle for statehood throughout the twentieth century. This baseline historical narrative was outlined in a number of the Senate's commemorative declarations of the 2000s. On the one hand, the declarations to the 60$^{th}$ anniversary of the Warsaw Uprising and the 65$^{th}$ anniversary of the Polish Underground State (Senate, 2004a; 2004b) memorialised the wartime events and Polish struggle against the occupying regime of Nazi Germany.

Moreover, the Senate's declarative acts often stressed the equal criminality of the communist and Nazi totalitarian regimes. On the one hand, in the 65$^{th}$ anniversary of Katyn declaration the Senate argued that the 'lies about Katyn is as inadmissible as any lie about Auschwitz' equalising the statuses of the Holocaust

and Katyn (Senate, 2005b). The interpretation of Polish WW2 experiences was consistent with the previous decade of parliamentary regulation that introduced the narrative of an equal historical criminality of Nazism and Stalinism. On the 60th anniversary of the liberation of Auschwitz concentration camp, the Senate condemned using the expression 'Polish concentration camp in Oświęcim' in representing the crime of the Holocaust by implying the Polish role in German perpetration (Senate, 2005a). This development was consistent with a pattern of memory politics occurring in the Sejm during the period. Moreover, the events of punitive memory law-making that occurred in the politics of the Sejm and the Senate in 2005 are addressed in chapter 5.

The Senate affirmed Poland's status as a victim of WW2 in the declaration of the end of the war in 2005. The declaration posited that the Polish people (after being betrayed by the Western allies) were the first to stand against Nazi Germany and the Soviet Union in September 1939. At the same time, the declaration paid tribute to the efforts of Poles and the efforts of the anti-Hitler coalition to bring victory over Nazism. Separately, the declaration mentioned the particular criminality of the Stalinist crime of Katyn (Senate, 2005c). In a move to equalise Polish WW2 and post-WW2 experiences in a different declaration, the Senate stressed that the actual end of WW2 did not bring the liberation of Poland or the restoration of pre-war statehood while the Polish people suffered through the hardships of the communist regime imposed on Poland (Senate, 2009).

## 3.3. Aggrandising the Anti-Communist Component of Collective Memory in Parliamentary Memory Regulation (2005–2015)

With the nationalist memory camp taking over the fifth legislative cycle of the Sejm, the Polish memory debate entered its second phase. Politically, the phase is marked with the loss of the anti/post-communist memory cleavage's political significance. Since the 2005 elections, SLD and PSL enjoyed minority faction status in parliamentary politics. In terms of historical-ideational profile, the memory legislation moved towards strengthening the anti-communist component of historical remembrance in the fifth, sixth, and seventh Sejm from 2005–2015. Yet, in parallel to this legal work that aggrandised the anti-communist memory component, the nationalist politicians introduced the second historical-ideational paradigm into the legislation. At the punitive dimension, the ideational shift was pushed in a separate punitive law in the politics of the fifth Sejm discussed in chapter 4. In broader historical events and historical figures' commemoration, the fifth Sejm pushed for solidifying the centrality of the anti-communist component of historical remembrance.

A majoritarian status enjoyed by the nationalist memory camp in the fifth Sejm 5 manifested itself in the renewed focus of parliamentary memory agents in the memorialisation of PRL-era abuses. For its short term incumbency between

2005 and 2007, the fifth Sejm voted for ten commemorative resolutions dedicated to the years of communist rule and the memory of the democratic transition. In comparison to other categories at the declarative memory law dimension, this was the highest number of declarations about the past voted by the fifth Sejm in one category. Moreover, qualitatively speaking, the content of the memory legislation pushed by the nationalist memory camp memorialised resistance to the communist regime in the events of strikes during the PRL years and presented the resistance to the regime as a unanimous Polish experience under communism. Thus, the interpretative components of the declarations provided a totalising interpretation of the Polish national experience of the PRL-era sidelining the possibility of multiple individual historical experiences under the years of the communist regime.

The voted parliamentary declarations focused on the events of political repression perpetrated by the PRL regime against the Polish anti-communist activist movement. During its incumbency, the Sejm 5 dedicated declarations to the anniversaries of anti-communist strikes and protests of 1956, 1970, 1976, martial law 1981–1983 regularly (Sejm, 2005e, f; Sejm, 2006a, c). All of the declarative acts stressed the validity of the anti-communist fight for independence by different generations of Poles in 1950–1980. One of the acts stressed the validity of the Poznan strikes of 1956 in sparking the anti-communist revolt in Hungary the same year (Sejm, 2006f). Moreover, in 2006 the Sejm introduced the Day of June Protest of 1956 in Poznan in order to celebrate the 50$^{th}$ anniversary of the popular anti-communist upheaval. Importantly, the parliamentary act argued the relationship between the events in Poznan of 1956 to the strikes of 1980, thus, expanding on the narrative of the Polish anti-communist struggle that united these separate historical events (Sejm, 2006b). Thus, the act reiterated the narrative arc of Polish history that pinpoints the independence struggle of the Poles.

Moreover, on the historical narrative-making side, these declarations presented the case of Polish resistance to the communist regime as an element of a broader narrative arc of Polish history. They argued and explicitly stressed the continuity between the independence struggles of Poles during the years of the communist regime of the Polish People's Republic. As the act dedicated to the protest of 1970 argued, 'tragic events of December 1970 became one the important stages on the road to the takedown of the communist system, the road to August 1980 and to the restoration of independence in 1989' (Sejm, 2005g). The declarative acts stressed the sequencing of Polish struggles against the communist regime following WW2. As the act dedicated to the Poznan protest of 1956 argued, the participants of the protest 'laid down the foundation for changes and for the process of restoring the Polish sovereignty in politics, economy, and culture' (Sejm, 2006h). The narrative of the declarations repeated a pattern of legislation from the 1990s in the interpretation of PRL-era hardships. All of the acts fall in the first ideational paradigm of Polish history. However, in contrast to the early PRL-related declarations of the Polish lawmakers of the 1990s, the narrative of the acts was more teleologically-driven as they presented a more totalising

interpretation of Polish PRL-era experiences in regulating the content of Polish collective memory.

On two occasions, the fifth Sejm spoke out about the imposition of the communist regime in the late 1940s. The declarations stressed the corrupt nature of events leading up to the consolidation of the communist state in Poland and, eventually, to the communist terror. In a declaration devoted to the 60th anniversary of the referendum of 1946, the Sejm commemorated the legal opposition to communism as well as the underground fighters who resisted the efforts of the communists to 'enslave the Polish society' by falsifying the results (Sejm, 2006d). The following year, the Sejm commemorated the victims of the communist terror and the forged results of the parliamentary elections of 1947 that finalised consolidation of power by the communists in Poland (Sejm, 2007b). The two declarations stressed the anti-communist component of historical remembrance by denying the validity of the PRL-era in Polish history.

The parliamentary elections of 2007 to the sixth Sejm confirmed the direction of parliamentary politics towards withering out of the significance of the post-communist camp from parliamentary politics. The relevance of the cleavage that had driven memory politics of the 1990s faded with the demise of post-communist SLD and PSL enjoying small minority factions in the Sejm since 2007. On the other hand, the politics of memory laws and historical-interpretative work attested to the dominance of the nationalist memory camp. In terms of legislation-making output, the sixth Sejm adopted roughly the same amount of declarative acts for each major period of Polish history. Against the backdrop of legislating over Polish WW2 experiences, the sixth Sejm dealt with two remembrance topics in particular: the representation of Soviet communism and the memory of Ukrainian nationalism. The legislative memory work over these individual historical themes was a product of the nationalist memory camp. The representation of the two themes by parliamentary memory agents demonstrated the changing quality in how the themes were framed in the legislative process over memory. The acts themselves as well as the surrounding memory discourse in parliament no longer attested to the early quality of memory to protect the memory of particular victims of WW2 atrocities. Instead, parliamentary memory regulation moved towards the second type of memory law more vividly. Additionally, parliamentary politics surrounding the adoption of two commemorative acts demonstrated that the memory cleavage moved to the nationalist memory camp and the growing interpretative consensus of political memory camps over the vision of the national past.

In the declaration of the national independence anniversary of 2008, the Sejm argued continuity of Polish historical statehood. The commemorative declaration proclaimed the anniversary of independence in 2008 as the Independence Year for Poland. It argued that the history of Polish statehood reached back to the events of 1788 when the May Constitution was adopted with an aspiration for national freedom. In the view of the parliamentary act, this aspiration was fulfilled in 1918 with the proclamation of the Second Polish Republic (Sejm, 2008a). Furthermore, the sixth Sejm confirmed the interpretation of the PRL-era

established by the previous convocations of the Polish parliament emphasising that the events of the student protest of 1968 are an element in a sequence of struggles of the Poles against the imposed communist regime to restore genuine Polish statehood (Sejm, 2008b). Thus, these commemorative acts re-affirmed the narrative template of a previous decade of memory regulation.

A new development in the declarative memory law dimension concerned the representation of Soviet communism and attested to the nationalist memory camp interpretation of WW2 events. In addition to having reiterated the narrative of resistance to two equally criminal totalitarian regimes, the sixth Sejm introduced the notion of 'The Calvary of the East' (*Golgota Wschodu*) to epitomise the Polish experience of Soviet totalitarianism (Sejm, 2008c). This declaration signified the turn to a more pronounced martyrological interpretation of the Polish past. It commemorated the anniversary of the Soviet Union's invasion of Poland (17 of September 1939) and established the link between various Soviet perpetrations against the Poles during and after the war. In view of the act, these historical experiences epitomised Polish collective victimhood at the hands of Soviet communism. The act pointed out that the 'Calvary of the East' for the Poles lingered on after the Second World War (Sejm, 2008c). The declaration was offered by the Presidium of the Sejm reflecting the consensus of the parliament overall towards strengthening the anti-communist strand of historical remembrance overall. Importantly, by changing the focus from individual victims of Soviet crimes to Polish collective victimhood of WW2, the declaration fell closer to the side of the second historical-ideational paradigm of memory regulation.

On a different occasion, the Sejm commemorated the 150,000 Poles who were repressed in the Soviet Union during the Stalinist 'Great Terror' of 1937–1939 (Sejm, 2009b). This parliamentary declaration extended the narrative of Polish suffering during WW2 to include Poles who suffered Stalinist repression in the Soviet Union in the 1930s. Overall, the emergence of the 'Calvary of the East' notion to conceptualise the Polish WW2 experience demonstrated the changes of the Polish legislature. The experiences of Soviet regime-driven persecution emerged as an aggregated interpretation of the national past. Both commemorative acts might be still be interpreted as keeping the ideational premise of the memory of individual victims of Polish WW2 under the backdrop of parliamentary regulation. In addition, the new conceptual expression to refer to Soviet regime-driven persecution had a stronger historical narrative-making component into it.

Moreover, the same trend in legislative memory work for inventing martyrological concepts to describe Polish WW2 experiences on the topic of Ukrainian WW2 nationalism. In 2009, the PO-dominated sixth Sejm voted for a declaration to commemorate Polish victims of the Ukrainian WW2 nationalists offered by the Presidium of the Sejm. This declarative act introduced the notion of *Kresy Wschodnie* to the legislation over the past to refer to wartime hostilities in the Ukrainian-Polish borderlands. The declaration pointed out that the 'anti-Polish' operation organised by the Organisation of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA) in the former Polish territories of Galicia and

Volhynia in 1943 amounted to genocidal ethnic cleansing. In contrast to the first Volhynia memory declaration of 2003, this declarative act referred to the perpetrators of ethnic cleansing as well as spelt out a stronger legal argument. Additionally, the declarative act paid tribute to the Polish wartime combatants defending Polish nationals against the Ukrainian nationalists (Sejm, 2009c). The act proceeded from an ideational premise to focus on the victims of WW2, however, the conceptual novelty of the declaration attested that to the nationalist memory camp's interpretation of the event (which was declined in 2003).

Politically, Bronisław Komorowski, a PO parliamentarian and the Marshall of the sixth Sejm, supported the adoption of the Kresy Wschodnie declaration in a plenary session of the Sejm on 15 July 2009. Interestingly, the PO parliamentarian was the initiator of the earlier declaration from the fourth Sejm in 2003. The earlier declaration (based on cooperation between the post-communist memory camp and the PO parliamentarian) took a reconciliatory approach to the interpretation of the Volhynia events. The more pronounced novelty of the 2009 act concerned the legal and semantic conceptualisation of Volhynia as an act of 'ethnic cleansing with the traits of genocide' (Sejm, 2009c). The vote for the declaration was agreed upon beforehand by the leaderships of the PO and PiS factions and it passed through a shortened procedure signifying agreement over the interpretation in the nationalist memory camp (Komorowski, 2009, p. 123).

The constellation of the nationalist memory camp positioned between memory agents of the PO and PiS sides reverberated through the seventh legislative cycle of the Sejm. Convening between 2011–2015, the seventh Sejm adopted 16 parliamentary declarations interpreting Polish WW2 experiences and 3 declarations about Soviet crimes in wartime Poland. On the factual side of legislation-making output, this presents the highest number of declarations about historical events adopted in one legislature of the Sejm. At the politics of memory level, majoritarian PO and PiS parliamentary factions and individual memory agents pushed for the main pieces of commemorative legislation in the period. While the nationalist memory camp dominated parliamentary memory politics, the post-communist camp represented by the minority faction of SLD asserted initiative on a few occasions and was able to push for several commemorative declarations. On the historical-ideational side of legislative work, parliamentary memory agents diversified the representation of WW2 events and kept the anti-communist component at the core of parliamentary memory regulation.

As for the content of commemorative lawmaking, the declarative acts of the seventh Sejm reiterated the historical narrative about the struggle of the Poles, who suffered the perpetration by the totalitarian regimes in the Second World War. Specifically, in the legislative cycle of the seventh Sejm, parliamentary declarations emphasise the memorialisation of Polish wartime combatants. In this regard, the 2012$^{th}$ declaration on the occasion of the 70$^{th}$ anniversary of the Home Army (*Armia Krajowa*) argued historical continuity between Polish struggles for sovereignty. The declaration said that there is a direct link between the generations of Poles fighting for Polish independence in 1914–1920 and the Poles resisting the Nazi occupants in the Home Army during WW2. It specifically

singled out that the Polish combatant movement was the biggest in Europe during the war and that war veterans were persecuted in post-WW2 Poland (Sejm, 2012a). Moreover, in its commemoration of WW2, the Sejm particularly stressed the anti-communist element of this historical struggle. In the declaration devoted to the National Armed Forces (*Narodowe Siły Zbrojne, NZS* — a nationalist underground movement) the Sejm argued that Polish combatants continued their struggle between 1940–1950, resisting the imposition of communism (Sejm, 2012b). Thus, the declaration posited equal criminality of both the Soviet and the Nazi occupying regimes and direct continuity between the events of the war and events of the anti-communist resistance after the war.

On a different occasion, the minority faction in the Sejm challenged the preponderant line of memory regulation pushed by the nationalist memory camp. In late 2013, a group of Sejm MPs representing the SLD faction introduced a commemorative declaration dedicated to the Polish combatants who fought with the Red Army in WW2. In a sequence of protracted debates in the Cultural Affairs Committee and broader parliamentary debate, the SLD MPs appropriated the independence narrative arguing for the need to venerate the memory of pro-communist Polish WW2 fighters (Iwiński et al. 2013; Iwiński, 2013). In the sitting of the committee, the nationalist MPs of PiS challenged the narrative of the declaration as well as the effort to diversify WW2 remembrance by endorsing the memory of Red Army-affiliated Polish combatants (Łopiński, 2013, p. 15; Babinetz, 2013, p. 16). However, the mediation of the PO leadership of the Committee offering to amend the language of the declaration draft was enough to push the declaration through (Śledzińska-Katarasińska, 2013b, p. 20, 25).

In other words, the concession between majoritarian factions of PO and PiS was reached to support the vote on declaration in a plenary session. The declaration commemorated the anniversary of the Lenino Battle, in which the 1st Infantry Division named after Tadeusz Kostyushko participated in 1943. Conceding to the SLD MPs, the nationalist-led Sejm mentioned that all Polish veterans of WW2 deserve veneration regardless of their regiments as they fought for Polish sovereignty (Sejm, 2013g). The success of the post-communist MPs initiative relied the use of the Lenino Battle anniversary as a backdrop for Polish WW2 experiences speaking to the narrative of the Polish independence struggle.

Beyond the issue of commemorating WW2 combatants, the Sejm commemorated the anniversaries of various Nazi and Soviet atrocities presenting the continuous Polish struggle for sovereignty and memorialising the wartime suffering of Poles. The declarations diversified the historical WW2 events in the legislation. In late 2012, a parliamentary declaration commemorated the victims of forced resettlement in the Zamojszczyzna region organised by the Nazis. The declaration highlighted that during the events of the resettlement, more than 100,000 Poles suffered displacement from 300 villages and vicinities in Eastern Poland due to the plan of the Third Reich to free the territory from the Polish population. The declarative act specifically mentioned Polish combatants on the side of the Underground State fighting back ‘German extermination of the Polish people’ (Sejm, 2012c). On another occasion the same year, the Sejm dedicated a

declaration to the Polish academics in Lviv executed by Nazis in 1941 to purge Polish intelligentsia and the Polish nation during WW2 (Sejm, 2013e).

In the domain of inventing new remembrance days in the 2000s, the Sejm strengthened the anti-communist component of historical remembrance continuously starting since the mid-2000s. In this regard, in 2007, the Sejm re-edited the Polish law on International Labor Day from 1950 to exclude glorification of the communist rule from the law. The original Law of 1950 proclaimed May 1 as a holiday to 'strengthen the people's power' in communist Poland. The act also mentioned the emergence of the Polish proletariat and the need to pay the tribute to the efforts of 'thousands of fighters for freedom and progress' as motifs for celebrating the date in Poland (Sejm, 1950). In contrast, the legislative changes of 2007 provided an alternative interpretation for celebrating Labour Day by re-editing the preamble of the original Law from 1950. The new edition was worded in a way to praise the moral value of labour in neutral terms without going into the specificity of the historical context of May 1 (Sejm, 2007). In other words, the act detracted commemorative value from the communist era interpretation of the day.

In 2007–2015, the sixth and seventh Sejm turned to legislate over remembrance days about the memory of WW2. On the factual side of memory politics, the two convocations of the Sejm introduced eleven new remembrance days concerned with the events of the Second World War (see Table 2.9). New laws on remembrance days focused on memorialising Polish WW2 experiences. Among its first decisions, the sixth Sejm commemorated the events of the Katyn massacre with a memory declaration. The legislative act of 2007 introduced a separate remembrance day for the victims of Katyn to be commemorated annually on April 12 (Sejm, 2007c). As discussed in this chapter previously, the commemoration of the anniversaries of the Katyn massacre appeared in the legislation as soon as the democratic transition advanced in Poland. In the 1990s, the Sejm and the Senate usually commemorated victims of Katyn by separate anniversary resolutions. These declarative acts focused on perpetuating the memory of individual victims of the Stalinist atrocity. Furthermore, in the same period, the Sejm diversified historical remembrance of WW2 by introducing separate remembrance days for the Warsaw Uprising of 1944 and for the Roma genocide victims (Sejm, 2009d; Sejm, 2011b). The content of the remembrance days and legislative memory work around the declarations point that the historical-ideational paradigm argued by Sejm 6 and Sejm 7 remained close to the transitional justice paradigm of memory legislation.

A crucial development in the politics of commemorating historical figures came about representing Polish WW2 experiences in the 2000s and 2010s in the politics of the sixth and seventh Sejm. The topic of Polish-Jewish relations during WW2 was signified by four declarations of the Sejm dedicated to Polish rescuers of Jews. In terms of timing, legislative memory work over the Holocaust representation started in the workings of the Senate. It became the first of the two chambers to memorialise Polish rescuers of the Jews by separate commemorative declarations. In 2007, the Senate dedicated a commemorative declaration to Irena

Sendlerowa providing an interpretation of Polish-Jewish relationships during the wartime years (Senate, 2007). In the next years, the Senate expanded on the representation of the Holocaust memory by celebrating the anniversaries of Witold Pilecki and Jan Karski in 2008 and 2014 respectively (Senate, 2008; 2014b). Yet, parliamentary memory work over those historical figures in the Sejm was crucial in modelling the narrative of the Polish-Jewish relationship during the war.

In 2010, the Sejm declared a celebration of the centenary of the birth of Irena Sendlerowa. It celebrated her importance as a member of the Polish wartime underground in saving Jewish children during the war (Sejm, 2010a). At the level of memory politics, the adoption of the Sendlerowa declaration unveiled the interpretative and political dynamics of memory regulation in the nationalist memory camp in the sixth and seventh Sejm. This work demonstrated the intention to introduce the Holocaust into commemorative legislation was reinterpreted by the nationalist MPs arguing for uniquely Polish WW2 experiences. In the politics of the sixth Sejm, the memory issue ran between memory agents of the PO and PiS sides. While the representatives of the former faction argued for the memory of the Holocaust victims under the backdrop of legislative intervention in memory regulation, the memory agents of the PiS side pushed for defending uniquely Polish national experiences.

The commemorative declaration to Sendlerowa was introduced to the parliament by the PO-controlled Culture Affairs Committee by Iwona Śledzińska-Katarasińska in the sixth Sejm (Śledzińska-Katarasińska, 2010). The declaration was meant to enhance the validity of the memory of Polish rescuers of Jews during the war. As the project argued, Irena Sendlerowa life was a 'beautiful example of Polish conduct towards the Jews during the German occupation' (Komisja, 2010). This was a baseline motif of Sendlerowa's commemoration as posited by the initiators of commemoration. In the parliamentary committee sitting on 12 February 2010, a nationalist MP pushed for a more pronounced Polish nation-valorising interpretation of the past. Using the pretext of the PO-introduced declaration, a nationalist parliamentarian pushed to emphasize German, and not Polish, responsibility for perpetration against the Jews during WW2. Moreover, the PiS MP successfully offered to recognise explicitly that Irena Sendlerowa (as an ethnic Pole) saved Jewish children during the war (Dziedziczak, 2010).

In the same period, the sixth Sejm commemorated another Polish national to enhance the validity of the positive representation of Polish-Jewish affairs during the war. The anniversaries of the birth and death of Jan Karski, who witnessed the persecution of Jews in Nazi-occupied Poland during the war and as representative of the Polish underground state reported this information to the Western allies, were commemorated twice by the Sejm (Sejm, 2009a; 2010b). A similar constellation of parliamentary memory agents in the legislative process over the Karski declarations to those around the Sendlerowa declaration. The 2009 declaration was introduced by the Presidium of the Sejm. The 2010 declaration was introduced by the Culture Affairs Committee. The high-profile support for the memorialisation of Jan Karski predicated the successful passage of both anniversary declarations. Politically, two commemorative declarations went through

shortened acclamation procedures in the legislature being supported by parliamentarians overwhelmingly. Ideationally, both declarations added validity to the positive representation of Polish-Jewish experiences during WW2.

The qualitative novelty of remembrance days legislation continued in the politics of the seventh Sejm when parliamentary regulation turned to the issue of Polish rescuers of Jews during WW2. The event of the Żegota Council memorialisation by a separate declaration is a case when the narrative of the Polish struggle against the two totalitarian regimes during WW2 was extended to include a positive representation of Jewish-Polish relationships during WW2. In 2012, the Sejm commemorated Polish nationals involved in the resistance movement's Zegota Council, which was organised through the Polish Delegation to aid and rescue Polish Jews under the German occupation (Sejm, 2012d).

The project declaration was put forward by the Culture Affairs Committee populated by the nationalist memory camp and led by PO and PiS parliamentarians. The crucial role of legislative memory work belonged to the leadership of the Committee being headed by Iwona Śledzińska-Katarasińska of PO in the seventh Sejm. The project reiterated the narrative of two totalitarian regimes and reflected on Polish WW2 experiences. The project implicated the case of Żegota Council activities in occupied Warsaw into a broader narrative of Polish WW2 experiences of resisting and suffering under German occupation in WW2 (Komisija, 2012). The events of the case and the historical interpretation put in the narrative of the declaration draft pointed out that the declaration was meant to protect the validity of the Holocaust victims' memory. However, surrounding legislative memory work attested to Holocaust memory.

The intention to validate uniquely Polish experiences of WW2 became evident during the political process over the Zegota Council draft declaration in the seventh Sejm. In the course of parliamentary committee work on 22 October 2012, nationalist MPs explicitly declared the need to protect the validity of positive representations of Polish-Jewish relations during WW2 and to avoid prescribing responsibility for the Holocaust to the Polish nation (Dziedziczak, 2012, p. 4–5; Bubula, 2012, p. 4; Katulski, 2012, p. 4). The narrative and interpretation of WW2 history by nationalist MPs drew from and accounted for WW2 historiography and broader public debates of Polish WW2 experiences. On the one hand, the nationalist MPs argued that the declaration is motivated by widespread misusage of the term "Polish concentration camps" and illegitimate prescription of co-responsibility of Poles for German crimes in Polish territory (Dziedziczak, 2012, p. 4–5). The MP insisted that the declaration should explicitly operate with the term "German concentration camps" (ibid.). The editorial coming from PiS MP Jan Dziedziczak was supported by an overwhelming majority of PiS and PO members and an ethnic pronoun was added to the final draft of the declaration.

Moreover, while the nationalist MP introduced editorial changes in the declaration draft, the committee work became an opportunity for the nationalist memory camp to deny any local perpetration on the part of the Polish population in anti-Jewish violence. In the same committee sitting on 22 October 2012, another nationalist MP Jaroslaw Katulski (PO) argued to expand the declaration

and to include Ukrainian nationalists' crimes against Jews (Katulski, 2012). The editorial offer did not go through parliamentary committee work and the nationalist mobilisation was boiled down. At the plenary, the PO declaration was supported by almost the full membership of the Sejm with the votes of PO, PiS and other smaller factions.

The case of the Żegota Council declaration of 2012 is illustrative of the pattern of political dynamics in the third Sejm. The winner of the legislative cycle of the sixth Sejm (represented by the PO faction) pushed for more legislative memory work having control over the crucial parliamentary committee. Politically, it was resisted by the main opposition faction (PiS at the time) providing an ideational response. This did not deny the relevance of Żegota Council for the Polish collective memory but argued for its alternative interpretation in the content of collective memory.

The result of increased legislative memory work showcased a political win for the PO faction as the winner of the seventh legislative cycle of the Sejm. The main difference from the events in the third Sejm in the late 1990s was that the relevance of the anti/post-communist cleavage had faded. In contrast to 1998, this time the memory cleavage ran through the nationalist memory camp itself. Therefore, the opposition to PO-led memory work came from individual memory agents on the side of PiS (the second largest faction of the Sejm of the time and the main political opponent of PO). The result of increased legislative memory work showcased a political win for PO. Yet politically and ideationally, the political opposition was lured in to follow suit in parliamentary politics. It is important to note that the same pattern of political competition followed with a major expansion of memory law in the eighth Sejm. However, as the next section of the chapter will show, PiS has be the winner of the legislative cycle since 2015 pushing legislative memory work while PO factions and smaller opposition factions follow the line.

Furthermore, legislative memory work over the anniversary of the Warsaw Ghetto Uprising in Sejm 7 showcased the leaning of parliamentary memory agents to consider the event in the broader narrative arc of the Polish WW2 experience with an intention to memorialise positive representations of Polish-Jewish relations during the war. In 2013, a separate Sejm declaration commemorated the insurgents of the Warsaw Ghetto Uprising of 1943. The declaration implicated the event in a narrative of Polish resistance to the Nazi occupiers. It praised the victims and fighters of the uprising in the Warsaw Ghetto and mentioned the assistance to the fighters that was provided by the Polish Underground State (Sejm, 2013a). Moreover, another Sejm declaration adopted the same month, memorialised the revolt in the Treblinka extermination camp. It said that the uprising in the camp in the summer of 1943 was an emblematic case of a fight for ‘freedom and human dignity’. Moreover, the declaration commemorated those Poles who resided in the camp’s neighbourhood and provided assistance to the inmates of the camp, often suffering retaliation themselves by the Nazi occupying authorities (Sejm, 2013f). All of the Holocaust-related acts of the seventh Sejm pursued the goal of adding commemorative validity to the positive representation

of Polish-Jewish relations during the war. In their historical-ideational predicament, the acts remained concerned with the victims of WW2. Yet, the occasions of the legislative memory work showcased the re-orientation of memory agents towards the second-ideational paradigm of memory legislation in how the Polish-Jewish past was at times interpreted in parliamentary work.

The 70th anniversary of the ethnic cleansing of Poles by the Ukrainian nationalist underground provided another opportunity for the nationalist memory camp to commemorate the events and expand on the Polish narrative of the Second World War. The 2013th declaration on the anniversary of Volhynia blamed the Nazi and the Soviet occupying regimes for sparking animosities between Ukrainian and Polish inhabitants of the region. The declaration claimed that it is in this context of the German occupation of the region that the Ukrainian nationalists perpetrated purges of the Polish nationals in the region. Additionally, the Sejm declaration commemorated the victims of the perpetrators as well as those Ukrainians who rescued their Polish neighbours from the Ukrainian nationalists (Sejm, 2013d). In many respects, the declaration repeated the original approach to Volhynia found in the original declaration on the topic from 2003 voted by Sejm 4. Therefore, on the spectrum between the two historical-ideational paradigms of memory regulation, the declaration was largely concerned with the memory of the victims of WW2 atrocities in its historical-ideational premise. Politically, this was achieved with the preponderant role of the PO faction in political-legislative work over memory in the seventh Sejm.

A look at the events of the case is in order to showcase the diverging positions of the nationalist memory camp over the memory issue. The memory debate over the Volhynia events in 2013 favoured making a stronger legal argument in depicting this event in WW2 atrocity. The 2013th MPs project to memorialise the Volhynia atrocity conceptualised the event as a 'third genocide' against the Polish people in addition to Nazi and Soviet perpetration against the Poles in WW2 (Sosnowski et al. 2012). Having considered a few alternative projects to memorialise Volhynia atrocity, the Culture Affairs Committee avoided putting legal notion of the genocide in the declaration draft. Mediation by the leadership of the committee represented by a PO member as well as the leadership control over drafting the declaration project was crucial in modelling the approach to Volhynia memorialization (Śledzińska-Katarasińska, 2013a). While making a stronger legal argument to conceptualise Volhynia events was further pushed in plenary debate in the Sejm by the nationalist MPs, the final support in favour of declaration relied on the votes of PO and minority parliamentary clubs of SLD and PSL. Therefore, in the seventh Sejm, the post-communist memory camp and the PO faction repeated the political constellation, that was behind the adoption of the Volhynia 2003 declaration, in the event of voting in 2013. The PiS parliamentary faction refrained from voting for the final version of the declaration in the plenary session.

In 2014, the Polish legislature invented a commemorative decoration for the Polish wartime combatants. The Law established that the Kotwica emblem, which is a symbol of the Home Army and the Polish Underground State, enjoys special

protection by the law and reverence by Polish society. Article 2 of the law established that a respectful attitude to the symbol is an obligation of each Polish citizen (Sejm, 2014b). A more general declaration dedicated to the 70th anniversary of the Warsaw Uprising led by the Home Army followed the same year. The commemorative act stressed that the event of the uprising against the Germans was in order to restore the constitutional structure of the Polish republic before the Red Army could enter the city. The declaration paid tribute to the fighters and civilians involved in the uprising of summer 1944 (Sejm, 2014c). On the side of commemorating Soviet communism, the seventh Sejm perpetuated the belief that the Polish were victims of Stalinist atrocities. In 2014, three parliamentary declarations on the issue ensued. The commemorative declaration from July 2014 paid a tribute to the anti-communist fighters defeated in the events of the Augustow roundup by the NKVD and Red Army forces in north eastern Poland (Sejm, 2014e). The declaration to the 'Ostra Brama' military operation paid a tribute to the Home Army combatants, who fought for the liberation of Vilnius and were, thereafter, persecuted by the Soviet security forces (Sejm, 2014f). The next year, the Sejm dedicated a declaration to the victims of the Soviet-perpetrated deportations of the civilian population from the Upper Silesia (*Górny Śląsk*) to the Soviet Union (Sejm, 2015d). All of these acts demonstrated the diversification of the anti-communist component of historical remembrance in the politics of the seventh Sejm and the interpretative agreement in the nationalist memory camp.

Parliamentary memory agents of the seventh Sejm were the most prolific in terms of inventing remembrance days for public commemoration. From the period of 2011–2015, the Sejm introduced eight commemorative dates in Polish commemorative calendar. The majority of the acts dealt with the memory of WW2. In 2011, the Sejm established the 'Cursed Soldiers' remembrance day to commemorate the anti-communist underground fighters of the late 1940s in Poland. The parliamentary act stressed the role of the 'cursed soldiers' in resisting the 'Soviet aggression and the communist regime that was imposed by force' in Poland (Sejm, 2011a). The new remembrance day added mnemonic validity by representing the Polish nation's struggle against Soviet communism.

Moreover, the new remembrance days expanded the anti-communist component of historical remembrance. In 2013, the Sejm proclaimed the Day of Solidarity and Civil Rights to commemorate democratic elections in June 1989. The parliamentary act argued that the elections became possible due to the struggles of generations of Poles for independence and the victory of the 'Solidarity' movement. The Sejm resolution stressed that the elections marked the beginning of the liberation of the continent from communism (Sejm, 2013b). Furthermore, the same year the Sejm perpetuated the victims of Soviet communism by turning to the issue of memorialisation of Polish deportations. It introduced a remembrance day for the victims of the forced deportations. The Sejm chose September 17, which is the date that marks the Soviet Union's intrusion into Poland in 1939, as the date for annual commemoration (Sejm, 2013c).

The seventh Sejm amended the Combatants Law from 1991 in early 2014 to re-edit the formulation of Veterans Day. The legislative amendment specified that

September 1 is the Day of Veterans of Struggles for Polish Independence (Sejm, 2014a). In contrast, to the previous more neutral edition of the law, the amended version emphasised the struggle for statehood. Following this amendment, the Sejm recalibrated framework for WW2 remembrance in Poland in 2015 with another legislative change to an already existing law. The legislative act of 2015 established May 8 as Victory Day over Nazi Germany. The parliamentary act abrogated the 'Day of Victory and Freedom' established before as May 9 (Soviet victory in WW2 day). In this regard, the new law revoked the respective Polish government Degree of 1945 (Sejm, 2015b). With the new law, the Polish commemorative calendar moved away from the communist era interpretation of May 9. The Sejm endorsed commemorative days for inhabitants of Warsaw during the Uprising of 1944 and for resistance fighters who fell victims to the Soviet occupation of Poland in 1945 (Sejm, 2015f; Sejm, 2015e).

In the domain of conferring legal statuses in recognition of historical experiences, the nationalist parliamentary agents of the seventh Sejm pushed for the expansion of regulatory legislation. The Law on Activists of Anti-Communist Opposition voted in March 2015 intended to regulate the legal status of anti-communist opposition activists, who suffered political repression in communist Poland from 1956–1989. The Law remained on the side of the first type of memory regulation and, in addition to the legislation of the 1990s, expanded on the anti-communist component of historical remembrance by recognising the historical experiences of Polish dissidents and activists during the years of PRL.

The initiative to expand the legislation over statuses came from the Senate and was mediated through legislative memory work in the Sejm. The senators argued the need to memorialise the popular anti-communist movement during the PRL era with a new legal status (Senate, 2014b). When in the Sejm, the law was drafted in cooperation between major parliamentary clubs of PiS and PO. Legislative work over the issue revealed memory politics cleavage running between the majoritarian nationalist camp and the minority club of post-communists represented by the SLD faction in the seventh Sejm. Moreover, voting for the law revealed a division over the memory issue running between two post-communist factions PSL and SLD themselves. On the one hand, the memory debate in the plenary session of the Sejm in March 2015 revealed that a part of post-communists conceded to the nationalist camp's interpretation of the PRL-era at large. In this regard, the PSL parliamentary club supported the nationalists-sponsored law (Smolarz, 2015). On the other hand, a vivid critique of the law followed from SLD parliamentary memory agents only. This critique pointed out the multiplicity of experiences under communism questioning the relevance of the independence narrative in Polish history. An SLD MP infringed on the validity of the democratic transition of 1989–1991 questioning the nationalist narrative of granting legal status to anti-communist activists of the PRL-era (Elsner, 2015). Consequently, the SLD parliamentary club refused to endorse the project of the law in plenary session vote on 20 March 2015.

In addition to the categories envisaged by the Combatants Law in 1991, the new Law on Activists of Anti-Communist Opposition created two categories of

victims of political reprisals of the PRL-era: an activist of anti-communist opposition in 1956–1989 and a victim of political repressions in 1956–1989. Article 2 of the Law defined an anti-communist activist as a 'person who, under the threat of criminal liability and as a member or collaborator of organised groups, participated in activities for restoration of Polish independence and sovereignty or in activities related to political rights defence in Poland' (Sejm, 2015a). The law defined a minimum threshold for such activities in 12 months, which should have been conducted in-between 1 January 1956 and 4 June 1989.

Moreover, Article 3 of the Law defined the prerequisites for being recognised as a victim of political repression in 1956–1989. Article 3 defined four reasons for that:

a) "*if a person was sentenced or imprisoned for her activities to restore Polish independence and sovereignty or human rights defence activities for at least 48 hours or repeatedly for 30 days in total based on a sentence or without a sentence or based on the Degree on Martial Law in Poland from December 12, 1981";*

b) *"if a person was forced into military service for her activities to restore Polish independence and sovereignty or for human rights defence activities for at least 30 days";*

c) *"if a person participated in protests and public gatherings for Polish independence and if she suffered injury or other reprisals by the state security services because of such participation";*

d) *"if a person was searched by arrest warrant, accused or convicted in committing crimes or repeatedly convicted of misdemeanours for her activities to restore Polish independence and sovereignty or human rights defence activities."* (Sejm, 2015a)

On the other hand, the Law defined a procedure for being endowed with the two statuses by extending the mandates of the Governmental Office for Combatants and Victims of Repression and the Institute of National Remembrance (IPN) to deal with the affairs of individuals recognised as anti-communist opposition activists. The Law created a special honorary badge for activists and envisaged pensionary and social benefits for former dissidents and activists (Sejm 2015a).

To sum up, in the decade between 2005 and 2015, political memory camps in consecutive legislatures of the Sejm focused on aggrandising the anti-communist component of Polish collective memory. On the factual side of legislation-making output, parliamentary memory agents of the nationalist memory camp kept a hold over the political-legislative process over memory as well as interpretive work put in the main pieces of memory legislation. The agreement over the anti-communist component of the memory legislation was settled as the relevance of anti/post-communist memory cleavage faded throughout the 2000s. Importantly, the differences between the nationalist memory camps represented by the PO and PiS factions (and individual politicians) manifested themselves in the interpretation of Polish-Jewish experiences of WW2. At the start of the 2010s,

the Polish memory debate entered its third phase. Legislative memory work over individual historical themes moved towards the second historical-ideational paradigm in interpreting the Polish national past. This change was precipitated by the changes in the winners of the legislative cycle of the Sejm in 2015.

## 3.4. The Nationalist Memory Camp Advances in Legislative Memory Work since 2015

The parliamentary elections in the late autumn of 2015 led to a change in the governing parliamentary clubs. PO and PiS factions switched their roles as the first and the second-biggest parliamentary factions of the Sejm. PiS took a majority in the Sejm single-handedly. Additionally, in terms of political constellations, the new nationalist factions to the legislature (Kukiz-15 and Konfederacja) gravitated toward the nationalist memory camp. This shift in power politics and the political landscape reverberated through the memory law dimension and the politics of commemorative lawmaking.

In absolute numbers, the eighth Sejm became the most prolific convocation of the Polish legislature in terms of historical events commemoration. It adopted 54 commemorative declarations. As usual, thematically, parliamentary memory agents focused on narrating the memory of the Second Polish Republic, WW2, and the communist regime in Poland. The centennial of the events of 1917–1921 provided an opportunity for the eighth Sejm to over-represent the independence struggle and the establishment of the Second Polish Republic. A series of commemorative acts in 2017 established the parameters of commemoration of the centennial anniversary. These declarative memory laws devoted to anniversaries expanded on the narrative of independence struggles and, in particular, stressed the anti-Bolshevik aspirations of the Poles.

On the one hand, the Sejm adopted a separate law on commemorating the Centennial of the Restoration of the Independence. The Law outlined the organisational framework for commemoration in 2017–2021 (Sejm, 2017a). On the narrative-making side of things, the Sejm made declarations expanding on the Polish narrative of the aftermath of WW1. The acts pertained to the Greater Poland Uprising of 1918–1919, the Silesian Uprisings, the defence of Lviv of 1918, and the inauguration of the Sejm in 1919 (Sejm, 2017b; Sejm, 2018e, 2018h; Sejm, 2019a). These declarations presented the Polish struggle to obtain an independent state as foundational to historical narratives about the Polish past. Moreover, the Sejm proclaimed 2020 as centennial anniversary of the Battle of Warsaw (1920). The parliamentary declaration elaborated on the representation of the anti-Bolshevik struggle of the Poles. According to the act, the Poles not only defended Polish statehood in the events of the Polish-Bolshevik war but also prevented the spread of Soviet totalitarianism to Western Europe (Sejm, 2019c). These commemorative declarations stressed the narrative arc of Polish history

inherited from the first decades of memory regulation with a strong inclination towards historical-narrative making.

Parliamentary memory agents in the eighth Sejm expanded on the anti-communist component of historical remembrance. Similar to the fifth and eighth Sejm, 10 commemorative declarations to represent the PRL-era were adopted. These acts presented the narrative of unanimous Polish resistance to Soviet communism throughout the 20th century considering the PRL-era as an illegitimate aberration. This qualitative change in equating the PRL-era with Soviet communism is illustrated by the adoption and the rationale for the Sejm declaration over the October Revolution adopted in 2017.

The first parliamentary declaration condemning the PRL regime as well as expanding on Soviet communism remembrance was adopted in 1998. The declaration of 1998 stood close to the domain of retrospective justice and remained on the side of the first paradigm of Polish history in memory regulation. It sought to provide mnemonic validity to the memory of victims of the PRL-era. In particular, the act condemned the communist system, stressed the criminality of the Polish communist regime, and argued for the advancement of a transitional justice agenda. The commemorative component of the original 1998 declaration remained light and concerned PRL-era transgressions. In its historical-ideational predicament, the act presented the anti-communist struggles of the 1950s and 1960s in a broader narrative arc of Polish history and spoke to the memory of the popular anti-communist movement of the 1980s foremost.

In comparison, the Sejm declaration adopted in late November 2017 and pushed by the nationalist memory camp allowed no interpretative concessions to the minority factions' memory agents and turned to explicit historical narrative-making. The new declarative act condemned the 'ideology and the outcomes of the Bolshevik revolution' of 1917 stressing that 'leftist revolts' always led to terror against individuals and societies throughout history. The act argued that the aggressive 'criminal Bolshevik revolution' of 1917 that was based on a 'criminal ideology of communism' infringed on the 'tradition of the European civilization' (ibid.). Furthermore, the act singled out a particular martyrological character of Polish history and the case of uniform national resistance to Soviet communism that was able to stop the Bolshevik advancement into Europe in 1920, but falling a victim of the second communist advance in September 1939 (Sejm, 2017g). In other words, the new parliament denied the multiplicity of individual historical experiences under the PRL-era. Moreover, it aggrandised the teleological interpretation of Polish national history beyond the years of the communist regime in Poland. Instead, it pushed the horizon of historical interpretation to before the start of WW2 making the case for Polish collective victimhood at the hands of Soviet communism

At the level of parliamentary politics, the support and successful passage of the declaration draft relied on the mobilisation of the nationalist memory camp. The project of the declaration was proposed by a group of nationalist Kukiz'15 MPs (Brynkus et al., 2017). The control of the PiS MPs Piotr Babinetz and

Elżbieta Kruk over the Cultural Affairs Committee[12] was crucial in modelling the narrative of the declaration over the legacy of the October Revolution. An alternative project of the October Revolution condemnation was offered by PO MP Bogusław Sonik during the parliamentary committee work (Sonik, 2017). The project avoided extreme teleological formulations about Polish history in the Kukiz'15-initiated draft. However, the support of the Brynkus project in a plenary vote was predetermined by the ruling PiS faction joined by the nationalist Kukiz'15 faction parliamentarians declining the Sonik project. The factions of PO and Nowoczesna refrained from a vote in the plenary session.

The brief comparison between declarative memory acts of 1998 and 2017 showcases the tension between two paradigms of memory legislation unfolding over three decades of parliamentary memory regulation. In this regard, the declaration of 1998 proceeded from a legally grounded approach to condemn the crimes of communism and protect the memory of victims of PRL-era abuses. The narrative of the 1998 declaration adopted by the third Sejm was strictly modelled around interpreting events that occurred within the years of the PRL regime's existence. In late 2017, parliamentary memory agents of the eighth Sejm made an extreme teleological interpretation of Polish history offering a particular martyrological undertone in interpreting the course of the twentieth century.

In the domain of WW2 remembrance, the eighth Sejm affirmed the narrative of two totalitarian regimes occupying Poland during the war. The Sejm recapitulated elements of this narrative in a commemorative declaration to the 80th anniversary of the outbreak of the war saying that September 1 and September 17 1939 (the dates of Nazi Germany and the Soviet Union's aggressions against Poland) mark the outbreak of WW2 (Sejm, 2019e). The declaration argues that Poles resisted the two occupations by participating in the underground movement, fighting on all wartime fronts, and waging the Warsaw Uprising in 1944. Moreover, the eighth Sejm paid commemorative tributes to individual anniversaries dedicated to different wartime events: the 75th anniversary of NZS creation, the 77th anniversary of the Polish Farmers Battalions creation, the 75th anniversaries of the Warsaw Ghetto Uprising and the Warsaw Uprising (Sejm, 2017c; 2017e; 2018c; 2019d). Moreover, the eighth Sejm continued to commemorate the victims of Nazism and Soviet communism in Poland. This was a usual parameter of remembrance days legislation that has originated in the legislation since the 2000s. In this regard, in 2018 the Sejm expanded the existing historical narrative of the independence struggle to countryside Poles who aided the resistance movement against Nazis and Soviets during WW2 and to clergymen defending the Catholic faith and Polish independence by introducing separate remembrance days (Sejm, 2017d; Sejm, 2018f).

[12] In the fifth, sixth, and seventh Sejm, Iwona Śledzińska-Katarasińska, a long-standing PO parliamentarian, headed the Cultural Affairs Committee. In the eighth Sejm, the parliamentarian was ordinary member of the Cultural Affairs Committee while the leverage over the committee sittings went to PiS parliamentarians.

In order to add validity to the positive representation of Polish-Jewish relationships during WW2, the nationalist memory camp of Sejm 8 turned to the topic of Polish rescuers of Jews. In the declaration of 2016, the Sejm praised the creation of the Markowa Ulma-Family Museum of Poles Who Saved Jews in World War II by the local self-government of the Subcarpathian Voivodeship. The declaration paid a tribute to all Poles who rescued Jews during the war who were often purged themselves as a retaliation for their actions to save Jewish their neighbours. The Sejm declaration argued that the larger international community is not aware of the wartime realities of the occupation of Poland by Nazi Germany nor the scope of the crimes against Poles and Jews. In the declaration, the Sejm expressed hope that the Ulma Family Museum as the new memory institution shall raise awareness of historical Polish hardships during WW2. Importantly, the declaration argued against public usage of 'Polish concentration camps' and 'Polish SS' as historically inaccurate and morally offensive terms (Sejm, 2016a). Politically, the adoption of the declaration was sponsored by the Presidium of the Sejm.

The eighth Sejm commemorated anniversaries of the popular anti-communist protests during PRL-era expanding on the remembrance of communist era abuses. The new parliamentary declarations built and expanded on the narrative of uniform and unanimous resistance of Poles to the communist regime that spans over generations of Poles from the 1950s to the early 1980s. In this regard, in 2015–2019 the Sejm declared regular anniversaries of the events of the anti-communist protests of 1956, 1970, and 1976 stressing the continuity of the anti-communist efforts of the Poles. These acts fell largely on side of the first paradigm of Polish history in memory regulation. The language of the acts points that parliamentary memory agents took a strong historical narrative-making undertone in representing the past. The acts denied usually denied the multiplicity of historical experiences under communism and stressed the unanimous and national character of resistance to the PRL-era regime. One of the declarations condemned 'the communists, who unveiled their true face being unhesitant to shoot in their opponents' (Sejm, 2015g). The other declaration stressed that the protest of 1976 demonstrated that the Poles were ready to step up against the communist regime over and over again in events of popular protest (Sejm, 2016d). The declaration on the martial law victims argued that the communist regime wanted to 'deprive a spirit of freedom of the Polish people' (Sejm, 2018i).

Moreover, in elaborating the commemorative calendar for the country, the eighth Sejm added a new historical event to strengthen the validity of the anti-communist component of historical remembrance. In 2016, the Sejm mourned the 35$^{th}$ anniversary of the strike at the 'Wujek' coal mine (Sejm, 2016f). Furthermore, the Polish legislature provided mnemonic validity to the anti-communist struggles in the Visegrad region. In 2018, the parliamentary declaration devoted to the 50$^{th}$ anniversary of the Prague Spring mourned the death of individuals resisting communist totalitarianism across the region in the period (Sejm, 2018d). Moreover, the 2019 Sejm declaration on the 30$^{th}$ anniversary of the re-establishment of the Senate and implicated the 40$^{th}$ anniversary of Pope John Paul's

pilgrimage to Poland in the narrative of the anti-communist struggle. The declaration claimed that the Pope's visit solidified efforts for national freedom from the communist regime, thus, becoming a stepping stone in the creation of Solidarity and, by implication, in the democratic transition(Sejm, 2019b).

The politics of introducing remembrance days by memory laws in Sejm 8 reflected the turn of parliamentary memory agents towards favouring the second historical-ideational paradigm of Polish history. In summer of 2016, the eighth Sejm introduced a remembrance day to the victims of the Volhynia atrocity of 1943. The new remembrance day was established by the Sejm resolution of 2016 and proclaimed events in the Ukrainian-Polish borderlands an act of genocide by Ukrainian nationalists (Sejm, 2016e). At the level of memory discourse, the move consummated the trend of memory work to conceptualise the events of Volhynia as genocide that originated in the preceding decade of parliamentary memory regulation. In preceding convocations of the national legislature, the nationalist memory camp argued for the genocidal conceptualisation of historical events in Polish-Ukrainian borderlands. The introduction of a remembrance day for these events relied on the the nationalist memory camp obtaining a majority in parliament.

The commemorative declaration of 2016 dedicated to Volhynia epitomised the interpretation of Polish WW2 experiences by the nationalist memory camp. Legislative memory work showcased that consensus over this memory issue moved towards the nationalist interpretation of the past. There were two alternative projects of the declaration to memorialise the Volhynia atrocity that were introduced to the parliament in early 2016 in the wake of the approaching anniversary. Beyond applying a legal argument to the case of the Volhynia atrocity, a PSL-initiated project called the events of the 'Apocalypse on the Eastern Border (Kresy Wschodnie)' (Zgorzelski et al., 2016). While post-communist politicians usually resisted nationalist interpretations in preceding convocations of the Sejm, this project declaration showcased that parliamentary memory politics conceded to the nationalist narrative over the Volhynia atrocity of 1943. In its historical-interpretative component, the approach by post-communist MPs to the narrative over Volhynia was not different from the PiS-sponsored alternative draft (Dworczyk et al., 2016).

Moreover, as far as parliamentary politics in the eighth Sejm tended to a broader interpretative consensus over Volhynia memorialisation, the parliamentary committee work led by PiS MPs focused on legal-technical details. Furthermore, the debate during the plenary session in the Sejm was concerned with legal-technical details about what type of legal act of the Sejm would better correspond to the gravity of the historical event (Dworczyk, 2016; Bakun, 2016). Importantly, the plenary session debate revealed that the nationalist memory camp presented the case of the Volhynia atrocity against the Polish people as commensurable to the case of Nazi-created concentration camps in occupied Poland during WW2. The nationalist memory agents legitimised the new remembrance day by referring to it as the Day to the Victims of the Nazi Extermination and Concentration Camps, which was introduced by the politicians in the seventh Sejm a year before

(Dworczyk, 2016). Moreover, on a different note, a debate in the plenary session of the Sejm over Volhynia revealed the impetus to penalise historical speech about Volhynia as a further step in protecting the memory of the event (Dworczyk, 2016). Politically, the Volhynia declaration of 2016 relied on broad support and was passed by almost all parliamentary factions represented in the eighth Sejm meaning that genocidal conceptualization of the historical event, which previously argued only by the nationalist memory camp since the fourth Sejm, dominated across the political aisles of the legislature.

The representation of Polish-Jewish relationships by means of introducing a remembrance day is another individual historical theme attesting to the dominance of the nationalist memory camp in the politics of the eighth Sejm. In early 2018, following a major punitive development (discussed in chapter 5), the Sejm introduced a commemorative day dedicated to the Poles who saved Jews during WW2 (Sejm, 2018b).

The impetus to memorialise Polish rescuers of Jews with a separate remembrance day by the parliament came from the President of Poland Andrzej Duda. The presidential project provided an extensive elaboration on Polish WW2 experiences. The project reiterated the Polish narrative of WW2 according to which Poland fell victim to the two totalitarian regimes in September 1939. According to the project, the Nazis persecuted Polish Jews during the war in the context of a harsh occupation under which the phenomenon of Polish rescuers of Jews emerged. On the other hand, the presidential project implicated this particular experience of Poles rescuing the Jews in the broader narrative of the Polish resistance.This drew on the memory of the Polish Underground members, Irena Sendlerowa and Jan Karski (who were already memorialised by the Sejm with separate anniversary declarations in the early 2000s and 2010s). The project directly equated the heroic actions of Poles saving the Jews with the actions of the Home Army combatants and civilians involved in the wartime underground (Duda, 2017).

At the level of parliamentary politics, the presidential initiative enjoyed the support of the major parliamentary club of PiS and the Cultural Affairs Committee led by PiS MP Elżbieta Kruk. Legislative memory work revealed a new divide in parliamentary memory politics. An attempt to contest the presidential project came from a minority faction *Nowoczesna* MP, who challenged the narrative of the PiS-led memory initiative during Cultural Affairs Committee work and later in the plenary debate of the Sejm. This resistance came from a minority MP to diversify the representation of Polish-Jewish relationships and to condemn instances of hostile Polish behaviour towards Jews. The minority MP pushed for a diversified representation of Polish-Jewish relationships during the war and the condemnation of cases of Polish anti-Jewish violence — in addition to memorialising Polish rescuers of Jews (Scheuring-Wielgus, 2018a, p. 11–12; 2018b).

Furthermore, the minority MPs outcry against the backdrop of historical-ideational paradigms of Polish history challenged legislative memory work pushed for a contextualised debate about Polish past and actual wartime experiences. These include instances of anti-Jewish violence perpetrated by Polish nationals. Politically, this was sidelined in favour of the PiS-led draft law. Relying on the

votes by parliamentary memory agents of PiS and Kukiz'15, the law establishing a new remembrance day was passed on 6 March 2018. Almost the full memberships of the PO and Nowoczesna factions voted against the introduction of the law.

By and large, the politics of the remembrance days' introduction underwent a three-step qualitative evolution. The acts of the 1990s established basic parameters of historical remembrance politics with regard to remembrance days. These acts focused on the memory of victims of totalitarian crimes in Poland during WW2. They also were concerned with affirming the historical continuity of Polish constitutional tradition and, thus, by remaining close to the concern over retrospective justice and memorialisation fell into the first type of memory regulation. With the advent of the politics of memory in the 2000s, the new remembrance days reflected the preoccupation of the Polish legislature with diversifying and strengthening the anti-communist component in the representation of the past. Finally, the post-2015 legislation consummated this trend further by adding mnemonic validity to the positive representation of Polish conduct during WW2 by the medium of a remembrance day to Polish rescuers of Jews and the memorialisation of Volhynia. In their historical-ideational premise, the remembrance days introduced in the eighth Sejm attested to the legislating over the representation of Polish collective victimhood experiences of WW2.

The politics of memory laws in the eighth Sejm were responsible for major developments in the regulatory dimension of memory law. Parliamentary memory agents of the eighth Sejm were concerned with reforming the system of Polish memory institutions and memory procedures. The IPN Law amendment of 2016 recalibrated the management of historical sites in Poland. It took the baseline parameters of memory site management envisaged by the 1988 Council Law and commemorated Polish collective victimhood in the new law. In formal terms, the new changes were introduced by adding two chapters (6a and 6b) into the IPN Law of 1998 dealing with the exhumation and remembrance activities conducted by the Institute. On the one hand, the amendment tasked the Institute with conducting exhumation and the identification of victims of totalitarian regimes' crimes and of those, who lost their lives in the fight against the 'imposed totalitarian system' (Sejm, 2016c). In the language of the law, the search for sites of the fallen in the 'struggles for independence and consolidation of the Polish nation' became one of the prerogatives of the IPN (ibid.).

The most crucial novelty introduced by the 2016 amendment concerned memory regulation, not the transitional justice component of the original IPN Law. The amendment defined the broader mandate of the Institute to conduct exhumation activities with regard to events that occurred in the territory of Poland from 8 November 1917 to 31 July 1990. By broadening the IPN mandate to include pre-WW2 times, the new amendment strengthened the historical narrative-making component of the Polish struggle for nationhood throughout the 20$^{th}$ century. Therefore, in modelling the amendment of 2016, the Polish legislature put an emphasis on the collective memory-regulating component of IPN placing the institution more on the side of the national memory management breaking away from the original model of IPN as a transitional justice institution.

To support the extension of the IPN mandate, PiS parliamentarians argued the need to research Polish victims of the Stalinist repression in the Soviet Union, including the Polish victims of the Holodomor (Mularczyk et al., 2016b, p. 5). Moreover, they sought to 'recover' the memory of those freedom fighters, who suffered perpetration before 1939 (Mularczyk, 2016). In the Justice Affairs Committee, the extension of the timeframe for the IPN mandate was challenged by opposition MPs arguing for the need to preserve the rationale of the law on the side of transitional justice, as this paradigm was implicit to the original IPN Law of 1998 (Suchoń, 2016, p. 7; Sanocki, 2016, p. 6). However, the PiS parliamentary faction's control of parliament was instrumental in waiving the amendments put forward by the minority parliamentarians (Piotrowicz, 2016, p. 9, 10).

To support this broadening of the IPN's mandate, the amendment endowed the IPN with a set of commemorative functions with regard to historical sites. Chapter 6b introduced into the IPN Law by the Amending Law of 2016 dealt with the memorialisation of the Polish independence struggle in the 20th century. On a technical level, the 2016 amendment cancelled the 1988 Law on the Council on Preservation of Memory of Struggles and Martyrdom and the Council itself. It transferred the above mentioned prerogatives of the Council envisaged by the 1988 Council Law to the IPN and, to a lesser extent, to the Polish Ministry of Culture respectively. Chapter 6b added to the IPN Law replicating Article 3 of the Council law of 1988.

In this regard, the new paragraph 6 was added to Article 1 of the IPN Law endowing the institute with the capacity to:

> *"conduct activities related to commemoration of historical events, places, and individuals of the struggles and martyrdom of the Polish nation in the territory of Poland and abroad as well as struggles and martyrdom of other nations in the territory of Poland since November 8, 1917 to July 31, 1990"* (Sejm, 2016c).

In its historical-ideational premise, the 2016th law might be considered to fall in the first type of memory regulation. Nominally, the amendment of 2016 remained concerned with the domain of retrospective justice and memorialisation. However, the extension of the temporal horizon to include pre-WW2 times as well as an emphasis on the commemorative function of the IPN put the law closer to the second paradigm of Polish history in memory regulation.

In May 2015, the seventh Sejm introduced changes to the laws on graveyards and interment in Poland by systematising the regulation of sites of internment. The new changes regulated the relationship between the IPN and local government authorities in the procedure for exhumation activities (Sejm, 2015c). In particular, the Law mandated the IPN to conduct exhumation activities if there is evidence that the place of internment might conceal a grave of an anti-communist resistant fighter in 1944–1956.

However, the crucial change in the approach to military graveyards came a year later. The above mentioned 2016 amendment (which outlined new activities for the IPN in the commemorative realm) made a crucial change to the Polish

legislation over military graveyards. In the memory domain, it put the narrative of the Polish national struggle for independence at the backdrop of dealing with military graveyards in the country. The Polish legal system had a number of laws dealing with graveyards (the Law on Graveyards and Interment of 1959 and the Law on Military Graves and Graveyards of 1933). The two laws remained legally valid pieces of legislation after the democratic transition of 1989. The legislative changes to the 1933 Law demonstrated how the issue of military graveyards commemoration illustrates the bigger argument about memory work and the expansion of memory legislation by the nationalist memory camp in the eighth Sejm.

A brief preceding discussion is in order. The Polish legislature upgraded the 1933 Graveyards Law in 2006.[13] The 2006 amendment added additional lines in Article 1. It expanded the notion of a 'military graveyard' to include three new categories of the sites of the fallen to the ones envisaged by the original law. The law of 2006 reserved the status for the graveyards to the victims of the Nazi and Soviet occupations (from September 1, 1939) and to the freedom fighters of 1944–1956 (Sejm, 2006e). The new categories reflected concern over the memorialization of the victims of the atrocities of WW2 and of the post-war period in Poland. The Polish legislature was concerned with updating and expanding the original law to account for Polish nationalist experiences. This was very much in line with the logic of memory regulation of the post-transition period dealing with the memory of totalitarian regimes' atrocities committed during WW2 in the territory of Poland. Thus, the law remained on the side of the first paradigm of Polish history in memory regulation.

In this regard, the Amending Law of 2016 once again signified the change in the approach of the legislature to regulating collective remembrance. The Amending Law of 2016 reformulated the category of the Graveyards Law dealing with the victims of the communist apparatus from 1944–1956. The reformulation broadened the scope of the Graveyards Law. The amendment changed the provision to include the graves and graveyards of 'persons, who lost their lives in the struggle with the imposed totalitarian regime or as a consequence of totalitarian repressions or ethnic cleansing from 8 of November 1917 to 31 of July 31, 1990' (Sejm, 2016c). Therefore, the eighth Sejm moved beyond the issue of WW2 commemoration, instead modelling the law to support the narrative of Polish national struggle in the 20th century.

As in the case of other strands of memory legislation of the period, it can be argued that the changes to the Graveyards Law of 2006 were concerned with the memorialisation of the victims of the crimes of totalitarian regimes committed in Poland. In the instance of the changes to the Graveyard Law from 2006 as well

[13] A separate lane of regulatory memory legislation regarding graveyards of military and civilian victims of World Wars and exhumation activities consists of Polish bilateral treaties recognised by the Sejm. Poland concluded such treaties with Russia (1994), Ukraine (1994), Belarus (1995), Germany (2003), Italy (2012), Hungary (2013), and Romania (2018). This Chapter examines national memory legislation and, therefore, this section focuses on the major domestic pieces of legislation.

as in the case of other pieces of legislation discussed in this section, this was reflected in the quite strict legal approach to defining the timing of totalitarian regime crimes. In the 1990s and 2000s, parliamentary memory agents delineated the starting date for Nazi and Soviet regimes' crimes starting on 1 September 1939. In other words, in modelling regulatory legislation, the beginning of WW2 marked the temporal horizon of the legislation. This change made the Polish memory laws of the period stand close to the domain of retrospective justice and memorialisation. However, the approach to the issue by parliamentary memory agents after 2015 was different due to a choice to use a broader timeframe to model the legislation over the past. In this regard, the 2016 law had more commemorative and historical narrative-making components.

An even more salient example in the approach to graveyards regulation came in the further parliamentary memory politics of late November 2018 when a new major piece of legislation aimed to deal with the graves of the Polish freedom fighters exclusively. The Law on Graves of the Veterans of Struggles for Polish Independence and Sovereignty defined new categories of graves to be commemorated in Poland as well as endowed the IPN with a new administrative capacity to conduct procedures for confirming the commemorative value of places of freedom fighters' internment.

Article 2 of the Law granted the new status to the places of internment of:

> *"1) persons, who fought for restoration of independence of Poland or defense of independence and defense of borders of the sovereign Poland, and participated in wars, military actions or popular insurgencies in 1768–1963;*
>
> *2) persons, who formed civil administration of popular insurgencies, administration of the Polish Underground State in 1939–1945, Polish Government in Exile in 1939–1990, and also members of Polish underground independence organizations in 1945–1956"* (Sejm, 2018g)

As it might be seen, in comparison to the 2016 amendment, the new law created new categories of places of internment. On the one hand, the law chose an even broader timeframe for defining the new category of graves reaching back to the Polish popular insurgencies of the 18th century. The timeframe also included WW2 as well as the anti-communist uprisings in the PRL-era. The Law approached these diverse historical experiences as underlined by a common cause of Polish independence struggle. In terms of developing national memory infrastructure, the 2018 law upgraded the IPN mandate to deal with freedom fighters' graves. The law granted the IPN with commemorative functionality to deal with places of internment by adding a new line into the list of prerogatives of the IPN. Articles of the law regulated the procedures and obligations of the President of the IPN, local government authorities, and (in certain instances) the Collegium of the IPN in detail regarding evaluation procedures. The law tasked the President of the IPN with compiling a public register of places of the internment of freedom fighters (Sejm, 2018g).

Another development in the regulatory dimension of memory law in the eighth Sejm concerned the representation of the past in public space. The de-communisation law of 2016 infringed on the validity of the heritage of the communist regime in public space. The law established the prohibition of objects of public and communal infrastructure to commemorate names of individuals, organisations or events 'symbolising communism or any other totalitarian system' (Sejm, 2016). In addition to this, Article 1 of the Law prohibited titles commemorating individuals, events, and dates referring to the 'repressive, authoritative, and unsovereign' communist regime that existed in Poland between 1944–1989 (ibid.). The law largely remained on the side of the first paradigm of memory regulation. The law's mnemonic aim was concerned with denouncing the PRL-regime as false and illegitimate thus strengthening the anti-communist component of historical remembrance.

Practically, the Law made territorial self-government governors responsible for the conduct of reforming representation of the past in public space. On the one hand, it outlined time limits for de-communisation. On the other, it enhanced the role of existing memory institutions by envisaging a procedure for evaluating if particular objects in public spaces are eligible for de-communisation. Article 2 of the law endowed the IPN and the Council with the prerogative to issue expert opinions on the objects in question.

The majoritarian role enjoyed by the nationalist memory camp after the elections of 2015 played into the institutionalisation of Polish WW2 experiences on the side of the second paradigm of Polish history in memory regulation. Following a significant extension of the collective memory-regulating component of the IPN mandate in 2016, the regulatory focus of the eighth Sejm weighed in to add validity to valorising positive representations of Polish-Jewish relationships during the war. In 2018, the Sejm mandated the creation of the Pilecki Institute by a separate law (Sejm, 2017f). This law entrenched the regulatory dimension on the side of the second paradigm seeking to valorise Polish collective victimhood.

As for the legislation itself, Article 3 established a specific aim of the Pilecki Institute to commemorate Polish nationals who were executed for rescuing other Poles or Jews from Nazi, Soviet, or Ukrainian nationalists during WW2. The mnemonic aim of this Law undoubtedly spoke to the historical narrative-making aims of the law. Moreover, as in case of the IPN amendment of 2016, the Pilecki Institute Law defined a broadened timeframe for the institute's activities set between 8 November 1917 and 31 July 1990. As in the case of other developments in the regulatory dimension of memory law in the eighth Sejm, the broadened temporal horizon of the institute's mandate attested to its larger mnemonic aim to memorialise Polish collective victimhood.

Practically, the law envisaged an array of commemorative functions for the newly created institute in Warsaw. As such, provisions of the law s were modelled after the IPN Law of 1998. Its powers are concerned with researching, systematising, and popularising figures of the past. In terms of commemorative procedures, the law reserved a commemorative function by empowering the institute

to put forward applications for the Virtus et Fraternitas medal before the Presidency (Sejm, 2017f).

Legislative memory work surrounding the adoption of the Pilecki Institute Law unveiled the the entrenchment of parliamentary memory politics on the side of the second paradigm of memory regulation. Moreover, at the level of parliamentary politics, the PiS faction that sponsored the adoption of the law expanded on the mnemonic rationale behind it arguing the need to valorise the memory of Poles for saving their Jewish neighbours from wartime extermination. In addition, the project tabled before the Polish legislature sought to memorialise Poles 'who testified about the perpetration of the Polish people' and suffered retaliation for their actions during WW2 (Kruk et al., 2017). The law was prepared in consultation between parliamentarians and the government and drew from the example of the Israeli Yad Vashem explicitly (Gawin, 2017).

Minority deputies criticised the model of the Pilecki Institute Law, its narrative, and the necessity to create another memory institute during parliamentary committee work. The critique came in two forms represented by PO and the Nowoczesna (N) faction MPs. In the Cultural Affairs Committee in late November 2017, opposition parliamentarians challenged the historical narrative-making logic of the PiS-initiated project. These opposition MPs tried to direct legislative memory work toward the first paradigm of memory regulation by either questioning the broad temporal horizon for the institute's mandate or outright denying the legitimacy of the PiS-pushed legislative initiative (Mieszkowski, 2017; Śledzińska-Katarasińska, 2017). Yet, these attempts to detract from the adoption of the law pushed by the PO parliamentary club in the course of committee work and plenary debate were not successful (Kidawa-Błońska, 2017). Support for the new law relied on PiS and Kukiz'15. In a final vote in the plenary session, the PO faction joined with minority factions of Nowoczesna and the post-communist PSL-UED to speak out against the introduction of the Pilecki Institute Law.

The case of the Pilecki regulatory memory law is illustrative of the pattern of political dynamics that began in the third Sejm and repeated itself in the events of the 2000s. Politically, the winner of the legislative cycle in the eighth Sejm pushed for more legislative memory work. In parliamentary politics, this push for legislative memory work was resisted by the main opposition faction in parliament (the PO in Sejm 8). The results of this increase in legislative memory work showcased PiS as the winner of the eighth legislative cycle of the Sejm. Politically, minority factions of parliament provided some vivid intellectual responses to the new legislative initiative. However, they were not successful (either politically or ideationally) in changing the direction of parliamentary memory regulation.

To conclude, the remainder of the section discusses the nationalist memory camp mobilisation in the agenda of the ninth and tenth Senate. In the workings of the Senate, the topic of Volhynia appeared in 2013 in conjunction with the 70$^{th}$ anniversary of the ethnic cleansing. In the declaration, the Senate outlined the narrative of Ukrainian WW2 nationalism. It argued that the Ukrainian nationalist formations perpetrated attacks on Polish civilians with an intention to purge

Polish nationals from the region of Volhynia. According to the declaration, the mass character of the attacks and their organised manner frame the events in Volhynia as an 'act of ethnic cleansing with a trait of genocide' (Senate, 2013). The 'In memoriam' declaration of 2015 affirmed the memory of anti-communist opposition activists, who opposed the communist RPL regime (Senate, 2015).

The ninth Senate entrenched legislative memory work on the side of the second paradigm of Polish history in memory regulation. The voted declarations exacerbated the trend of previous years to add mnemonic validity to the representation of Polish collective victimhood in history. A new type of memory politics found its way into making stronger historical-narratives of Ukrainian WW2 nationalism and turning to strengthen the anti-communist component of historical remembrance. To address the former, the Senate (in conjunction with the decision of the Sejm to introduce a separate remembrance day to the victims of Ukrainian nationalists) adopted a commemorative declaration on the occasion of the 73rd anniversary of the ethnic cleansing of Volhynia. On the one hand, the declarative act adopted a new legal approach to representing and classifying wartime events in the Ukrainian-Polish borderlands. According to the Senate, Ukrainian nationalists perpetrated a crime of genocide directed against Poles residing in the vicinities of Volhynia. The Senate put an emphasis on saying that only nowadays the 'historical truth' about the events in Volhynia is being 'discovered' and no worthy memorialisation of the victims of Ukrainian nationalists in the 1940s has happened. Therefore, the Senate urged the Sejm to name the events in Volhynia during WW2 a genocide against the Poles (Senate, 2016a).

In representing Soviet communism and in addition to the usual commemorative declarations to the victims of Katyn and the forced deportations to Kazakhstan, the ninth Senate adopted a commemorative declaration to the Battle of Warsaw. In this declaration, the battle was presented as the Poles rescuing their own independent statehood that emerged after WW1. The declaration presented Soviet communism as the greatest threat to emerging Polish statehood at that time and argued that 'due to the strategic genius of Józef Piłsudski communism did not rule over Poland' at that time (Senate, 2016b). Moreover, the 'Miracle of the Wistula' stopped the Soviet army conquering the rest of the world. Therefore, the progression of the Polish memory debate in the politics of the Senate took a similar route to the politics of memory laws in the Sejm of the same period.

# 4. THE POLITICS OF MEMORY LAWS IN UKRAINE IN 1990–2020

The chapter examines the constellation of memory legislation in Ukraine and the political dynamics behind memory law adoption in the country. The chapter relies on the conceptual categorisation introduced in chapter 1. It profiles how the country has engaged in legislating over the vision of the national past since the early 1990s. The chapter provides how this evolution reflected the institutionalisation of Ukrainian collective memory since the wake of independence in 1991. The chapter's endeavour is not merely descriptive-empirical about the trajectory of evolution of memory legislation, but also explanatory intending to show how the predicament of the Ukrainian memory divide transcended into the political-legislative process over memory and progressed through parliamentary politics.

Memory regulation in the national legislature in Ukraine is the case of competition between two historical narratives in the legislation over the past. Since the post-Soviet transition in 1991, these grand narratives relied on antagonistic sets of historical figures and events to form the national canon. This political contest between the narratives played out at each parameter of memory regulation: from purely declarative, to regulatory and to punitive memory laws being introduced by post-independence memory agents in Ukraine. At the level of memory discourse in the parliament, the Soviet-Ukrainian narrative posits the origins of the collective memory of the Ukrainians in the Great Patriotic War (GPW) from 1941–1945. The memory of GPW and a set of other foundational events and figures from Ukraine's Soviet past had predominated in the legislation over the past during the 1990s and 2000s.

On the other hand, since the transition of 1991, parliamentary memory agents tried to subvert the Soviet-era memory model via the mode of commemorative lawmaking. As the chapter will demonstrate, the memory of the Holodomor (state-made famine of 1932–1933 in Soviet Ukraine) and the memory of Ukrainian WW2 nationalism was at the crux of political competition and turned out to be crucial in reforming the historical remembrance of Ukraine by infringing on the validity of Soviet-era memory. With the advent of the 2000s and subsequent changes in parliamentary memory politics, the national-Ukrainian memory model had substituted the Soviet-era memory over time in a sequence of junctures in the politics of memory laws in the national legislature. This tendency culminated after the Euromaidan transition of 2014 with new legislative changes alongside each parameter of memory law to curb the Soviet-era memory model. An exogenous revolutionary event significantly altered the constellation between parliamentary memory agents of the aisles of the Ukrainian memory divide and the politics of memory of the national legislature. Importantly, over the course of decades of parliamentary politics, competition between two memory camps reached a boiling point several times with efforts to criminalise historical speech. Yet, while parliamentary memory agents sought to protect their respective memory

models by introducing a punitive dimension to the interpretative struggle over national history into legislative work, the efforts to introduce criminal punishment function into punitive memory laws remained limited as analysed in chapter 5.

The Ukrainian memory divide progressed through parliamentary politics, changes in memory camps majorities in the national legislature, and changes being put in the memory legislation. There is an ideational and qualitative dimension to this progression of parliamentary elections and parliamentary politics in how the predicament of the Ukrainian memory divide reverberated through the realm of political-legislative process over memory in the national legislature. The chapter argues that the progression of the politics of memory laws in Ukraine was pre-determined by incomplete nation-building as well as the character of the political transition of the country in the wake of the national independence of 1991. It argues a 'deferred' nature of the pattern of commemorative lawmaking in the country.

Since the break-up of the Soviet Union, the pro-Soviet memory camp kept habituating parliamentary politics which meant transcending the dominance of the Soviet-era memory model into memory legislation of post-independence Ukraine. The inertia of the Soviet-era memory model being re-institutionalised barely met resistance in parliamentary memory politics. Moreover, due to Ukraine's WW2 experiences, there was a record of anti-Soviet nationalist insurgency in Western Ukraine providing potential for an alternative historical narrative to be developed. However, the regionalised character of the history of the movement itself as well as the social memory of the anti-Soviet insurgency being confined to the Western parts of the country accounted for this nationalist memory being unable to enter legislative memory work in early convocations of the Verkhovna Rada in 1990s. This social memory setting of a historical theme ruled out the possibility of strong anti-Soviet legislative memory work in the immediate post-independence period. The national-Ukrainian memory camp was not initially able forward legislative memory work to abandon the Soviet-era memory model. In this regard, this chapter shows how the memory of the Holodomor first entered the memory regulation of the national legislature in the early 2000s to infringe on the validity of the Soviet-era memory model in the long run.

As for the parameters of national memory politics, the character of the political transition was marked with the absence of parliamentary elections in the wake of the national independence of 1991. The last Rada of Soviet Ukraine was the first Verkhovna Rada of post-independence Ukraine and no new elections were called to (potentially) restructure parliament between the Soviet communists and the anti-communists. Concerning this, the strength of the old regime's political class in parliament accounted for an absence of impetus to engage with memorialisation in the immediate post-independence period. This more proximate parameter of post-transition politics in the national legislature exercised a direct bearing on how the Stalinist period of Ukrainian history was interpreted in collective memory regulation. It also came to define the marginality of the national-Ukrainian memory model in legislative memory work. However, the national

memory legislation changed in subsequent convocations of the national parliament and with the changes in relative strengths between Soviet-era and national-Ukrainian memory camps in the Verkhovna Rada.

## 4.1. The 'Deferred' Pattern of Collective Memory Regulation in Ukraine in 1990–2020

Figure 4 and Table 12 present collated information about the number of memory laws adopted by each consecutive convocation of the Verkhovna Rada alongside each parameter of memory law. Since its first convocation, the Ukrainian parliament adopted 447 pieces of legislation dealing with the representation of the past. The majority of the acts (360) fall into the declarative category as they dealt with the celebration of anniversaries of historical figures and events, and instituting remembrance ceremonies and days. The analysis presented in the chapter covers parliamentary memory regulation since the spring election of 1990. In the aftermath of the independence proclamation (24 of August 1991), Ukraine did not hold new parliamentary elections that would signify a clear point in democratic transition. This feature of Ukrainian politics necessitated the inclusion of Soviet Ukraine's last Rada (which was also the first post-transition convocation of parliament) into the analysis of commemorative lawmaking in Ukraine.

Reflecting the main tensions of Ukrainian memory politics, the memory legislation for each convocation is divided into three subcategories. Firstly, commemorative acts that established the symbolic validity of the Great Patriotic War celebrated anniversaries of Red Army battles in Ukraine, anniversaries of Soviet generals and wartime heroes or other events in the political history of Soviet Ukraine's past (e.g. Komsomol and the Stakhanov movement's anniversaries) were coded as contributing to the Soviet-era memory model. Secondly, commemorative declarations that legislated over defining events and figures of the National-Ukrainian historical narrative fell into the National memory code. The category 'other' at the declarative dimension indicates legislative acts that fall beyond legislating over the two grand narratives of Ukrainian history. An impressive number of such declarations were introduced in the sixth Rada in 2007–2012 with commemorative acts being dedicated to pre-World War 1 events, figures and events of the cultural history of the 19$^{th}$ and 20$^{th}$ centuries falling into this category exactly. To provide an exhaustive overview of memory laws, Table 12 maps out collated information about all declarative memory laws addressing individual historical themes (historical events and figures) broken around main phases of the periodisation of Ukrainian history.

Moreover, in the regulatory dimension of memory, the category 'other' in Table 12 refers to the acts of the Verkhovna Rada that renamed settlements and vicinities after the break-up of the Soviet Union in 1991. The chapter's analysis bracketed out this wave of 'de-communisation' in public space from the main narrative over the politics of memory laws in Ukraine. On the one hand, these acts were adopted by the Presidium of the Verkhovna Rada which exercised its

administrative capacity to rename local communities under the framework of Soviet law after being petitioned by local vicinities and settlements. This wave of de-communisation through parliamentary acts corresponded to political liberalisation in the late Soviet Union, which allowed for some changes in representing the past in public space. Moreover, these acts issued in the early 1990s were situational and concerned only some Ukrainian villages, districts, and towns and remained marginal in scope and breadth in terms of actual impact on the Soviet-era remnants in public space.

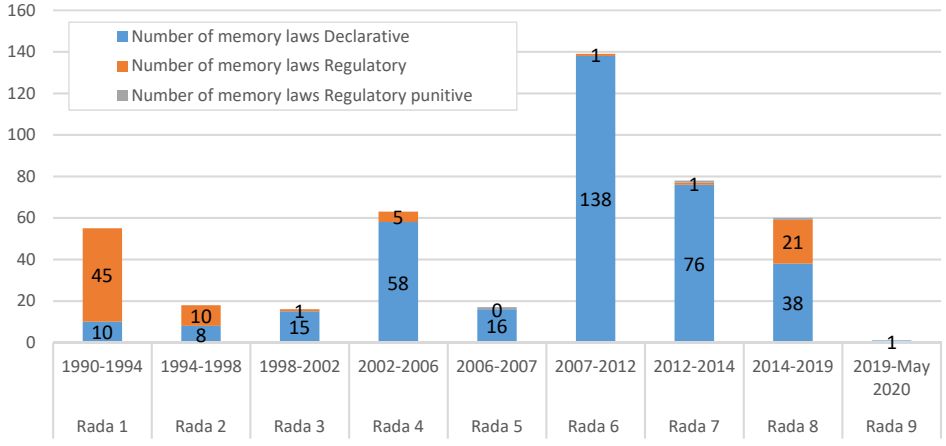



**Figure 4**. The convocations of the Verkhovna Rada and memory laws, May 1990–May 2020

**Table 12.** The convocations of the Verkhovna Rada of Ukraine and the number of memory laws for each memory model, May 1990–May 2020

| The convocation | Years | Number of memory laws | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Declarative | | | Regulatory | | | Regulatory punitive | |
| | | Soviet memory | National memory | Other | Soviet memory | National memory | Other | Soviet memory | National memory |
| **Rada 1** | **1990–1994** | **6** | **2** | **2** | **7** | **2** | **36** | | |
| **Rada 2** | **1994–1998** | **5** | **1** | **2** | **4** | **6** | | | |
| **Rada 3** | **1998–2002** | **10** | **1** | **4** | | **1** | | | |
| **Rada 4** | **2002–2006** | **13** | **7** | **38** | **2** | **3** | | | |
| **Rada 5** | **2006–2007** | **1** | **1** | **14** | | | | | **1** |
| **Rada 6** | **2007–2012** | **27** | **2** | **109** | **1** | | | | |
| **Rada 7** | **2012–2014** | **11** | **2** | **63** | **1** | | | **1** | |
| **Rada 8** | **2014–2019** | **1** | **21** | **16** | | **21** | | | **1** |
| **Rada 9** | **2019–May 2020** | | **1** | | | | | | |

In terms of assessing individual historical themes as legislated by the Ukrainian parliament, the sixth and seventh Rada were the most prolific sittings of the parliament in mandating anniversaries of individuals or historical events. The next section shows how the memory of WW2 (in its competing formulation by the two memory camps in the parliament) remained at the crux of the political-legislative process in the Verkhovna Rada. In this regard, the Rada elections of 2007 signified the intensification of memory politics. These intricacies of parliamentary memory politics of the Yushchenko-era (about WW2 memory) are discussed later in the chapter. Moreover, another trend showcased by Table 12 is the turn to commemorate pre-WW1 figures and historical events. Declarative acts within this category included the commemoration of 19th century Ukrainian writers and poets, anniversaries of the establishment of Ukrainian cities, or other events of cultural history (e.g. publication of the first Ukrainian language outlets in the Russian or Austro-Hungarian Empires in the 19th century). This trend in parliamentary memory work showcases that beyond the Ukrainian memory divide regarding WW2, parliamentary memory agents engaged in developing the national memory to account for uncompleted nation-building in post-independence Ukraine. On a technical note, commemorative acts dedicated to the figures of cultural history significantly outweighed the number of anniversaries. Therefore, Table 12 covered both types of commemorative acts as individual historical themes and did not differentiate for events separately.

Therefore, on a large view of parliamentary memory politics in the sixth and seventh Rada, political memory camps engaged in legislating over the cultural memory of Ukrainians reaching a relative stalemate over the interpretation of WW2. At certain points of parliamentary memory politics, declarations over individual historical themes gravitated to one or another memory model. This is showcased by the commemoration of Ioann Maksymovych, a Russian Orthodox Church saint of Ukrainian origin and the baptiser of Siberia, in 2011 and the anniversary of Russian composer Igor Stravinsky in 2012. The commemoration of both figures coincided with the re-orientation of politics of memory towards the Soviet-era memory model happening in the politics of the Verkhovna Rada in 2010–2014 (see section 4.4 of this chapter). At the first sight, commemoration of both historical figures cannot be categorised as belonging to any of the two Ukrainian memory models straightforwardly. However, on a larger view of cultural history and cultural memory construction, they come closer to the Soviet-era memory model without being coded as such formally. The historical declarations point to the complexity of cultural history and cultural memory construction in post-independence Ukraine, which at times was interlinked with Russian memory themes beyond remembrance of the Great Patriotic War.

**Table 13.** The convocations of the Verkhovna Rada of Ukraine and declarative laws about historical events and figures, May 1990–May 2020

| The convocation | Years | Individual historical themes (events and figures) | | | | | |
|---|---|---|---|---|---|---|---|
| | | Pre-WW1 events and figures | Ukrainian revolution (1917–1922) | Soviet Ukraine (1922–1991) | WW2 (1939–1945) | Chornobyl of 1986, the Rukh, and Independence of 1991 | Other |
| **Rada 1** | **1990–1994** | **1** | **2** | **1** | **5** | **1** | |
| **Rada 2** | **1994–1998** | **1** | **1** | **2** | **3** | **1** | |
| **Rada 3** | **1998–2002** | | **1** | **2** | **8** | **1** | **3** |
| **Rada 4** | **2002–2006** | **18** | **1** | **9** | **11** | **4** | **15** |
| **Rada 5** | **2006–2007** | **7** | **1** | **1** | **1** | **1** | **5** |
| **Rada 6** | **2007–2012** | **68** | | **33** | **24** | **5** | **8** |
| **Rada 7** | **2012–2014** | **36** | **2** | **23** | **12** | **1** | **2** |
| **Rada 8** | **2014–2019** | **4** | **2** | **6** | **20** | **2** | **4** |
| **Rada 9** | **2019–May 2020** | | | | **1** | | |

Collective memory regulation in the Ukrainian legislature is a case of competition between two historical narratives in commemorative lawmaking. Since 1991, parliamentary memory agents have sought to institutionalise competing visions of the past for Ukraine that rely on antagonistic historical events and figures to form a collective memory canon. Moreover, these competing interpretations of Ukrainian history run through each parameter of memory law across three decades of memory regulation. As Table 14 shows, the Soviet-Ukrainian narrative stresses the victory of the Soviet people (including Ukrainians and Russians foremost) over fascism in WW2. It adds commemorative validity by representing the Great Patriotic War using themes and vocabularies inherited from the Soviet-era. Importantly, the Soviet-Ukrainian narrative denies legitimacy to Ukrainian nationalism and recedes from a negative evaluation of Stalinism.

By contrast, the National-Ukrainian narrative provides an alternative teleological interpretation of Ukrainian history. It posits that Ukrainians struggled to obtain an independent nation-state in the aftermath of World War 1. After a failed attempt to keep national independence and statehood in 1917–1921, the Soviet regime was imposed from abroad. In subjugating Ukraine, the Soviet regime perpetrated the genocide/famine in 1932–1933 to deprive Ukrainians of the prospect of national independence. However, the Ukrainian independence struggle continued in the efforts of Western Ukrainian nationalists during WW2, which eventually led to national independence after the break-up of the Soviet Union. In other words, the national-Ukrainian narrative unites these three periods and themes in one historical narrative arc of Ukrainian history.

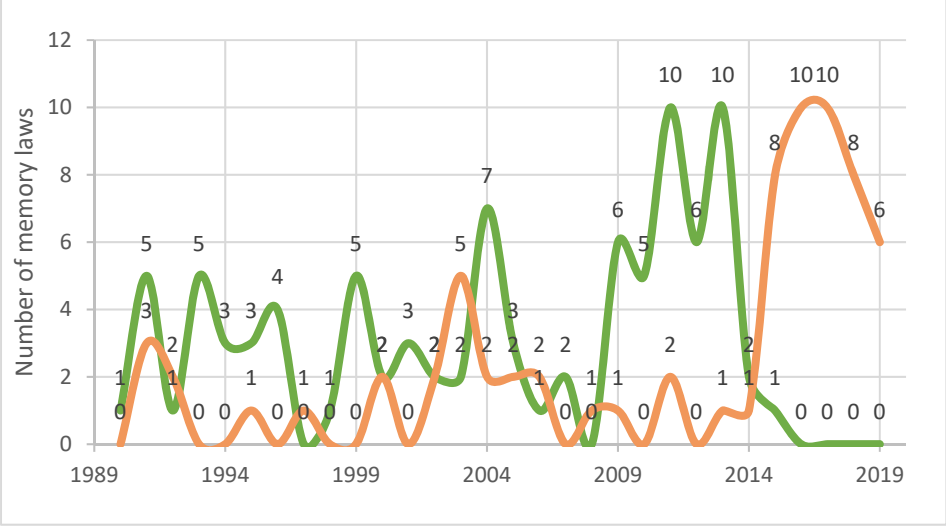
**Table 14.** Historical narrative templates for the Soviet-era and national-Ukrainian models of memory

| **Soviet-Ukrainian narrative** | **Nationalist-Ukrainian narrative** |
|---|---|
| **Declarative memory law** | |
| Commemoration of the events and figures of the Great Patriotic War of 1941–1945, foundational events of political history of Soviet Ukraine in the legislation over remembrance days and anniversaries. | Commemoration of events and figures of pre-Soviet Ukrainian statehood in 1917–1922, of the Holodomor famine of 1932–1933, and of WW2 Ukrainian nationalists. |
| **Regulatory memory law** | |
| Elevating the memory of Stalinism in the political repressions victims law and the veteran's law, preserving Soviet memory culture in public space. | Elevating the memory of victims of Stalinism, extending veteran status to the nationalist combatants of WW2, rehabilitating the nationalist movement, 'de-communising' public space in Ukraine. |
| **Punitive memory law** | |
| Protecting GPW, denying mnemonic validity to the nationalist cause during WW2. | Protecting the Holodomor memory and the nationalist cause during WW2. |

There is an important temporal dimension to parliamentary memory regulation about how political competition unfolded in legislative memory work over historical narrative templates. Figure 5 provides a temporal perspective on how the two models of legislation competed in the regulation of the Verkhovna Rada over time. The figure collates the entries as 'Soviet memory' and 'National memory', which are found under the codes of declarative, regulatory, and punitive memory law in Table 12. In other words, it juxtaposes each commemorative declaration, major regulatory, and punitive memory law contributing to the memory models of each year since the election of the first Rada. This is done to illustrate the relative standing of the memory models in memory legislation vis-à-vis each other and over time. Furthermore, it should be stressed that the gravity of memory competition in the Ukrainian legislature rotated around anniversary legislation and, specifically, around the two historical narrative templates. Therefore, while Table 13 provides a break-up of the whole array of anniversary legislation, including the ones contributing to cultural historical figures and events, Table 12 is narrower in its focus. The latter table is based on memory legislation dealing with the two historical narrative templates of Ukrainian history, which, as this chapter argues, were central to political-legislative competition over memory in the Verkhovna Rada.

As it might be seen from Figure 5, the Soviet-era memory model lost preponderance in each parameter of memory legislation. At the level of parliamentary politics, there were three junctures responsible for crucial changes in the politics of memory laws adopted by the national legislature. On the one hand, as

the country did hold a separate parliamentary election following August 1991, there was no clear point of political transition in the parliament. Therefore, the Soviet-era parliamentary landscape defined the politics of memory in the first Rada in 1990–1994 between the majoritarian camp of the Ukrainian communists ("Group 239") and the minority camp of former Soviet dissidents and Ukrainian-minded anti-communist intelligentsia joining a parliamentarian grouping of "Narodna Rada". Moreover, in the next convocation of the parliament, the anti-communist Narodnyi Rukh Ukrainy party (the Rukh) took a leading role in advocating for the national-Ukrainian narrative since the Verkhovna Rada elections of 1994 opposing the majoritarian Soviet-era memory camp in legislative memory work in the second Rada.




**Legend**. The values on the green line of the figure represent memory laws adopted within Soviet-era memory model. Respectively, the values of the yellow line code memory laws contributing to the national-Ukrainian memory model. Figure is based on the tallies of Table 12. See explanation in the text.

**Figure 5.** Memory regulation in Ukraine: the dynamics between two memory models, 1990–2020

In the 2000s, a second juncture restructured the parliamentary memory landscape as well as defined the competition over the interpretation of the national past in the parliament for the rest of the decade. The parliamentary elections of 2002 signified the emergence of two camps of Ukrainian politics that manifested the Ukrainian memory divide alongside the regional differences of the country. In the event of the parliamentary elections of 2002, the anti-Soviet/pro-Soviet memory cleavage in the politics of the national legislature reflected the support for memory models in different regions of the country. In this regard, pro-Russian 'Soviet nostalgists', who were supported electorally in the East and South of the

country and argued the relevance of the Soviet memory culture for Ukraine, pushed for preserving the Soviet-era memory model in memory legislation. Conversely, the political parties and individual politicians arguing for a break away from Soviet-era memory in favour of the national-Ukrainian memory model were supported in the West and Central parts of the country. This memory camp was represented by individual politicians and the parliamentary factions of Nasha Ukraina and Batkivshyna in the 2000s. Therefore, the electoral successes and the mobilisation of these parliamentary camps over memory issues (often with the support of corresponding Ukrainian presidents in favour of one or the other memory model) defined the political-discursive battles over memory and the trajectory of parliamentary memory regulation for the rest of 2000s and in the early 2010s.

At the level of the political-legislative process in the parliament, the competition between the two memory camps trying to direct legislative memory work towards protecting either Soviet-era or Nationalist-Ukrainian models of memory resulted in the 2000s. While protagonists of the politics of memory in the parliament (individual politicians or political factions) might have changed with time, the regional memory cleavage defined by the elections of 2002 persisted during the parliamentary politics of the 2000s. In this regard, the illustrative change happened in the pro-Soviet memory camp of the Ukrainian memory divide at the beginning of the 2000s. Between the elections of 2002 and 2006, the Partia Rehioniv consolidated itself successfully forming the biggest parliamentary faction in the Rada elections of 2006. Yet, the "Communist Party of Ukraine" faction remained an active memory agent on the side of the Soviet-era memory model by the elections of 2014 to the eighth Rada. However, the Partia Rehioniv dominated constituencies of Donbas, Crimea, and Southern parts of the country since 2006, and the communist faction in the Rada became a minority faction.

A third crucial juncture in memory regulation occurred in parliamentary memory politics after the 2014 elections came as a result of the Euromaidan. The election signified a firm entrenchment of the national-Ukrainian memory politics camp in the eighth Rada following the demise of Soviet memory-learning seventh Rada. A pattern of memory regulation that ensued after the 2014 elections showcased an abrupt collapse of the Soviet-era memory model from commemorative lawmaking. The sections below scrutinise the events, trajectories, and outcomes of advancements in legislative memory work by the national-Ukrainian and Soviet-era memory camps occurring in the first Rada since 1991, the fourth Rada since 2002, and the eighth Rada since 2014.

## 4.2. The Long Durée of the Soviet-era Memory Model (1990–2002)

The category of declarative memory law contains a range of legislation aimed at framing the representation of the past by non-punitive means. In using declarative memory laws, parliamentary regulation sanctions the celebration of anniversaries

of historical figures and events and institutes remembrance days. The following section examines how parliamentary memory politics evolved in post-independence Ukraine at the declarative dimension of memory law. It singles out the role of three parliamentary elections (the elections of 2002, 2007, and 2014) and the politics of memory that ensued after these elections. These elections signified an intensification of the politics of memory and the divergence of the Soviet-era/National-Ukrainian memory camps. Finally, this section intends to show how the two memory models competed in parliamentary memory regulation with the National-Ukrainian memory camp slowly getting a hold over the political-legislative process. However, before the National-Ukrainian memory model emerged victorious, in the 2010s a sequence of legislative moves centred on Soviet-era memory were passed in the 2010s.

The section points to the memory of the Holodomor, which appeared in the commemorative lawmaking of the Rada in the early 2000s. This made a crucial interpretative change in how parliamentary memory agents engaged with interpretations of Ukrainian history. Against the backdrop of legislating over the Holodomor, parliamentary memory agents infringed on the commemorative validity of the Soviet-era memory model. Moreover, parliamentary regulation turned to reinterpret WW2 memory by validating Ukrainian WW2 nationalism, as another component of the national-Ukrainian memory model, and further distancing itself from Soviet-era interpretations of WW2. This trend culminated after the parliamentary elections of 2014. While the nationalist memory remained a contentious topic for decades in the society and politics of Ukraine, the memory of the Holodomor provided a suitable vehicle for national-Ukrianian memory agents to exploit in legislative memory work. Only a drastic change in the landscape of the parliamentary politics prompted by the Euromaidan and the extraordinary parliamentary elections of 2014 led to the demise of the Soviet-era memory camp and opened a pathway to normalise the memory of WW2 nationalism in the eighth Rada.

The tension in legislative memory work in the early period in the first Rada unfolded around anti-communist mobilisation in the Ukrainian parliament. Largely, this mobilisation was unsuccessful in altering the model of historical remembrance adopted in post-independence Ukraine. During the 1990s, there were several parliamentary acts re-institutionalising major elements of Soviet-era memory as a foundations of memory for post-independence Ukraine. This legislative memory work was concerned with historical figures, events, and symbols that added commemorative validity to Soviet-centred interpretations of Ukraine's past. The Soviet-era interpretation of WW2 found in the narrative of the Great Patriotic War of 1941–1944 is perennial to the Soviet-era memory model that loomed large in commemorative lawmaking for three decades of memory regulation in Ukraine. Thus, the preponderance of the communist memory camp and marginal status of anti-communist politicians in the politics of the first Rada explained the insignificance of the national-Ukrainian legislation in early post-independence Ukraine.

As for the early memory regulation, as soon as democratisation began to take root, the Verkhovna Rada established the day of Nazi Germany's aggression against Soviet Ukraine as the Day of National Remembrance of the Victims of the War to be commemorated annually starting from June 22, 1991 (VRU, 1991a). The act had an explicit national-memory regulating aim to foster the 'protection of the historical memory of the people' (VRU, 1991). The act called on Ukraine's government and regional councils to take commemorative measures on this day. The commemorative act and surrounding memory discourse concerned with re-institutionalising Soviet WW2 memory in post-independence Ukraine as the declaration voted by the communist-controlled Rada reproduced the Soviet-era narrative of the GPW. The trend in memory regulation favouring Soviet-era interpretations of Ukrainian history endured in subsequent years.

In 1994, the preparation for the 50th anniversary of the Soviet Union's victory over Nazi Germany to be held a year after in 1995 constituted the primary focus of memory legislation. A parliamentary act from 1994 reproduced Soviet-era interpretations of the war. It defined a two-fold commemorative aim for celebrating the anniversary. On the one hand, it defined the 'victory over fascism' forged by 'the peoples and the Armed Forces of the Soviet Union' in 1941–1945 as the central theme for commemoration (VRU, 1994). On the other, the commemorative act also mentioned the veneration of the victims of the war and those 'who perished defending the Fatherland' among the anniversary goals (ibid.). On this note, legislative memory work over the act demonstrated that the Soviet-era memory camp allowed for no interpretative concession regarding Soviet-era interpretations. Attempts to waive these interpretations were easily defeated by the majoritarian Soviet-era memory camp in the Verkhovna Rada. In a plenary session, Hryhoriy Demian, a nationalist MP in the second Rada (elected in Lviv electoral district) challenged the Soviet-era model of war memory and argued the relevance of nationalist memory for contemporary historical remembrance, albeit unsuccessfully (Demian, 1995).

Moreover, legislative memory work in the early convocations of the Verkhovna Rada on WW2 memory contained a considerable transnational memory component. The endeavours of the parliamentary memory agents dominating the legislature in this period were concerned with keeping a framework of GPW commemoration and aligning with political initiatives in post-Soviet space. In 1993, responding to the request of the regional authorities of the Volgograd region in Russia, the Verkhovna Rada commissioned an official parliamentary delegation to commemorate the 50th anniversary of the battle of Stalingrad in Russia (VRU, 1993a). Moreover, the parliamentary act of 1994 referred to the decision of the Commonwealth of Independent States (CIS) to coordinate the anniversary of the Second World War and issued commemorative Jubilee medals to the war veterans (VRU, 1994). In 1993, the Rada established a commemorative medal on the occasion of the 50th anniversary of the victory of the war (VRU, 1993b). In 1995, a separate parliamentary act envisaged exemption from taxation for granting gifts to WW2 veterans (VRU, 1995a). Even though these acts of the early 1990s dealing with war memory spoke to the memory of WW2 victims, they largely

remained in the confines of Soviet war memory without attempting re-interpretation of Stalinism in Ukrainian history or accounting for a more diverse representation of Ukrainian experiences of WW2. The commemorative acts reproduced the main components of the GPW narrative in interpreting Ukraine's WW2 experiences showcasing that the incumbent memory camp in the Verkhovna Rada largely transcended Soviet WW2 memory in the national legislation of post-independence Ukraine.

Reflecting the preponderant status of the Soviet-era memory supporters in the first and second Rada, parliamentary memory agents transcended Soviet-era interpretations of other WW2-related events. In 1995, the Rada endorsed the commemoration of the 50th anniversary of Zakarpattia's reunification with Ukraine (VRU, 1995b; VRU, 1995c). The declarative act was modelled on the anniversary celebration by keeping a Stalinist-times interpretation of the event. This interpretation posited that reunification happened due to the Red Army liberating Ukrainian lands in 1943–1944 and reuniting the region with Soviet Ukraine for the first time in Ukrainian history. In a decade, parliamentary memory agents on the national-Ukrainian side of the Ukrainian memory divide used the Zakarprattia reunification anniversary for an alternative interpretation.

Political competition between two memory camps played out at the regulatory dimension of memory law in the early convocation of the national legislature. In setting up the parameters for legal recognition of historical experiences, the Soviet-era memory camp majority directed the legal work towards validating Soviet-era interpretation of war combatant experiences. Again, the temporal argument about the politics of memory first being conducive to pro-Soviet interpretation applies to the case of regulatory legislation. In contrast to declarative memory regulation, where political competition was fledging gradually between Soviet-era and national-Ukrainian memory camps in a sequence of legislative advancements, the Soviet-era memory model was entrenched firmly in Ukraine's Political Repression and Veterans Laws of 1991 and 1993 drafted and introduced by the first Rada. The following section discusses this evolution of memory regulation and the politics of memory in the Verkhovna Rada.

Political repressions of the Stalinist era are the first regulatory dimension in which the contest between two historical narratives played out in Ukraine. Legislation over the statuses of victims of repression had a temporal dimension: what started as a limited framework for retrospective transitional justice in 1991 transcended into a fully-fledged collective memory-regulating agenda over Stalinism three decades later. The original law of 1991 protected the memory of Stalinism in Ukraine with little interpretative engagement of the Stalinist period. The new edition of the 1991 Political Repressions Victims law from 2018 re-invigorated the issue of Soviet-era abuses, retrospective justice and also pushed a national-Ukrainian memory-regulating agenda.

In the spring of 1991, the Supreme Soviet of the Ukrainian SSR adopted the Law 'On Rehabilitation of the Victims of Political Repressions in Ukraine' (Zakon Ukrainskoi RSR, 1991). The Law was drafted by a group of people's deputies in collaboration with experts from the Procuracy and the KGB of the Ukrainian SSR

(Naumenko, 1991). The Law was adopted in April 1991 — a few months before Ukraine gained national independence in August 1991. Soviet Ukraine's communist majority over parliamentary memory work meant the draft law was crucial in modelling the narrative over the Soviet totalitarian regime and interpretations of Ukrainian history. In this regard, the law retreated from introducing an explicit collective memory-regulating agenda about the Ukrainian past in the Stalinist period. On the contrary, while granting some legal recognition to the experiences of victims of Stalinist and Brezhnev-era abuses, the law did not make crucial interpretative changes to war memory. While anti-communist memory agents in the Verkhovna Rada tried to push for a broader memory debate in parliament, they failed in every attempt to introduce amendments to the draft law back in 1991. In parliamentary politics, the Soviet-era memory camp blocked any anti-Stalinist or anti-Soviet narrative put forward.

On the transitional justice side of memory law, the Soviet-era memory camp protected the memory of Stalinism in the preamble of the piece of legislation. The preamble defined the goal of the law as 'liquidating legacies of unlawfulness' perpetrated against individual citizens, restitution of rights, granting compensation and benefits to rehabilitated persons (ibid.). As such, it condemned abuses of law and power leading to the perpetration of repressions towards individual citizens of Soviet Ukraine. The preamble did not deny the legality of the Soviet law and framed repressions as abuses of the Soviet Constitution and the judicial norms of procedural law. Moreover, Ukrainian law recognised the formal validity of Soviet law by saying that some categories of Soviet citizens had already been rehabilitated under Soviet law since 1958. Therefore, the Law did not introduce a new justice regime of legal rehabilitation remaining contingent on the formal legality of the Soviet law and the judicial system of the Stalinist era.

Moreover, the 1991 Law allowed for the legal rehabilitation of strictly defined categories of individuals who suffered political repressions in the Soviet Union. On the one hand, for victims of Stalin-era abuses, Article 1 of the law allowed for retrospective rehabilitation for committing 'counterrevolutionary crimes' before the enactment of post-Stalin's Law of the USSR 'On Criminal Liability for State Crimes' on December 25 1958 (Zakon Ukrainskoi RSR, 1991). For the victims of Brezhnev-era abuses, the law rehabilitated individuals for committing 'anti-Soviet agitation and propaganda,' 'spreading slanders' about the Soviet government and society as well as persecuted for practising religious beliefs. One additional caveat of the law equated victims of forceful medical treatment during Soviet times to those persecuted on criminal law grounds in cases if such treatment was based on political grounds (VRU Ukrainskoi RSR, 1991).

On the side of memory regulation and memory debate in the parliament, the anti-communist parliamentarians representing constituencies of Western Ukraine in the first Rada pushed for stronger legal condemnation of the Stalinist period in the preamble and a stronger historical-interpretative component of the law. In the process of drafting the preamble, the opposition deputies offered amendments to the draft by trying to install a national liberation narrative. In an attempt to push for a national-Ukrainian memory agenda, an anti-communist MP offered an

alternative wording of the preamble in the plenary session offering to recognise as victims of Stalinism all individuals who resisted the Stalinist regime as part of the 'national liberation movement in separate regions' of the Ukrainian Soviet republic (Motiuk, 1991). Given the record of anti-Soviet resistance in the territory of Western Ukraine in the 1940s, the amendment aimed for the implicit recognition of the nationalist WW2 combatants and individuals aiding the nationalist partisan movement. More broadly, the legislative amendment would mean validating the independence struggle and the nationalist combatant's experiences of WW2. Posed during the plenary debate, the amendment was declined in the plenary session by the majoritarian memory camp of the first Rada.

The majoritarian memory camp introduced components to the draft law that might have been considered as a broader interpretation of Ukrainian history. This was illustrated by the debate that ensued around the paradigmatic Article 1 of the law showcasing the failure of the national-Ukrainian memory agents to advocate putting stronger historical-interpretative component into the draft law. In another attempt to develop an anti-Stalinist interpretation of Ukrainian history, the opposition deputies elected in Western-Ukrainian constituencies offered to 'consider as rehabilitated persons, who participated in national liberation struggle on the territory of Ukraine between 1917 and 1950' (Motiuk, 1991; Porovskiy, 1991). As in the case of the Motiuk amendment to the preamble, the wording could allow for a broader interpretation of Ukrainian history arguing that in the aftermath of WW1 Ukraine lost national independence to the Russian Bolsheviks and thus validating the centrality of independence. However, the communist majority in the Verkhovna Rada turned this amendment down as well.

Moreover, the individual politicians of the national-Ukrainian camp did not succeed on the issue of the rehabilitation of Ukrainian WW2 nationalists. In this regard, Article 2 of the 1991 Law specified three exemptions in the application of the new piece of legislation in judicial and prosecutorial practice to ensure that the positive reception of nationalist combatant memory could happen in post-independence Ukraine. On the one hand, the law prohibited rehabilitating persons repressed for committing 'state treason, espionage, sabotage, wreckage, and terrorist acts' (VRU Ukrainskoi RSR, 1991). On the other hand, the law forbade rehabilitating persons responsible for crimes against humanity and, in particular, aiding and abetting 'the occupants in the period of the Great Patriotic War' (ibid.). The latter law was aimed at Nazi collaborators taking part in punitive actions against the local population during the Nazi occupation of Soviet Ukraine. It could be also interpreted as invalidating Western Ukrainian nationalist combatants from legal rehabilitation. Finally, the law established the third caveat in applying legal rehabilitation of WW2 experiences. Under no circumstances rehabilitation may be granted to persons 'responsible for armed intrusions in Ukraine, organisation of armed groups committing slaughter, robberies and other assaults' (ibid.). Considering the historical record of Ukrainian WW2 nationalists, the latter provision disqualified anti-Soviet insurgency from being legally recognised in post-Soviet Ukraine.

The anti-communist memory agents in parliament attempted to curb the latter caveat of the law given its potential for invalidating nationalist combatants' experiences of WW2. In particular, an opposition MP offered to drop the part about the 'organisation of armed groups' from the wording of Article 2 (Porovskiy, 1991). This would have allowed for the rehabilitation of high-profile Ukrainian nationalists and the leaders of the nationalist combatant groups operating in the western parts of Ukraine during and after WW2. On another account, the legislative amendment by another Western Ukrainian parliamentarian offered to rehabilitate persons aiding the nationalist movement (Panasiuk, 1991). Both amendments were declined in the plenary session by the majoritarian memory camp.

A similar pattern in the political-legislative process over WW2 memory played out around the second major regulatory piece of memory legislation drafted in the early period of memory regulation. In 1993, the Verkhovna Rada endorsed the law 'On Status of War Veterans, Guarantees of Their Social Protection' (VRU, 1993c). This law had an even stronger agenda to protect the experiences of Red Army veterans only and to invalidate the historical experiences of the nationalist combatants. Using the Veterans Law in combination with the Political Repression Law, the Soviet-era memory camp successfully neutralised the national-Ukrainian historical narrative for the next two decades of parliamentary politics.

A look at the legal details of the law is in order before the discussion of how the majoritarian camp appropriated the political-legislative process in the Verkhovna Rada. Article 6 of the Veterans Law defined several war combatants categories entitled to legal recognition as WW2 veterans. Foremost, the law defined persons who participated in the Civil War and the Great Patriotic War of 1941–1945 in the acting army as well as Soviet partisans and underground fighters as war veterans (VRU, 1993c). In other words, this component of the law targeted pro-Bolshevik combatants of the 1917–1922 period as well as Red Army soldiers of WW2. The law also had a transnational memory component, providing veteran status to combatants who served in the Allies' armies, in partisan squads and formations fighting against the Nazis and their satellites in Central and Eastern Europe and the Balkans. Practically, this norm implied that anti-Nazi combatants in pro-communist movements in Central and Eastern Europe would be recognised as war veterans in Ukraine if residing in the country.

During the 1990s and early 2000s, legislative amendments to the 1993 law broadened the list of WW2 veterans by adding new categories of individuals. All of these amendments enhanced Soviet-era interpretations of Ukraine's WW2 experiences. In 1994, the participants of the defence of Leningrad (who worked at the enterprises and organisations of the city during the blockade between 8 September 1941 to 27 January 1944) were recognised as war veterans. Similarly, the defenders of Sevastopol in 1941–1942 were recognised as war veterans by a separate legislative amendment (VRU, 2004g). By adding new entries into the law, parliamentary memory agents diversified the interpretation of individual WW2 experiences remaining on the side of the Soviet-era memory model.

Moreover, significant interpretative changes in the 1993 law on the side of the Soviet-era memory model were made in late 1995. In addition to protecting the

memory of Soviet WW2 combatants, the legislative amendment additionally protected the memory of *chekists* (Soviet state security forces) explicitly. The amendment defined WW2 veterans as individuals who served in the 'extermination battalions' or other military unties tasked with the liquidation of saboteurs and terrorist groups of Nazi Germany and 'other illegal formations and groups in the territory of the former Soviet Union' (VRU, 1995e). Adding the phrase 'other illegal formations and groups' changed the logic of the original provision of Article 6 adopted in 1993. It therefore implied the Nazi military actions to sabotage the advancement of the Red Army in the new wording.

Turning to the experiences of the Ukrainian WW2 nationalists, the 1993 law allowed for a limited opportunity for individual recognition but hollowed out the potential for effective rehabilitation of the nationalist movement.

The original provision was worded in a way to reduce the prospect of individual recognition with some caveats. The last position of Article 6 granted rehabilitation to:

> "*soldiers of the Ukrainian Insurgent Army, who participated in military combat against German-Fascist invaders on temporary occupied territory of Ukraine in 1941–1944, who did not commit crimes against humanity and who, in accordance with the Law 'On Rehabilitation of the Victims of Political Repressions in Ukraine' were rehabilitated"* (VRU, 1993c)

While it might seem that the law validated the memory of nationalist combatants, the blanket provision of the norm referring to the Political Repression Victims Law voted prior neutralised a prospect of rehabilitation. The latter law prohibited the rehabilitation of Ukrainian WW2 nationalists as the organisation or participation in the anti-Soviet insurgency in Western Ukraine was ruled out by the elaborate caveats of the 1991 Law. The combination of the two laws solidified the Soviet-era narrative of the GPW in modelling WW2 memory.

A short overview of legislative memory work is to provide how the Soviet-era memory camp neutralised the nationalist memory supporters when drafting the law in 1993. The final formulation of the Veterans Law on nationalist memory came as a result of concessions between the two camps of parliamentary memory politics. Several Soviet-era memory supporters argued to exclude any reference to Ukrainian nationalists from the law (Kozarenko, 1993; Ostrouschenko, 1993). It is important to note the regional factor of Ukraine's memory split in this debate already back in 1993. Among the parliamentarians who engaged in the debate, the Western Ukrainian MPs supported the validation of nationalist memory while parliamentarians representing the Southern and Eastern parts of the country resisted such commemorative validation. In parliament, the Rada's Committee hold over the issue of Veterans Affairs was crucial in modelling the narrative of the law on the side of the Soviet-era memory model. This committee, was headed by Mykola Naumenko, an MP in the first Rada elected in the Kherson district (Southern Ukraine). This committee was responsible for drafting the Veterans Law in 1993. Moreover, the same committee under the leadership of Naumenko

worked on the Political Victim Repression Law in 1991. Therefore, both laws were similar in their approaches to WW2 memory with the 1993 law referencing the 1991 law directly.

During the plenary session debate over the issue of the veterans draft law on 22 October 1993, the interplay between the two camps of parliamentarians as well as the orientation of the parliamentary committee leadership were decisive in introducing limited recognition of experiences of the nationalist combatants envisaged by Article 6. On the one hand, the Soviet-era memory camp (who were a majority) refused to recognise Ukrainian nationalists as a legitimate wartime party of WW2. Thus, a recognition of the historical experiences of the nationalist WW2 combatants was ruled out from the start of the political-legislative process. However, the offers to exclude any reference to the nationalist movement from Article 6 were not supported either. In the course of the plenary session, memory agents of the national-Ukrainian memory camp conveyed their harsh disapproval, pushing for a concession over nationalist memory.

The initiative came from a Western Ukrainian parliamentarian to substitute the words 'who were not involved in punitive actions, murders, and torture' with reference to the Political Repression Victims Law of 1991 (Hnatkevych, 1993). This was agreed with the leadership of the parliamentary committee on veterans affairs and was included in the final version of the law to be voted on by the Verkhovna Rada (Naumenko, 1993). Thus, at the semantic level, this final provision made an interpretative concession to the national-Ukrainian memory camp as it did not ostracise Ukrainian WW2 nationalists from the possibility of individual recognition. The politicians of the national-Ukrainian camp lost in their legislative memory work around major regulatory and broader declarative memory legislation in the first and second Rada.

In the 1990s, only four parliamentary acts fell in the category of declarative memory legislation pushing for a national-Ukrainian memory model. Following the proclamation of independence in August 1991, the Verkhovna Rada turned to figures and events preceding the establishment of the Soviet regime in Ukraine to validate an anti-Soviet memory narrative for Ukraine. In October 1991, parliamentarians held a commemorative session dedicated to Mykhailo Hrushevskiy, who was considered to be the leader of the pre-Soviet Ukraine's government in Kyiv from 1917–1918 (VRU, 1991b). This act was sponsored by the Presidium of the Rada to individual historical themes shortly after Soviet Ukraine proclaimed independence in August 1991.

The national-Ukrainian memory camp in the first Rada tried to expand on commemorating the record of pre-Soviet Ukrainian statehood by proclaiming the anniversary of the 'Ukrainian democratic revolution' of 1917–1918 in spring of 1992 (VRU, 1992). In the commemorative politics of the Rada, the act was initiated by an anti-communist memory activist and nationalist MP Les' Taniuk, who led the parliamentary commission on cultural affairs in the first Rada and made a formal proposition to parliamentarians in support of commemorating the pre-Soviet Ukrainian government of 1917–1918. The parliamentary act framed the events preceding the establishment of Soviet power in Ukraine as 'laying

down a foundation of the modern [Ukrainian] statehood' (ibid.). The act mentioned that celebrating the events would help to 'consolidate' the nation (ibid.). On a practical level, the parliament called the executive bodies of local councils in Ukraine to hold commemorative meetings and conferences dedicated to the events of 1917–1918. It also called on the local executives to institute 'memorial desks' devoted to the revolutionary events and the creation of the Ukrainian national congress of April 1917. This can be seen as a step in proclaiming national-Ukrainian statehood before Soviet state-building in Ukraine (ibid.).

A few years later, keeping up with the aim to memorialise the pre-Soviet origins of Ukraine, the parliament mandated the anniversary of 'Ukrainian parliamentarianism', which was seen to originate in democratic Ukraine in 1917 as opposed to the legacy of Soviet Ukraine's legislature (VRU, 1997). The parliamentary act commissioned a series of events including a roundtable talk about historical events, an academic conference and the publishing of an edited volume about the history of parliamentarianism in Ukraine. The passage of the 1997th act revealed the main memory cleavage of the parliamentary memory politics running through the two memory camps in the second Rada, which was also defined by Ukraine's regional dynamics on this particular occasion. The commemorative act was initiated by Ivan Czyzh, a Western-Ukrainian MP. To pass the act, the national-Ukrainian memory camp attempted a concession in a plenary session debate over the commemorative issue. As one parliamentarian contended, the establishment of the pre-Soviet Ukraine's Central Rada in Kyiv in 1917 started the history of Ukrainian parliamentarianism that endured in the next decades as the workings of Soviet Councils of Deputies (Moroz, 1997). This historical interpretation was put forward to strategically engage the Soviet-era memory camp majority in supporting the declaration.

By shifting the interpretative focus from the events of 1917 per se, the initiators of the declaration attempted to push the Soviet-era memory camp for a swift adoption of the act. A vivid response followed from Soviet-era memory supporters disavowing the legislative attempt. In his response to the initiative in the plenary debate, Yuriy Donchenko, a parliamentarian elected in the Luhansk district in the Rada elections of 1994, argued that the commemorative act aimed to substitute the celebration of the establishment of Soviet Ukraine's legislature (Donchenko, 1997). The declaration skilfully shifted attention from Soviet-era interpretations of Ukrainian history. Moreover, a communist MP Serhiy Hmyria (Luhansk electoral district), speaking on behalf of the Communist Party faction, argued that the Czyzh act aimed to infringe on the validity of the 1st Council of the Soviets of Ukraine that established Soviet power in Ukraine by denying the Soviet period of Ukrainian history (Hmyria, 1997). The support of the parliament's leadership represented by the Speaker of the Verkhovna Rada Oleksandr Moroz of the Socialist Party of Ukraine speaking in favour of commemoration was crucial to pushing the declaration through a parliamentary vote on this particular occasion.

As far the topic of the Ukrainian revolution of 1917–1921 remained marginal in the parliamentary memory politics, a more distant Ukrainian past provided

relief for the national-Ukrainian memory agents to invent a narrative over Ukrainian history that would curb the preponderance of the Soviet-era memory model. Parliament turned to the Cossack origins of Ukrainian statehood from the early modern period. In 1995, the Verkhovna Rada issued the Proclamation to the Ukrainian people on the anniversary of Bohdan Hmelnytskyi, a 17-century leader of the Cossacks (VRU, 1995d). The parliamentary act claimed that the idea of modern Ukrainian statehood originated from Hmelnytskyi's state-building efforts. In 1995, the parliament proclaimed the celebration of a nationwide anniversary of Hmelnytskyi in 2005 once again (VRU, 2005).

At the turn of the 2000s, another legislative amendment on the side of the national-Ukrainian memory model distanced from Soviet-times interpretation of the past in the country's labour law. The Labour Code of Soviet Ukraine adopted back in 1971 was kept as a part of legislation in force in post-independence Ukraine after 1991. On the commemorative side of things, the code established May 9 as the Day of Victory and a national holiday in Ukraine (Verkhovna Rada Ukrainskoii RSR, 1971). Moreover, this Soviet law preserved the anniversary of the 'Great October Socialist Revolution' of 1917 to be celebrated annually on November 7 and 8 as a national holiday. In a move in parliamentary memory politics, an amendment to the Labour Code removed the anniversary from the commemorative calendar and, thus, might be seen as contributing to the national-Ukrainian memory model (VRU, 2000b).

While the national-Ukrainian camp slowly established a grip over parliamentary memory politics by pushing for interpretative concessions in commemorative lawmaking, the turn of the second decade of memory regulation was conducive to a major expansion and codification of Soviet-era WW2 memory. In 2000, the adoption of the law 'On Honouring the Victory in the Great Patriotic War of 1941–1945' by the third Rada solidified the centrality of the Soviet-era interpretation of WW2 for the model of collective memory in post-independence Ukraine. This law established the perpetuation of the victory over fascism as well as the perpetuation of the 'victor-nation' as its collective memory-regulating aim (VRU, 2000a). The act did not name the victorious nation as the Ukrainian people specifically implying that the Soviet people remained the main protagonist of WW2 memory in post-independence Ukraine.

On a more practical level, the law developed a ceremonial framework for perpetuating the events of WW2. On the one hand, Article 1 of the law defined May 9 as a national holiday and established the duty of the state to venerate the victory over fascism. Thus solidifying the centrality of the Soviet-era interpretation of WW2. On the other hand, Article 1 established that in the perpetuation of the victory, commemorative activities in Ukraine's cities and towns should be held by using the symbols of the war. Furthermore, among the main forms of perpetuation defined by Article 3, the Law established the commemoration of liberation days of major cities and provinces of Ukraine; honour guards and wreath-laying would be involved; and it defined other memorialisation parameters such as monument-building, museums, and exhumation activities all to be supported by the Ukrainian government. The same article stipulated the explicit collective

memory-regulating aim of the law by proclaiming the duty of the state to 'prevent falsification of the history of the Great Patriotic War in academic works, textbooks and mass media' (VRU, 2000).

The politics of memory surrounding the adoption of the GPW Law demonstrated that the Communist Party faction in the Rada remained the main sponsor of the Soviet-era memory model initiating the push for the codification and institutionalisation of the GPW narrative by a major legislative piece. In late 1999, a group of high-profile communist MPs submitted the draft of the law before the parliament (Anastasiev et al., 1999). The membership of the four authors of the draft in the parliamentary committee of veterans affairs was instrumental for pushing the law through as this committee was overseeing the legislative work over the draft. The Anastasiev et al. draft epitomised the Soviet-era interpretation of WW2 and had a considerable chance of being adopted as the political constellation in the third Rada favoured supporters of the Soviet-era memory supporters model (the Communist Party was the most numerous parliamentary faction in the third Rada) and other smaller parliamentary groupings leant towards the Soviet-era memory model. In the plenary debate that ensued, these memory agents legitimised the adoption of the draft law by arguing the relevance of Soviet memory culture to Ukraine (Anastasiev, 1997).

In the political-legislative process, the national-Ukrainian memory camp reacted with an attempt to decline the project from the legislative agenda (Yuhnovskiy, 1999). Furthermore, the Rukh faction argued against the narrative of the communist-sponsored project of WW2 commemoration insisting on the commemorative validity of Ukrainian WW2 nationalism (Kyrylenko, 1999). On the one hand, these deputies offered to edit the beginning of the war from 1941 to 1939 in the communist project of the law. Thus, they tried to infringe on the GPW narrative. The move by national-Ukrainian memory supporters was aimed to move the established timeframe of the GPW starting in 1941 with Nazi Germany's invasion of the Soviet Union and instead that WW2 began with the Nazi invasion of Poland in 1939. Moreover, the original Anastasiev et al. project explicitly forbade the erection of any monuments to Ukrainian WW2 nationalists in Article 6 (Anastasiev et al., 1999). Reacting to this component, a nationalist Rukh MP offered to exclude this passage from the paragraph of the law (Kyrylenko, 1999). On all of these accounts, the national-Ukrainian amendments failed after being declined by the parliamentary majority in the Verkhovna Rada.

The intervention of President Leonid Kuchma vetoing the first version of the GPW law passed by the third Rada was crucial in mediating its extreme pro-Soviet memory component. President Kuchma fully allied with the GPW and the relevance of Soviet-era interpretations of Ukrainian history (Kuchma, 2000). Yet the President reacted with a veto arguing that there were legal deficiencies of the communists-drafted law due to its largely declarative, non-regulatory nature. In the President's view, the legal regulation of social relations should possess a considerable regulatory component to qualify to be a law (ibid). Moreover, the President's veto objected to some of the provisions of the law requiring significant public expenditure. In the presidential version of the law submitted before

the parliamentarians and successfully passed by an almost qualifying majority, the law (as well as Article 6) was re-edited with a more neutral and legally correct language. While the presidential amendments retained the GPW memory model pushed by the communist MPs, the most controversial and colloquial provisions were edited or removed, including the one prohibiting monuments to Ukrainian WW2 nationalists.

In the early 2000s there were coordinated initiatives in the politics of the memory field to reinvigorate or reproduce the main elements of the Soviet-era memory model. In a twist of parliamentary memory politics, the third Rada went beyond an exclusive focus on the GPW by extending legal regulations to other components of Ukraine's Soviet past. In 1999, the Verkhovna Rada declared the intention to hold celebrations for the 80th anniversary of the *Komsomol* (LKMSU) movement established in Soviet Ukraine (VRU, 1999b). In the years that followed, the fourth Rada held a national commemoration of the Komsomol anniversary again (VRU, 2003a; VRU, 2004a). These acts sought to validate the Soviet-era interpretation of Ukrainian history. For instance, a commemorative act from 2004 'recommended' the Lviv regional council abrogate the council's decision from 1991 that dissolved the Komsomol organisation of the Lviv region (VRU, 2004a). The meaning of the act was not to restore the Komsomol itself but to validate the memory of the Komsomol and ensure its positive representation in the public-political sphere.

Continuing to support the Soviet-era memory, the institutionalisation of a more regionalised memory of WW2 happened in the early 2000s. In 2002, the Verkhovna Rada supported the national-level commemoration of the 60th anniversary of the Moloda Hvardia, an anti-fascist youth organisation operating under the Nazi occupation in the Luhansk region from 1942-to 1943 (VRU, 2002a). Moreover, after being absent from the commemorative calendar of the 1990s, the parliament initiated the commemoration of the approaching anniversary of the Stahanov movement, which originated in Soviet Ukraine's Donbas in the 1930s (VRU, 2004d). The anniversaries of the Komsomol and Stahanov movements (the 90th and the 75th anniversaries respectively) were commemorated for the last time in 2009 by the sixth Rada before vanishing from parliamentary memory regulation (VRU 2009c; VRU 2009d) paving the way for the national-Ukrainian memory model that pushed out these anniversaries from commemorative calendar.

During the 2000s, celebrating GPW-related anniversaries became a consistent part of Verkhovna Rada legislation over the past. In 1999, the parliament had commemorated the 54th anniversary of the war by devoting a plenary session to the event (VRU, 1999c; 1999d). In 2001, the third Rada held a special plenary session dedicated to the beginning of the Great Patriotic War again (VRU, 2001c). On another occasion, the Verkhovna Rada proclaimed the anniversary of the beginning of the war (VRU, 2005a). The proclamation reproduced the main elements of the Soviet-era narrative over WW2 praising the deeds of the 'People of Ukraine and the peoples of the former Soviet Union' in obtaining the victory against fascism (ibid.). The proclamation exhorted local councils to maintain

GPW law, re-install places for an eternal fire in local communities where this practice had vanished, and to restore local monuments to the war.

In commemorating figures of the past, the Soviet-Ukrainian partisan movement enjoyed particular significance in the parliamentary politics of the national legislature dominated by the Soviet-era memory camp. In terms of defining the pantheon of national heroes, parliamentary memory agents venerated Oleksiy Fedorov and Semen Rudniev, two high-profile leaders of the Soviet-Ukrainian partisan movement against Nazi-occupied Soviet Ukraine. In this regard, the parliament introduced nationwide celebrations of the jubilees of Soviet Ukraine's partisan movement participants and a Soviet WW2 general on a few different occasions (VRU, 1999a; 2001a; 2001b). During this period, parliament mandated the celebration of regional events related to the course of WW2 in Ukraine. Parliamentary acts from 2003 and 2004 commissioned a series of commemorative activities related to the liberation days of Ukraine's towns and provinces in the course of the war to be held in 2003–2004. This also included monument-building and the establishment of a memorial complex to a Soviet war hero Ivan Kozedub (VRU, 2003b; VRU, 2004e). These acts usually envisaged nationwide celebrations of the respective liberation days or of major Red Army advancements to regain Ukrainian lands in the course of WW2.

The parliament got also commissioned commemorative activities. In 2004, the Verkhovna Rada called for the government to take measures for the creation of a memorial complex 'Ratne Pole' dedicated to the GPW (VRU, 2004b). The transnational memory potential was explored by issuing a series of activities and events dedicated to the anniversary of the Yalta conference of 1945 (VRU, 2004c). In 2006, the Rada proclaimed the celebration of the centennial anniversary of WW2 Soviet Ukrainian general Ivan Cherniahivskiy's birthday. The act commissioned the erection of a monument dedicated to the general in Kyiv as well as other commemorative measures to be held throughout 2006 (VRU, 2006a). As these acts show, the Soviet-era memory of the GPW was reproduced and, at times, adjusted to national specifics meaning the accommodation of events and figures which spoke more closely to Ukrainian WW2 experiences without major changes to Soviet-era memory.

As all of these examples demonstrate, the Soviet-era memory model dominated commemorative lawmaking in the parliament of the early 2000s. However, an important development of national-Ukrainian memory model occurred in the memory legislation. The emergence of the Holodomor in legislative memory work became the first stepping stone for the Nationalist-Ukrainian memory model that infringed on the commemorative validity of the Soviet-era memory in the longer run.

## 4.3. The 'Nationalisation' of the Past in Memory Legislation (2002–2010)

Following the parliamentary elections of 2002, the Verkhovna Rada enacted its first legislation over the Stalinist famine perpetrated in Soviet Ukraine from 1932–1993. The two parliamentary acts from 2002 and 2003 are politically significant because they attempted to develop a historical narrative for Ukraine that infringed on the preponderance of the Soviet-era memory model and the centrality of the GPW narrative in commemorative lawmaking. These legislative acts diversified the representation of the Soviet period in Ukrainian history by addressing the interpretation of Stalinism in particular. The passage of these acts relied on the consolidation of the nationalist-Ukrainian memory camp following the 2002 elections. As a result of the elections, the Communist Party faction lost its preponderant position in parliament. Instead, Nasha Ukriana headed by Viktor Yushchenko were the most numerous faction in the fourth Rada. Parliamentary memory agents on Yushchenko's side (who were previously Rukh MPs in the 1990) initiated Holodomor memorialisation in the fourth Rada.

Moreover, since the elections of 2002 a second cleavage clearly manifested itself in legislative memory work. The fourth Rada reflected the dynamics of Ukraine's regionalism and its electoral components signifying the early memory cleavage of the 1990s. The split between pro-Soviet memory communists and anti-communist politicians transformed into the cleavage between two parliamentary camps entrenched electorally in West-Central and East-Southern Ukraine. In the 1990s, the trajectories of parliamentary memory politics were often defined by individual politicians, who represented Western-Ukrainian or Eastern-Ukrainian constituencies and put forward motions for commemorative declarations sponsoring nationalist-Ukrainian or Soviet-era memory models. However, from 2002 the parliamentary memory politics in the national legislature became entrenched along a regional cleavage with two memory camps representing different parts of the country.

The parliamentary elections of 2002 also signified a change in the initiative of legislative memory work. In contrast to the 1990s, the dynamics of legislative memory work in the Rada were defined by a growing push on the side of the national-Ukrainian memory camp. On a few notable occasions, the national-Ukrainian memory camp seized the initiative in parliamentary politics. The Holodomor memorialisation came as a result of this growing trend. In 2002, parliament declared the 70$^{th}$ anniversary of the Holodomor to be memorialised nationally (VRU, 2002b). This parliamentary act signified the emergence of new individual historical themes in memory legislation. The declaration introduced a genocidal conception of the famine into legislation. The act 'condemned genocidal politics of the totalitarian regime' and, on the other hand, proclaimed the veneration of victims as a goal of the commemorations (VRU, 2002b). On a practical level, the Verkhovna Rada act recommended the Cabinet of Ministers research the number of victims of the famine, called for the creation of a national memorial

(and smaller regional memorials), and exhorted the international community to recognise the famine as a genocide against the Ukrainian people (ibid.). This legislative act sought to accommodate historiographic conceptions of the famine. Moreover, chapter 5 discusses the conception of the Holodomor as a genocide as reasoned in the parliamentary act of 2002 and how this would endure in later years with the introduction of a punitive memory law about the famine seeking to prohibit public denial of the Holodomor.

In parliament, Nasha Ukraina dominated the Cultural Affairs committee. This was crucial in pushing the declaration through a plenary vote. The declaration was introduced by two members of the Cultural Affairs committee and Nasha Ukraina MPs Pavlo Movchan (previously a Rukh member from 1998–2002) and Mykola Zhulinskiy. The declaration enjoyed the support of another Nasha Ukraina MP and the Committee leader Les' Taniuk, who was an active memory agent on the side of the national-Ukrainian memory model in previous convocations of the Rada in the 1990s. Having secured its standing in the parliamentary committee, the national-Ukrainian memory camp pushed for the adoption of the Holodomor declaration in a memory debate that ensued in a plenary session of parliament. This debate revealed the parameters of a historical narrative about the Stalinist period of Ukrainian history.

In parliamentary memory discourse, Communist Party MPs challenged the declaration in a plenary session by trying to delay its passage on a procedural level and by infringing on its narrative in memory debate. Adam Martuniuk, the Vice-Speaker of the Rada and a high-profile communist, used his position in the leadership of the Rada to deprive the Cultural Affairs committee of committee status (Martuniuk, 2002). Moreover, another communist faction member offered to withdraw their vote for the declaration from the plenary session agenda (Myhovych, 2002). However, both initiatives did not get enough support during the plenary session to be passed. In the politics of the national legislature of the early 2000s, the main sponsors of the Soviet-era memory camp were put on the defensive in legislative memory work.

In a plenary session on 28 November 2002, communist parliamentarians challenged the narrative of the Stalinist genocide against Ukrainians. Instead, they insisted on the relevance of the common victory of the Soviet people over fascism as the main historical-interpretative narrative of Ukrainian history (Rodionov, 2002). Another communist MP pointed out the artificiality of Holodomor memorialisation that sought to infringe on Soviet-era memory (Myronenko, 2002). Moreover, Serhiy Hmyria (a communist MP and active sponsor of the Soviet-era memory model in the third Rada) presented the case of the famine as the common tragedy of the Soviet people arguing that the famine in early 1930 concerned various parts of the Soviet Union and, thus, challenged the exclusivist genocide-paradigm of the declaration (Hmyria, 2002). The mediation of Oleksandr Moroz (former Speaker in of the third Rada and the leader of the Socialist Party in the fourth) was crucial to mediating the dispute between the nationalists and the communists. A socialist parliamentarian spoke in support of the part of the declaration instituting a commemorative session of the Verkhovna Rada dedicated to the

famine of 1932–1933, but offered to postpone drafting the final text of the commemorative declaration (Moroz, 2002).

Following this push in legislative memory work, the national-Ukrainian memory camp of the fourth Rada made another successful move in parliamentary memory politics. In spring 2003, the parliament held a special plenary session dedicated to the events of the famine, which was scheduled by the 2002 Holodomor declaration, and adopted a national program for the veneration of the memory of the famine's victims (VRU, 2003c). In 2003, the Verkhovna Rada issued a Proclamation to the Ukrainian people regarding the Holodomor (VRU, 2003d). In this act, the parliamentarians introduced a full-fledged interpretation of Stalinism in Ukrainian history. The parliamentarians reasoned that the 'Ukrainian national catastrophe' of the Holodomor was a crime of the Stalinist totalitarian regime perpetrated with a political purpose against the population of the country. Importantly, the parliamentary act considered the man-made famine of 1932–1933 as targeting the Ukrainians as a national community to justify the application of legal term of genocide. Parliamentarians provided a full-fledged interpretation of the event of the famine in Ukrainian history putting the Holodomor's memory at the centre of the national-Ukrainian narrative about Ukrainian history.

Against the backdrop of venerating the memory of victims of the famine, the 2003 commemorative act expanded on the teleological timeline of Ukrainian history. The commemorative act argued that the atrocities of the Soviet totalitarian regime had taken place against Ukrainian peasants in 1932–1932 (forceful deprivation of harvest, confiscation of food, deportations etc.) together with the 'destruction of shrines and churches, mass repressions against the intelligentsia and the clergy' aimed at the suppression of the Ukrainian nation (VRU, 2003d). Moreover, the Holodomor act linked together Holodomor memory and the quest of Ukrainians for national independence in the twentieth century. The discovery of the truth about the famine in the late 1980s (which was denied for decades by the Soviet regime in Ukraine) was one of the prerequisites contributing to Ukraine gaining national independence in 1991. On this note, the national-Ukrainian memory camp considered the 'Catastrophe' of the Holodomor as one of the gravest crimes in history and called for official state recognition and further memorialisation of the Holodomor as a genocide against Ukrainians. (ibid.)

Also in 2003, the national-Ukrainian memory camp in the parliament turned to memorialise the record of pre-Soviet Ukrainian statehood. Taken together with the Holodomor memory, commemorative declarations signified the further development of a historical narrative to infringe on the preponderance of the Soviet-era memory model. If the 2003 Holodomor act linked together Holodomor memory with national independence, the commemorative act to the Ukrainian People's Republic (UNR) of 1917–1921 issued by the fourth Rada infringed further on the relevance of Soviet state-building in Ukraine.

In 2003, the Verkhovna Rada issued a Proclamation on the 85th Anniversary of the Fourth *Universal* [an act of independence] of the Central Rada of the Ukrainian People's Republic (Postanova, 2003e). The parliamentary act commemorated the proclamation of national independence by the pre-Soviet Ukrainian

government in Kyiv on 22 January 1918. In other words, the act established a different timeline for Ukrainian statehood that started before the emergence of Soviet Ukraine in 1919. Moreover, the act established the temporal continuity between the UNR and post-independence Ukraine by arguing that:

> *"The proclamation of independence by the Ukrainian People's Republic in January 1918 became international law foundation for the future of independent Ukrainian statehood, which was fully realised in August 1991, and for the unity of the Ukrainian lands, which originates in the Unification Act between Ukrainian People's Republic and the Western-Ukrainian People's Republic on January 22, 1919"* (VRU, 2003e).

It is important to note that this interpretation of Ukrainian history infringed on the Soviet-era interpretation of the reunification of Ukrainian lands directly. The act posited that this reunification happened in the course of the national struggles of Ukrainians after WW1. By implication, this infringed on the claim that the reunification of Ukrainian lands as a result of WW2 events (first, following the execution of the Molotov-Ribbentrop Pact in September 1939 and, thereafter, when the Red Army regained the territory of Ukraine in the final stages of WW2). Moreover, the parliamentary act argued that the memory of this event should enter the 'historical memory of the Ukrainian people' (ibid.). In terms of tangible legal ramifications, the act did not amount to a major piece of constitutional law comparable to the legal restorationist paradigm adopted across the Baltic states as it did not proclaim Ukraine a legal heir of the UNR. Yet, the commemorative act further solidified the components of the national-Ukrainian memory model to infringe on the commemorative validity of Soviet-era interpretations of Ukrainian history.

In parliament, the 2003 Holodomor declaration enjoyed a swift passage and was adopted right away without a broader discussion. The declaration demonstrated that the national-Ukrainian camp held the legislative initiative in the fourth Rada navigating the political-legislative process successfully in contrast to the 1990s. In turn, the Soviet-era memory camp raised discontent with the interpretation of the Soviet past but missed the chance to mobilise around the memory issue to alter the narrative of the declaration.

The UNR memory declaration was initiated by Hennadii Udovenko, a Nasha Ukraina member of the fourth Rada and a Rukh MP in the third. In a plenary session on January 16 2003, to challenge the Udovenko project, a Communist MP interrupted the vote that was already launched by the Speaker. The communist MPs' outcry offered an antagonistic interpretation of Ukraine's reunification perennial to the Soviet-era memory model. The parliamentarian argued that the reunification of Ukrainian lands was paved by the Great October Revolution events and enabled by victory in the Great Patriotic War (Rodionov, 2003). The communist MP attested that the Soviet-era war memory was the only legitimate way to interpret Ukrainian history while the Udovenko project disregarded 'historical truth' about the past (ibid.). However, the communist MPs' outcry only delayed the adoption of the declaration in the same plenary session on the same day.

Moreover, in an attempt to diversify the representation of historical experiences of WW2, parliamentary memory agents of the period introduced new historical themes in memory legislation. In this regard, the commemorative acts of the fourth Rada introduced a more 'Europeanised' vocabulary by referring to WW2. Most notably, the parliamentary act of 2004 introduced an annual commemoration of the genocide of Roma people Ukraine (VRU, 2004f). It established a remembrance day for the International Day of Roma Holocaust to be commemorated on August 2 annually. The act also commissioned the government to research the scope of Roma victims of the Nazis in Ukraine. On the other hand, the Verkhovna Rada introduced a new element to the dispute between Ukraine and Poland regarding WW2. In 2003, the parliamentary act addressed the issue of wartime hostilities in Polish-Ukrainian borderlands during the Second World War (VRU, 2003f). Although these commemorative acts did not concern the notion of the Great Patriotic War or Soviet-era interpretations of history, they diversified the representation of historical experiences of WW2 in memory legislation.

As all of these emblematic cases demonstrate, the pattern of mobilisation in the fourth Rada was structured around two memory camps. While the tension in political-discursive battles over the interpretation of Ukrainian history grew between two camps of parliamentary memory agents in the early 2000s, the parliamentary memory camps largely mobilised around affirming the commemorative validity of their memory model. In this regard, the Soviet-era memory model largely dominated the parliamentary memory landscape at the beginning of the 2000s due to the number of commemorative declarations over the Soviet-era interpretation of GPW. However, in the same period, some important developments about interpreting Stalinist period in Ukrainian history also emerged in parliamentary politics. Therefore, two historical narratives pinpointing antagonistic interpretations of the Soviet period in Ukrainian history co-existed in commemorative lawmaking in the first part of the 2000s. However, as parliamentary memory politics unfolded in the fifth and sixth Rada, parliamentary memory agents were increasingly willing to infringe on the symbolic validity of the rival memory model.

In the 2000s, an intensification of the politics of memory in the national legislature was accompanied by the events of the 'Orange' Revolution in Kyiv that led to the election of the "Nasha Ukraina" leader Viktor Yushchenko to the Presidency in 2005. Moreover, the fifth Rada which convened after the parliamentary election of spring 2006 further advanced Holodomor memorialisation with a punitive memory law prompted by President Yushchenko and the parliamentary memory agents in his memory camp (see chapter 5). On the other hand, in the declarative dimension of memory law, parliamentary memory agents on Yushchenko's side that accompanied the years of his presidency in the fifth Rada (2006–2007) and sixth Rada (2007–2012) were successful in making legislative moves to normalise the memory of Ukrainian WW2 nationalism.

While in the 1990s and 2000s commemorative legislation largely reproduced Soviet-era interpretation of WW2, some interpretative concessions in legislative memory work emerged in the latter half of the 2000s. These attempts reflected

the changes in the relative strengths between rival Soviet-era and national-Ukrainian memory camps. The parliamentary election of 2007 showcased that memory regulation reached a point of a stalemate between the two political memory camps with commemorative laws of both types co-existing in the legislation over the past. In this period, parliamentary agents advocated for their respective interpretations of Ukrainian history to various degrees of success in legislative memory work. The first few years of the sixth Rada, accompanied by the presidency of Viktor Yushchenko (2005–2010), were conducive to interpretative victories over the national-Ukrainian memory model in legislative memory work. The latter years accompanied by the Presidency of Viktor Yanukovych (2010–2014) showcased the turn of the politics in the national legislature towards to Soviet-era memory model. All in all, the parliamentary politics in the sixth Rada demonstrated the intensification of the political contest between the two memory camps.

The commemoration of WW2 in the sixth Rada that unfolded after the parliamentary elections of 2007 led to a mobilisations by the Nationalist-Ukrainian and Soviet-era memory camps to protect antagonistic memory models in commemorative lawmaking. In late 2008, memory agents on Yushchenko's side in the Verkhovna Rada mobilised to validate the memory of Ukrainian WW2 nationalism. In this regard, parliamentary agents successfully pushed for national celebrations of the anniversaries of a high-profile WW2 nationalist on the one hand and a political leader of the UNR-era on the other. The normalisation of the memory of two historical figures challenged the preponderance of Soviet-era WW2 memory and presented a major interpretative win for the nationalist-Ukrainian memory camp. For the first time in post-independence Ukraine, an act of the national legislature commemorated Ukrainian WW2 nationalists on a national level.

The control of the national-Ukrainian camp over the Culture Affairs committee of the parliament proved to be a crucial factor in normalisation of the nationalist memory. In 2008, the Verkhovna Rada voted for a list of anniversaries to be celebrated through the duration of the upcoming calendar year. The commemorative act specified a list of 69 historical figures mandating the government to prepare commemorative events valorising these historical figures. Among the anniversaries commissioned by the parliament, two anniversaries were important to the supporters of the national-Ukrainian memory model. The commemorative act established the celebration of the 130$^{th}$ anniversary of the date of birth of Symon Petliura, the leader of the pre-Soviet Ukrainian government, and the 100$^{th}$ anniversary of Stepan Bandera, the leader of WW2 Ukrainian nationalists (VRU, 2008).

Additionally, the parliamentary agents drafting the declaration aimed at introducing explicit changes to the Soviet-era interpretation of WW2. Among the anniversaries commissioned by the commemorative act, two anniversaries changed the timeframe of WW2 in Ukrainian history. The act mentioned the 70$^{th}$ anniversary of the beginning of WW2 (meaning September 1, 1939) and the 65$^{th}$ anniversary of the Korsun-Shevchenkovsky Offensive by the Red Army to liberate central Ukraine during WW2. The first anniversary was an explicit

infringement on the Soviet-era interpretation of GPW by the national-Ukrainian memory camp. The latter anniversary attempted to incorporate a landmark GPW memory event into a more 'Europeanised' version of war memory by omitting it as the anniversary of the 'Great Patriotic War' and instead of mentioning only WW2. The successful passage of the commemorative declaration relied on the leadership of Volodymyr Yavorivskiy in the Cultural Affairs committee, which presided over the drafting of the declaration and put it forward before the parliamentarians. An alternative project of the commemorative declaration was prepared by the vice-president of the Partia Rehioniv faction Viktor Tykhonov, who argued the impermissibility to commemorate Ukrainian WW2 nationalists. Yet, the partner factions of the national-Ukrainian memory camp "Nasha Ukraina" and "Yuliya Tymoshenko Bloc" endorsed the Culture Affairs Committee project successfully in a plenary session vote on 25 December 2008.

The commemorative assault on the side of the national-Ukrainian camp controlling a crucial parliamentary committee did not go without notice of the main sponsors of the Soviet-era memory model. A few weeks later, the Communist Party faction mobilised in support of the counter-narrative of the Great Patriotic War. In January 2009, a communist faction MP offered to commemorate the 65th anniversary of the expulsion of the 'fascist invaders' from the territory of Soviet Ukraine in 2009 (VRU, 2009a). The Tsybenko project re-affirmed the narrative components of the Soviet-era interpretation of WW2 speaking about the Great Patriotic War of 1941–1945. The communist MP argued that the commemorative act of 2008 voted for in the previous month omitted the anniversary and that the mistake should be corrected. Voldomyr Yavorivksiy of the Cultural Affairs committee and the nationalist factions in the Verkhovna Rada had little to object to celebrating the anniversary of the expulsion of the Nazis from Ukraine, so the GPW declaration was passed by the overwhelming majority of parliamentarians. In other words, at the beginning of 2009, the memory legislation accommodated both historical interpretations of WW2 in commemorative declarations. One that adhered to altering the timeline of GPW and substituting it with the notion of WW2 (which was conceived in the 2008 declaration) and the other reproduced the Soviet-era interpretation of WW2 in the act of early 2009.

Staying true to the commemorative practice of the early 2000s, the Tsybenko-drafted declaration mandated national commemorative events as well as the celebration of regionalised events of GPW (such as the liberation of cities and regions of Soviet Ukraine by the Red Army). The act also referred to the GPW Law of 2000 and mandated the government to keep preserving and protecting GPW monuments and memorials around the country (ibid.). Additionally, in spring of 2009, the Soviet-era memory camp advocated for the celebration of the '64th Anniversary of the Victory in the Great Patriotic War of 1941–1945' and sponsored the adoption of a separate commemorative declaration on the occasion (VRU, 2009b). Thus, the parliamentary act diverged from the narrative of the Verkhovna Rada act from late 2008 that tried institutionalise a more 'Europeanised' version of the commemorative calendar for 2009 in how it approached the interpretation of WW2.

## 4.4. The Soviet-era Memory Model Renaissance in Collective Memory Regulation (2010–2014)

While political-discursive battles over the memory of WW2 became a routine of parliamentary memory politics during the Presidency of Viktor Yushchenko, a major push on the side of the Soviet-era memory camp followed in parliamentary memory regulation after Yushchenko's presidency. The presidential elections of 2010 led to the election of the Partia Rehioniv candidate Viktor Yanukovych to the Presidency and revitalised parliamentary memory politics in direction of the Soviet-era memory model. While no extraordinary elections were called, the new parliamentary majority led by Partia Rehioniv was formed in the Verkhovna Rada. This fact of political life was immediately reflected in the dimension of anniversary legislation when the Soviet-era memory camp (represented by the incumbent partner factions of the Partia Rehioniv and Communist Party) successfully pushed for major pieces of legislation to protect the validity of the GPW's historical narrative and other components of Soviet-era memory. Thus, the sixth Rada turned to re-institutionalising the Soviet-era memory model in the latter years of its duration. Moreover, in the aftermath of the parliamentary elections of 2012, memory agents on the side of the Soviet-era memory camp led by the Partia Rehioniv affirmed their dominance over parliamentary politics in the seventh Rada pushing for the Soviet-era memory agenda in legislative memory work further.

From 2010–2012, parliament introduced a series of acts establishing new commemorative ceremonies dedicated to the Great Patriotic War as well as voting for numerous commemorative initiatives and anniversaries to institutionalise components of Soviet-era memory. The commemorative acts and parliamentary memory work resurrected notions and vocabularies of Soviet-era interpretations of Ukrainian history. The beginning of 2010 (which the Verkhovna Rada proclaimed the 'year of the veterans of the Great Patriotic War') signified this turn in commemorative lawmaking. The parliamentary act defined that the Ukrainian people shall commemorate 9 May in 2010 together with other 'fraternal-nations' to venerate 'deceased warriors-liberators' (VRU, 2010a). In memory discourse, the Soviet-era memory camp reversed from historical themes of the Yushchenko-era in the national legislature.

The most important commemorative event of 2011 (the May 9 commemorations of that year) was prompted by another legislative amendment pushed by the Soviet-era memory camp. The new amendment to the GPW Law of 2000 that was introduced by the Verkhovna Rada in early spring 2011 obliged public and private enterprises to use the red flag as a symbol of the victory in WW2 (VRU, 2011c). For decades, in the absence of a separate regulatory framework on national anniversaries, the amendment came as a major event of the expansion of public commemoration of May 9 in early 2000s. The mobilisation of the Soviet-era memory camp to legitimise using the red flag in public commemoration demonstrated that this memory camp controlled the parliamentary politics of 2010. The Soviet-era memory camp in the sixth Rada mobilised twice with

amendments on the usage of Soviet-era symbols. In the spring 2010, the Communist Party and Partia Rehioniv factions MPs tabled a project to amend the GPW law of 2000 that institutionalised the usage of red flags during the May 9 commemoration (Tsybenko and Car'kov, 2009). At the discursive level, the amendment focused on the 'victory of the Soviet people', thus, infringing on the validity of reinterpreting Ukrainian WW2 experiences in a more nationalised manner akin to previous years of parliamentary memory regulation.

While the initiators of the draft law successfully navigated parliamentary politics and got the endorsement of the Veterans Affairs Committee (to which a communist MP and one of the co-authors of the project, Petro Tsybenko, belonged), the legislative initiative did not come through the first vote in the Verkhovna Rada. The joint votes of the Partia Rehioniv, the Communist Party, and individual MPs fell below the threshold to endorse the law in a plenary vote. Before Yushchenko's accession from the presidency, the Soviet-era memory camp could not successfully push the draft law through parliament.

A year later in spring 2011, when Viktor Yanukovych's ascension to the presidency reinvigorated parliamentary politics in favour of the Soviet-era memory camp in the sixth Rada, parliamentarians re-introduced Tsybenko and Car'kov's draft law. In the voting, independent MPs in the sixth Rada aligned with the Partia Rehioniv and the Communist Party factions enabling the adoption of the amendment to the GPW Law of 2000 (VRU, 2011c). Moreover, the adoption of the amendment and its execution in approaching the May 9 commemoration signified an intensification of the politics of memory nationally. A drastic turn in memory politics institutionalising a major symbol of the Soviet-era led to public protest in the country in May 2009. The events leading to public disturbances showcased the entanglement of the politics of protest and the politics of memory in Ukraine. The competition between the national-Ukrainian and Soviet-era memory camps in parliament spilled over into political-discursive battles.

In spring 2011, the parliament led by the Soviet-era memory camp broke away from Yushchenko-era memory politics by reinterpreting WW2. In April of 2011, the Verkhovna Rada issued a Declaration 'On the 65th Anniversary of the Nurnberg Tribunal' (VRU, 2011b). The Communist Party faction MPs were the main sponsor to adopt the Nurnberg memory declaration. This declaration was introduced by high-profile communist parliamentarians including Petro Symonenko, a leader of the Communist Party of Ukraine since 1993 and an active memory agent in the parliamentary memory politics in preceding convocations of parliament. While the parliamentary committee on international affairs issued a negative opinion about the project, the political will of the governing tandem of the Partia Rehioniv and the Communist Party was enough to table the law in a plenary session.

The Nurnberg memory declaration firmly embedded the reorientation of parliamentary politics towards defending the Soviet-era interpretation of WW2. On the one hand, the declaration condemned Ukrainian domestic politicians for efforts to rehabilitate and normalise fascist collaborators in the country. Given the controversy around the Ukrainian nationalists during WW2, this statement

was directed against the politicians of the national-Ukrainian memory camp and the efforts to normalise the nationalist memory in Ukraine under President Viktor Yushchenko. On the other hand, the Rada act went further condemning the 'amoral' initiatives of 'international parliamentary structures' (meaning the European Parliament) to attribute co-responsibility of the Soviet Union for the beginning of World War 2 (VRU, 2011b). In the parliament's view, such initiatives were 'by implication directed at whitewashing Nazis and their collaborators' in Europe (ibid.). Therefore, the model of the declaration's narrative protected the memory of GPW from any interpretative concessions domestically while aligning with official Russian memory politics of WW2.

Furthermore, the Soviet-era memory camp continued the push in legislative memory work after the elections when the seventh Rada ratified the Commonwealth of Independent Nations (CIS) Treaty on the Veneration of Memory about Courage and Heroism of the peoples/members of the CIS in the Great Patriotic War of 1941–1945 (VRU, 2013k). In terms of commemorative practices, the parliament institutionalised new commemorative ceremonies and symbols of the GPW in the period between 2011 and 2013. Two new commemorative ceremonies were introduced in the spring of 2011 and dealt with commemorating the beginning and the end of the Soviet-German war of 1941–1945 respectively. In May 2011, the Verkhovna Rada introduced the Mourning Ceremony to be held annually on June 22 marking the day of Nazi Germany's intrusion into Soviet Ukraine. The act obliged the Cabinet of Ministers to publicly and privately hold solemn commemorations at a specific time of the day on June 22 (VRU, 2011d). Finally, another amendment to the same law allowed for cinema screenings of fictional and documentary movies about the war during May (VRU, 2011h).

In terms of commemorating figures of the past, the Partia Rehioniv-controlled parliament proclaimed a celebration of the anniversaries of Soviet WW2 generals and military heroes to be celebrated in 2011 (VRU, 2010b; 2010c; 2011e; 2011g; 2012a; 2012b; 2012d). Usually, these parliamentary acts commissioned the erection of new monuments or the restoration of existing ones or commissioned commemorative exhibitions and other public festivities (e.g. commemorative postage stamps etc.) with the intention to institutionalise the national canon of war heroes of the Soviet-era. These memory acts reproduced Soviet-era interpretations of the war and celebrated Soviet military glory. As the parliamentary act mentioned when instituting the celebration of the Soviet-Ukrainian war hero Ivan Kozedub, state-level commemoration was due to 'his great input in the liberation of Ukraine, Russia, Belarus, the Baltics […] from fascist occupants in the years of the Great Patriotic War' (VRU, 2010b).

Moreover, a significant portion of the memory legislation issued by the sixth Rada concerned the veneration of the memory of the Soviet-Ukrainian partisan movement. Following attempts to normalise the memory of Ukrainian WW2 nationalists in the Yushchenko-era parliament, the Partia Rehioniv -controlled Rada turned to the memory of Soviet partisans to antagonise the memory of Ukrainian WW2 nationalists. In 2011, a declaration to the partisan movement of

1941–1944 followed. The adoption of this commemorative declaration showcased an antagonistic interpretation of the historical experiences of Ukrainian WW2 combatants. The initiators of the act provided commemorative validity to Soviet partisans and discriminated against the historical experiences of non-Soviet combatants (Danylenko, 2011; Kamchatnyi, 2011).

The parliamentary act on the 70th anniversary of the partisan movement in Ukraine commissioned a wide range of commemorative events in conjunction with the anniversary. The parliamentary act proclaimed 'the veneration of the deeds of [Soviet] partisans and underground fighters' to be celebrated throughout 2011 (VRU, 2011a). Among other things, the Act launched a series of activities for the restoration of monuments and museums; giving a name of a Soviet partisan hero Semen Kovpak to a higher educational establishment in the city of Sumy; renaming streets after the names of the Soviet WW2 generals in Rivne; and the establishment of a new national museum dedicated to the Soviet partisan movement. Addressing the local communities, the parliamentary act recommended drafting, adopting, and executing local plans for commemorative measures dedicated to the 70th anniversary of the partisan movement across local areas and districts throughout 2011 (ibid.).

Akin to memory regulation of the early 2000s, parliamentary memory regulation turned to anniversaries related to the military victories of the Red Army over Nazi troops in the territory of Ukraine during WW2 (VRU, 2013a; 2013b; 2013c; 2013d; 2013e; 2013f; 2013g; 2013h; 2013i; 2013j). Furthermore, declarative memory regulation solidified the preponderant Soviet interpretation of other WW2-related events. In 2011, the Verkhovna Rada proclaimed the anniversary of Zakarpattia's reunification with Soviet Ukraine in a Stalinist-era interpretation of events (VRU, 2011g). The parliamentary act argued that the anniversary marks the institution of the 'people's power' in the region inspired by the liberation of the region by the Red Army, and subsequent unification with Soviet Ukraine (ibid.). All of these commemorative acts demonstrated the revitalisation of Soviet-era war memory at the declarative dimension of memory law in the latter years of the sixth Rada.

The intensification of political divisions in Ukraine spiralled by the unfolding public protest in Kyiv in late autumn of 2013. The events of the protest reverberated through parliamentary memory politics. The Ukrainian memory divide progressed with the intensification of memory politics in the years of the sixth and seventh Rada. The politics of protest became an exogenous event pushing the Soviet-era memory camp for the adoption of a separate punitive memory law to consummate the orientation of the memory legislation towards the Soviet-era memory model. In early 2014, such a project was reinvigorated and voted through in the sitting of the Verkhovna Rada marking the pinnacle of pro-Soviet memory turn under President Viktor Yanukovych. The course of the events and the demise of the Soviet-era memory camp in the seventh Rada are discussed in chapter 5.

## 4.5. The Nationalist Memory Redemption in Legislative Memory Work since the Euromaidan of 2014

Following the renaissance of the Soviet-era memory model in 2010–2014, the pendulum of memory politics in the eighth Rada turned to the national-Ukrainian memory camp. The progression of parliamentary politics prompted by the events of the Euromaidan entrenched legislative memory work on the side of the national-Ukrainian memory model. In this regard, the last parliamentary declaration dedicated to the memory of GPW (which operated with the Soviet-era interpretation of war memory) was adopted in early spring 2014. Consequently, the post-Euromaidan eighth Rada did not renew celebrations of Soviet-era memory since spring 2014. Thus, the declaration of the 70th anniversary of the creation of the Soviet-Ukrainian partisan movement in 2011 remained the last parliamentary act of the Soviet-era war memory model without being renewed in 2015. Similarly, the anniversaries of the Komsomol and Stahanov movements (which the 90th and the 75th anniversaries were celebrated by the parliament back in 2009), also vanished as separate historical themes from commemorative lawmaking.

The post-Euromaidan Verkhovna Rada elected in the autumn of 2014 showcased the demise of Soviet-era memory supporters in Ukrainian memory politics. The two sides of the Ukrainian memory divide changed with the Crimean annexation and the change of electoral make-up of the country. The national-Ukrainian memory camp represented by a coalition of the Petro Poroshenko Bloc, Narodnyi Front, Samopomich, Radical Party of Oleh Lyashko dominated the politics in the Ukrainian legislature. On the other hand, the remnants of the Partia Rehioniv formed a minority faction of the Opposition Bloc in the eighth Rada while the Communist Party vanished from Ukrainian politics. Moreover, similar to the Yushchenko-era in parliamentary memory regulation, the major impetus in lawmaking came from the UINP, which re-emerged as a memory agent of the national-Ukrainian memory camp with including activist historians and pro-Euromaidan activists in its ranks in early 2014 (discussed in chapter 4).

The eighth Rada introduced new remembrance days for Ukraine to diversify the engagement with the Soviet repressive past and validate the anti-Stalinist component of historical remembrance. The parliamentary act of 2014 established the Day of Memory of the Victims of the Genocide of Crimean Tatars People to be commemorated annually on May 18 (VRU, 2015f). The new remembrance day recognised the forced Stalinist deportations perpetrated against the indigenous Crimean Tatar community as genocide. Similarly, another parliamentary act mandated the anniversary of forced re-settlements of Ukrainians perpetrated in communist Poland from 1944–1951. The parliamentary act expanded on the deportations as a crime against 'autochthonous inhabitants [Ukrainians] of the regions' suffering abuses from 'foreign' colonisers for centuries and falling victim of deportations in the 20th century (VRU, 2018). Moreover, the post-Euromaidan Rada turned to legislative memory work over Holodomor memorialisation. In 2016, the parliament issued a Holodomor memory act, in which it reaffirmed the

genocidal nature of the famine and addressed foreign parliaments to recognise the famine as an act of genocide (VRU 2016a).

A major legislative move in parliamentary politics solidified the new approach to WW2 memory. In 2015, the Verkhovna Rada adopted the Law 'On the Perpetuation of the Victory over Nazism in World War 2 of 1939–1945' (VRU, 2015b). The legal work over the law was conducted by the UINP and developed a legislative agenda over memory before being formally introduced to the Verkhovna Rada by the Cabinet of Ministers. The new Law abrogated the GPW Law from 2000 in full. The new legislation introduced a framework for the historical remembrance of WW2 in Ukraine. Article 1 of the Law defined its collective memory-regulating aim by obliging the Ukrainian state and citizens to exercise a 'reverent attitude to the memory of the victory over Nazism in World War II of 1939–1945, of the war veterans, participants of the Ukrainian liberation movement and victims of Nazism' (ibid.). According to the law, WW2 was prompted by 'the agreements of the National Socialist (Nazi) regime of Germany and Communist totalitarian regime of the USSR', thus, the two regimes are co-responsible for the outbreak of the war and the crimes against 'Ukraine and the Ukrainian people' (ibid.).

Furthermore, in terms of commemorative practices, the law largely borrowed the ceremonial framework of the GPW Law of 2000. In other words, the new law preserved the commemorative practices of wreath-laying etc. while changing the semantics of referring to WW2 to erase any references to Soviet-era interpretations. Moreover, the law institutionalised two commemorative days by establishing Memorial and Reconciliation Day conferred on May 8 and the 'day of victory over Nazism in World War 2 (Victory Day)' to be celebrated on May 9. While the former day was to 'Europeanise' WW2 remembrance in Ukraine, Victory Day was preserved in a different semantic interpretation. Finally, the final provision of the Law amended the Labour Code of 1971 to edit out the notion of the 'Great Patriotic War of 1941–1945'.

Having taken control of parliamentary memory politics, the post-Euromaidan memory agents of the eighth Rada expanded on commemoration of Ukrainian WW2 nationalism, thus, infringing on the commemorative validity of the Soviet-era memory model. All of these acts over historical figures' anniversaries commissioned the Ukrainian government and, on one occasion, bodies of territorial self-government to conduct public commemorative events, hold public exhibitions, celebrate the events in schools and higher education establishments, and broadcast the events via public media (VRU, 2015a; 2015e; 2016b; 2017; 2018a; 2019a; 2019b). In particular, the eighth Rada favoured the commemoration of Ukrainian WW2 nationalists. Thus, in different years, commemorative acts celebrated the memory of the Ukrainian WW2 nationalists (VRU 2015c; 2015b), the nationalist combatant organisations of WW2 (VRU, 2016b), and the establishment of the Ukrainian Insurgent Army (UPA) (VRU, 2017). The new memory legislation affirmed a new timeline for WW2, which was outlined by the Law on WW2 commemoration back in 2015 (VRU, 2019a; 2019b). In parliamentary politics, these commemorative acts were passed through the Cultural Affairs

committee with the nationalist memory camp enjoying full dominance in legislative memory work. Having secured the leadership over the Cultural Affairs committee in the parliament headed by Mykola Kniasytskiy, Batkivshyna deputy in the seventh Rada (2012–2014) and Narodnyi Front faction member in the eighth Rada (2014–2019), the nationalist-Ukrainian camp was able to pass these commemorative declarations routinely. In contrast to the political-discursive battles in the sixth and seventh Rada, the minority camp of Soviet-era memory supporters in the post-Euromaidan eighth Rada retreated from challenging this legislative memory work with usually no vivid contestation of the acts normalising Ukrainian WW2 nationalism being raised in the process of parliamentary work.

Beyond the issue of WW2 nationalist commemoration, parliamentary memory agents in the eighth Rada legislated over the record of pre-Soviet Ukrainian statehood. In 2017–2018, the representation of the Ukrainian Revolution of 1917–1922 was developed into an elaborate framework that included anniversaries of the figures of the period, the commemoration of war events unfolding between the UNR government and the military forces of Bolshevik Russia. In this regard, the centenary of the revolutionary events in Ukraine from 1917–1922 was commemorated with a separate commemorative act (VRU, 2017).

A major interpretative change occurred regarding WW2 memory in the commemorative lawmaking of the post-Euromaidan Rada. The parliamentary act of 2019 established the celebration of anniversaries of WW2-related events to memorialise the Nationalist-Ukrainian memory model. On the one hand, it marked the anniversaries of the creation of the Carpathian Ukraine (1939), the Battle of Hruby between the Ukrainian Insurgent Army and German troops occupying Ukraine (1944), and the establishment of the Ukrainian Liberation Council, a political wing of the Western Ukrainian nationalists during WW2 (1944). On the other hand, among days with memorial significance, the parliamentary act of 2019 mentioned the anniversaries of the outbreak of WW2 on 1 September 1939 and the forced deportations of Crimean Tatars by the Stalinist regime in 1944 (VRU, 2019a). The introduction of celebrations of historical events further infringed on the validity of Soviet-era interpretations of WW2.

The interpretative permutations between the national-Ukrainian and the Soviet-era memory models are illustrated by the commemoration of the reunification of Ukrainian lands in the commemorative lawmaking after 2014. In the memory regulation of the 1990s, commemorative acts on incorporation of the Carpathian region into Soviet Ukraine argued for the positive role of the Red Army in liberating the region at the final stages of WW2. The acts adhered to the Stalinist-era interpretation of the event. In this regard, the parliamentary act of 2014 broke away from this pattern of celebrating the Red Army victory and its role in the historical event of reunification. In 2014, the Verkhovna Rada proclaimed a celebration of the 75$^{th}$ anniversary of Carpathian Ukraine, which was a Ukrainian state entity existing between the dissolution of Czechoslovakia and the annexation of the region by the Hungarian government in 1939 (VRU, 2014d). Additionally, in 2018, parliament proclaimed the 100th anniversary of the

reunification of the Ukrainian Peoples Republic with the Western Ukrainian Peoples Republic, which occurred in 1918 (VRU 2018b). Having subtracted mnemonic validity from Soviet-era interpretations, the new commemorative acts validated the non-Soviet origins of Ukrainian statehood.

The hold of the national-Ukrainian camp over parliament allowed for the introduction of crucial changes in regulatory memory legislation. The interpretative wins of the Soviet-era memory agents over both the Political Repression Victims Law (1991) and the Veterans Law (1993) were reversed after the parliamentary elections of 2014. On Stalinism, the Verkhovna Rada revised the original 1991 law in 2018 with the adoption of 'On Rehabilitation of the Victims of the Communist Totalitarian Regime 1917–1991' (VRU, 2018). The 2018 amendment introduced a more explicit collective memory-regulating agenda about the Stalinist period of Ukrainian history that its predecessor from 1991 receded from doing. The 2018th law memorialised the national-Ukrainian historical narrative seeking to restore 'historical justice' about the past by validating nationalist memory.

On the commemorative side of things, a new law designated nationalist memory for legal recognition. The provision of the 2018 law abrogated the caveats of Article 2 of the original law from 1991, thus creating a prerequisite for the rehabilitation of WW2 nationalist combatants. The new law put the memory of Ukrainian WW2 nationalism at the backdrop of legal intervention in collective remembrance construction. A provision of the law stipulated that participation in the independence movement is a prerequisite for rehabilitation by default regardless of acts committed during the Soviet regime. According to the law, 'armed intrusions in Ukraine or USSR, organisation of armed groups, participation in armed groups' constitute a prerequisite for rehabilitation 'if such actions were committed with a purpose of gaining (restoring) or defending the independence of Ukraine' by the Freedom Fighters Law from 2015 (VRU, 2018). The latter punitive memory law s discussed in chapter 5.

Moreover, these provisions for the Rehabilitation Law removed other caveats from Article 2 of the 1991 law referring to committing violent and terrorist acts, wreckage and espionage, and the destruction of public property that inhibited the legal rehabilitation of WW2 nationalists. If anti-Soviet insurgents sought national independence during the Soviet-era, they could not be legal ly rehabilitated. In other words, the 2018 law broke away from the Soviet legality prevalent in the previous law of 1991. Committing crimes such as terrorist acts or diversion was not seen as a factor precluding rehabilitation anymore (Tretiakov, 2018; Sobolev, 2018). Moreover, memory agents in the eighth Rada framed the rationale for the new law as foremost fulfilling a collective memory-regulating function to protect the memory of the national liberation movement of the 1940s (Parubiy, 2018). In this historical-interpretative logic by memory agents, contemporary Ukrainian statehood is seen being continuous with the struggles of Western Ukrainian WW2 nationalists and not associated with the record of Soviet state-building in Ukraine.

By the same token, the post-Euromaidan eighth Rada returned to the issue of veterans and legitimised nationalist combatants' experiences of WW2. In 2018, the national-Ukrainian memory camp-controlled eighth Rada voted for a major

amendment to be put into the Veterans Law of 1993. The new amendment accommodated the memory of the nationalist WW2 underground by extending a war veteran status to 'persons, who participated in all kinds of the armed struggle for Ukraine's independence in the twentieth century' (VRU, 2018d).[14] This legislative extension dropped the caveats about nationalist combatants envisaged by the blanket provisions of the Veterans Law of 1993. Moreover, the amendment elaborated on a list of WW2 organisations and combatants groups, which participated in the struggle for independence during WW2, and granted former members of such organisations a war veteran status automatically (VRU, 2018d). Thus, in approaching the diverse Ukrainian experiences of WW2, post-Euromaidan memory agents aimed at legitimising nationalist memory in modelling the narrative of Ukrainian history.

Finally, the last legislative changes concerned the reform of the representation of the past in public spaces. There were two waves of de-Sovietisation of public space in Ukraine. From 1989–1995, the Verkhovna Rada engaged in restoring historical titles to localities and municipalities of the country in substitute for Soviet titles commemorating the Great Patriotic War or the October Revolution. There were 35 parliamentary acts granting the re-naming to local vicinities and settlements. This was the first wave of externalising the Soviet past from the country's public space. The defining feature of this wave was that it had a bottom-up character, with localities petitioning parliament, which had the administrative prerogative to rename local communities, to issue an endorsement of the renaming. However, in terms of empirical outcomes, the significance of the Soviet-era memory model in public space was not altered. Therefore, the Soviet memory heritage in public space largely transitioned in the memorial landscape of post-independence Ukraine. Moreover, as far as the Verkhovna Rada was petitioned to issue renaming by local communities, the first wave of de-communisation did not amount to pursuing an explicit legislative agenda on the representation of the past in public space by the national legislature itself.

Nationally, the reform of memory in public space was prompted by the post-Euromaidan Verkhovna Rada. In 2015, the Rada adopted the law 'On the Condemnation of the Communist and National Socialist (Nazi) Regimes, and Prohibition of Propaganda of their Symbols' becoming the second wave of post-independence renaming of public space (VRU, 2015d). On the retrospective justice side of things, the law was meant to remove Soviet-era legacy from public spaces. On the commemorative side of things, the law intended to memorialise Ukrainian WW2 nationalism in public spaces instead. In this regard, the law

[14] The full amendment reads as follows: "*persons, who participated in all kinds of armed struggle for Ukraine's independence in the twentieth century in the Ukrainian Insurgent Army, Ukrainian Insurgent Army of Taras Borovets (Bul'ba) 'Polis'ka Sich', Ukrainian Revolutionary People's Army (UNRA), Organisation of People's Self-Defense 'Karpats'ka Sich', Ukrainian Military Organisation (UVO), military units of the Organisation of Ukrainian Nationalists and in accordance with the Law of Ukraine 'On legal status and veneration the memory of the freedom fighters in the twentieth century' are recognised as fighters for Ukraine's independence in the twentieth century.*" (Zakon Ukrainy, 2019)

established de-communisation (through the removal of symbols) in instance where those symbols embodied the persecution of the participants of the independence struggle in Soviet Ukraine (VRU, 2015d).

The preamble elaborates on the aims of dealing with historical representations of the Soviet past in public space. There are three prerequisites necessitating the de-communisation of public space. The law established that parliamentary intervention in the representation of the past in public space is motivated by the need to 'restore historical and social justice, remove the threat to national independence and sovereignty' (ibid.). The preamble also argues that the regulatory intervention of the state in regulating the representation of the past in public space is in line with Article 11 of the Constitution of Ukraine endowing the state with the obligation to 'consolidate the Ukrainian nation and its historical consciousness' (ibid.). The memory of the Holodomor was mentioned in a separate line of the preamble expanding on the law's rationale. It states that the Holodomor was a crime against the Ukrainian people that led to the 'destruction of the social framework of the Ukrainian people, its spiritual culture and ethnic authenticity', and that memory of the Holodomor validates the removal of symbols of the regime-perpetrator (ibid.) This necessitated outlawing communist regime symbols in modern Ukraine.

On a practical level, the law targeted two inter-related sets of Soviet-era memory in public space. On the one hand, it targeted symbols of the past (pictures, memorials, monuments, tablets, titles of cities and regions, public infrastructure etc.) containing symbols of the Communist Party, the Soviet Union, or commemorating personalities (starting from district secretaries of the party) or the activities of the Communist Party in Ukraine. On the other hand, the 2015 law infringed on the commemorative validity of celebrating the crackdown on the nationalist movement of WW2, perennial to the Soviet-era interpretation of WW2. The law essentially elaborated on two strands of Soviet memorial heritage to be removed from public space. The first component was concerned with the removal of Soviet heritage from the memorial landscape in general (by renaming cities and streets named after Soviet leaders, removing statues of Lenin etc.). From 2016–2019, the Rada has adopted 13 parliamentary acts renaming two regions, major cities, and other settlements in the execution of the de-communisation law of 2015. The second part of the law instituted a ban on celebrating the crackdowns on Ukrainian WW2 nationalists.

Finally, the de-communisation law of 2015 stipulated an amendment to the law 'On Naming Legal Entities and Property by Names (Aliases) of Natural Persons, Dates of Anniversaries and Holidays, and Names and Dates of Historical Events' from 2012. Article 3 in the new version of the 2013 law forbade endowing legal entities with titles related to 'the activities of Communist Party, the establishment of the Soviet power in Ukraine or its separate parts, and the persecution of the participants in the independence movement in the twentieth century' (VRU, 2012c). Again, in line with a de-communisation requirement, the regulatory provision of this law prescribed individuals and entities to refrain from using titles

of the Soviet-era memory model in public, in particular the ones that might infringe on the validity of the Ukrainian nationalist struggle during WW2.

In sum, the progression of memory legislation through legislative memory work relied on how the Ukrainian memory divide manifested itself in parliamentary politics in post-independence Ukraine. In the 1990s, this divide found its way around the anti-Soviet/pro-Soviet memory cleavage in politically despite the Soviet-era memory camp enjoying dominance in parliament. Moreover, with the progression of parliamentary elections, the Ukrainian memory divides entrenched themselves into two memory camps defined by the electoral dynamics of regionalism through the 2000s. The changes in the relative strengths of national-Ukrainian and Soviet-era memory camps in parliament were responsible for the ability to introduce historical-interpretative changes into the memory legislation of the period. The competition between these antagonistic memory camps reached a stalemate in the latter part of the 2000s. Importantly, separately from their political competition, the two camps struggled for to enact punitive memory laws concurrent with larger views on national historiography. The victory of the national-Ukrainian memory camp over the Soviet-era memory model was deferred until the third decade of post-independence. The exogenous revolutionary event of the 2014 Euromaidan changed the constellation of Ukrainian politics in favour of the national-Ukrainian memory camp who have controlled the political-legislative process over collective memory since 2014.

# 5. PROCESS ANALYSIS OF THE EMERGENCE OF PUNITIVE MEMORY LAWS IN POLAND AND UKRAINE

The motivation of this study relates to the punitive variations of memory law in Poland and Ukraine. In enacting emblematic punitive memory laws, Poland and Ukraine present a striking point for comparison. While both have developed an intense memory politics and engaged in punitive law-making over time, the empirical results of the legal-political processes on punitive memory laws in the national legislatures were different. As showcased by the varying criminal punishment functions of the enacted laws, the Ukrainian memory laws did not introduce criminal punishment function in regulating historical speech while the Polish laws did on a number of occasions. In other words, there is a variation in the outcomes of the events of punitive memory law-making in the national legislatures.

I argue that this variation of outcomes comes as a result of mechanisms at play in the political-legislative process over memory in the national legislatures. The formulation of legislative intent in proposed draft laws on historical speech and in legislative memory work around the draft laws was a crucial component of the processes of parliamentary politics in both nations. The chapter is structured around a typological distinction about the orientations towards national historiographies born out in parliamentary politics. The typological distinction between adversarial and accommodating types of orientations is an analytical device for the explanation of processes and outcomes of legislative memory work in Poland and Ukraine. These orientations are found in the events of formulating legislative intent and punitive law-making.

Put simply, parliamentary memory agents mobilised around memory issues concurrent with their views of national historiographies. The punitive outcomes of the legislative process is due to an orientation formulated in legal work. In practical terms, the content of the historical views and their punitive components were formulated either in the content of draft laws or expressed during parliamentary committee or plenary work. In the sections below, I pinpoint evidence demonstrating when and how legislative intent was formulated (the content of historical views and the punitive orientations in legislative memory work) and carried through in the national legislatures of Poland and Ukraine.

Table 15 compares the Polish and Ukrainian memory laws discussed in this chapter. In Poland, the negative orientation to deal with developments in the national historiography led to the formulation of clear punitive legal provisions and delivered on the legislative intent of parliament. In Poland, the main tension of parliamentary work runs through two historical-ideational paradigms in memory legislation. Within the first (transitional justice) paradigm, the Polish legislature outlawed denialism of the crimes of communism with an IPN Law in 1998. The anti-communist memory law crossed the 'punitiveness' line and established criminal punishment for historical speech targeting the representation of WW2 and the communist regime establishment in Poland.

**Table 15.** Comparing the Polish and Ukrainian punitive memory laws based on their criminal punishment function

| Country-case | The Law | Type of liability | |
|---|---|---|---|
| | | No | Criminal |
| Poland | The IPN Law of 1998 | | X (a fine or imprisonment up to 3 years) |
| Poland | The Lustration Law of 2006 | | X (a term of imprisonment up to 3 years) |
| Poland | The Amending Law to IPN Law of 2016 | | X (a fine or imprisonment up to 3 years) (in conjunction with the IPN Law of 1998) |
| Poland | The Amending Law to IPN Law of 2018 | | X (a fine or imprisonment up to 3 years) |
| Ukraine | The Holodomor Law of 2006 | X (an attempt to institute administrative liability) | |
| Ukraine | The Fascist Crimes Denial Law of 2014 | | X (a fine or restriction in freedom or a terms imprisonment up to 2 years) |
| Ukraine | The Freedom Fighters Law of 2015 | X | |

Subsequently, political memory camps aggrandised the punitive dimension with the introduction of new legislative amendments in order to push for new punitive memory laws. It is in these latter instances of punitive law-making when parliamentary memory agents took an 'adversarial' orientation towards national historiography by reorienting the Polish memory legislation from the first to the second paradigm of memory legislation. In moving to the second historical-ideational paradigm, parliamentary memory agents in Poland were concerned with making a political and prohibitive statement over the critical Polish historiography of WW2. In the events of punitive law-making in 2006 and 2018, parliamentarians sought to forbid the negative representation of the Polish nation in WW2 rather than advance any agenda on retrospective justice and memorialisation implicit to the original IPN Law of 1998. Section 5.1 outlines the events of Polish punitive legislation and investigates how a conceptual and qualitative progression towards the second paradigm of memory legislation occurred in 2006 and in 2018. Also in section 5.1 the empirical analysis of punitive memory laws is displayed in a series of process analysis tables.

In Ukraine, support for an activist national historiography over the repressive Soviet past accounted for the outcomes of punitive law-making in the legislature. In Ukraine, parliamentary memory agents positioned on antagonistic sides of the

Ukrainian memory divide were responsible for the major events of punitive law-making. The national-Ukrainian memory supporters entangled their legal work in parliament with support for activist historical scholarship. They pursued protection of the memory of Holodomor. In legislative memory work, they also proposed punitive laws to protect the historical narrative for the search of independent Ukrainian statehood in the twentieth century. In other words, an 'accommodating' type of relationship with national historiography emerged in the Ukrainian legislature when parliamentarians pushed for the adoption of the Holodomor Law in 2006 or in the events of the adoption of the Freedom Fighters Law in 2015.

Importantly, these instances of punitive law-making and the mechanism of formulating legislative intent repeated itself in the events of 2006 and 2015 in the Verkhovna Rada. Adding a punitive component to the draft laws become a secondary priority. The chronology and content of the punitive law-making indicates that the punitive aspect of draft laws was watered down in the parliamentary process. These laws should be still considered punitive in a sense that Ukrainian legislatures attempted the prohibition of historical speech over the representation of the national past. In the context of the Ukrainian memory struggle, parliamentary memory agents sought to protect the national historiographic view of the past while the punitive potential of laws was hollowed out in the process. Section 5.2 turns to instances of Ukrainian punitive memory laws falling on both sides of the Ukrainian memory divide.[15] It traces the origins of punitive memory law in parliament and its evolution over time. The empirical analysis of the section is encompassed in a sequence of process analysis tables of Ukraine's punitive memory laws.

## 5.1. The 'Adversarial' Orientation towards National Historiography in Punitive Law-Making in Poland

The punitive profile of Polish memory legislation attested to the tension between two historical-ideational types of collective memory regulation in parliamentary politics. The first type preserves the link to domains of transitional justice and the memorialisation of victims of WW2. The second points to the unique Polish experience of collective historical victimhood by banning negative representation of the Polish nation in WW2. Throughout the years, the line of conceptual tension between these two types run through how Polish-Jewish experiences during WW2 are represented in the parliamentary politics of memoy.

[15] Moreover, the Soviet-era memory camp did not rely on fully developed accounts of 'pro-Soviet' Ukrainian historiography. In the discursive context of the parliamentary process, they relied on narratives and interpretations about WW2 inherited from the Soviet past seeking to brush off the positive interpretation of Ukrainian WW2 nationalism or the condemnation of Stalinism in Ukrainian history with their own punitive memory law in 2014. The section discusses the events around the adoption of the 2014 Law and the subsequent events and revocation.

Moreover, punitive law-making in the national legislature reflected this tension and was predicated upon larger historiographical debates over Polish WW2 experiences. Specifically, I argue that this type of orientation accounted for the instances and outcomes of punitive law-making. Table 16 maps the landscape of Polish punitive memory laws adopted since 1998. As can be seen, the politics of denial laws played out around the original punitive norms of the IPN Law. The original anti-communist memory law from the IPN of 1998 outlawed the public denial of communist and Nazi crimes in the country (falling in the first historical-ideational paradigm by representing the national history of WW2). The subsequent expansion of punitive memory law-making was done by either amending the IPN Law or adopting a separate legislative acts. On one separate occasion, a punitive memory law provision was introduced into the Lustration Law of 2006. The next two instances of punitive law-making occurred when enacting the Amending Laws to the original IPN Law in 2016 and in 2018. The latter instances of punitive memory laws fell in the second historical-ideational paradigm of Polish history.

**Table 16.** Punitive memory laws of Poland, 1989–2020

| **Law** | **The original IPN Law of 1998** | **The Lustration Law of 2006** | **The Law amending the IPN Law of 2016** | **The Law amending the IPN Law of 2018** |
|---|---|---|---|---|
| **Content** | Baseline prohibition of communist crimes, Nazi, and war crimes denialism | Thematic expansion of punitive memory regulation | 'Temporal' retrospective expansion of the ban on communist crimes denialism | Thematic expansion of punitive memory regulation |
| **Time-frame of crimes** | September 1, 1939–December 31, 1989 | | November 8, 1917–December 31, 1989 | |
| **Target** | Banning the denial of the crimes of two totalitarian regimes perpetrated in Poland during and after WW2 | **Banning negative representation of the Polish nation in WW2** | Soviet communism | Ukrainian nationalists crimes in 1925–1950; **Banning negative representation of the Polish nation in WW2** |

The political-legislative processes sparked by parliamentary memory agents around issues of WW2 memory and the representation of the national past led to these events of punitive law-making. In the third Sejm, the nationalist memory camp led by partner factions (AWS and UW) introduced and argued for a punitive

memory law banning the denial of WW2 crimes. Subsequently, the political mobilisation of AWS-UW's successors in the nationalist memory camp played into the instances of new punitive law-making in the fifth and eighth Sejm. Around the latter events of punitive law-making, parliamentary memory agents re-oriented their national legislation towards the second paradigm of Polish history. In all of these instances, the 'punitiveness' line in memory regulation was crossed with laws enjoying criminal punishment function by either emulating or being built upon the ban envisaged by the original IPN Law of 1998.

### 5.1.1. The IPN Law of 1998

The original IPN Law criminalized the public denial of Nazi and communist crimes in Poland. Article 55 of the Law established that 'Whoever publicly and against facts denies crimes defined in paragraph 1, article 1 shall be punishable by a fine or a sentence of imprisonment of up to 3 years' (Sejm, 1998d). In this regard, Article 1 of the Law defined a list of crimes that the Institute of National Memory was mandated to research. While Article 1 defined historical themes and introduced a temporal horizon of the crimes of the totalitarian regimes, Article 55 clearly penalized public denial of these themes:

> *"Crimes committed against persons of Polish nationality or citizens of Poland of other nationalities from September 1, 1939 to December 31, 1989:*
> *– Nazi crimes;*
> *– communist crimes;*
> *– other crimes against peace, humanity or war crimes;*
> *b) other politically motivated repressions committed by officers of the Polish law enforcement agencies or courts or persons acting on their behalf"* (Sejm, 1998d)

The Law fell on the side of the first type of memory regulation by the Polish legislature. On the one hand, it kept the memory of WW2 at the backdrop of legislative regulation. The historical-ideational and punitive IPN Law was developed in the confines of parliament. Following parliamentary elections in late 1997, the Sejm (which was dominated by nationalist memory camp groupings) endorsed an extraordinary commission to develop a new piece of legislation. This move in legislative memory work was in accordance with the nationalist memory camp agenda on the politics of memory.

The Extraordinary Commission on Access to Archives and Documents of Former Security Agencies (NAD) to oversee the legislative work over IPN Law was established in early 1998. The composition of the commission reflected the memory politics divide of the third Sejm, positioned between post-communist and nationalist parliamentary camps. The post-communists were represented by SLD and PLS parliamentarians while the nationalist memory camp by AWS and UW. The predominant role of AWS-UW political tandem in the third Sejm was reflected in the leadership of the NAD headed Marek Biernacki of AWS

(Borowski, 1998). Moreover, after initial resistance to the creation of a commission to enact a memory law disavowing the communist past, the SLD faction delegated its representatives to the commission.

The original project of IPN Law that was introduced to the Sejm by the Council of Ministers and was discussed by an NAD session in the spring of 1998. The project contained a punitive provision envisaged in Article 49 of the project (Rada Ministrow, 1998). The project evaluated Nazi and communist crimes as equally criminal in the interpretation of the national past. On the punitive dimension, there was a fine to be introduced for acts of public denial of communist and Nazi crimes (ibid., p. 28). It read as follows: "Whoever publicly and against facts denies Nazi or communist crimes defined in paragraph 1, article 1 shall be punishable by a fine" (ibid.). Beyond introducing a historical evaluation of WW2 experiences, the governmental project remained unclear on the issue of actual punishment for speech acts denying historic crimes (the amount of a fine). Moreover, the draft was unclear about if there were any changes to be introduced to criminal or administrative legislation.

A clearer punitive component was introduced in the course of NAD work. During the sitting of the extraordinary commission, Stefan Niesiołowski (a parliamentarian representing the AWS faction) suggested to specify the punishments for acts of denialist speech in a form of 'imprisonment from 6 months up to 3 years or a fine' (Niesiołowski, 1998). Niesiołowski pushed for punishing instances of public denial of the existence of Nazi concentration camps created in the territory of occupied Poland. Additionally, the parliamentarian suggested cutting the phrase 'against facts' in the construction of the norm envisaged by the governmental project. Removing the caveat broadened the potential application of a punitive provision of the law making a vast array of historical speech regarding WW2 a punishable offence.

On the historical-interpretative side of the debate, there was also pressure to introduce a punitive norm for instances of public denial of the fact that Nazis created concentration camps during WW2. However, the mnemonic target of the amendment proposed by Niesiołowski became apparent when the parliamentarian spoke out on potential application. During the discussion of Article 49, Niesiołowski expanded that this should potentially target not only public denial of the Holocaust, but also public statements ascribing the responsibility of Poles in creating concentration camps in Europe in the aftermath of WW1 (ibid.). For Niesiołowski, the gravity of unwelcome historical speech necessitated clear and strict punitive component to be put into the draft law (ibid). Therefore, parliamentarian provided a clearer perspective on legislative intent as well as historical interpretation behind the draft law.

The argument about preventing neo-Nazi historical denialism was supported by legal experts involved in the work of the NAD (Szawłowski, 1998; Kulesza, 1998). The argument about cutting the phrase 'against facts' in the formulation of Article 49 was rejected in the same sitting of the NAD. Therefore, the formulation of Article 49 with the addition of a criminal punishment component (as

offered by Niesiołowski) was endorsed by the commission members and proceeded to the plenary session of the parliament (NAD, 1998). The course of the commissions work led by members of partner AWS-UW factions reflected a broader agreement on punitive memory law provision in the nationalist memory camp. Parliamentarians of the post-communist camp taking part in the proceedings of NAD were largely unsuccessful in challenging the idea or the historical-ideational model of the new law. During NAD sittings, the course of memory debate was challenged by post-communists sporadically, however, without producing an effect to alter the direction or the narrative of the commission's work.

The introduction or dismissal of particular amendments to the draft law was largely agreed and done between members of the NAD, who were coming from the majoritarian partner factions of the third Sejm or from between the nationalist camp members of the NAD and the governmental representatives to the commission. The latter point is illustrated by the offer to extend the timeframe of the application of the draft law. During the NAD sitting on the 18th of June 1998, the Stalinist regime perpetration against Polish nationals carried out in 1937–1938 was proposed as an addition to Article 1 thus broadening the temporal horizon of the draft law to deal with the persecution of Polish nationals in the Soviet Union (Gluza, 1998). This would include additional crimes into the list as well as expand the temporal horizon of the law before 1 September 1939. However, in the sitting of the NAD, the idea was rejected by the Minister of Justice, who presented the governmental draft and envisaged that such an extension would cause problems with the logistics of accessing Ukrainian or Russian archives on the matter and infringe on the legal coherence of the draft (Pałubicki, 1998).

The post-communist members of the NAD were not successful in challenging the course of the legislative work. While in the course of the commission's work an attempt to resist the introduction of punitive memory law provision in a part that spoke about communist crimes followed from an SLD MP, it was not successful (Zemke, 1998a). In this regard, the plenary debate in the Sejm was more revealing as the post-communist memory camp raised intellectual opposition to the draft of IPN Law and in particular challenged its punitive component. In the plenary sitting on 9 September 1998, the SLD parliamentarian argued for the elusiveness of the concept of communist crimes used by the project of the law, which was exclusively sponsored by the government relying on the coalition of the two majoritarian nationalist factions of AWS and UW (Siemiątkowski, 1998). Moreover, the SLD representative argued that it is inadmissible to equalise the crime of Holocaust denial with the denial of communist crimes (ibid.). In the view of post-communist memory camp, the latter notion was elusive, not specific enough, and could potentially be applied to a vast array of historical speech (Siemiątkowski, 1998; Zemke, 1998b).

At the parliamentary review of the draft law, the nationalist memory camp sponsoring the law (and enjoying majoritarian status in the third Sejm) was able to push further by declining an alternative project of the law offered by the post-communist President Aleksander Kwaśniewski, fending off critique during the plenary debates. Therefore, the anti-/post-communist memory cleavage in the

politics of the third Sejm could be evidenced in the final vote for the IPN Law. In the Sejm sitting on 18 December 1998, the endorsement of the IPN Law overcame the presidential veto. Politically, the endorsement relied on an alliance between the nationalist memory agents of AWS and UW while the full membership of the SLD faction voted against the law.

The nationalist memory camp mobilisation around issues of WW2 and communism remembrance was successful in the third Sejm. In particular, the IPN Law introduced the first historical-ideational paradigm into national (punitive) legislation over historical speech focusing on crimes of the two totalitarian regimes. The IPN Law became what can in conceptual terms be named the post-communist punitive memory law (Koposov, 2018). Importantly, the mobilisation of legislative memory work delivered the punitive outcome of the political-legislative process with the IPN Law having a clear criminal punishment function. Moreover, in legal-technical terms, the fact that the Article 55 a punitive memory law provision was introduced as a blanket legal norm referring to Article 1 meaning that major events of extending the punitive component of the IPN Law were entangled with introducing revisions to Article 1. In other words, instead of offering a brand new punitive provision or punitive memory law, parliamentary memory agents often sought to broaden the mandate of Article 1 by adding new historical themes to the list of crimes without revising the actual punitive norm of Article 55. In this sense, the mobilisation around WW2 memory in legislative work since 1998 was predicated on this legal-technical parameter of the original law.

Overall, there were 33 amending laws to the original IPN Law in Poland from 1998–2020. The majority of the amendments were concerned with the organisation of prosecution within IPN, lustration procedures, immunity of the President, and changes in the legal-technical terminology. However, the Polish legislature introduced a number of explicit memory-regulating amendments to the Law in 2016 and 2018. On one occasion, the Polish legislature amended Article 1 of the Law, thus, broadening, the scope of eligible crimes for which denial is punishable. On another occasion, Polish lawmakers expanded punitive memory regulation by adding a new tier of legal norms dealing with historical speech into IPN Law. Both instances showcased the nationalist memory camp's mobilisation to shape the interpretation of Polish WW2 experiences in the eighth Sejm. However, before that political-legislative mobilisation happened, a crucial 2006 law introduced the second paradigm of Polish history itself into punitive memory legislation.

### 5.1.2. The Lustration Law of 2006

In the politics of the fifth Sejm, PiS inherited the role of main protagonist of the nationalist memory camp that was previously held by AWS and UW in the third Sejm. Joined by smaller parliamentary groupings, the parliamentary memory agents on the side of PiS mobilised in favour of expanding the memory legislation. A punitive memory law followed in punitive law-making. In October 2006, the newly adopted Lustration Law substituted previous legislation on the matter from the 1990s and installed a new provision to the Criminal Code of Poland. Article 37 of the Law added Article 132a into the Criminal Code and read as follows:

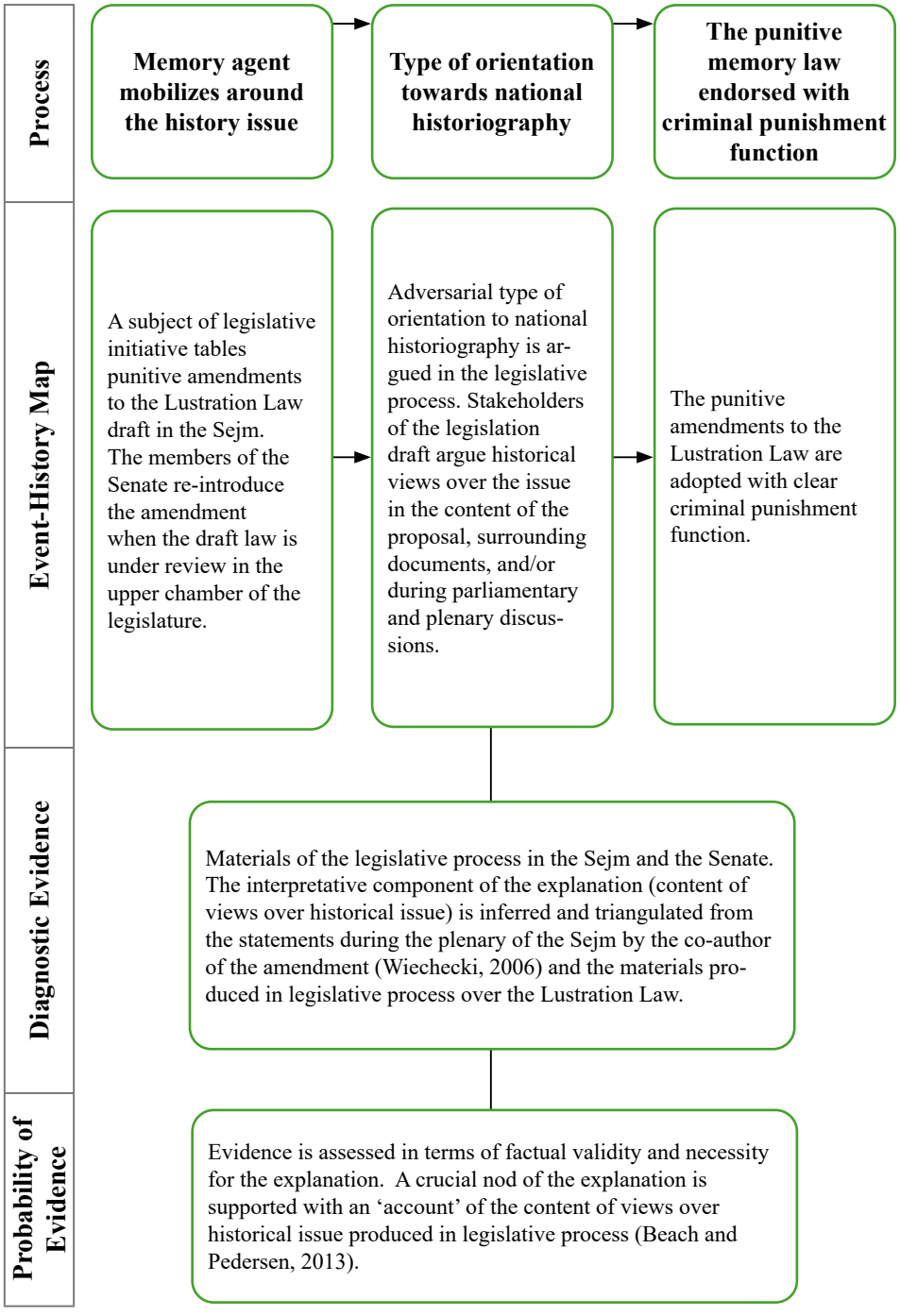
> *"Whoever publicly claims that the Polish nation participated, organised or is responsible for communist crimes, Nazi crimes – shall be punishable by a sentence of imprisonment for up to 3 years"* (Sejm, 2006g)[16]

The seizure of parliament by the nationalist memory camp in the autumn elections of 2005 was instrumental in enabling this change. In the discussion over adopting a new lustration policy for Poland (pushed by the nationalist memory camp in the aftermath of the elections) a punitive memory law amendment was put into the Lustration Law of 2006. Importantly, this law moved away from the transitional justice paradigm of the original IPN Law being concerned with banning the negative representation of the Polish nation in history rather than protecting the memory of WW2 victims. In the duration of drafting the law in 2006, parliamentary memory agents developed an adversarial orientation towards debates over Polish WW2 experiences. Table 17 provides a look into the sequence and content on political events unfolding in parliament regarding punitive memory law.

A punitive dimension of the Lustration Law was introduced in the Sejm and was, thereafter, mediated by the developments around the draft law in the Senate. The push to adopt a new punitive memory law came in a sequence of three steps of legislative memory work in the parliament. In February 2006, a group of parliamentarians in the Sejm representing a minority faction of LPR offered to amend the IPN Law in parallel with the draft work on lustration policy. The proposed law contained a punitive provision to outlaw the negative representation of the Polish nation in WW2. The MPs offered to endow the IPN with the ability to initiate an investigation of claims that prescribe 'participation, organisation, or responsibility' of the Polish nation or Polish citizens in 'communist and Nazi crimes' (Wiechecki et al., 2006).

[16] This novelisation of criminal legislation subsequently lost legal validity due to the decision of the Polish Constitutional Tribunal of 19 September 2008 (Trybunał Konstytucyjny, 2008).

**Table 17.** Process analysis of the Lustration Law of 2006: turning observations into nodes of explanation



In a memo about the draft law, the group of MPs argued that the amendment is necessitated by the widespread misinformation about Polish WW2 experiences at the 'international arena' (ibid., p. 3). This claim was similar to the one made when the original IPN Law was developed in the third Sejm when a nationalist parliamentarian argued for the existence of false historical interpretations about WW2 in major Western European media. For the MPs, this misinformation publicly obscured the complexity of Polish WW2 experiences or blatantly prescribed the historical collaboration of Poles with Nazi and the communist totalitarian regimes (ibid., p 4). The parliamentarians pointed out that that historical truth should be protected by new punitive measures.

When pushing for a new punitive memory law, the nationalist memory camp reckoned with historiographical debates over Polish WW2 experiences. When making the case in favour of their project in plenary debate, the main drafter argued that the Polish nation and individuals are being illegitimately prescribed with co-responsibility in Nazi crimes when, in fact, the 'Polish nation is a heroic nation' that suffered the most during WW2 (Wiechecki, 2006). The nationalist MP argued that such a provision, if endorsed by the Sejm, should give authority to the IPN to 'initiate motions about public slanders regarding Polish concentration camps, slanders by Mr. Gross about Jedwabne' (ibid.). In a part of the statement about 'Polish concentration camps' made in the plenary session, Wiechecki referred to cases of English-language media reporting that obscures the complexity of Polish WW2 experiences with harmful historical interpretations.

Moreover, the nationalist faction's MP accounted for the existence of critical Polish WW2 historiography and directly motivated a new punitive spin on memory regulation emphasising the need to protect a sense of unique Polish collective victimhood in WW2. In the plenary speech, Wiechecki formulated the legislative intent to account for public debate prompted by the developments in academic historiography over WW2. This public and academic debate was initiated by the publication of Jan Gross's book about Polish-Jewish experiences of WW2 (Gross, 2001). In particular, the book analysed the case of non-German persecution of Polish Jews in occupied Poland. The legislative proposal consequently targeted such critical interpretations of Polish WW2 experiences.

As far as the Wiechecki et al. draft concerned IPN powers, it was reviewed together with a number of other MPs projects concerning the IPN Law and in parallel to the legal work over the lustration policy. The same Sejm committee (NIP) that was overseeing the development of the lustration policy reviewed the Wiechecki et al. draft. The committee directed legal work towards the PiS-sponsored lustration law draft. For the time being, the LPR draft was lost in the confines of the parliamentary committee because major portions of the work were being shaped by the development of the lustration policy by the same committee. When the Sejm completed two rounds or legislative work over the Lustration Law draft in July 2006, the LPR punitive memory law provision did not get into the endorsed draft (NIP, 2006).

The second time the punitive memory law provision resurfaced (albeit in slightly different wording than used in Wiechecki et al. draft) was when the

Senate reviewed the Lustration Law draft endorsed by the Sejm in August 2006. The Marshal of the Senate and nationalist senator Bogdan Borusewicz offered a punitive memory law provision of Article 37 to be put into the text of Lustration Law (Romaszewski, 2006a). The wording of the provision slightly differed from the Wiechecki et al. project. The LPR-project wording concerned IPN powers and the ability to initiate motions in cases of historical speech prescribing the 'participation, organisation, or responsibility' of Polish nationals in totalitarian regimes crimes during WW2. Instead, Borusewicz's amendment No.33 to the Lustration Law was formulated as a criminal law provision. In approaching the interpretation of Polish WW2 experiences, the amendment kept the same historical-ideational model as Wiechecki et al.'s project did in order to account for critical academic historiography. On the punitive dimension, Borusewicz's amendment intended to punish individuals with imprisonment of up to 3 years for acts of historical speech, thus emulating the original IPN Law in legal-technical terms.

During legal work over the amendment, the Legal-Expert Bureau of the Senate recommended senators should decline this amendment due to its imprecise legal language and dubious constitutionality (Bioro Legislacyjne, 2006, pp. 8–9; Mandylis, 2006). Based on these legal considerations prompted by the Bureau's experts, the Senate's committee reviewed the amendments to the Lustration Law and after examining the Borusewicz's amendment, declined it in the final round of the committee work (Romaszewski, 2006).

In the Senate, a group of PiS Senators (Krzysztof Putra, Stanisław Kogut, Piotr Łukasz J. Andrzejewskii, and Andrzej Mazurkiewicz) kept pushing for the Borusewicz amendment despite the negative legal opinion of experts and the negative evaluation of the Senate committee. This group of senators included the Borusewicz amendment as amendment No.100 in the final draft of the Senate declaration over the Lustration Law. In late August 2006, the Human Rights Affairs Committee of the Senate once again declined the amendment in line with its previous reasoning over Borusewicz's amendment (Romaszewski, 2006b; Komisja Praw Człowieka, 2006).

A plenary session in the Senate was crucial to pass the law despite of legal concerns over the deficiencies of amendment No. 100. A group of PiS Senators initiated a punitive memory law provision including Krzysztof Putra, the Vice Marshall of the Senate. The Vice Marshall pushed for a separate vote over Amendment No. 100 and secured its successful passage in the final resolution of the Senate over the Lustration Law. At the level of parliamentary politics, a majoritarian status enjoyed together by the PiS and LPR factions in the Senate was crucial for passing the law while PO Senators voted against the amendment (Senate, 2006). Moreover, when the Senate-endorsed Lustration Law returned to the Sejm, the Senate's revisions were first endorsed by the NIP committee and shortly thereafter by the Sejm in a plenary session. In part, the Senate-endorsed Lustration Law was not reviewed in detail due to the technicality of the legislative process. If a piece of legislation is not defeated by a simple majority, the law is considered to be passed by the parliament. Therefore, the Senate-endorsed

Lustration Law went through such a vote without the opportunity for a full discussion in a plenary sitting (Jurek, 2006, p. 432, 435).

By and large, the events around punitive memory law attested to two things. On the one hand, parliamentary memory agents in the nationalist memory camp of the fifth Sejm introduced a second historical-ideational paradigm of Polish history in memory legislation. Moreover, in the political-legislative process over the Lustration Law, these memory agents took an adversarial orientation towards national historiography with an unwelcome interpretation of Polish WW2 experiences. In legal-technical terms, having emulated the punitive provision of the 1998 IPN Law, the new law delivered a criminal punishment function with an actual punitive amendment being introduced into the criminal legislation of the country. The future progression of punitive memory legislation towards followed a decade later in the eighth legislative cycle of the Sejm.

### 5.1.3. 2016 and 2018 Amendments to the IPN Law

Further developments of punitive law-making occurred due to nationalist memory camp mobilisation in the eighth Sejm. This concerned the introduction of two major amendments packages to the IPN Law made in 2016 and 2018. With some reservations, the first amendment introduced a stronger anti-communist component into IPN Law and might be profiled as falling in the first paradigm of memory legislation. At the same time, the Amending Law of 2018 was an attempt to ban expressing critical historic views on Polish WW2 experiences presupposing a different to the original IPN Law.

Following PiS's return to political dominance in 2015, the PiS parliamentary faction pushed to strengthen the anti-communist component of historical remembrance. A 2016 amendment changed the introductory sentence of Paragraph 1 Article 1 of the IPN Law that specified a temporal framework for communist crimes. Lawmakers substituted the starting date of the IPN mandate from 'September 1, 1939' to 'November 8, 1917' (Sejm, 2016c). In other words, the legislative changes targeted the crimes of communism pre-dating the beginning of WW2 and included the partition of the Second Polish Republic in September 1939. It is important to highlight that the legislative changes did not target the PRL-era of Polish history and focused on the role of the Soviet Union.

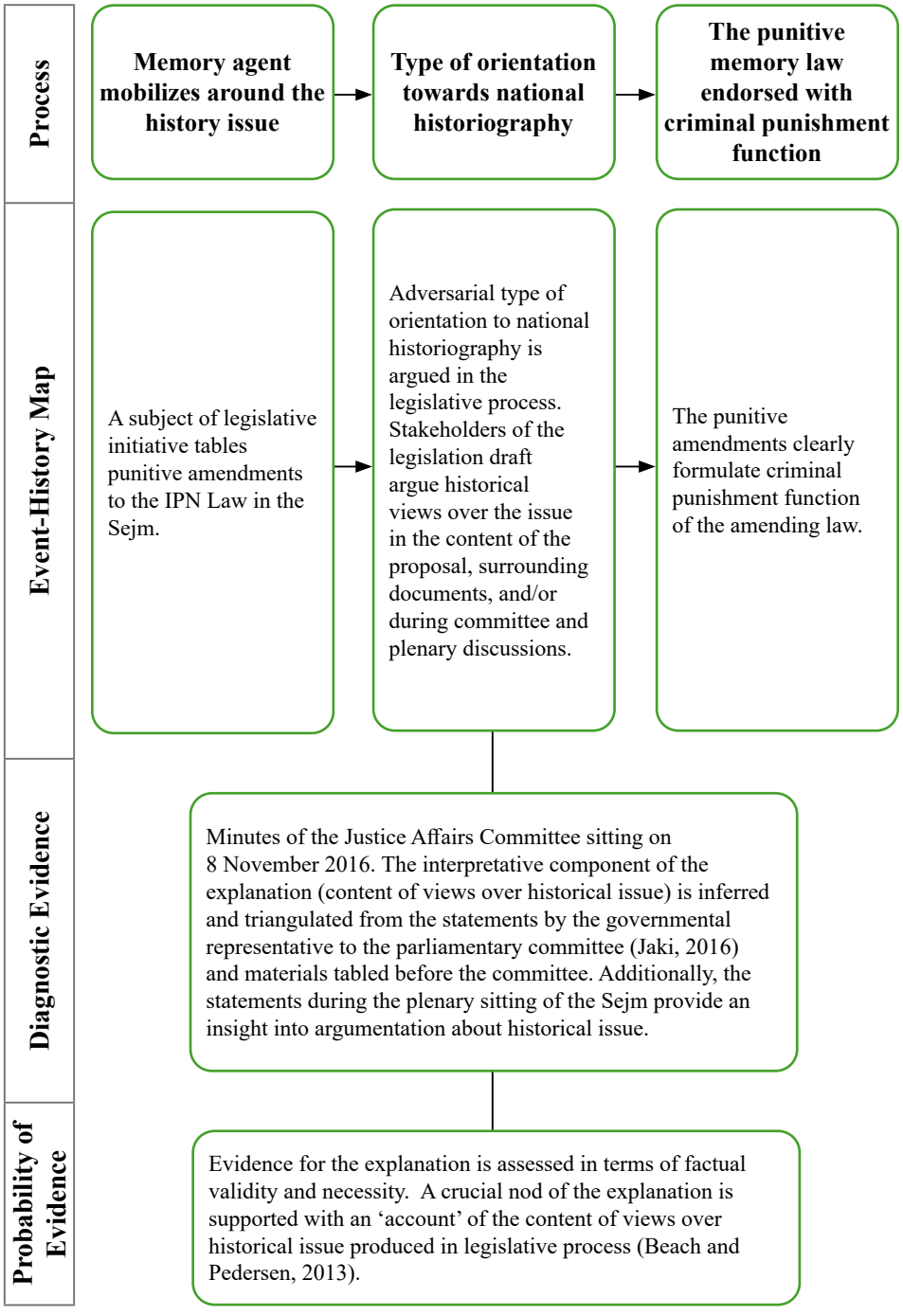
Therefore, the legislative changes of 2016 amounted to a significant extension of the collective memory-regulating aim of the original IPN Law. The Amending Law of 2016 should be considered as a separate punitive memory law. On a legal-technical level, while new crimes were not named specifically in the formulation of Article 1 nor was the punitive provision of Article 55 changed, the new Amending Law broadened the range of actual historical events to be researched and examined by the IPN. Consequently, the changes to Article 1 of the Law broadened the scope of punitive applications of Article 55. The Amending Law of 2016 enhanced the historical narrative-making component of the original IPN Law while eroding the legal model of the original piece of legislation.

The original IPN Law provided a legally-grounded argument about the crimes of Nazism and communism. It entangled Article 1 with the start of WW2, thus focusing on the protection of the memory of victims on Polish soil since autumn 1939. Back in 1998, when modelling the punitive dimension of the IPN Law, parliamentary politics gravitated towards discussions over retrospective justice and memorialisation. This approach presupposed a strict focus of lawmakers on the outbreak of WW2. The idea to extend this to before 1939 and beyond the crimes committed in the territory of Second Polish Republic was explicitly rejected as infringing on the legal argument of the law (Pałubicki, 1998).

The 2016 amendment was introduced to parliament by a group of PiS parliamentarians (Mularczyk et al., 2016a). In a memo on the draft law, parliamentarians argued that the original temporal horizon of the IPN Law did not allow for commemorating the memory of all Poles fighting totalitarianism in the 20th century. The MPs implied that the existing legal framework did not extend the law to the victims of Soviet communism predating 1939 (Mularczyk et. al., 2016b). Therefore, the parliamentarians considered 8 November 1917 as a more legitimate and grounded temporal horizon for the IPN Law. As the memory agents stated goal was the protection of the memory of victims of historical atrocities, the 2016 law largely fell within the transitional justice paradigm of Polish history. However, on the spectrum between the two historical-ideational paradigms, it might be seen as falling on the conceptual border between the two. This is due to notable divergence with the 2016 amendment from the legal premise of the original IPN Law of 1998 (which established a clear temporal horizon for the application of the law). The 2016 amendment pursued a goal of memorialising a more distant (pre-1939) past. The legislative intention blurred the line between commemorating individual victims of atrocities and historical interpretations of the Polish nations collective victimhood due to Soviet communism's emergence in 1917.

Following the adoption of the 2016 Law, the PiS-led eighth Sejm enhanced punitive memory law to the new level with a major legislative amendment. The 2018 amendment expanded the punitive regime of Article 55 in conjunction with Article 1 of the IPN Law. Additionally, it added a new historical theme to the punitive dimension of memory regulation in Poland by introducing Article 55a. These legislative changes pursued an explicit punitive agenda to endow criminal punishment as result of the adversarial orientation of parliamentary memory agents involved in the process. Table 18 provides a process analysis of the events of punitive law-making in the legislature.

**Table 18.** Process analysis of the 2018 IPN Law Amendment: turning observations into nodes of explanation



A punitive component to the 2018 Amending Law appeared as result of two steps of legislative memory work. Back in 2016, a group of nationalist MPs pushed for the inclusion of Ukrainian nationalist crimes against Poles during WW2. This legislative work occurred in parallel with legislative work introducing a remembrance day to the Polish victims of the Volhynia ethnic cleansing of 1943. Nationalist MPs sought to protect the memory of victims of the atrocity by specifying the crime in Article 1 and (by implication) extending the punitive component of the IPN Law (Rzymkowski et al., 2016). Furthermore, a part of the law dealing with Polish-Jewish WW2 experiences originated in parallel to the intention to memorialise the events of Volhynia (Rada Ministrów, 2016).

On the side of Article 55 and Article 1, the 2018 amendment specified an expanded list of the crimes, for which public denial is punishable. The Law added 'the crimes of the Ukrainian nationalists and the members of Ukrainian formations, which collaborated with the German Third Reich' into the list of crimes envisaged by Article 1 (Sejm, 2018a).[17] The law also provided a definition and timeframe of the crimes of Ukrainian nationalists. In this regard, Article 2a stipulated that the crimes of Ukrainian nationalists included the 'acts of violence, terror or other form of violation of human rights against individuals or groups of individuals committed by the Ukrainian nationalists in 1925–1950' (Sejm, 2018a). Additionally, the new Article 2a specifically singled out the case of the ethnic cleansing of Volhynia perpetrated by the Ukrainian nationalist underground in 1943. It established that the participation in the Holocaust or 'the genocide of Polish citizens' in Volhynia and the eastern provinces of Poland carried the same weight. The punitive regime established by Article 55 was broadened by adding a new thematic category into the Law to memorialise Polish WW2 experiences. On the narrative-making side of things, the memorialisation process of Volhynia's events accomplished the work of nationalists that started in 2015–2016 in the eighth Sejm.

A more significant change was instituted by the 2018 amendment in relation to the representation of Polish-Jewish relationships during WW2. If the Ukrainian part of the Law dealt with particular event of WW2 (thus remaining close to the logic of IPN Law of 1998) the introduction of Article 55 resurrected the punitive memory law provision of the Lustration Law of 2006. In the same vein, Article 55a reanimated Article 37 of the Lustration Law of 2006 as it dealt with banning historical speech that portrayed the Polish nation negatively. Article 55a established that:

> *'Whoever claims, publicly and contrary to the facts, that the Polish people or the Polish state is responsible or co-responsible for the Nazi crimes committed by the German Third Reich […] or for other crimes, which constitute crimes against peace, crimes against humanity or war crimes, or grossly diminishes the responsibility of the perpetrators of the mentioned crimes – shall be punishable by a fine or sentence of imprisonment for up to 3 years'* (Sejm, 2018a)

[17] The Ukrainian part of the novelisation of IPN Law subsequently lost legal validity due to a Decision by the Polish Constitutional Tribunal of 17 January 2019 (Trybunał Konstytucyjny, 2019).

Moreover, akin of the LPR-sponsored project of punitive memory law from 2006, Article 55b added that this liability for historical speech (envisaged by Articles 55 and 55a) pertains to both the citizens of Poland and foreign citizens regardless of the place where the act of historical speech took place (ibid.). On the historical narrative-making side of things, the two components of the 2018 Law spoke to the nationalist memory camp mobilisation over interpreting Polish WW2 experiences. The 2018 Law completed two legislative goals simultaneously. On the one hand, it detracted validity from the negative portrayal of Polish-Jewish relationships during WW2. On the other hand, it valorised the narrative of collective Polish victimhood by presenting the Polish nation a victim of genocide — allegedly committed by Ukrainian WW2 nationalists in the Polish-Ukrainian borderlands. This combination of mnemonic goals put the law firmly on the side of the second ideational paradigm of Polish history.

Taking an adversarial stance towards national historiography was crucial to the political-legislative process of the 2018 amendment. Patryk Jaki, the deputy Minister of Justice and PiS politician, presented the law in the sitting of the Justice Affairs Committee led by PiS members. From the onset of presenting the draft law in the committee sitting on 8 November 2016, the official argued that it is meant to deal with public instances of ascribing Polish people co-responsibility in the perpetration of the Holocaust (Jaki, 2016, p. 5). In particular, he referred to instances of English-language media abroad using the inaccurate phrase 'Polish concentration camps' (ibid.). Therefore, to protect the validity of Polish WW2 experiences, the government initiated a draft law to deal with this long-standing controversy. Moreover, on the procedural side of things, the official argued that the new law is necessitated by the absence of a legal mechanism to bring violators of the law to the court. Therefore, he argued that the law would create a mechanism to practically enable the prosecution of historical speech (ibid., p 5–6). From the onset of legal work in the committee, the legislative intent of the draft law was formulated clearly with regard to its criminal punishment function.

Moreover, the memory agent recognised that the new law is meant to deal with critical historiography of WW2. When responding to critique of the PiS-led project by a PO parliamentarian, Patryk Jaki recognised that the new punitive law should apply to historical and public activities regarding Polish-Jewish relations during WW2. In particular, the official said that the law should concern public and the publication activities of Jan Gross (ibid., p. 26). In other words, an adversarial approach towards the critical historiography of WW2 was apparent in the context of the political-legislative process over the draft law. In the plenary discussion of the governmental law in the Sejm, parliamentary memory agents on the PiS side argued for the same adversarial orientation towards public and historiographical debates about Polish WW2 experiences seeking to prevent any negative interpretations (Lipiec, 2018; Zwiercan, 2018). In a plenary session on 26 January 2018, the Law was passed by the PiS parliamentary faction with the support of smaller groupings and individual MPs from the nationalist memory camp.

In sum, there is an evolutionary direction of the punitive memory laws in Poland. This direction is borne from nationalist memory camp mobilisations in

parliament. Politically, the aggrandisement of the punitive dimension of memory law was predicated on the realisation of the memory politics agendas of the nationalist memory camp in the third, fifth, and eighth Sejm. Ideationally, the original IPN Law of 1998 fell close to the domain of retrospective justice and memorialisation being concerned with the victims of WW2. In this regard, amendments to the IPN Law dealing with both the temporal and thematic expansion of Article 1 from 2016 and 2018 (as well as the Lustration Law of 2006) showcased a turn of parliamentary memory agents towards the second ideational paradigm of Polish history. This paradigm bans negative representations of Polish WW2 experiences with the topic of Polish-Jewish relationships during WW2 at the forefront. Importantly, since the IPN Law adoption of 1998, parliamentary memory agents have pursued a clear criminal punishment agenda supplementing their legislative intent over memory with punitive norms being put into legislation.

## 5.2. 'Accommodating' National Historiography in Punitive Memory Law-Making in Ukraine

The political competition over memory between the Soviet-era and national-Ukrainian political memory camps runs through the dimensions of punitive memory law as well. In the context of addressing the repressive Soviet of Ukraine, the pursuit of Holodomor memorialisation by means of punitive law including became an example of the parliamentary memory politics of the early 2000s in Ukraine. As discussed in the previous chapter, the topic of Holodomor memorialisation in parliamentary politics surfaced in the early 2000s. It found its way into two anniversary declarations devoted to the Holodomor that were adopted in 2002 and 2003 respectively. In these declarations, parliamentary memory agents introduced a template of Ukrainian history that pinpointed the Stalinist persecution of Ukrainians in the 1930s as core of the national-Ukrainian memory model. Furthermore, the 'accommodating' orientation towards historical scholarship was taken in the context of punitive law-making events in the national legislature in 2006. Parliamentary memory agents sought to co-opt the Ukrainian historiography of the famine of 1932–1933 in the event of Holodomor Law creation, yet failed to deliver an actual criminal punishment function into law. In a decade, another individual historical theme of the national-Ukrainian memory model entered the commemorative lawmaking of the Rada. The adoption of the Freedom Fighters Law in 2015 ensured a process of orientation towards national historiography was repeated in the parliamentary process.

### 5.2.1. The Holodomor Law of 2006

The push for a separate law on the Holodomor formed a central element of the legislative memory politics of the Verkhovna Rada in 2006. This law was meant to solidify the national-Ukrainian memory model by protecting the commemorative validity of the Holodomor of 1932–1933 in national memory legislation. Moreover, the discussion that ensued in parliament regarding the draft law demonstrated an intensification and the entrenchment of parliamentary memory politics between the Soviet-era and national-Ukrainian memory camps in the fifth Rada. However, as this section shows, a fully-fledged discursive 'memory war' over the issue preoccupied the Verkhovna Rada in 2006. The criminal punishment function of the law remained nominal having been circumvented in the course of the political struggle unfolding between two memory camps in the Ukrainian legislature. The Holodomor Law protected the conceptualisation of the famine as genocide but failed to practically criminalise instances of Holodomor denial.

**Table 19.** Punitive memory laws of Ukraine, 1991–2020

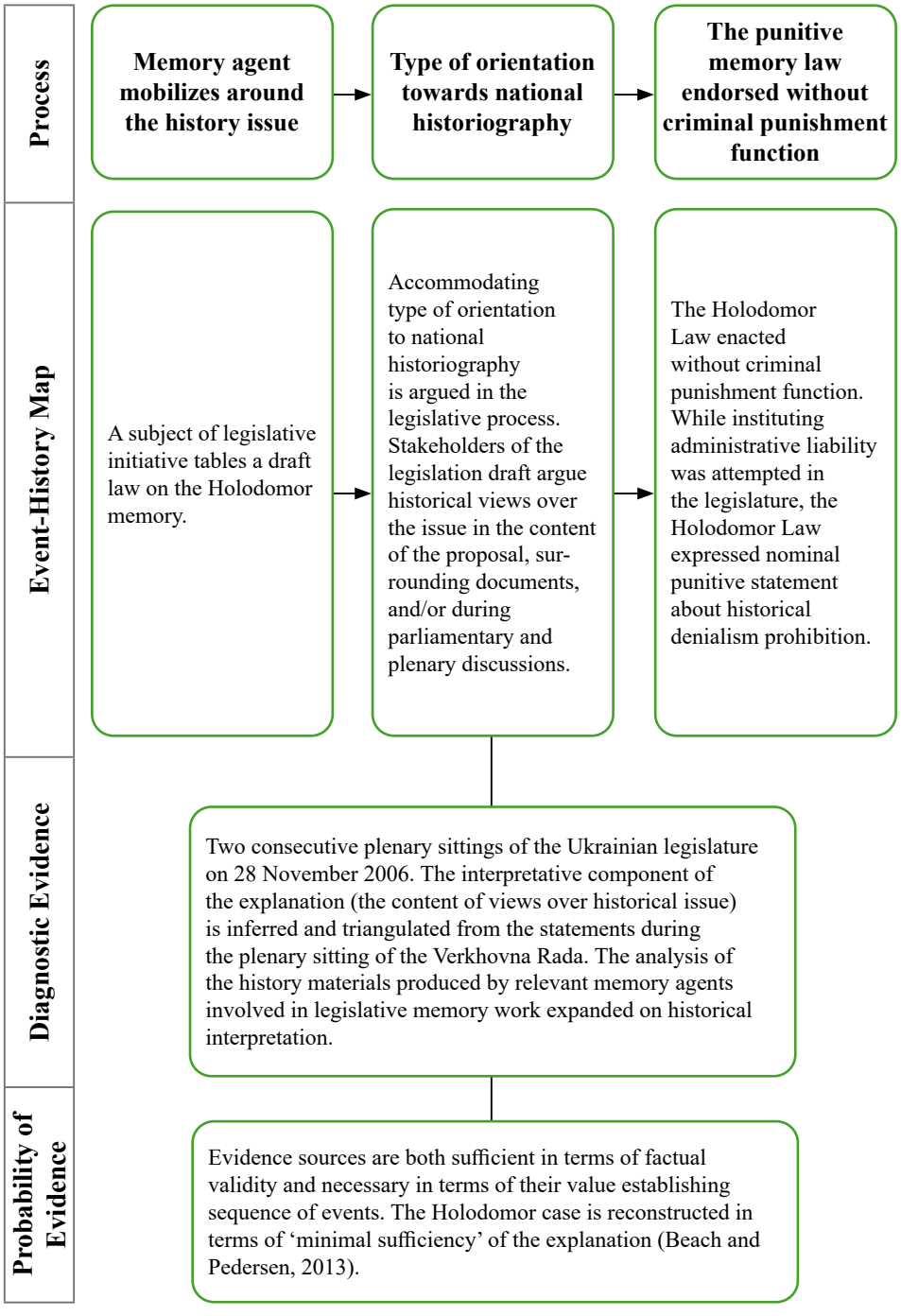
| **Law** | **Memory model** | **Punitive memory law provision** | **Comment** |
|---|---|---|---|
| The Holodomor Law of 2006 | National-Ukrainian | "***public denial of the 1932–1933 Holodomor in Ukraine*** *shall be recognized as desecration of the memory of millions of victims of the Holodomor as well as disparagement of the Ukrainian people and* ***shall be unlawful***" | No criminal punishment function was introduced into the law or after the enactment of the law |
| The Law on Denial of Fascist Crimes of 2014 | Soviet-era memory | ***"public denial*** *or justification of the crimes of fascism against humanity, committed in the years of the Second World War, including crimes committed by the organization 'Waffen-SS', its subordinate structures, and* ***those who combated against the anti-Hitler coalition and collaborated with the fascist occupiers****, and also propaganda of neo-Nazi ideology [...]"* | The actual amendment to the Criminal Code was made in January 2014. The provision was hollowed out by the De-communization law of 2015. |
| The Law on Freedom Fighters of 2015 | National-Ukrainian | ***"public denial of the legitimacy of the struggle for independence of Ukraine in the twentieth century*** *is recognized as insult to the memory of fighters for independence of Ukraine in the XX century, disparagement of the Ukrainian people* ***is unlawful***." | No criminal punishment function was introduced into the law or after the enactment of the law |

The rise of Holodomor memory as central to memory regulation was prompted by the Rada declarations of 2002 and 2003. In this regard, the introduction of a separate law about the Holodomor in 2006 argued in Article 1 that the state-made famine perpetrated in Soviet Ukraine in 1932–1993 constituted an act of genocide against the Ukrainian people. However, breaking away from being yet another commemorative declaration, Article 2 of the Law introduced a punitive dimension to Holodomor memorialisation. In this regard, Article 2 of the Holodomor Law stipulated "*public denial of the 1932–1933 Holodomor in Ukraine shall be recognised as desecration of the memory of millions of victims of the Holodomor as well as disparagement of the Ukrainian people and shall be unlawful*" (VRU, 2006b).

On the legal-technical level, the Holodomor Law stipulated a provision on historical denialism but was deprived of actual punitive capacity. Article 2 of the Law outlined the parameters of behaviour of individuals and prohibited the public denial of the Holodomor. However, punishment was not specified for public denialist speech acts. Moreover, the provisions of the Holodomor Law did not amend Ukraine's criminal legislation to stipulate a clear criminal punishment sanction on Holodomor denialism. In a loose manner, paragraph 2 of Article 5 of the 2006 Holodomor Law makes reference to the objective to further amend Ukrainian legislation. This provision implied the possibility of developing a punitive component of the Law. Yet, it remained vague on timing and on the prospect of the novelisation of Ukrainian legislation. The process and events of legislative memory work in the legislature proved to be crucial for circumventing punitive capacity of the Holodomor Law. Table 20 summarises the process analysis of the Holodomor Law adoption.

The introduction of the Holodomor Law relied on the mobilisation of the national-Ukrainian memory camp in the parliament. In 2006, the constellation of memory agents in the Verkhovna Rada was entrenched between Soviet-era and national-Ukrainian memory camps. By 2006, the two memory camps had developed competing historical views and differing conceptualisations of the events of the 1932–1933 famine in Soviet Ukraine. In the fifth Rada, the latter camp relied on the support and sponsorship by President Viktor Yushchenko, who came to office in 2005 and led the initiative in the field of national memory politics. In late 2006, ahead of approaching anniversary of the famine, President Yushchenko introduced a draft law on the Holodomor for the Verkhovna Rada. Legal work on the project was conducted by the Presidential Administration and the Ukrainian Institute of National Remembrance (UINP), which was created by Presidential decree earlier the same year (Nekoliak, 2022). The pro-presidential faction Nasha Ukraina supported Yushchenko's project. In the fifth Rada, the Communist Party and the Partia Rehioniv deputies represented the opposition to the draft law introduced by the national-Ukrainian memory camp. These parliamentarians resisted negative interpretations of the Soviet period of Ukrainian history and the conceptualisation of the famine as the act of genocide against Soviet Ukrainians. The historical views of the two camps became apparent in the political-discursive conflict over the memory of the Holodomor in the national legislature in the course of two plenary sittings in late November 2006.

**Table 20.** Process analysis of the Holodomor Law of 2006: turning observations into nodes of explanation



From the onset of events, on the legal side of the memory debate, the Yushchenko project offered to declare the Holodomor a genocide of the Ukrainian people committed by the Soviet regime in Ukraine envisaged administrative liability for acts of public denial of the famine (Yuhnovskiy, 2006a; Kasianov, 2012). The punitive component of the project was composed of two articles: Article 2 (a general provision on the illegality of public denial) and Article 6 (on the administrative liability for acts of public denial). Conceptualisation of the Holodomor as a genocide was the initiative of President Yushchenko becoming a main point of the commemorative agenda of his presidency (Kasianov, 2010; 2012). Moreover, the memorialisation of the Holodomor was subject to inter-factional debate among "Nasha Ukraina" parliamentarians to support the presidential initiative in the fifth Rada (Bezsmertnyi, 2019). Yushchenko's draft relied intellectually upon the conceptualisation of the famine as genocidal. This was developed in national historiography about the representation of Stalinism in Ukraine.

An activist strand of national historiography pushed for the legal qualification of the Holomodor as genocide in public discussion in the early 1990s. The development of the topic in public-academic debates was prompted by an oral history project about the famine in the early 1990s and the creation of a professional association of historians of 'Holodomor-genocide' in 1993 (Kasianov, 2010, p. 31, 50). In the field of parliamentary politics, a turn to and support for the genocidal conception of the famine came from the national-Ukrainian memory camp in the fourth and fifth Rada. Moreover, since 2006, the genocidal conceptualisation of the famine was found in the activism and historiographical works of the Ukrainian Institute of National Memory (UINP). The institute-affiliated historians developed a publication record to accommodate the centrality of the famine in national historiography and argued for the legal qualification of the event as a genocide. Moreover, in parliamentary politics, the representatives of the memory institute participated in parliamentary work on Yushchenko's draft law and expanded the interpretation of Holodomor. The activist position of the UINP on the Holodomor was defended in the course of plenary debates over the draft law and was also articulated by Yushchenko's memory camp in the Verkhovna Rada in late 2006.

A look at the UINP-sponsored narrative on the Holodomor and Ukrainian history is in order. After being created in early 2006, the Institute oversaw the publication of the multi-volume "Book of Memory of the Victims of the Holodomor 1932–1933", in which a collective of co-authors argued for the conception of the famine as genocide and implicated the event as a vital historic event in the narrative of the Ukrainian past. In his foreword to the publication, President Viktor Yushchenko (who served as the head of the editorial team for the volume) argued that the Holodomor perpetrators committed a crime against the Ukrainian nation to undermine the possibility of a 'national resurrection' (Yushchenko, 2008, p. 5). The foreword overshadowed the teleological interpretation of the famine that was fundamental to the narrative of the publication.

In interpreting the famine of 1932–1933 as a genocide, the UINP developed an anti-Soviet approach to Ukrainian history. In this reinterpretation, Ukrainians suffered a genocide by the Stalinist regime to undermine national liberation efforts and the political viability of an independent Ukrainian. The leadership of the UINP presented Ukrainian history as a sequence of national anti-Bolshevik and anti-Soviet revolts pointing to a centrality of the Holodomor in these struggles. Importantly, this representation of the famine was included in a broadened narrative arc that starts in 1917 with Ukrainians resisting the Bolsheviks and suffering in 1932–1933 as a direct outcome of anti-collectivisation revolts and the aspiration for national independence (Yuhnovskiy, 2007). According to this interpretation of history, the Ukrainian nationalist underground of WW2 made the 'final' revolt for national independence that ended in 1956 when the remaining nationalist guerrilla groups in Western Ukraine were captured and persecuted by the Soviet state security forces (ibid.).

Another paradigmatic document drafted by the UINP affiliates (the Propositions for the School Curricula Reform) argued for the nationalist-Ukrainian account of the Holodomor and antagonisation of the Soviet-era memory model in public and political debates over Ukrainian history. In a speech before academic historians, Ihor Yuhnovskiy argued in favour of drafting a strong statehood-centred narrative in the school curriculum that would emphasise the Ukrainian nation and its statehood efforts being a protagonist of national history through the centuries. Moreover, the head of the UINP spoke of the falsehood of Soviet-era history and denied any relevance of Soviet-era interpretations of Ukrainian history (Yakovenko, 2008). Moreover, by expanding the Holodomor interpretation to counter the Soviet-era memory model, Vladyslav Verstiuk (an academic historian and the UINP deputy head) outlined the activities of the institute focusing on two topics: the memorialisation of the Holodomor and the Ukrainian nationalist movement during WW2 (Verstiuk, 2008). Memorialising the Holodomor and Ukrainian WW2 nationalists was seen as the main objective of the 'national politics of history' as launched by the institution and argued for by affiliated historians (Viatrovych, 2008).

In another article, a UINP-affiliated historian provided an account of the famine events that focused on the Bolshevik/Stalinist regime imposed on Ukraine from abroad to undermine Ukrainians casting away Bolshevik power to establish a 'Ukrainian independent republic' (Verstiuk, 2008). In this interpretation, the famine of 1932–1933 targeted Ukrainian peasants while the Stalinist totalitarian regime specifically targeted the Ukrainian intelligentsia to deprive the nation of a political and cultural elite simultaneously. The combination of these events necessitated the recovery of the collective memory about Holodomor, which was denied to Ukrainians in the Soviet period. Active memorialisation work should help to overcome 'amnesia of national memory' about the events of Holodomor in the foundation of the national memory model (ibid.).

The conception of the famine as a genocide and implicating its events in a teleological narrative of Ukrainian history has become a consistent part of activist scholarship. In an academic brochure published under the auspices of the

institute, the leadership of Yushchenko-era UINP in collaboration with a professional historian argued that the Soviet leadership considered the danger of 'national revolt' by Ukrainians as early as the late 1920s (Verstiuk, Yuhnovskiy and Tylischak, 2008, p.10). Therefore, the publication paid attention to cases of peasant revolts against the Soviet regime in 1932–1933 in Ukraine to demonstrate the national character of anti-Soviet resistance in Soviet Ukraine (ibid., p. 11). Additionally, the centrality of memory of the Holodomor (in the interpretations of activist historical scholarship) was developed in a series of public exhibitions prepared by the UINP in the period.

By and large, this activist historical and semi-historical scholarship pointed to the centrality of the Holodomor in interpreting the Stalinist and (more broadly) the Soviet period of Ukrainian history. In order to distance themselves from Soviet-era historical narratives and the foundational events of Soviet Ukrainian history, memory agents on the UINP side argued for a periodisation of Ukrainian history that unites the Ukrainian Revolution of 1917–1922, the Holodomor of 1932–1933, and the anti-Soviet nationalist insurgency during WW2 in one narrative arc. In 2006, the narrative of activist historical scholarship became central to Yushchenko's draft law on Holodomor memorialisation as supported by the national-Ukrainian memory camp in parliament.

In parliamentary politics, the main sponsors of Soviet-era memory were represented by the Partia Rehioniv faction and the communist faction MPs who resisted both the genocidal conceptualisation of the famine and the punitive component of the Yushchenko draft. In a sequence of two debates in the Verkhovna Rada on 28 November 2006, these parliamentary agents successfully ameliorated the punitive component of the Yushchenko project, but failed to contest the 'Holodomor-genocide' paradigm advocated by the national-Ukrainian memory camp in the fifth Rada.

In mid-November 2006, following the formal introduction of the Holodomor Law draft by President Yushchenko, a group of Partia Rehioniv MPs offered an alternative approach to deal with the memorialisation of the famine. On the one hand, this project avoided using legal notion of genocide in the formulation of Article 1 to alleviate concerns over the inapplicability of this notion of international humanitarian law to the event of the famine of 1932–1933. Instead, the alternative draft applied the term 'tragedy' to the famine, thus, remaining deliberately opaque on historical interpretations or legal qualifications (Zabarskiy, 2006). Moreover, challenging the genocidal conceptualisation of the Holodomor was the central strategy of Soviet-era memory supporters in the plenary debate over the Yushchenko's draft law on 28 November 2006 (Hara, 2006; Kushnariov, 2006a, 2006b; Kyrychenko, 2006). In their alternative draft, Yushchenko opponents opposed the idea that the Holomodor was a genocide and removed the punitive elements of the proposed law for instances of public denial (Kushnariov, 2006a). On the top of this effort, communist parliamentarians from the Soviet-era memory camp offered more extreme opposition to Holodomor memorialisation by defending positive representations of the Soviet period in Ukraine (Holub, 2006; Symonenko, 2006).

Reflecting on some of the concerns, the presidential faction in the Verkhovna Rada as well as the UINP leadership (who participated in the plenary session of the parliament) agreed to lighten up aspects of Yushchenko's project (Yuhnovskiy, 2006a, 2006b; Zvarych 2006). However, an agreement over historical interpretation between the two camps was not reached and the Partia Rehioniv MPs refused to support the presidential project (Kushnariov, 2006c). After being put to a vote in the plenary session on 28 November 2006, neither the presidential nor alternative conceptualisation of the Holodomor Law enjoyed enough support to pass a simple majority. To find a way out of this legislative deadlock, Oleksandr Moroz, a Socialist Party MP and the Speaker of the Verkhovna Rada, offered his amendments to the presidential project, which he agreed upon in a consultation with President Viktor Yushchenko. The Yushchenko-Moroz project aimed at mediating between the antagonistic positions of the national-Ukrainian and Soviet-era memory camps.

Firstly, Moroz;s project offered a lighter version of the ethnic nouns used in the Yuschenko's project. It offered to substitute the ethnic pronoun for a nation in Ukrainian language (*nazia*) with a more inclusive and neutral notion of the civic nation (*narod*). This was to deal with the objections to Yushchenko's draft law which suggested that it offered an exclusivist interpretation of the Ukrainian nation infringing on the memory of non-Ukrainian victims of the famine in Soviet Ukraine and the adjacent regions of the Russian SFSR in the 1930s. In the same vein, the preamble of Yushchenko's law in the editorial version of Oleksandr Moroz included a reference to the other regions of the Soviet Union that suffered from famine in the early 1930s (Moroz, 2006). Importantly, on the punitive dimension, Moroz's amendments accounted for critique by the Soviet-era memory camp as raised in the plenary debate. Moroz's version of the presidential project omitted Article 6 (which stipulated the administrative liability for Holodomor denial in Yushchenko's original project) from the text of the new version.

Secondly, using the failure of the two preceding rounds of voting to pass the antagonistic drafts, Oleksandr Moroz utilised his position in the leadership of the parliament and put the Yushchenko-Moroz draft to a vote. This time the law was passed enjoying enough support from both memory camps. As a result of these events, the enacted Holodomor Law still kept the Holodomor-genocide paradigm in Article 1, as no compromise could be reached on this crucial point of historical interpretation. However, on the punitive dimension, the Holodomor Law offered a declaration of the 'unlawfulness' of Holodomor denialism in Article 2 without mentioning any tangible legal sanction for acts of public denial in the text of the law.

Moreover, after the Holodomor law was adopted, the national-Ukrainian camp pushed to introduce a fully-fledged punishment for Holodomor denial. In 2006–2019, there were 10 drafts of laws offering to amend Ukraine's criminal legislation to punish acts of Holodomor denial (Nekoliak, 2020a). In late December 2006, a month after the Holodomor Law was passed, high-profile members of the Nasha Ukraina faction offered a criminal law amendment provision for Holodomor denialism (Kendzior and Chubarov, 2006). Moreover, in spring 2007,

President Viktor Yushchenko kept pushing to institute punishment for acts of public denial as it was envisaged in his original project of the Holodomor law. This time, he offered to amend the criminal and criminal-procedural codes of the country to allow for criminal sanctions and actual prosecutions for Holodomor denialism (Yushchenko, 2007). The proposed act sought to punish denial by either a fine or by a term of imprisonment (Kasianov, 2012). However, the extraordinary parliamentary election in spring 2007 that elected the sixth Rada postponed the realisation of the presidents idea. In the re-elected Verkhovna Rada, President Yushchenko once again reintroduced his project to develop a full-fledged punitive memory law out of the Holodomor Law (Yushchenko, 2007b). Yet the initiative did not find the support to proceed into further stages of legislative work. The new political circumstances of the sixth Rada meant that the momentum for further Holodomor memorialisation withered from parliamentary memory politics (Riabenko, 2019).

In the punitive law-making on the Holodomor Law of 2006, an accommodating orientation towards national historiography was taken in the parliamentary work of the Verkhovna Rada. Parliamentary memory agents involved in political-legislative process furthered the agenda of activist historical scholarship that argued for the genocidal conception of the famine of 1932–1933. Politically, the ensuing events in the national legislature showcased the entrenchment of views from both Soviet-era and Nationalist-Ukrainian memory model supporters. While the initiative in the legislative memory work was on the side of the national-Ukrainian camp in the fifth Rada (that also enjoyed the support of the Presidency) the Soviet-era memory camp still pushed for an important interpretative concession in the design of the Holodomor memorialisation policy. By and large, the national-Ukrainian camp disapproved of the Soviet period of Ukrainian history by applying the strongest possible legal qualifications to that era. However, while largely failing in their interpretative and political-discursive battle over the Holodomor memory in the parliament, the proponents of Soviet-era memory succeeded in practical terms by boiling down the actual punitive dimension of the Holodomor Law. In a decade, the nationalist-Ukrainian memory camp would defend another component of the national Ukrainian narrative arc, which is the representation of Ukrainian WW2 nationalism. However, before that legislative offensive in memory work took place, the defenders of Soviet-era memory model mobilised to push for the protection of the Soviet-era interpretation of WW2 with a punitive memory law.

### 5.2.2. The Fascist Crimes Denial Law of 2014

In winter 2013–2014, the Soviet-era memory camp of the seventh Rada mobilised to crackdown on the Euromaidan protest in Kyiv. In the field of memory politics, pro-Soviet memory agents in the Verkhovna Rada mobilised to protect the historical narrative of the Red Army's victory in the GPW of 1941–1945 with a punitive memory law. In a plenary session sitting on 16 of January 2014, the Verkhovna Rada led by the Partia Rehioniv and the Communist Party factions introduced Article 436-1 to the Criminal Code by offering to punish:

> *"**public denial** or justification of the crimes of fascism against humanity, committed in the years of the Second World War, including crimes committed by the organisation 'Waffen-SS', its subordinate structures, and **those who combated against the anti-Hitler coalition and collaborated with the fascist occupiers**, and also propaganda of neo-Nazi ideology [...]"* (VRU, 2014a; bold typeface added)

The mnemonic aim of the piece of legislation was to infringe on commemorative validity of the Ukrainian WW2 nationalists. On the surface, it seems that this piece of legislation was meant to prohibit expressing positive views of the Nazi regime or to prohibit neo-Nazi public denial of the Holocaust. However, in the context of Ukraine's memory divide and national historiography debate, the law instead aimed to detract validity from the national-Ukrainian memory model. In this regard, the inclusion of the phrase 'those who combated against anti-Hitler coalition during WW2' was meant to outlaw positive receptions of nationalist memory across Ukraine (Symonenko and Aleksieev, 2013). On the one hand, due to historical record of Ukrainian WW2 nationalist insurgents combating the military and security forces of the Soviet Union (a member of the Allied Forces during WW2) in Western Ukraine in the 1940s, this provision was mainly to deal with Ukrainian WW2 nationalists. Moreover, since the mid-2000s, the positive reception of nationalist memory happened across the national-Ukrainian memory camp already marked by Yushchenko's era of parliamentary politics. On the other hand, the positive reception and embracement of nationalist memory was undertaken by the extreme part of pro-Euromaidan protesters in protests across the country. Therefore, the Soviet-era memory camp used the opportunity to further its memory politics-related and general political aims with a new piece of legislation.

Originally, two high-profile members of the Communist Party faction in the Verkhovna Rada sponsored the draft of the FCD Law back in spring 2013. The Symonenko and Aleksieev project remained in the workings of the parliament for the whole duration of the year when the eruption of the Euromaidan protest re-actualised the law in legislative agenda of parliament. Memory agents from the faction of Partia Rehioniv picked up the communist project and pushed it though with a package of legislation to tighten up responsibility for public gatherings in early 2014. In the plenary session on 16 January 2014, the draft law was swiftly passed by the Soviet-era memory camp enjoying a parliamentary majority in the seventh Rada. In a public statement about the passing the law, Petro Symonenko stated the need to sanction the representation of wartime organisations of Ukrainian nationalists with punitive measures (Ukrainskiy Tyszden, 2014). The Communist MP argued that since Yushchenko's time, nationalist memory has enjoyed a resurgence in parliamentary politics and a new punitive law should ban instances of the positive representation of wartime nationalists made publicly in Ukraine (ibid.). Following a public outcry, the Verkhovna Rada abrogated the punitive memory law two weeks later on 28 January 2014 (VRU, 2014b). However, the Fascist Crimes Denial Law (in its exact editorial version) was re-adopted in the same plenary session once again on the same day (VRU, 2014c).

In comparison to the Holodomor Law of 2006, the Soviet-era memory supporters were successful in introducing an actual criminal sanction for historic speech when protecting their memory model for Ukraine. Formally, the 'punitiveness' line was crossed in memory regulation. However, following the demise of Yanukovych presidency and the Soviet-era memory camp in the Rada in February 2014, the new post-Euromaidan government acting on the side of nationalist-Ukrainians abrogated the provisions of the FCD law. Instead, it pushed for a new anti-Soviet memory agenda in the memory legislation. Formally, the FCD remained active until spring 2015 before the de-communization law of 2015. This was a regulatory, non-punitive law and is discussed in chapter 4.

In the event of punitive law-making, the Soviet-era memory camp resisted the normalisation of the historical theme of Ukrainian WW2 nationalism in larger public and historical debates in Ukraine. The result of this legislative mobilisation was short-lived as a decisive step towards the accommodation of nationalist memory followed in parliamentary politics. More generally, the Soviet-era memory renaissance of the Verkhovna Rada in 2010–2013 was reversed as the national-Ukrainian camp mobilised to infringe on its main achievements, including the protection of Soviet-era interpretations of WW2. The turbulent events of the Euromaidan led to extraordinary parliamentary elections to the Verkhovna Rada in early autumn 2014. The elections further signified the demise of the Soviet-era memory camp in Ukraine's parliamentary politics as the remnants of Partia Rehioniv became a minority faction in parliament while the Communist Party vanished from parliamentary politics entirely. On the other hand, the national-Ukrainian memory camp enjoyed a majoritarian status in the eighth Rada and together with the reformed Ukrainian Institute of National Memory (UINP) pushed for a new commemorative agenda in parliament. Thus, the legislative memory offensive accompanied by the post-Euromaidan Presidency of Petro Poroshenko (2014–2019) followed in the eighth Rada. This legislative intervention was concerned with the validation of Ukrainian WW2 nationalism via punitive memory law.

### 5.2.3. The Freedom Fighters Law of 2015

The redemption of nationalist memory by means of punitive memory law characterised the post-Euromaidan politics of the national legislature. For three post-independence decades, the national-Ukrainian memory camp consistently moved towards recognising the legitimacy of the historical struggle of Ukrainian WW2 nationalists. As chapter 3 discussed, the earliest commemorative lawmaking attempts dated back to the politics of the early convocations of the Verkhovna Rada in 1990s. As the relative strengths of the Rada changed between national-Ukrainian and the Soviet-era memory camps between the 1990s and through 2000s, a decisive step for nationalist memory accommodation was taken in 2015 by post-Euromaidan eighth Rada. As part of the decommunisation policy of the post-Euromaidan political elite, the Verkhovna Rada voted for a law 'On the

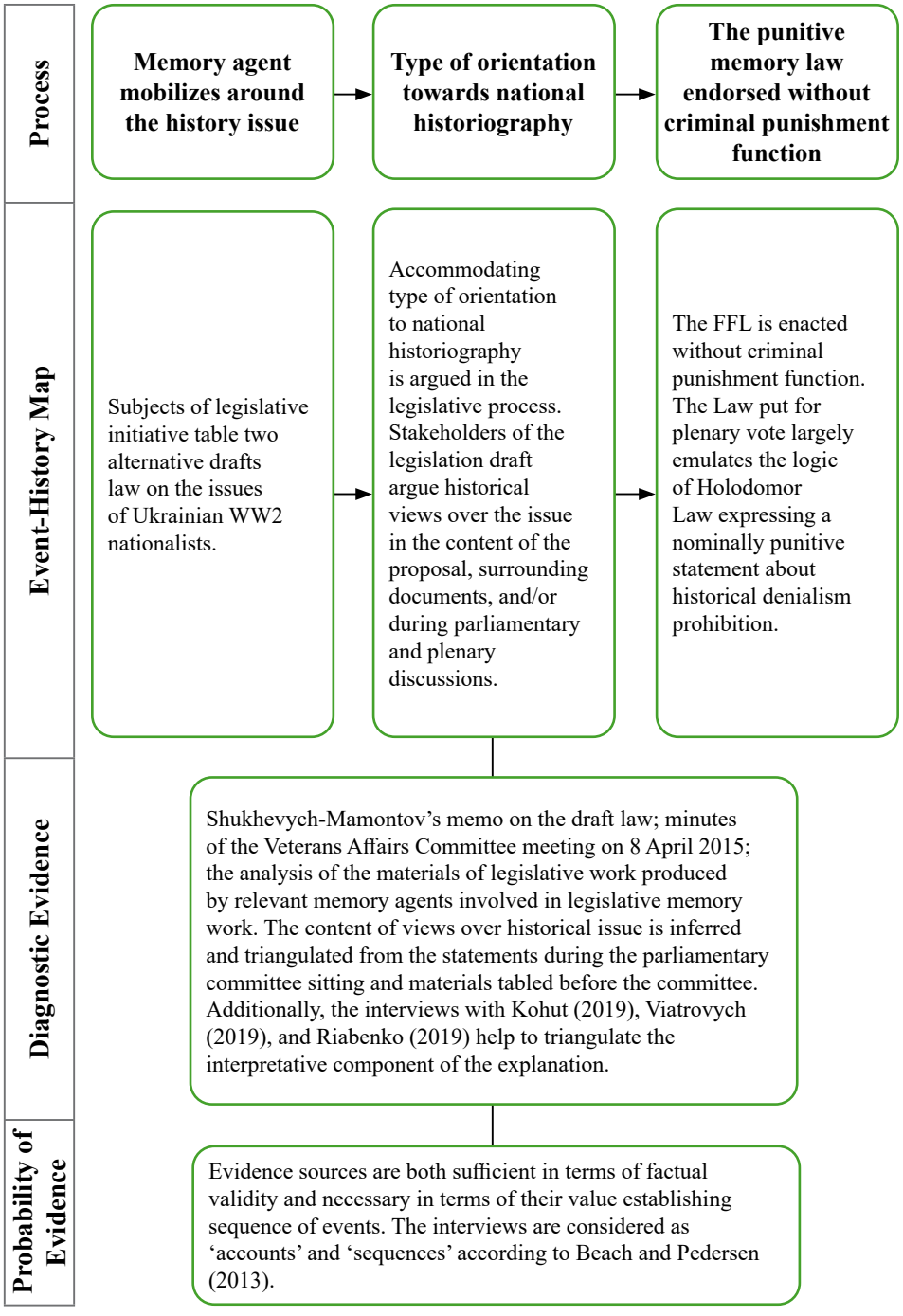
Legal Status and Honouring the Memory of Fighters for Ukraine's Independence in the 20th Century' (VRU, 2015c). This law introduced a two-fold norm on forbidding public denial of the nationalist struggle for independence. It came as the final legislative step in a decades-long normalisation of the representation of Ukrainian WW2 nationalism.

The new law of April 2015 aimed for the legal regulation of the status of nationalist combatants in WW2. In its punitive component, the FFL stipulated a punitive provision in Article 6 proclaiming that 'public denial of the legitimacy of the struggle for independence of Ukraine in the twentieth century is recognised as insult to the memory of fighters for independence of Ukraine in the XX century, disparagement of the Ukrainian people and is unlawful.' The legislative amendment thus memorialised the crucial component of National-Ukrainian memory model by highlighting the nationalist struggle for independence during WW2. Secondly, Article 6 of the law established that individuals 'who publicly show contempt for persons referred to in Article 1 of this Law and prevent the exercise of rights by the fighters for independence of Ukraine in the twentieth century are responsible under the law' (VRU, 2015c). Similar to its predecessor (the Holodomor Law of 2006) the new memory law was not clear on criminal punishment function for historical denialism. The provision on prohibition to deny independence cause of WW2 nationalists of Article 6 offered declaration of 'unlawfulness'. In its wording, the provision emulated a similar provision of the Holodomor Law voted a decade before.

This outcome of the legislative-political process on punitive law is explained by the orientation of parliamentary memory agents involved in drafting legislation towards the national historiography of WW2. At a parliamentary level, the introduction of the FFL came as the result of legislative memory work in the nationalist-Ukrainian memory camp. The introduction of the law relied on memory issue mobilisation by the re-established UINP and the parliamentary majority of the eighth Rada (see chapter 4; Nekoliak, 2022). By spring 2015, there were two projects on freedom fighters under consideration by parliament. Table 21 offers a process analysis of the events of the Freedom Fighters Law unfolding in the Ukrainian legislature.

The first project of the law was prepared by the UINP and the pro-Euromaidan activists who joined the ranks of parliamentarians in eighth Rada. Formally, the UINP draft law was introduced to the parliament on behalf of the Cabinet of Ministers. The conception of this draft law (as well as the de-communisation agenda at large) was conceived during the Euromaidan protests in Kyiv. The initiative relied upon the intellectual endeavour and interplay between pro-Euromaidan experts who originated from the civic cector of Euromaidan (who were thereafter institutionalised into the Reanimation Package of Reforms [RPR] in January 2014). In spring 2014, these individual memory agents entered the official governmental posts of the Ukrainian Institute of National Remembrance (UINP) or parliament (following the parliamentary elections in autumn 2014) which put together a new legislative memory agenda for Ukraine to re-orient the national politics of memory (Viatrovych, 2019; Kohut, 2019).

**Table 21.** Process analysis of the Freedom Fighters Law of 2015: turning observations into nodes of explanation



In March 2014, the Reanimation Package of Reforms (a pro-Euromaidan expert group) launched a working group on national memory politics. The initial work of the group focused on archival reform, preparing for the removal of Soviet symbols from public space and overcoming the 'legacies of totalitarianism' in Ukraine. During spring-summer 2014, experts and historians affiliated with the RPR proposed a strategic plan of reforms for Ukraine, including in the area of history and memory. Headed by historian Andriy Kohut, the RPR working group drafted a package of legal acts, including one regarding the status of WW2 nationalist combatants. The rationale of the RPR-affiliated experts and the reorganised UINP was to grant recognition of the independence cause in a new piece of legislation and to establish the mnemonic continuity between Ukrainian WW2 nationalists and contemporary Ukraine thus infringing on the relevance of Soviet-era interpretations of Ukrainian history (Kohut, 2019). This initiative was corroborated by the work of the UINP headed by historian Volodomyr Viatrovych and the Legal Department of the UINP headed by lawyer and memory activist Serhiy Riabenko.

The work of the two communities has accommodated orientations towards national historiography in legislative work. The intellectual narrative of the RPR/UINP project was to introduce the activist scholarship of WW2 into memory legislation. Both Volodymyr Viatrovych and Andriy Kohut are activist historians with academic and public education records on the history of Ukrainian WW2 nationalism. Before the Euromaidan, both historians were affiliated experts of the Centre of Studies of the Liberation Movement, an NGO focusing on researching and memorialising Ukrainian anti-Soviet insurgency with a record of publications on the topic. The historical interpretation of WW2 and the place of the Western-Ukrainian nationalist movement in Ukrainian history is reflected in the strong teleological and narrative-centred understanding of the Ukrianian past (Yurchuk, 2017). The historical view of the nationalist struggle epitomising the direction of Ukrainian history was central to activist pieces of scholarship published by the two historians (Viatrovych, 2016; Viatrovych et al., 2016). The UINP/RPR project was introduced to the Verkhovna Rada by the Cabinet of Ministers together with other de-communisation laws on 3 March 2015.

The second project of the Freedom Fighters Law was introduced to parliament on 7 March 2015. The project came from a nationalist parliamentarian Yuriy Shukhevych. Shukhevych's draft emulated the UINP's project in its historical narrative, structure, and the wording of provisions (Shukhevych, 2015b, p. 31). In their intellectual narratives, both projects were meant to accommodate activist historiographic views of the nationalist WW2 movement. The main difference between the UINP's and Shukhevych's projects was the criminal punishment function of the drafts. The UINP-project contained a blanket norm establishing the protection of 'rights, freedoms, and legal interests by persons recognised as freedom fighters according to law' (Cabinet of Ministers, 2015). From the onset, it contained no punitive provisions on historical denialism or reserved criminal punishment functions after the law (Viatrovych, 2019). In contrast, the Shukhevych project introduced a punitive provision on public denialism of the

independence struggle, emulating the wording of the ban envisaged by the Holodomor Law of 2006 (Shukhevych, 2015a).

The Shukhevych project was co-authored by Ihor Mamontov, a lawyer and memory activist seeking the validation of nationalist combatants in national legislation. In academic publications, Mamontov developed a hagiographic and activist stance over the history of the nationalist movement during WW2. In an article for the a series published by the Institute of Ukrainian Studies (National Academy of Ukraine), Mamontov justified instances of 'individual and mass terror' perpetrated by the Ukrainian nationalist organisation to protest the colonial policies of interwar Polish governments against Ukrainians residing in Western Ukraine in the 1920–1930s (Mamontov, 2004, p. 101). Moreover, in 2016 Mamontov defended his PhD on the legal qualifications of the resistance to the Nazi and Soviet regimes by the Ukrainian nationalist movement in the 1920–1950s. In this publication, the author developed legal and political-philosophical arguments justifying the wartime conduct of Ukrainian WW2 nationalists. In his legal claims about the history of the nationalist movement, Mamontov argued that the struggle of the Ukrainian nationalists against the authorities of interwar Poland in 1930s, and the Nazi and Soviet regimes in the 1940s was justified on basis of the right to national self-determination (Mamontov, 2016).

These historical views were made apparent by the co-authors of a memo regarding the project presented at a sitting of the Veterans Affairs Committee of the Verkhovna Rada in 8 April 2015. Foremost, the initiators of the law saw the rationale for the bill as filling a 'legal vacuum' in the approach of the Ukrainian state to nationalist combatants who contributed to Ukraine obtaining national independence in 1991. The law was meant to ensure an interpretation of legal and symbolic continuity between the nationalist struggle during WW2 and the national independence of 1991 while disavowing the continuity between Soviet Ukraine and post-independence Ukraine. The co-authors argued: "The bill established state recognition of the fact that freedom fighters mentioned in Article 1 of the project of the law played a crucial role in restoring Ukrainian statehood proclaimed by the Act of 24 August 1991" (Shukhevych, 2015a, item 3). Moreover, the views of Mamontov on the history of the nationalist movement of WW2 were at the core of the legal component of the memo. In this regard, the document referred extensively to United Nations resolutions about the principle of the self-determination to argue the legitimacy of the Ukrainian nationalist struggle in the 20th century according to the standards of international law.

During a sitting on 8 April 2015, the parliamentary committee discussed both projects. During the committee debate, UINP representatives and nationalist MP's expressed activist views over historical justice-seeking with regard to Ukrainian WW2 nationalists and the larger goal of recognising the validity of the nationalist struggle in the 20th century (Tylischak, 2015, pp. 31–32; Kohut, 2015, pp. 34–35). The representatives to the committee formulated this legislative intent clearly. In the sitting of the committee, both the representatives of the UINP and the nationalist parliamentarians agreed on the main reasons for the law. They reasoned that there was a need to protect the memory of Ukrainian nationalists

and, importantly, to establish the symbolic continuity of the Ukrainian state between the struggles of the nationalist movement of WW2 to the statehood of post-1991 Ukraine.

Therefore, both groupings in the memory camp pursued larger goals to accommodate their activist historiographical views. The leadership of the committee gave preference to the Shukhevych project (Tretiakov, 2015; Kohut, 2019). By unanimous decision, the parliamentary committee overseeing both the UINP and Shukhevych's drafts endorsed the latter project for a plenary vote by the Verkhovna Rada (Committee for Veteran Affairs, 2015). Having received positive committee conclusions, parliament adopted Shukhevych's law in a plenary sitting of the Rada on 9 April 2015.

Calls to extend the punitive component of the FFL followed in subsequent years. In 2017, Yuriy Shukhevych proposed a draft amending the FFL offering to introduce criminal sanctions for denying the legitimacy of the nationalist cause. The project offered to punish "public denial of the legitimacy of the struggle for the independence of Ukraine in the twentieth century, which has been instituted by the law: 'On legal status and honouring the memory of the participants for independence of Ukraine in the twentieth century' and the law 'On Holodomor of 1932–1933 in Ukraine'" (Shukhevych, 2017). Depending on the gravity of speech acts, the project offered criminal punishment ranging from the imposition of fines to imprisonment for up to 5 years. However, the draft law did not come through positive expert evaluation of the Legal-Expert Department of the Verkhovna Rada.

Moreover, in 2016 there was one additional project on the issue of nationalist memory that passed the stage of positive evaluation by the Legal-Expert department of the Rada (Hopko et al., 2016). On one hand, the project defined 'public justification of the persecution of the participants for the independence struggle' as 'propaganda of the communist regime' (ibid.). On the other hand, the project aimed to punish 'public denial or public justification of the Holodomor of 1932–1933, the Holocaust, Crimean Tatars deportations in 1944' with the introduction of a criminal code amendment (ibid.). The political impetus to recognise the validity of nationalist memory was fulfilled with the adoption of the FFL in spring 2015. Neither of the initiatives proceeded into the further stages of work in the eighth Rada. Both projects about the further criminalisation of historical speech were withdrawn from the agenda following the elections to the Verkhovna Rada of 2019.

By and large, in parliamentary politics, the FFL followed the pattern established by the Holodomor Law back in 2006. Both laws were driven by the intention to co-opt historical interpretations of activist historical scholarship into memory legislation. The mechanisms of formulating legislative intent played out similarly in the political-legislative process. Parliamentary memory agents prompted legal-political processes around both punitive memory laws as a component of their larger struggle on one side of the Ukrainian memory divide. The main difference pertained to the constellation of memory agents behind each law. In the politics of the fifth Rada, Holodomor memorialisation was borne out

of the struggle between the national-Ukrainian and Soviet-era memory camps. In the politics of the eighth Rada, memory agents on the side of the national-Ukrainian memory camp proceeded from the same general historical-interpretative premises of the FFL, yet differed on the particularity of the criminal punishment functions to be put into the legislation. Therefore, having fulfilled the intention to legitimise the themes of the national-Ukrainian memory model in legislation, both laws failed on actually delivering on the criminal punishment functions of these laws. When the original impetuses to protect the validity of historical interpretation were achieved with the Holodomor or Freedom Fighters Laws, the issue to further criminalise punishment components of the legislation withered out to the margins of legislative memory work in the national legislature.

# CONCLUSIONS

This dissertation highlights some of the conceptual, theoretical and empirical implications drawn from the study of the politics of memory laws in Poland and Ukraine. Conceptually, the dissertation argued in favour of a 'thick' conceptualisation of memory law having been inspired by Eric Heinze's work (2017) on the variants of memory law. On the one hand, this approach allowed the thesis to deal with the issue of commemorative (declarative or anniversary) lawmaking and profile the lower level of the conceptual debate over memory law. On the other hand, by applying this approach to memory law, the dissertation amends Heinze's original conceptualisation with a more stringent understanding of the regulatory dimension. In this regard, the conceptual novelty offered by the dissertation can be evidenced in limiting the regulatory dimension to three sub-variants of memory law: laws on legal statuses in recognition of historical experiences; memory institutions; and memory procedures reforming the representation of the past in public (national memory infrastructure). The thesis has argued that a narrower conceptualisation allows for a more suitable way to operationalise the concept of memory law for empirical investigation. This can help to avoid the pitfalls of blurring the distinction between the 'memory law' category on the one hand and broadly regulatory as well as transitional justice laws on the other.

I argue that a composite approach to memory law is concurrent with a greater insight into the politics of memory laws in the region. The taxonomical work in chapter 1 is useful when one chooses to investigate the trajectories of collective memory regulation over time by employing the three-fold conceptual categorisation of memory law. In this regard, the dissertation engaged with composite approach in order to track changes in memory legislation since the democratic transition of Poland and Ukraine. On the conceptual level, a parallel can be drawn between the approach of this dissertation and other major taxonomical work in the field of transitional justice scholarship in CEE. As for the latter scholarship, a number of notable works gauge the saliency of particular transitional justice measures and come up with taxonomical scales (Grodsky, 2009; Pettai and Pettai, 2015). This scholarship illuminates the value of particular transitional justice measures in order to theorise the relationship between political dynamics and the adoption or severity of the transitional justice track chosen by a country.

In a similar manner, the composite approach to memory law favoured in this dissertation parallels the mindset of this transitional justice scholarship. Building upon the distinctions between declarative, regulatory, and punitive memory law, the next step in conceptual work could be to delineate and code the values of commemorative lawmaking in order to set up an ordinal scale for historical figures, historical events anniversaries, remembrance days, commemoration etc. Setting up an ordinal scale of commemorative measures would enable a more precise outline of commemorative lawmaking. This work requires tackling the issue of how to isolate, weigh in, and assign nominal values for commemorative lawmaking measures. Leveraging the concept of memory law in this way could provide an even more thorough numerical expression to quantify the politics of memories of national legislatures.

The main argument in favour of a composite (a three-fold) view of memory law is found in its stronger potential to operationalise the study of the politics of memory in CEE. Current scholarly accounts recognise the intensity and saliency of Eastern European memory politics with a few notable works coining the term of 'memory war' in their titles or referencing it in their content (Koposov, 2017; Fedor, Lewis, and Zhurzhenko, 2017). While these studies are illuminative and rich in substance in many respects, a common disadvantage is that there is no way to measure the intensity of domestic 'memory wars' across the region. From a political scientist point of view, the term does not help to establish a minimal measure to survey the memory politics developments in the region. Therefore, the study of the politics of memory is largely limited to discourse analysis approaches or separate case studies evaluating 'memory games' or 'memory wars' in the region (Mink and Neumayer, 2013; Harper, 2018) with a handful of a more structured approaches enabling comparative work (Bernhard and Kubik, 2014).

This dissertation singled out a technical approach in order to gauge the intensity of memory politics in Poland and Ukraine. It took a number of commemorative declarations adopted by national legislatures to survey the debates over collective memories in two country-cases. Put simply, a composite view of memory law enables a more precise measurement of the gravity of parliamentary memory politics around particular historical themes than is usually allowed with qualitative case studies. From a practical point of view, the advantage of this approach is that the political debates over collective memories are reduced to an observable manifestation. The frequency of individual historical themes in the legislative process of a national parliament can thus be measured.

The approach of Study 1 might not reach the sophistication of major work in political science. However, without the approach singled out in this dissertation, the study of the politics of memory laws in the region might remain limited to discourse-analytical approaches and arguments only (e.g. Mälksoo, 2021). The approach of this dissertation should be seen as an alternative for the latter work. Proceeding from the framework of this dissertation, future research could engage in systematic and structured coding of memory legislation in the countries of CEE.

The dissertation offered a dual framework for the study of politics of memory laws in Poland and Ukraine tackling two research problems in a single piece of work. In the dissertation, I analysed the patterns of collective memory regulation in the parliaments of Poland and Ukraine. For the analysis of the first dependent variable (Study 1), I compiled sets of memory legislation using the conceptual premises of memory law and examined the political dynamics behind memory law production. Thereafter, Study 2 scrutinised the emergence of punitive memory laws in the legislatures of Poland and Ukraine (the second dependent variable) more narrowly. In other words, the dual framework of the dissertation warranted differentiating between two Studies, which followed their own logics of case selection and designs of empirical investigation. Before going into the discussion of punitive law-making in both country-cases, the characteristics of commemorative (non-punitive) lawmaking and the main findings of Study 1 follows.

## 6.1. The Findings and Implications of Study 1: Examining the Patterns of Collective Memory Regulation in Poland and Ukraine

Study 1 has examined the political dynamics of the patterns of collective memory regulation in Poland and Ukraine (the first dependent variable). There are two characterisations revealed by the analysis: the (delayed) intensity of memory law profiles and the propensity to employ a particular sub-type of memory law over the other in parliamentary memory regulation. The composite level of analysis revealed particular commemorative lawmaking constellations. Firstly, in both country-cases, the intensity of memory regulation unfolded gradually reaching the spikes in the second and the third decade of post-communist politics. Commemorative lawmaking and the legislation output grew in the second and the third decade of post-communist politics in both nations against the backdrop of theoretical suggestions about the nature of the memorialisation process posited in transitional justice literature (Teitel, 2000; Elster, 2004). The empirical analysis of the thesis challenges existing theoretical views that a memorialisation process should follow early after political transitions in the politics of democratic legislature (Hypothesis 1 for Study 1). Instead, Study 1 found a support for Hypothesis 2 (the politics of memory hypothesis) outlined in the introduction of the thesis. Study 1 argued that the structure of memory politics competition in the national legislatures defined the delayed intensity of memory law profiles in both Poland and Ukraine.

Secondly, the analysis of the patterns of collective memory regulation revealed a few disparities in the content of memory legislation of two countries. In Poland, the Polish legislature developed three types of commemorative (declarative) law in a more consistent way. The commemoration of historical figures, anniversaries of historical events, and the introduction of remembrance days paralleled each other in successive legislatures of the Sejm. In Ukraine, the number of historical figure declarations significantly outweighed the number of anniversary declarations. Moreover, the Polish legislature introduced remembrance days for the country consistently while the Ukrainian legislature failed to develop any consistent commemorative calendar for the country.

An even more striking comparison is presented with the regulatory constellations of memory law in both nations. The scope and legal-technical complexity of Polish regulatory laws on legal statuses in recognition of historical experiences, memory procedures, and memory institutions dwarfs the Ukrainian example. Moreover, the two memory law profiles differed on the parameter of the timing of regulatory law introduction. In Poland, the politics of memory laws in the Sejm was conducive to major regulatory laws being adopted in the 1990s and then these laws evolving further in the duration of 2000s and 2010s. In Ukraine, the introduction of regulatory laws was largely deferred into the third decade of the Verkhovna Rada. These and other variations in the types of memory law were

presented in the empirical chapters 2 and 3 of the dissertation. Having summarised the two characteristics of memory law profiles, I now turn to explaining the variation in the intensity and propensity of collective memory regulation in both countries.

The dissertation used shorthand-expressions of the Polish memory debate and Ukraine's memory divide to refer to the progression of parliamentary politics and the ideational components of the politics of memory in the Sejm and Verkhovna Rada. Adopting an instrumentalist perspective on parliamentary memory politics could explain the variation of composite level memory regulation in the two national legislatures. In Poland, the progression of parliamentary politics towards more commemorative memory laws could be explained by the 'winner-loser' dynamics of memory politics as developed by Kate Korycki (2019). In characterising the Polish political landscape and the permutations around the memory of the Holocaust in Poland, Korycki focuses on the evolution of major political parties and their discursive approaches to the Polish past. To profile Polish memory politics, she offers a winner-loser perspective on the democratic transition of 1989. This, she argues, defined the structure of Polish politics and the ensuing political competition. Table 22 visualises Korycki's model and its application to the majoritarian camps of the national legislature since 1989.

**Table 22.** Visualising the model of Polish memory politics in the national legislature by Kate Korycki (2019)

| | **Orientation to the past** | **Orientation to the present** | |
|---|---|---|---|
| | **Winner** | **Loser** | |
| Democratic transition of 1989 (Sejm PRL 10) | **KO** | **PZPR** | |
| | **Winner 1** | **Winner 2** | **Loser** |
| Sejm 3 | PC→**AWS**→ | UD→**UW**→ | Post-communist memory camp (PZPR→SLD, ZSL →PSL) |
| Sejm 4 | →**PiS** | →**PO** | SLD, PSL |
| Sejm 5 | **PiS**, LPR, Samoobrona | **PO** | SLD (though legislative cycles of Sejm 5 to Sejm 8) →Lewica, PSL |
| Sejm 6 | **PiS** | **PO** | |
| Sejm 7 | **PiS** | **PO** | |
| Sejm 8 | **PiS**, Kukiz 15, Konfederacja | **PO**, Nowoczesna → **PO-KO** | |

Legend: Arrows and bold typeface mark the subdivisions in the winning camp of parliamentary politics. For the sake of simplicity, the table focuses on majoritarian memory camps in the Sejm omitting profiling smaller factions and groupings. For simplicity, the table also omits some changes in the naming of political parties or electoral alliances if such occurred over the years of party politics.

According to Korycki, from 1989 the winner of the democratic transition (the anti-communist Solidarity movement) did not possess the expertise or the material resources in terms of actual ability to govern the post-transition country. Therefore, the winner built a political profile on symbolic issues, attaching additional weight to memory issues in their political struggle with their major political opponent (the loser) of the political transition. Korycki describes the strategy of the winner as such: "The winner therefore will keep the past alive, so to emphasise its historically given rectitude. The loser, conversely, will turn to the present to emphasise its commitment to reform" (Korycki, 2019, p. 353).

Furthermore, it is important to point out that winner in the conceptual apparatus of Korycki does not always refer to the winner of parliamentary elections or the governing coalitions. In other words, as Korycki note, the post-communist camp held the position of parliamentary dominance in the second Sejm (1993–1997) and fourth Sejm (2001–2005). However, for Korycki, the saliency of memory politics development of the decade at large was marked by sub-divisions in the nationalist memory camp and the institutionalisation of the successors of AWS (the original winner in the third Sejm and the 'heir' of the Solidarity movement in the parliament), that is PiS and PO (the winner 1 and the winner 2 in the fourth Sejm). Therefore, she considers the 'winners' rather ideationally as those political parties and individual memory agents originating from and succeeding the Solidarity camp as democratic politics moved on from the democratic transition.

As democratic politics progressed in Poland, the fragmentation of the political field happened due to sub-divisions in the winners camp causing ramifications for the structure of the political debate over collective memory in parliament. In this regard, it is important to point out that the sub-divisions in the winners camp post-1989 explains the discursive intensification of memory politics in the Polish case. When the winners subdivided into winner 1 and winner 2, each of the succeeding players of the memory politics field took antagonistic relations to the past. Winner 1 favoured putting discursive and political weight in the political struggles over memory. To the contrary, winner 2 took a 'presentist' position on the issues of collective memory (Korycki, 2019, p. 353). Using the conceptual apparatus of Bernhard and Kubik, winner 1 can be described as a 'mnemonic warrior' propelling the memory debate with a warrior-like position towards the past. Winner 2 is usually a 'prospective' or an 'abnegator' on its stance over memory issues (Bernhard and Kubik, 2014). The loser is also a 'prospective' or an 'abnegator' as it strategically refrains from the initiative in the political-discursive work over the past being largely on the defence in the field of memory politics. Korycki's main point is that the fragmentation of the political field and the discursive permutations between the main protagonists of the memory politics of the Sejm are described as winner 1 and winner 2 in how they relate to the past. These permutations led to the intensification of political competition over memory in the Polish legislature.

As post-1989 democratic politics has progressed further, the protagonists of memory politics (individual politicians or political party factions) have changed in the composition of the political landscape in parliament. However, the changes

in individual politicians and political factions in the country and in the composition of the Polish legislature still relates back to the model of memory politics on how the newcomers relate to the past politically and discursively. Over time, according to Korycki, the memory debate moved away from the original winners and losers of the post-communist transition to the camp of the winners themselves. In the second and third decades of post-communist politics, the progression of parliamentary politics is structured around the successors of the Solidarity camp. At the same time, the relevance of the anti/post-communist cleavage has largely faded due to the gradual electoral demise of the post-communist memory camp since the early 2000s. In the second and third decades of parliamentary politics, the political dynamics between the winners in the nationalist memory camp characterised the discursive intensification of memory struggles in the political field (Korycki, 2019, pp. 351–355).

Kate Korycki uses her model to make an argument about the discursive construction of Holocaust memory and its evolution in the Polish politics. Largely, the potential of her model remains unexplored empirically. I would argue that the model should not be taken as a parochial contribution to the study of Holocaust memory in Poland. It has wider analytical relevance to characterise Polish memory politics at large.[18] Moreover, the analytical parameters of Korycki's model could be used beyond the Polish country-case to analyze parliamentary memory politics of any other relevant country-case from an instrumentalist perspective. On the first point, her insight can also inform our understanding of the politics of memory laws in the Polish legislature investigated in Study 1 of the dissertation. On the second point, the parameters of the model could be extended to the Ukrainian case as well. Below, I first explain how Korycki model illuminates the investigation of memory laws in Poland and then expand on the (wider) applicability of the model to the Ukrainian case.

The analysis of this dissertation corroborates Korycki's model on its own empirical material, going beyond Korycki's analysis of the political discourse of Polish-Jewish relationships in WW2. Korycki's model is especially useful to understand the delayed intensity of commemorative lawmaking in the politics of the Sejm. Chapter 2 of the dissertation made the case that the intensification of the memory law domain occurred in the three junctures of parliamentary politics predicated on the nationalist memory camp victories in the national legislature (1997, 2005, and 2015). Reflecting the pushes in legislative memory work by the nationalist memory camp, the number of commemorative declarations in the Sejm grew in second and third decade after the democratic transition.

Politically, the intensification of the memory law domain occurred after the relevance of the anti/post-communist cleavage withered out of parliamentary

[18] Bernhard (2021) has developed a similar argument to Korycki about the Polish memory politics and the nature of the political transition of 1989 recently. Although he based his study in the literature on democratic transitions, the parameter of 'orientation to the past' is central to his argument.

politics — due to some splits in the 'winners' nationalist camp. The main protagonists of memory politics in the respective legislative cycles of the Sejm simultaneously employed memory law as a tool for pushing the development of the ideational profile of the country's memory legislation. In other words, the parliamentary winners of the third, fifth, and eighth Sejm pushed to expand the scope of commemorative lawmaking. This expansion happened as result of the political permutations of the winner 1/winner 2 dimension, with winner 1 intensifying the production of memory legislation in the Sejm after the parliamentary elections of 2005 and 2015. Therefore, the commemorative lawmaking of the later phases of the 2000s and 2010s can be explained by the political dynamics between winner 1 and winner 2. The intensification of memory law came from the nationalist memory camp. Winner 1 seized the initiative in commemorative lawmaking, while winner 2 was put on the defence. To showcase this pattern of political dynamics centred around the winners of the legislative cycles of the Sejm, individual sections of chapter 3 discussed notable cases of commemorative legislation in addition to the analysis of the evolution of Polish memory legislation over three decades of memory regulation. The Korycki model does not exhaust itself in being able to explain Polish memory politics only. In fact, it can also be applied to the Ukrainian case.

The analytical parameters of the Korycki model can capture any political dynamics over memory essentially (beyond the parochialism of the original Korycki's contribution to study the political dynamics of the Holocaust memory in Polish politics). Any political moment can be characterised as a relationship between the potential to preserve a status quo and the potential for change. A well-known argument in political science pertains to theorising the 'demand-output' dynamics of a political system. In this view, any political change is a configuration of 'inputs' (demand) and 'outputs' (supply) of a political process (Easton, 1965).

Moreover, applied to memory politics, a political process can be characterised by positions taken in the political debate over memory at any given moment. Political memory agents take positions in the political debate over memory as leverage for their political struggles with each other. These are the 'presentist' position (support for status quo) or the antagonistic position to push for change. The parameters of the Korycki model reckon well with this inherent trait of a political process. This is achieved through the operationalisation of the parameters of 'orientation to the past' (demand for a change) and 'orientation to the present' (support for status quo). This logic applies to the investigation of the politics of memory laws undertaken in Study 1 of the dissertation. In both country-cases, political competitions over collective memories demanded more commemorative lawmaking (that is, aggrandizing memory laws production in the national legislatures) over time. More provision of memory laws led to more demand for commemorative lawmaking at each subsequent step (legislative cycle) in the political processes of both national legislatures.

In order to explain the pattern and the delayed intensity of the Ukrainian memory legisaltion, the parameters of Korycki's model can be used with a few

added caveats. In the Verkhovna Rada, the axis of memory politics competition was more straightforward. Memory competition occurred on the winner-loser dimension predominantly. As Table 23 showcases, there was no discursive devolution in the politics of the Ukrainian legislature to introduce an additional level of political competition over memory (winner 1-winner 2 dimension) as there was in Poland. In Ukraine, the Soviet-era and the national-Ukrainian memory camps alternated their positions of parliamentary dominance. Both have occupied the winner and the loser positions respectively. Ideationally, both memory camps are 'mnemonic warriors' oriented overwhelmingly to the past and have developed competing commemorative lawmaking agendas in the Verkhovna Rada.

Both memory camps often have 'inherited' individual memory agents in subsequent legislative cycles from the previous ones or new political factions emerged over time. Nominal or real newcomers to parliamentary politics have fallen within the two antagonistic memory camps. Moreover, the winners in the model of Ukrainian memory politics should be understood more straightforwardly as winners of parliamentary elections forming parliamentary majorities. The changes in the relative strength of the political memory camps has explained the delayed intensity of the declarative dimension of memory law (which occurred in a series of steps in the fourth, sixth, and eighth Rada). Politically, the changes in Ukraine's memory legislation were predicated with one camp taking a crucial victory and re-orienting the ideational profile of memory legislation towards a favoured memory model.

A more straightforward logic of memory competition in the Ukrainian case is evidenced in the regional cleavage of the country's political landscape around national-Ukrainian and Soviet-era memory camps. During first two decades of parliamentary politics, the two camps in the legislature were rooted in the West-East constituencies of the country electorally. In the early 2000s, the regional cleavage structured political competition between the Soviet-era memory majority and the nationalist-Ukrainian minded minority in the Verkhovna Rada. Ideationally, the two regionally-entrenched camps inherited (and developed further) their positions on national history from their predecessors in the parliamentary politics from early 1990s (that is the nationalist-minded minority of Ukrainian politicians and the hardcore Soviet-era communists that re-institutionalised politically in post-independence Ukraine in the 1990s).

The two memory camps started to compete in legislative memory work tilting the commemorative law field towards a preferred memory model or responding with interpretative counter-offensives in new commemorative declarations based on their antagonistic interpretations of Ukrainian history. As democratic politics progressed and intensified these divisions in 2000s and 2010s, commemorative lawmaking intensified also. Most notably, the politics of memory intensified in the Yushchenko-era fourth Rada, the Yanukovych-era sixth and seventh Rada, and the post-Euromaidan eighth Rada. Using the Korycki model of memory politics is analytically useful to illuminate the late intensity of commemorative lawmaking of both country-cases.

**Table 23.** Visualising the model of Ukrainian memory politics in the national legislature

| | **Winner** | **Loser** |
|---|---|---|
| Rada 1 | "Group 239" | Narodna Rada, individual memory agents |
| Rada 2 | Communist Party | Narodnyi Rukh, URP, CUN |
| Rada 3 | Communist Party | Narodnyi Rukh |
| Rada 4 | Nasha Ukraina, Tymoshenko Bloc | Communist Party, Partia Rehioniv ("Za Yedynu Ukrainu") |
| Rada 5 | Partia Rehioniv, Communist Party | Nasha Ukraina, Tymoshenko Bloc |
| Rada 6 | Nasha Ukraina, Tymoshenko Bloc ↔ Partia Rehioniv, Communist Party | |
| Rada 7 | Partia Rehioniv, Communist Party | Batkivshchyna (ex-Tymoshenko Bloc), UDAR, Svoboda |
| Rada 8 | Petro Poroshenko Bloc, Narodnyi Front, Samopomich | Opposition Bloc (ex- Partia Rehioniv) |

Legend. This table focuses of majoritarian camps of Soviet-era and National-Ukrainian memory model supporters. For simplicity, it does not differentiate for smaller parliamentary factions and groupings that have gravitated towards one camp or another in the politics of the Verkhovna Rada. The same applies to individual politicians gravitating around the main political party factions or forming smaller groupings in particular legislative cycles of the parliament. Moreover, a double arrow sign indicates the case of change in governing memory camps in the legislative cycle of the sixth Rada. In 2010, the Soviet-era memory camp re-organised and took parliamentary dominance after the Yushchenko-era in the politics of the Verkhovna Rada between 2007 and 2010.

As for the explanation why there is a difference in the propensity for one type of memory law over the other between the Polish and Ukrainian memory law profiles, I argue that the gravity of nation-building in Ukraine may offer an explanation. If the late intensity of memory law profiles in both country-cases is explained by the structure of memory politics competition, the propensity is explained by ideational differences. In the Ukrainian case, incomplete nation-building accounted for the disparities in the declarative category and for a notable insignificance of regulatory category of memory law in comparison to the Polish case. From the onset, the Polish memory debate was more reconciliatory in a sense that the main parameters of nation-building were not as at stake of political competition as in Ukraine. The Polish memory debate progressed through legislative cycles of the Sejm focused on ideational approaches to the past. Most notably this includes individual, historical topics related to WW2 and the interpretation of the PRL-era of Polish history. As Chapter 2 discussed, the commemorative validity of the longer timespan of Polish history was not a part of the political competition between political memory camps in the early legislatures of the first and second Sejm.

At the same time, the quintessence of the memory debate in the Ukrainian legislature went through a more foundational challenge of formulating and narrating the very template of Ukrainian national history and protecting it from antagonistic alternatives with memory regulation. As chapter 3 demonstrated, the Soviet-era and national-Ukrainian memory models differ in their underlying teleological narratives of the Ukrainian past and question the legitimacy of antagonistic memory model. Therefore, since the first few legislative cycles of the Verkhovna Rada, the commemorative agendas of the two political memory camps were interwoven with their nation-building goals for the country. To translate this into the conceptual language of Korycki, parliamentary memory politics in Ukraine was 'oriented to the past' overwhelmingly (without ever progressing to more complex winner 1-winner 2 relationship for instance) with two political memory camps being more irreconcilable in their views over Ukraine's past.

The memory debate in the Vekrhovna Rada has gravitated around events of commemorative lawmaking. In over three decades of parliamentary regulation, the two memory camps in Ukraine have argued for two antagonistic national history templates. These political clashes have been underpinned with alternative lists of remembrance days, pantheons of national heroes, and historical anniversaries that deny the relevance of the other. Anniversary legislation has became the main site of political competition between the two political memory camps, especially with regard to interpreting the issues of Ukrainian WW2 nationalism and the Stalinist period of Ukrainian history. The political debate over collective memory in the Ukrainian legislature has rotated around the declarative dimension of memory law being interwoven with adjacent debates over the main parameters of nation-building.

The gravity of nation-building in post-independence Ukraine may also explain why the politics in the Verkhovna Rada never embraced the regulatory dimension of memory law. It is harder to maintain the political impetus for a regulatory law that requires multiple stages of parliamentary committee readings and general plenary sittings. Engaging in technically complicated, time and effort consuming exercises to draft a legal status law or a memory institution law was implausible in the politics of the Verkhovna Rada over the years. Politically, the turns in regulatory memory law are associated with competing memory camps winning parliamentary majorities and disqualifying the prior antagonistic memory model from the memory legislation. In Ukraine's recent history, there were two prime examples of political dynamics, which are the Soviet-era memory renaissance in 2010–2013 (the sixth and seventh) and the national-Ukrainian memory counter-offensive since 2014 (the eighth Rada). Both came about due to firm changes in the standing and strength of different memory camps in parliament.

Developing more substantial and complex pieces of regulatory legislation on national memory infrastructure became possible after drastic changes following the Euromaidan events of 2014. In the subsequent legislative cycle of the Verkhovna Rada, the political debate over collective memory and legislative memory work were more thoroughly controlled by the national-Ukrainian memory

camp both at the parliamentary committee work level and in parliament generally. At the same time, in the eighth Rada, the Soviet-era memory camp withered on the margins of parliamentary politics following the Euromaidan. Another Soviet-era memory renaissance akin to 2010–2013 is unlikely to follow. Ukraine's memory divide is rooted in the regional dynamics of the country meaning that that given the circumstances of partial annexation of the country's territories (Crimea and Donbas), there is not enough electoral and political support for the Soviet-era memory camp in parliamentary politics.

On the gravity of nation-building condition, the changes in the regulatory dimension of memory law could be compared with language policy developments of post-independence Ukraine. The Ukrainisation turn in language law policy and language legislation were largely nominal for the duration of the 1990s and 2000s but took a more definite turn in the post-Euromaidan eighth Rada (Nekoliak and Pettai, 2020b). The main developments in language and memory domains were deferred to the third decade of post-independence period in the politics of the Verkhovna Rada. Politically, the changes in both domains were pushed by the same constellations of parliamentary agents arguing for pro-Russian language/ Soviet-era memory or pro-Ukrainian/national-Ukrainian memory turns in the legislation. Largely, the trajectories of the evolution of the language legislation and memory legislation were interwoven with nation-building political struggles.

## 6.2. The Findings and Implications of Study 2: Explaining the Variations in the Criminal Punishment Function of Punitive Memory Laws in Poland and Ukraine

Study 2 scrutinised the adoption of punitive memory laws by the national legislatures of Poland and Ukraine (the second dependent variable). The emergence of punitive memory laws might be seen as continuous with the broader trajectories of collective memory regulation and the progression of parliamentary politics in the Sejm and Verkhovna Rada. In examining the adoption processes of major punitive laws, this dissertation offered a typological distinction between the adversarial and accommodating types of orientation towards national historiographies. It argued that the formulation of legislative intent in the events of parliamentary process relating to punitive laws predicated the variation of outcomes found in different criminal punishment functions. The findings of Study 2 are summarised in Figure 6.

Study 2's stance on process analysis employed for the investigation was both minimalist and interpretivist. It was minimalist in a sense that the process analysis of punitive memory laws was deliberately narrowed down to the political dynamics of the national legislatures of Poland and Ukraine. In its own research context, the dissertation deemed it unnecessary to attempt a macro-political process explanation for the adoption of punitive memory laws. Instead, it tailored the premise of process analysis to scrutinise political-legislative processes over

memory occurring in the national legislatures. This research choice for Study 2 presupposed a lower level of analysis than argued by systematic view of process in process-tracing literature (Beach and Pedersen, 2013) or a macro-historical conceptualisation of a political process (Hall, 2003). This choice might have limited the function of the process analysis from trying to employ a counterfactual type of reasoning to choosing an overly deterministic type of explanation of the emergence of punitive memory laws.

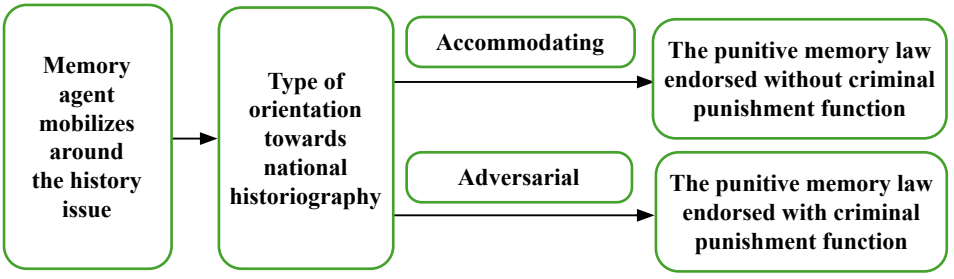



**Figure 6**. The types of orientation to national historiographies and the adoption of punitive memory laws in Polish and Ukrainian legislatures

There were persuasive reasons for the narrower process analysis attempted in Study 2. The main justification of the research choices for Study 2 is that a minimalist understanding of process analysis fitted the context of the research — to keep an eye on what actually happens when punitive memory laws are adopted and how they are being adopted. In particular, this choice avoids the pitfalls of when the scholarship invents essentially psychoanalytic explanations for the political dynamics of punitive memory laws in the region (Mälksoo, 2021). In this regard, the value of the process analysis attempted for Study 2 is in explicating the components of the legislative processes, profiling the 'event-history maps', and offering an analytical device to explain the outcomes of legislative memory work.

Moreover, the methodological stance of Study 2 was interpretivist. It was interpretivist in a sense that it argued that political apprehensions towards historical interpretation was the central node of the process analysis graphs offered in chapter 4. It is interpretivist in the sense that the political rationale for punitive memory laws (which are being exposed in the political-legislative processes of national legislatures) rests on value-laden views of national histories. In the event of punitive law-making, political memory camps in Poland and Ukraine expressed their legislative intent for punitive laws that rested on their ideational perspectives over national historiographies. In the Polish legislature, these value-laden expressions over national historiography was explicitly prohibitive and punitive. Expression of these views led to the formulation of clear criminal punishment functions of the laws passed in the fifth and eighth Sejm. In the Ukrainian legislature, a political apprehension of national historiography tended towards protecting a

historical narrative of Ukrainian history in the case of the punitive laws of the fifth and eighth Rada. This meant that legislative process over the Holodomor law and the Freedom Fighters law ended when the nominal prohibition of historical speech were reached in both cases.

Methodologically speaking, this dissertation appropriated the premises of interpretative process tracing for Study 2. It did not go so far as to claim a meta-theoretical understanding of how social practice accounted for the outcomes in national parliaments. This line of methodological thinking is posited with recent theorisation (Pouliot, 2015; Norman, 2015a; 2016b) and is currently being appropriated to study the legislative process of memory (Neumayer, 2015). However, pursuing this line of methodological thinking to measure social practice with an interpretative strand of process tracing did not correspond to the main research goal. Therefore, Study 2 aimed for a pragmatic alternative when dealing with historical interpretation in the context of the legislative process. Methodologically and empirically speaking, I looked specifically at the formulation of legislative intent and the content of historical views in legislative processes over memory. I leave it to the practitioners of the methodology to question if such choice to deal with the interpretative component of the study goes along with a direction of the methodology field (see Checkel, 2021).

## 6.3. Concluding Remarks

This dissertation opens avenues for future research. As the dissertation focused on the production of memory laws and provided the analysis of the broader composite and the narrower punitive dimensions of memory law, a natural next step would be to look at the reception of the punitive memory laws of Poland and Ukraine. There are three ways to think of the effects of memory laws at the receptive side of memory legislation production. Legally, the effects might be understood as punitive, judicial, or prosecutorial in terms of applying punitive memory laws to individuals for public instances of historical speech. However, it is unlikely that a vivid case law will emerge regarding the application of punitive memory laws warranting legal scholarly analysis in the near future.

As the dissertation argued, Ukrainian punitive memory laws were not supplemented with proper criminal punishment components in their design enabling criminal prosecution. Possibly, the application of the country's punitive laws might happen if they are used in defamation suits protecting the interpretation of Ukrainian WW2 nationalism from public disparagement. However, there are no such occurrences at the time of writing. The Polish punitive laws were often revoked, changed after enactment, or partially revoked by the country's constitutional court. Moreover, there is the need for perennial critique concerning legal scholarship at large. Legal analyses into punitive memory laws are usually limited to case law analysis or positing legal-philosophical reflections about the grounds for the criminalisation of historical speech (or the permissibility of outlawing historical denialism in a liberal society). This implies a rather limited explanatory

capacity from conducting a comparative analysis from the point of view of legal scholarship. Consequently, law scholarship analysis into punitive memory law is probably the least promising pathway practically and the least insightful analytically.

Reception should be conceived in terms of the social sciences by calling for empirical research into how the events of punitive memory law-making affect communicative and social memory construction in Poland and Ukraine. At the practical level, two possible lines of inquiry emerge to deal with the reception of memory laws. The production of punitive memory laws is an elite-level exercise. The high-profile parliamentary memory agents pursue the goal of punitive law-making in the national legislatures in Poland and Ukraine. However, questioning how broader societies relate to these cases of punitive memory law opens a horizon for future empirical work. Pursuing this line of inquiry requires empirical data on public support and the perception of punitive memory laws operationalised through large-scale surveys.

Finally, a second line of empirical inquiry could question whether political-legislative processes over punitive memory laws affect public debate and the debates among professional communities (such as academic historians, school teachers of history, journalists etc.). Pursuing this line of inquiry requires collecting ethnographic and focus group material among professional communities affected by the production of memory laws. The second line of inquiry has more theoretical promise than mere legal or aggregate-sociological analyses into the effects of punitive memory law. It is concurrent with the call for a 'transcultural memory' turn from the field of cultural memory studies (Erll, 2011a). Considered from a transcultural memory turn perspective and in the spirit of Feindt et al. (2014), one could ask if the events of punitive memory law-making institutionalises 'mnemonic patterns' of interpretation among professional communities and find methodologically rigorous ways to investigate the politics of punitive memory laws in CEE further.

# BIBLIOGRAPHY


Anastasiev, Valentyn. 1997. Speech at the Plenary Session of the Verkhovna Rada, 24.12.1999. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/2375.html (last accessed March 15, 2020)

Anastasiev, Valentyn, Fedir Abramov, Heorhiy Buiko, and Viktor Borsczevskiy. 1999. Project of the Law 'On Honoring the Victory in the Great Patriotic War of 1941–1945'

Assmann, Aleida. 2004. "Four Formats of Memory: From Individual to Collective Constructions of the Past," in *Cultural Memory and Historical Consciousness in the German-Speaking World Since 1500*, edited by Christian Emden and David Midgley, pp. 19–37. Oxford, Bern, Berlin, Bruxelles, Fankfurt/M, New York, Wien: Peter Lang

Babinetz, Piotr. 2013. Speech at the Sitting of the Culture Affairs Committee, 23.10.2013. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 103), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/BCA7B295A5518812C1257C19004F1ECA/%24File/0253707.pdf (last accessed on April 12, 2020)

Bachmann, Klaus, Igor Lyubashenko, Christian Garuka, Grażyna Baranowska, and Vjeran Pavlaković. 2020. "The Puzzle of Punitive Memory Laws: New Insights into the Origins and Scope of Punitive Memory Laws," *East European Politics and Societies and Cultures* (Online First)

Bakun, Wojciech. 2016. Speech at the Sitting of the Sejm, 20.07.2016. Wypowiedzi na posiedzeniach Sejmu RP. Available at: http://www.sejm.gov.pl/sejm8.nsf/wypowiedz.xsp?posiedzenie=23&dzien=2&wyp=162&view=1 (last accessed on April 17, 2020)

Bán, Marina. 2020. *The Legal Governance of Historical Memory and the Rule of Law*. PhD Dissertations in Law, University of Amsterdam

Baranowska, Grażyna and Aleksandra Gliszczyńska-Grabias. 2018. "'Right to Truth' and Memory Laws: General Rules and Practical Implications," *Polish Political Science Yearbook* 47: 1, pp. 97–109

Baranowska, Grażyna. 2020. "Penalizing Statements about the Past in Turkey," in *Responsibility for Negation of International Crimes*, edited by Patrycja Grzebyk, pp. 249–258. Wasrsaw: Instytut Wymiaru Sprawiedliwości

Beach, Derek and Rasmus Brun Pedersen. 2013. *Process-Tracing Methods: Foundations and Guidelines*. Ann Arbor: The University of Michigan Press

Beach, Derek and Rasmus Brun Pedersen. 2016. *Causal Case Study Methods: Foundations and Guidelines for Comparing, Matching, and Tracing.* Ann Arbor: The University of Michigan Press

Beach, Derek and Rasmus Brun Pedersen. 2018. "Selecting Appropriate Cases When Tracing Causal Mechanisms," *Sociological Methods & Research* 47: 4, pp. 837–871

Beach, Derek and Jonas Gejl Kaas. 2020. "The Great Divides: Incommensurability, the Impossibility of Mixed-Methodology, and What to Do about It," *International Studies Review* 22: 2, pp. 214–235

Belavusau, Uladzislau. 2013. "Historical Revisionism in Comparative Perspective: Law, Politics, and Surrogate Mourning," *EUI Working Papers* 12, pp. 1–31

Belavusau, Uladzislau. 2019. "The Rise of Memory Laws in Poland: An Adequete Tool to Counter Hisotrical Disinformation?," *Security and Human Rights* 29: 1–4, pp. 36–54

Belavusau, Uladzislau and Aleksandra Gliszczyńska-Grabias. 2017. "Memory Laws: Mapping a New Subject in Comparative Law and Transitional Justice," in *Law and Memory: Towards Legal Governance of History,* edited by Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias, pp. 1–28. Cambridge: Cambridge University Press

Belavusau, Uladzislau and Aleksandra Gliszczyńska-Grabias. 2020. "Introduction: Academic Legacy of Wojciech Sadurski, Rule of Law, and Mnemonic Constitutionalism in Central and Eastern Europe," in *Constitutionalism under Stress: Essays in Honour of Wojciech Sadurski*, edited by Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias, pp. 1–17. Oxford: Oxford University Press

Bennett, Andrew. 2008. "Process Tracing: A Bayesian Perspective," in *The Oxford Handbook of Political Methodology*, edited by Janet M. Box-Steffensmeier, Hanry E. Brady, and David Collier, pp. 702–721. Oxford: Oxford University Press

Bennett, Andrew and Jeffrey Checkel. 2015. "Process Tracing: from Philosophical Roots to Best Practices," in *Process Tracing: From Metaphor to Analytical Tool*, edited by Andrew Bennett and Jeffrey Checkel, pp. 3–38. Cambridge: Cambridge University Press

Bennett, Andrew, Tasha Fairfield, and Hillel David Soifer. 2019. "Comparative Methods and Process Tracing," in *The Qualitative Transparency Deliberations: Full Reports*, Supplementary Materials for *Perspectives on Politics*, pp. 1–16

Bentkowski, Aleksander. 1998. Speech at the Sitting of the Justice Affairs Committee, 22.05.1998. Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 475/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/398FC8EBC6AD4D67C1256B730039987A?OpenDocument (last accessed on April 2, 2020)

Bernhard, Michael and Jan Kubik. 2014. *Twenty Years After Communism: The Politics of Memory and Commemoration*. Oxford: Oxford University Press

Bernhard, Michael. 2021. "Democratic Backsliding in Poland and Hungary," *Slavic Review* 80 (3), pp. 585–607

Bezsmertnyi, Roman. 2019. Interview to the author, 21 October 2019

Bioro Legislacyjne Senatu RP. 2006. Opinia do utawy o ujawnianiu informacji o dokumentach organów bezpieczeństwa państwaz lat 1944–1990 oraz treści tych dokumentów. Available at: http://ww2.senat.pl/k6/dok/opinia/2006/016/205.pdf (last accessed on April 29, 2020)

Borowski, Marek. 1998. Speech at the Sitting of the NAD, 23.04.1998. Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (nr 1), Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 384/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/FB24E5987EE023A0C1256B730039D5A1?OpenDocument (last accessed on April 14, 2020)

Brynkus, Józef, Adam Andruszkiewicz, Piotr Apel et al. 2017. Projekt uchwały w sprawie potępienia ideologii i skutków rewolucji bolszewickiej. Available at: http://orka.sejm.gov.pl/Druki8ka.nsf/0/CF7D8B05B5F64FB9C12581D2003C690E/%24File/1990.pdf (last accessed on April 17, 2020)

Bubula, Barbara. 2012. Speech at the Sitting of the Culture Affairs Committee, 22.10.2012. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 47), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/823DAD7F617559BBC1257AC3004E70FF/%24File/0122407.pdf (last accessed on April 14, 2020)

Bucholc, Marta. 2019. "Commemorative Lawmaking: Memory Frames of the Democratic Backsliding in Poland after 2015," *Hague Journal on the Rule of Law* 11, pp. 85–110

Pohl, Łukasz and Burdziak, Konrad. 2020. "Holocaust Denial and the Polish Penal Law – Legal Considerations." in *Responsibility for Negation of International Crimes*, edited by Patrycja Grzebyk, pp. 123–138. Wasrsaw: Instytut Wymiaru Sprawiedliwości

Cabinet of Ministers of Ukraine. 2015. The Project of the Law on Legal Status and Honoring the Memory of Freedom Fighters, 3 April 2015. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=54648 (last accessed on April 9, 2021)

Cajani, Luigi. 2011. "Criminal Laws on History: The Case of the European Union," *Historien* 11, pp. 19–48

Cecchini, Mathilde, Jonas Kaas, and Derek Beach. 2020. "Social Process Tracing – Bringing Back the Social into the Process," *APSA Preprints*

Checkel, Jeffrey. 2021. "Process Tracing and International Political Economy," in *Oxford Handbook of International Political Economy*, edited by Jon Pevehouse and Leonard Seabrooke. Oxford: Oxford University Press (forthcoming)

Collier, David. 2011. "Understanding Process Tracing," *PS: Political Science and Politics* 44: 4, pp. 823–830

Committee on Veteran Affairs of the Verkhovna Rada Ukrainy. 2015. The Conclusions of the Committee in the Sitting on 8 April 2015

Danylenko, Volodymyr. 2011. Speech at the Plenary Session of the Verkhovna Rada, 21.04.2011. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1134.html (last accessed on March 9, 2020)

De Baets, Antoon. 2017. "The United Nations Human Rights Committee's View of the Past," in *Law and Memory: Towards Legal Governance of History,* edited by Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias, pp. 29–47. Cambridge: Cambridge University Press

De Baets, Antoon. 2018. "Laws Governing the Historian's Free Expression," in *The Palgrave Handbook of State-Sponsored History After 1945*, edited by Berber Bevernage and Nico Wouters, pp. 39–67. London: Palgrave MacMillan

Demian, Hryhoriy. 1995. Speech at the Plenary Session of the Verkhovna Rada, 14.12.1994. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/3590.html (last accessed on May 21, 2021)

Della Porta, Donatella. 2008. "Comparative Analysis: Case-Oriented versus Variable-Oriented Research," in *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*, edited by Donatella Della Porta and Michael Keating, pp. 198–222. Cambridge: Cambridge University Press

Dixon, Jennifer. 2018. *Dark Pasts: Changing the State's Story in Turkey and Japan*. Cornell: Cornell University Press

Dobrosz, Janusz. 1998. Speech at the Sitting of the Sejm, 03.04.1998. Wypowiedzi na posiedzeniach Sejmu RP III kadencji, Druki Seimowe, 3 kadencja. Available at: http://orka2.sejm.gov.pl/Debata3.nsf/118b9e577f3fceeac125746d0030d0fa/a3251dea4eb4f745c1257491003e4638?OpenDocument (last accessed on April 24, 2020)

Donchenko, Yuriy. 1997. Speech at the Plenary Session of the Verkhovna Rada, 04.04.1997. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4049.html (last accessed on May 21, 2021)

Duda, Andrzej. 2017. Projekt ustawy o ustanowieniu Narodowego Dnia Pamięci Polaków ratujących Żydów podczas II wojny światowej. Available at: http://orka.sejm.gov.pl/Druki8ka.nsf/0/385AFF948B6769F1C12581C4003A3B0F/%24File/1947.pdf (last accessed on April 25, 2020)

Dujisin, Zoltan. 2021. "A History of Post-Communist Remembrance: From Memory Politics to the Emergence of a Field of Anticommunism," *Theory and Society* 50, pp. 65–96

Dworczyk, Michal, Ryszard Bartosik, Waldemar Buda et al. 2016. Projekt uchwały w sprawie oddania hołdu ofiarom ludobójstwa dokonanego przez nacjonalistów ukraińskich na obywatelach II RP w latach 1939–1945. Available at: http://orka.sejm.gov.pl/Druki8ka.nsf/0/6FDFBE13D53D6B9FC1257FD900443A43/%24File/640.pdf (last accessed on October 2, 2020)

Dworczyk, Michal. 2016. Speech at the Sitting of the Sejm, 20.07.2016. Wypowiedzi na posiedzeniach Sejmu RP. Available at: http://www.sejm.gov.pl/sejm8.nsf/wypowiedz.xsp?posiedzenie=23&dzien=2&wyp=161&view=1 (last accessed on October 6, 2020)

Dziedziczak, Jan. 2010. Speech at the Sitting of the Culture Affairs Committee, 12.02.2010. Biuletyny Komisji Sejmowych, VI kadencja, Biuletyn nr: 3408/VI. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/C2BDF81DB9BED25BC12576D3004E0BB5?OpenDocument (last accessed on October 4, 2020)

Dziedziczak, Jan. 2012. Speech at the Sitting of the Culture Affairs Committee, 22.10.2012. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 47), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/823DAD7F617559BBC1257AC3004E70FF/%24File/0122407.pdf (last accessed on October 2, 2020)

Elsner, Wincenty. 2015. Speech at the Sitting of the Sejm, 18.03.2015. Wypowiedzi na posiedzeniach Sejmu Available at: http://www.sejm.gov.pl/sejm7.nsf/wypowiedz.xsp?posiedzenie=89&dzien=1&wyp=25&view=1 (last accessed on October 19, 2020)

Easton, David. 1965. *A Systems Analysis of Political Life*. John Wiley & Sons, Inc.: New York, London, Sydney

Elster, Jon. 2004. *Closing the Books: Transitional Justice in Historical Perspective.* Cambridge: Cambridge University Press

Engelking, Barbara. 2016. *Holocaust and Memory*. London: Leicester University Press

Erll, Astrid. 2011a. "Travelling Memory," *Parallax* 17: 4, pp. 4–18

Erll, Astrid. 2011b. *Memory in Culture*. London: Palgrave MacMillan

Fedor, Julie, Markku Kangaspuro, Jussi Lassila and Tatiana Zhurzhenko (eds.). 2017. *War and Memory in Russia, Ukraine and Belarus*. London: Palgrave Macmillan.

Feindt, Gregor, Félix Krawatzek, Daniela Mehler, Friedemann Pestel, and Rieke Trimçev. 2014. "Entangled Memory: Towards a Third Wave in Memory Studies," *History and Theory* 53, pp. 24–44

Fraser, David. 2011. "Law's Holocaust Denial: State, Memory, Legality," in *Genocide Denials and the Law*, edited by Ludovic Hennebel and Thomas Hochmann, pp. 3–48. Oxford: Oxford University Press

Fronza, Emanuela. 2006. "The Punishment of Negationism: The Difficult Dialogue between Law and Memory," *Vermont Law Review* 30: 3, pp. 609–629

Fronza Emanuela. 2018. *Memory and Punishment. Historical Denialism, Free Speech and the Limits of Criminal Law*. The Hauge: Springer, T.M.C. Asser Press

Gawin, Magdalena. 2017. Speech at the Sitting of the Culture Affairs Committee, 07.11.2017. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 86), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/F44490A4836F18A2C12581DB0044585A/%24File/0246108.pdf (last accessed on October 18, 2020)

Gerring, John and Lee Cojocaru. 2016. "Selecting Cases for Intensive Analysis: A Diversity of Goals and Methods," *Sociological Methods & Research* 45: 3, pp. 392–423

Gerring, John. 2017. *Case Study Research: Principles and Practices.* Cambridge: Cambridge University Press

Gliszczyńska-Grabias, Aleksandra. 2015. "Memory Laws or Memory Loss? Europe in Search of Its Hisotrical Identity through the National and International Law," *Polish Yearbook of International Law 2014* 34, pp. 161–186

Gluza, Zbigniew. 1998. Speech at the Sitting of NAD, 18.06.1998. Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (nr 15), Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 556/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/FB24E5987EE023A0C1256B730039D5A1?OpenDocument (last accessed on July 4, 2020)

Grzebyk, Patrycja. 2018. "Amendments of January 2018 to the Act on the Institute of National Remembrance – Commision for the Prosecution of Crimes Against the Polish Nation in Light of International Law," *Polish Yearbook of International Law 2017* 37, pp. 287–300

Gonzalez-Ocantos, Ezequiel and Jody LaPorte. 2021. "Process Tracing and the Problem of Missing Data," *Sociological Methods and Research* 50: 3, pp. 1407–1435

Grabek, Józef. 1997a. Speech at the Sitting of the Internal Politics Committee, 06.03.1997. Biuletyny Komisji Sejmowych, II kadencja, Biuletyn nr: 3430/II. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/49BAE3B00FCA28E0C1256B7200516A9F?OpenDocument (last accessed on April 5, 2020)

Grabek, Józef. 1997b. Speech at the Sitting of the Sejm, 23.04.1997. Wypowiedzi na posiedzeniach Sejmu RP II kadencji, Druki Seimowe, 2 kadencja. Available at: http://orka2.sejm.gov.pl/Debata2.nsf/118b9e577f3fceeac125746d0030d0fa/0caa081e7e941210c12574f0003873e9?OpenDocument (last accessed on April 5, 2020)

Grabowski, Jan. 2013. *Hunt for the Jews*. Bloomington: Indiana University Press

Grodsky, Brian K. 2009. "Beyond Lustration: Truth-Seeking Efforts in the post-Communist Space," *Taiwan Journal of Democracy* 5, pp. 21–43

Gross, Jan. 2001. *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*. Princeton: Princeton University Press

Gutman, Yifat. 2016. "Memory Laws: An Escalation in Minority Exclusion or a Testimony to the Limits of State Power?" *Law and Society Review* 50: 3, pp. 575–607

Halbwachs, Maurice. 1992 [1925]. *On Collective Memory*. Chicago: University of Chicago Press

Hall, Peter A. 2003. "Aligning Ontology and Methodology in Comparative Politcs," In *Comparative Historical Analysis in the Social Sciences*, edited by James Mahoney and Dietrich Rueschemeyer, pp. 373–404. Cambridge: Cambridge University Press

Hara, Vasyl. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm (last accessed on March 16, 2020)

Harper, Jo (ed.). 2018. *Poland's Memory Wars: Eassays on Illiberalism*. Budapest: Central University Press

Heinze, Eric. 2017. "Epilogue: Beyond 'Memory Laws': Towards a General Theory of Law and Historical Discourse," in *Law and Memory: Towards Legal Governance of History,* edited by Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias, pp. 413–434. Cambridge: Cambridge University Press

Hmyria, Serhiy. 1997. Speech at the Plenary Session of the Verkhovna Rada, 04.04.1997. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4049.html (last accessed on July 5, 2021)

Hmyria, Serhiy. 2002. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2002. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1556.html (last accessed on July 6, 2021)

Hnatkevych, Yuriy. 1993. Speech at the Plenary Session of the Verkhovna Rada, 22.10.1993. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4918.html (last accessed on March 17, 2020)

Holovatiy, Serhii. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_37.htm (last accessed on July 18, 2021)

Holub, Oleksandr. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm last accessed on March 7, 2020)

Hopko, Hanna. 2016. Project of the Amending Law to the Laws Condemning Totalitarian Regimes. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=59178 (last accessed on July 17, 2020)

Hrytsenko, Oleksandr. 2017. *Presydenty i Pamiat': polityka pamiati presydentiv Ukriany (1994–2014)*. Kyiv: K.I.S.

Iwanicki, Stanisław. 1998. Speech at the Sitting of the Justice Affairs Committee, 22.05.1998. Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 475/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/398FC8EBC6AD4D67C1256B730039987A?OpenDocument (last accessed on April 21, 2020)

Iwiński, Tadeusz, Romuald Ajchler, Leszek Aleksandrzak et al. 2013. Projekt uchwały w sprawie uczczenia en70. rocznicy bitwy pod Lenino. Available at: http://orka.sejm.gov.pl/Druki7ka.nsf/0/D12DEBBFACCE8524C1257C0C003F0BE1/%24File/1839.pdf (last accessed on April 21, 2020)

Iwiński, Tadeusz. 2013. Speech at the Sitting of the Culture Affairs Committee, 23.10.2013. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 103), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/BCA7B295A5518812C1257C19004F1ECA/%24File/0253707.pdf (last accessed on April 21, 2020)

Jaki, Patryk. 2016. Speech at the Sitting of the Justice and Human Rights Affairs Committee, 08.11.2016. Pełne zapisy przebiegu posiedzeń Komisji Spraweiedliwosci i Praw Czlowikea (nr 49), VIII kadencja, Biuro Komisji Sejmowych. Available at: https://orka.sejm.gov.pl/zapisy8.nsf/0/37DDC9BFD0AB463EC125806D004F9EE9/%24File/0123008.pdf (last accessed on October 12, 2020)

Jaskiernia, Jerzy. 2003. Speech at the Sitting of the International Affairs Committee, 07.07.2003. Biuletyny Komisji Sejmowych, IV kadencja, Biuletyn nr: 2006/IV. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/3DF0AF34C8B600F0C1256D9F00477C2A?OpenDocument (last accessed on April 21, 2020)

Jurek, Marek. 2006. Speech at the Sitting of the Sejm, 28.10.2006. Sprawozdania stenograficzne z posiedzeń Sejmu RP V kadencji, ps. 26. Available at: https://orka.sejm.gov.pl/StenoInter5.nsf/0/C3ADE63D1BA1D78AC12572180041409C/$file/26_e_ksiazka.pdf (last accessed on April 18, 2020)

Kamchatnyi, Valeriy. 2011. Speech at the Plenary Session of the Rada, 21.04.2011. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1134.html (last accessed on March 19, 2020)

Kamiński Ireneusz. 2010. “Kontrowersje prawne wokół przestępstwa polegającego na pomawianiu narodu o popełnienie zbrodni,” *Problemy Współczesnego Prawa Międzynarodowego, Europejskiego i Porównawczego* 8, pp. 5–34

Karstedt, Susanne. 2009. “Introduction: The Legacy of Maurice Halbwachs,” in *Legal Institutions and Collective Memories*, edited by Susanne Karstedt, pp. 1–26. Oxford: Hart Publishing

Kasianov, Georgiy. 2010. *Danse Macabre: holod 1932–1933 rokiv u politici, masoviy svidomosti ta istoriohrafii (1980-ti - poczatok 2000-h)*. Kyiv: Hash Czas

Kasianov, Georgiy. 2012. “The Debate on Law Drafts on ‘Holodomor Denial’ in Ukraine.” (an extract from the article published in 2010 in *Postdiktatorische Geschichtskulturen in Europa. Bestandsaufnahme und Forschungsperspektiven*, Wallstein Verlag: Gottingen, 2010), 12 March 2012.

Kasianov, Georgiy. 2015. “History, Politics and Memory (Ukraine 1990s–2000s).” In *Memory and Change in Europe*, edited by Malgorzata Pakier and Joanna Wawrzyniak, pp. 193–211. Oxford, New York: Berghahn Books

Kasianov, Georgiy. 2018. *Past Continuous: istorchna polityka 1980-h – 2000-h. Ukraina ta susidy*. Kyiv: Laurus

Katulski, Jarosław. 2012. Speech at the Sitting of the Culture Affairs Committee, 22.10.2012. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 47), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/823DAD7F617559BBC1257AC3004E70FF/%24File/0122407.pdf (last accessed on April 28, 2020)

Kendzior, Yaroslav and Refat Chubarov. 2006. The Project of the Amending Law to the Criminal Code of Ukraine regarding Criminal Liability for Public Denial of the Holodomor of 1932–1933. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=29140 (last accessed on March 16, 2020)

Kidawa-Błońska, Małgorzata. 2017. Speech at the Sitting of the Culture Affairs Committee, 09.11.2017. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 88), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/2D2A2797682967D9C12581DE00500391/%24File/0250408.pdf (last accessed on July 21, 2020)

Klymenko, Lina, 2016. “The Holodomor Law and National Trauma Construction,” *Canadian Slavonic Papers* 58:4, pp. 341–361

Kohut, Andriy. 2015. Speech at the Sitting of the Veterans Affairs Committee, 8.04.2015.

Kohut, Andriy. 2019. Interview to the author, 19 October 2019

Krajowa Rada Narodowa. 1945. Ustawa z dnia 22 lipca 1945 r. o ustanowieniu Narodowego Święta Odrodzenia Polski. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19450320194/O/D19450194.pdf (last accessed on April 8, 2020)

Khan, Robert. 2004. *Denial and the Law: A Comparative Study*. London: Palgrave MacMillan

Knechtle, John. 2008. “Holocaust Denial and the Concept of Dignity in the European Union,” *Florida State University Law Review* 36:1, pp. 41–66

Kończal, Kornelia. 2020. “The Invention of the ‘Cursed Soldiers’ and Its Opponents: Post-War Partisan Struggle in Contemporary Poland,” *East European Politics and Socieities*, 34: 1, pp. 67–95

Koposov, Nikolay. 2018. *Memory Laws, Memory Wars. The Politics of the Past in Europe and Russia*. Cambridge: Cambridge University Press

Korycki, Kate. 2019. “Politicized Memory in Poland: Anti-Communism and the Holocaust,” *Holocaust Studies* 25: 3, pp. 351–376

Koval, Viacheslav. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm (last accessed on March 14, 2020)

Kozarenko, Vasyl. 1993. Speech at the Plenary Session of the Verkhovna Rada, 22.10.1993. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4918.html (last accessed on March 14, 2020)

Kruk, Elżbieta, Waldemar Andzel, Barbara Bartuś et al. 2017. Poselski projekt ustawy o Instytucie Solidarności i Odwagi. Available at: http://orka.sejm.gov.pl/Druki8ka.nsf/0/E05BE4E15044113CC12581C9004D0656/%24File/1970.pdf (last accessed on October 14, 2021)

Komisja Kultury i Środków Przekazu (KSP). 2010. Projekt uchwały w sprawie uczczenia pamięci Ireny Sendlerowej w 100. rocznicę Jej urodzin. Available at: http://orka.sejm.gov.pl/Druki6ka.nsf/0/D6EDABFB87015D4EC12576CC0042220D/$file/2774.pdf (last accessed on April 17, 2020)

Komisja Kultury i Środków Przekazu (KSP). 2012. Projekt uchwały w sprawie uczczenia 70. rocznicy powstania Rady Pomocy Żydom "Żegota". Available at: http://orka.sejm.gov.pl/Druki7ka.nsf/0/EECCB5160F43C5DAC1257ABD00369F92/%24File/907.pdf (last accessed on April 9, 2020)

Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (NAD). 1998. Sprawozdanie Komisji Nadzwyczajnej, 23.07.1998. Available at: https://orka.sejm.gov.pl/Rejestrd.nsf/wgdruku/557/$file/557.pdf (last accessed on May 2, 2020)

Komisja Nadzwyczajna do rozpatrzenia projektów ustaw o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu oraz projektu ustawy o ujawnianiu informacji o dokumentach organów bezpieczeństwa państwa komunistycznego (NIP). 2006. Sprawozdanie Komisji Nadzwyczajnej do rozpatrzenia projektów ustaw o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu oraz o zmianie niektórych innych ustaw, 17.07.2006. Available at: http://orka.sejm.gov.pl/Druki5ka.nsf/0/6848A14157A43FE3C12571AF0045E861/$file/799.pdf (last accessed on May 8, 2020)

Komisja Praw Człowieka i Praworządności Senatu RP VI kadencji. 2006. Sprawozdanie Komisji Praw Człowieka i Praworządności z dn. 23 sierpnia 2006 roku. Available at: http://ww2.senat.pl/k6/dok/dr/200/205z.pdf (last accessed on July 7, 2020)

Komorowski, Bronisław. 1997. Speech at the Sitting of the Sejm, 23.04.1997. Wypowiedzi na posiedzeniach Sejmu RP II kadencji, Druki Seimowe, 2 kadencja. Available at: http://orka2.sejm.gov.pl/Debata2.nsf/118b9e577f3fceeac125746d0030d0fa/ff094963745e4fa0c12574f00038745d?OpenDocument (last accessed on July 21, 2020)

Komorowski, Bronisław. 2003. Projekt oświadczenia Sejmu Rzeczypospolitej Polskiej w związku z 60-tą rocznicą tragedii wołyńskiej. Available at: http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/1731/$file/1731.pdf (last accessed on October 17, 2021)

Komorowski, Bronisław. 2009. Speech at the Sitting of the Sejm, 15.07.2009. Wypowiedzi na posiedzeniach Sejmu RP VI kadencji, Druki Seimowe, 6 kadencja. Available at: https://orka2.sejm.gov.pl/StenoInter6.nsf/0/11E1215583C6F054C12575F40077F9F2/$file/46_b_ksiazka.pdf (last accessed on October 17, 2021)

Kuchciński, Marek. 2003. Projekt uchwały w sprawie uczczenia ofiar mordów ludności polskiej na Wołyniu i Kresach Południowo-Wschodnich Rzeczypospolitej w latach 1943–44. Available at: http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/1669/$file/1669.pdf (last accessed on August 14, 2021)

Kuchma, Leonid. 2000. Amendments of the President to the Law 'On Honoring the Victory in Great Patriotic War of 1941–1945.' Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?pf3516=3357&skl=4 (last accessed on March 17, 2020)

Kushnariov, Yevgen. 2006a. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm (last accessed on March 9, 2020)

Kulesza, Witold. 1998. Speech at the Sitting of the NAD, 02.07.1998. Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (nr 8), Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 638/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/D76D46A4642F0FE1C1256B73003A097F?OpenDocument (last accessed on July 17, 2021)

Kurczuk, Grzegorz. 1998. Speech at the Sitting of the Justice Affairs Committee, 05.05.1998. Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 412/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/8C5FFB9862ACCE57C1256B7300397991?OpenDocument

Kuron, Jacek. 1998a. Proekt uchwały w sprawie potępienia systemu totalitarnego. Available at: http://orka.sejm.gov.pl/proc3.nsf/opisy/206.htm (last accessed on October 9, 2021)

Kuroń, Jacek. 1998b. Speech at the Sitting of the Sejm, 03.04.1998. Wypowiedzi na posiedzeniach Sejmu RP III kadencji, Druki Seimowe, 3 kadencja. Available at: http://orka2.sejm.gov.pl/Debata3.nsf (last accessed on May 19, 2020)

Kushnariov, Yevgen. 2006b. 'Zakon Yuschenka pro holodmor povertaie radianski peresliduvania.' *Ukrainska Pravda*, 24.11.2006, Available at: https://www.pravda.com.ua/news/2006/11/24/3181572/ (last accessed on March 22, 2020)

Kushnariov, Yevgen. 2006c. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_37.htm (last accessed on March 22, 2020)

Kyrychenko, Luidmyla. 2006. 'Zakon pro Holodomor.' Interview by Tetiana Yarmoschuk. *Radio Svoboda,* 28.11.2006. Available at: https://www.radiosvoboda.org/a/955246.html (last accessed on May 22, 2020)

Kyrylenko, Viacheslav. 1997. Speech at the Plenary Session of the Verkhovna Rada, 24.12.1999. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/2375.html (last accessed on March 19, 2020)

Levy, Jack. 2008. "Case Studies: Types, Designs, and Logics of Inference," *Conflict Management and Peace Science* 25: 1, pp. 1–18

Lewy, Guenter. 2014. *Outlawing Genocide Denial: The Dilemmas of Official Historical Truth*. Salt Lake City: The University of Utah Press

Lipiec, Krzystof. 2018. Speech at the Sitting of the Sejm, 25.01.2018. Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej. abailable at: https://orka2.sejm.gov.pl/StenoInter8.nsf/0/18A94DB8D7778264C12582210013D7FF/%24File/57_a_ksiazka_bis.pdf#%5B%7B%22num%22%3A253%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22FitR%22%7D%2C-493%2C-23%2C1089%2C864%5D (last accessed on July 17, 2021)

Löytömäki, Stiina. 2005. "Legalisation of the Memory of the Algerian War in France," *Journal of the History of International Law* 7, pp. 157–179

Löytömäki, Stiina. 2012. "Law and Memory: The Politics of Victimhood," *Griffith Law Review* 21: 1, pp. 1–22

Löytömäki, Stiina. 2014. *Law and the Politics of Memory: Confronting the Past*. London: Routledge

Łopiński, Maciej. 2013. Speech at the Sitting of the Culture Affairs Committee, 23.10.2013. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 103), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/BCA7B295A5518812C1257C19004F1ECA/%24File/0253707.pdf (last accessed on April 14, 2020)

Lyubashenko, Igor. 2020. "Between Heroes and Perpetrators: Ukraine's Ambiguous Legal Approaches to the Soviet Legacy and Independence Fighters," in *Legal Restrictions on Statements and Interpretations of the Past in Germany, Poland, Rwanda, Turkey and Ukraine,* edited by Klaus Bachmann and Christian Garuka, pp. 127–142. Peter Lang: Berlin, Bern, Bruxelles, New York, Oxford, Warszawa, Wien

Mahoney, James and Gary Goertz. 2004. "The Possibility Principle: Choosing Negative Cases in Comparative Research," *American Political Science Review* 98: 4 (November 2004), pp. 653–669

Mälksoo, Maria. 2021. "Militant Memocracy in International Relations: Mnemonical Status Anxiety and Memory Laws in Eastern Europe," *Review of International Studies* 47: 4, pp. 489–507

Mamontov, Ihor. 2004. "Pravovi pidstavy dijalnosti Orhanizacii Ukrainskyh Nacionalistiv u Polschi u 20-h-30-h rokah XX stolittia." *Ukrainskyi Vyzvolniy Ruh* 3, pp. 98–101

Mamontov, Ihor. 2016. *Ukrainskiy nacionalistychnyi ruch u ptrotystoianny antydemokratuchnym rezymam u 1920–1950-ch rokah: istoryko-pravove doslidzennia*. PhD dissertation, National University "Lvivska Politehnika"

Mandylis, Beata. 2006. Speech at the Sitting of the Human Rights Affairs Committee of the Senate, 01.08.2006. Spis stenogramów posiedzeń komisji VI kadencji, Zapis stenograficzny (344) z 39. posiedzenia Komisji Praw Człowieka i Praworządności. Available at: http://ww2.senat.pl/k6/kom/kpcp/2006/039pcp.htm (last accessed on July 11, 2021)

Margalit, Avishai. 2002. *The Ethics of Memory*. Harvard: Harvard University Press

Martuniuk, Adam. 2002. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2002. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1556.html (last accessed on May 22, 2020)

Mieszkowski, Krzysztof. 2017. Speech at the Sitting of the Culture Affairs Committee, 07.11.2017. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 86), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/F44490A4836F18A2C12581DB0044585A/%24File/0246108.pdf (last accessed on May 19, 2020)

Millard, Frances. 2021. *Transitional Justice in Poland: Memory and the Politics of the Past*. London: I.B. Tauris

Mink, Georges and Laure Neumayer (eds.). 2013. *History, Memory and Politics in Central and Eastern Europe. Memory Games*. London: Palgrave MacMillan

Moroz, Oleksandr. 1997. Speech at the Plenary Session of the Verkhovna Rada, 04.04.1997. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4049.html (last accessed on May 17, 2020)

Moroz, Oleksandr. 2002. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2002. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1556.html (last accessed on May 20, 2020)

Moroz, Oleksandr. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm (last accessed on May 20, 2020)

Motiuk, Myroslav. 1991. Speech at the Plenary Session of the Verkhovna Rada, 17.04.1991. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4537.html (last accessed on March 15, 2020)

Mularczyk, Arkadiusz, Waldemar Andzel, Joann Borowiak et al. 2016a. Projekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu oraz o zmianie niektórych innych ustaw. Available at: http://orka.sejm.gov.pl/Druki8ka.nsf/0/A9B1B11CB9DCBF61C1257F770040B581/%24File/334.pdf (last accessed on July 19, 2020)

Mularczyk, Arkadiusz, Waldemar Andzel, Joann Borowiak et al. 2016b. Uzasadnienie projektu ustawy o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu oraz o zmianie niektórych innych ustaw

Mularczyk, Arkadiusz. 2016. Speach at the Sitting of the Sejm, 31.03.2016. Wypowiedzi na posiedzeniach Sejmu, VIII kadencja. Available at: http://www.sejm.gov.pl/sejm8.nsf/wypowiedz.xsp?posiedzenie=15&dzien=2&wyp=231&view=1 (last accessed on April 13, 2020)

Müller, Jan-Werner. 2004. "Introduction: The Power of Memory, the Memory of Power and the Power over Memory," in *Memory and Power in Post-War Europe*, edited by Jan-Werner Müller, pp. 1–35. Cambridge: Cambridge University Press

Myhovych, Ivan. 2002. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2002. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1556.html (last accessed on May 28, 2020)

Myronenko, Viktor. 2002. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2002. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1556.html (last accessed on March 24, 2020)

Naumenko, Mykola. 1991. Speech at the Plenary Session of the Verkhovna Rada, 17.04.1991. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4537.html (last accessed on May 29, 2020)

Naumenko, Mykola. 1993. Speech at the Plenary Session of the Verkhovna Rada, 22.10.1993. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4918.html (last accessed on May 22, 2020)

Nekoliak, Andrii. 2020a. "Regulating Memory through Responsibility for Historical Denialism: the Case of Unempowered Norms in Ukraine." In *Responsibility for Negation of International Crimes*, edited by Patrycja Grzebyk, pp. 219–225. Wasrsaw: Instytut Wymiaru Sprawiedliwości

Nekoliak, Andrii and Vello Pettai. 2020b. "Navigating Ethnopolitical Disputes: Ukraine's Constitutional Court in the Tug-of-War over Language." In *Decentralization, Regional Diversity, and Conflict: The Case of Ukraine,* edited by Maryna Rabinovych and Hanna Shelest, 49–79. London: Palgrave Macmillan

Nekoliak, Andrii. 2022. "Ukrainian Institute of National Memory / Український Інститут Національної Пам'яті (Ukraine)," in *Encyclopedia of Transitional Justice*, edited by Lavinia Stan and Nadya Nedelsky. Cambridge: Cambridge University Press (forthcoming)

Neumayer, Laure. 2015. "Integrating the Central European Past into a Common Narrative: The Mobilizations around the 'Crimes of Communism' in the European Parliament," *Journal of Contemporary European Studies* 23: 3, pp. 344–363

Niesiolowski, Stefan et. al. 1998. Proekt uchwały poslow AWS o przestępczym charakterze systemu komunistycznego. Available at: http://orka.sejm.gov.pl/Rejestrd.nsf/wgdruku/192/$file/192.pdf (last accessed on July 17, 2020)

Niesiołowski, Stefan. 1998. Speech at the Sitting of the NAD, 02.07.1998. Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (nr 8), Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 638/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/D76D46A4642F0FE1C1256B73003A097F?OpenDocument (last accessed on July 19, 2020)

Norman, Ludvig. 2015a. "Interpretative Process Tracing and Causal Explanations," *Qualitative and Multi-Method Research: Newsletter of the American Political Science Association Organized Section for Qualitative and Multi-Method Research* 13: 2, pp. 4–9

Norman, Ludvik. 2015b. "When Norms and Rules Collide: the Social Production of Institutional Conflict in the European Union," *Journal of European Public Policy* 22: 5, pp. 630–649

Nyyssönen, Heino and Jussi Metsälä. 2020. "Highlights of National History? Constitutional Memory and the Preambles of Post-communist Constitutions," *European Politics and Society* 21: 3, pp. 323–340

Ochman, Ewa. 2013. *Post-Communist Poland – Contested Pasts and Future Identities.* London: Routledge

Ostrouschenko, Svitlana. 1993. Speech at the Plenary Session of the Verkhovna Rada, 22.10.1993. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4918.html (last accessed on May 29, 2020)

Panasiuk, Fedir. 1991. Speech at the Plenary Session of the Verkhovna Rada, 17.04.1991. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4537.html (last accessed on March 13, 2020)

Pałubicki, Janusz. 1998. Speech at the Sitting of NAD, 18.06.1998. Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (nr 15), Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 556/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/FB24E5987EE023A0C1256B730039D5A1?OpenDocument (last accessed on April 17, 2020)

Parubiy, Andriy. 2018. Speech at the Plenary Session of the Verkhovna Rada, 13.03.2018. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/6739.html (last accessed on June 2, 2020)

Pech, Laurent. 2009. "The Law of Holocaust Denial in Europe: Towards a (Qualified) EU-wide Criminal Prohibition," *Jean Monnet Working Paper* 10: 9 (NYU School of Law), pp. 1–53

Pettai, Eva-Clarita and Vello Pettai. 2015. *Transitional and Retrospective Justice in the Baltic States*. Cambridge: Cambridge University Press

Pettai, Eva-Clarita. 2022. "Protecting Memory or Criminalizing Dissent? Memory Laws in Lithuania and Latvia," in *Memory Laws: Criminalizing Historical Narratives*, edited Elazar Barkan and Ariella Lang. London: Routledge (forthcoming)

Piotrowicz, Stanisław. 2016. Speech at the Sitting of the Justice Affairs Committee, 27.04.2016. Pełny zapis przebiegu posiedzenia Komisji Sprawiedliwości i Praw Człowieka (nr 18), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/E35970328F815C90C1257FAF003DB2A1/%24File/0052708.pdf (last accessed on April 8, 2020)

Porovskiy, Mukola. 1991. Speech at the Plenary Session of the Verkhovna Rada, 17.04.1991. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/4537.html (last accessed on March 16, 2020)

Portnov, Andriy. 2013. "Memory Wars in Post-Soviet Ukraine (1991–2010)." In *Memory and Theory in Eastern Europe*, edited by Uilleam Blacker, Alexander Etkind, and Julie Fedor, 233–254. London: Palgrave Macmillan

Pouliot, Vincent. 2015. "Practice Tracing," in *Process Tracing: From Metaphor to Analytical Tool*, edited by Andrew Bennett and Jeffrey Checkel, pp. 237–259. Cambridge: Cambridge University Press

Przeworski, Adam, and Henry Teune. 1970. *The Logic of Comparative Social Inquiry*. New York: Wiley Interscience

Rada Ministrów. 1998. Rządowy projekt ustawy o Instytucie Pamięci Narodowej. Available at: http://orka.sejm.gov.pl/Rejestrd.nsf/wgdruku/252/$file/252.pdf (last accessed on July 4, 2021)

Rada Ministrów. 2016. Projekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu, ustawy o grobach i cmentarzach wojennych, ustawy o muzeach, ustawy o odpowiedzialności podmiotów zbiorowych za czyny zabronione pod groźbą kary oraz ustawy o zakazie propagowania komunizmu lub innego ustroju totalitarnego przez nazwy budowli, obiektów i urządzeń użyteczności publicznej. Available at: https://orka.sejm.gov.pl/Druki8ka.nsf/0/EA4AD50371FF6D17C12580250039936A/%24File/806.pdf (last accessed on August 3, 2021)

Rawski, Tomasz. 2019. "The Decline of Antifascism: The Memory Struggle over May 1945 in the Polish Parliament (1995–2015)," *East European Politics and Societies* 33: 4, pp. 917–940

Riabenko, Sergii. 2019. Interview to the author, 4 October 2019
Robinson, Corey. 2017. "Tracing and Explaining Securitization: Social Mechanisms, Process Tracing and the Securitization of Irregular Migration," *Security Dialogue* 48: 6, pp. 505–523
Rodionov, Myhailo. 2002. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2002. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/1556.html (last accessed on March 10, 2020)
Romaszewski, Zbigniew. 2006a. Speech at the Sitting of the Human Rights Affairs Committee of the Senate, 01.08.2006. Spis stenogramów posiedzeń komisji VI kadencji, Zapis stenograficzny (344) z 39. posiedzenia Komisji Praw Człowieka i Praworządności. Available at: http://ww2.senat.pl/k6/kom/kpcp/2006/039pcp.htm (last accessed on July 14, 2021)
Romaszewski, Zbigniew. 2006b. Speech at the Sitting of the Human Rights Affairs Committee of the Senate, 23.08.2009. Zapis stenograficzny (367) z 43. posiedzenia Komisji Praw Człowieka i Praworządności. Available at: http://ww2.senat.pl/k6/kom/kpcp/2006/043pcp.htm (last accessed on July 14, 2021)
Rzymkowski, Tomasz, Piotr Apel, Wojciech Bakun. 2016. Proekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu. Available at: https://orka.sejm.gov.pl/Druki8ka.nsf/0/AC4F1A377ED89A68C1257FF8003272B2/%24File/771.pdf (last accessed on July 14, 2021)
Sanocki, Janusz. 2016. Speech at the Sitting of the Justice Affairs Committee, 27.04.2016. Pełny zapis przebiegu posiedzenia Komisji Sprawiedliwości i Praw Człowieka (nr 18), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/E35970328F815C90C1257FAF003DB2A1/%24File/0052708.pdf (last accessed on April 8, 2021)
Savelsberg, Joachim J. and Ryan D. King. 2005. "Institutionalizing Collective Memories of Hate: Law and Law Enforcement in Germany and the United States," *American Journal of Sociology* 111: 2, pp. 579–616
Savelsberg, Joachim J. and Ryan D. King. 2007. "Law and Collective Memory," *Annual Review of Law and Social Science* 3, pp. 189–211
Schaffer, Frederic. 2016. *Elucidating Social Concepts: An Interpretivist Guide*. New York: Routledge
Scheppele, Kim Lane. 2009. "Constitutional Interpretation after Regimes of Horror," in *Legal Institutions and Collective Memories*, edited by Susanne Karstedt, pp. 233–258. Oxford: Hart Publishing
Scheuring-Wielgus, Joanna. 2018a. Speech at the Sitting of the Culture Affairs Committee, 06.02.2018. Pełne zapisy przebiegu posiedzeń Komisji Kulturyi ŚrodKów Przekazu (nr 102), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/501AFA72E53A12E7C1258234004F98FA/%24File/0280808.pdf (last accessed on May 9, 2020)
Scheuring-Wielgus, Joanna. 2018b. Speech at the Sitting of the Sejm, 06.03.2018. Available at: http://www.sejm.gov.pl/sejm8.nsf/wypowiedz.xsp?posiedzenie=59&dzien=4&wyp=120&view=1 (last accessed on May 9, 2020)
Seawright, Jason and John Gerring. 2008. "Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options," *Political Research Quarterly* 61: 2, pp. 294–308

Sejm Polskiej Rzeczypospolitej Ludowej. 1950. Ustawa z dnia 26 kwietnia 1950 r. o ustanowieniu dnia 1 maja świętem państwowym. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19500190157/O/D19500157.pdf (last accessed on April 17, 2020)
Sejm Polskiej Rzeczypospolitej Ludowej. 1982. Ustawa z dnia 26 maja 1982 r. o szczególnych uprawnieniach kombatantów. Available at: http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19820160122 (last accessed on March 14, 2020)
Sejm Polskiej Rzeczypospolitej Ludowej. 1988. Ustawa z dnia 21 stycznia 1988 r. o Radzie Ochrony Pamięci Walk i Męczeństwa. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19880020002/O/D19880002.pdf (last accessed on April 9, 2020)
Sejm Rzeczypospolitej Polskiej. 1990a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 22 marca 1990 r. w sprawie Katynia. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19900110080/O/M19900080.pdf (last accessed on April 14, 2020)
Sejm Rzeczypospolitej Polskiej. 1990b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 28 kwietnia 1990 r. w sprawie Katynia. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19900180136/O/M19900136.pdf (last accessed on April 17, 2020)
Sejm Rzeczypospolitej Polskiej. 1990c. Ustawa z dnia 6 kwietnia 1990 r. o zniesieniu 22 lipca jako Narodowego Święta Odrodzenia Polski. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19900280159/O/D19900159.pdf (last accessed on April 17, 2020)
Sejm Rzeczypospolitej Polskiej. 1990d. Ustawa z dnia 6 kwietnia 1990 r. o przywróceniu Święta Narodowego Trzeciego Maja. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19900280160/O/D19900160.pdf (last accessed on April 17, 2020)
Sejm Rzeczypospolitej Polskiej. 1990e. Ustawa z dnia 21 lipca 1990 r. o ustanowieniu Krzyża za udział w Wojnie 1918–1921. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19900530307/O/D19900307.pdf (last accessed on April 17, 2020)
Sejm Rzeczypospolitej Polskiej. 1991. Ustawa z dnia 24 stycznia 1991 r. o kombatantach oraz niektórych osobach będących ofiarami represji wojennych i okresu powojennego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19910170075/O/D19910075.pdf (last accessed on April 17, 2020)
Sejm Rzeczypospolitej Polskiej. 1993a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 10 listopada 1993 r. w sprawie 75 rocznicy odzyskania niepodległości. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19930580534/O/M19930534.pdf (last accessed on April 17, 2020)
Sejm Rzeczypospolitej Polskiej. 1993b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 17 grudnia 1993 r. w sprawie 75 rocznicy wybuchu Powstania Wielkopolskiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19930680601/O/M19930601.pdf (last accessed on April 18, 2020)
Sejm Rzeczypospolitej Polskiej. 1994a. Oświadczenie Sejmu Rzeczypospolitej Polskiej w związku z 50 rocznicą bitwy o Monte Cassino. Available at: http://orka.sejm.gov.pl/proc2.nsf/opisy/401.htm
Sejm Rzeczypospolitej Polskiej. 1994b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 18 sierpnia 1994 r. w sprawie 75 rocznicy I Powstania Śląskiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19940480385/O/M19940385.pdf (last accessed on April 18, 2020)

Sejm Rzeczypospolitej Polskiej. 1994c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 1 września 1994 r. o uczczeniu pamięci bohaterów września 1939 r. http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19940510430/O/M19940430.pdf (last accessed on April 18, 2020)
Sejm Rzeczypospolitej Polskiej. 1994d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 16 grudnia 1994 r. w sprawie uczczenia pamięci generała Stanisława Maczka. http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19940690610/O/M19940610.pdf (last accessed on April 18, 2020)
Sejm Rzeczypospolitej Polskiej. 1995a. Oświadczenie Sejmu Rzeczypospolitej Polskiej z dnia 3 lutego 1995 r. w sprawie 75 rocznicy powrotu Pomorza Nadwiślańskiego do Polski. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950050072/O/M19950072.pdf (last accessed on April 18, 2020)
Sejm Rzeczypospolitej Polskiej. 1995b. Uchwała Sejmu i Senatu Rzeczypospolitej Polskiej z dnia 8 maja 1995 r. w sprawie 50 rocznicy zakończenia II wojny światowej w Europie. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950230269/O/M19950269.pdf (last accessed on April 18, 2020)
Sejm Rzeczypospolitej Polskiej. 1995c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 9 czerwca 1995 r. upamiętniająca 55 rocznicę zbrodni katyńskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950300346/O/M19950346.pdf (last accessed on April 18, 2020)
Sejm Rzeczypospolitej Polskiej. 1995d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 21 lipca 1995 r. w sprawie upamiętnienia 60 rocznicy pierwszych deportacji Polaków do Kazachstanu. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950370439/O/M19950439.pdf (last accessed on April 18, 2020)
Sejm Rzeczypospolitej Polskiej. 1995e. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 sierpnia 1995 r. w sprawie uczczenia 75 rocznicy Bitwy Warszawskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950460515/O/M19950515.pdf (last accessed on April 19, 2020)
Sejm Rzeczypospolitej Polskiej. 1995f. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 31 sierpnia 1995 r. z okazji piętnastej rocznicy sierpnia 1980 r., podpisania porozumień i powstania NSZZ "Solidarność". Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950460521/O/M19950521.pdf (last accessed on April 19, 2020)
Sejm Rzeczypospolitej Polskiej. 1995g. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 15 grudnia 1995 r. w sprawie 25 rocznicy tragicznych wydarzeń grudniowych na Wybrzeżu. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950670752/O/M19950752.pdf (last accessed on April 19, 2020)
Sejm Rzeczypospolitej Polskiej. 1995h. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 15 grudnia 1995 r. w sprawie uczczenia ofiar stanu wojennego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19950670753/O/M19950753.pdf (last accessed on April 24, 2020)
Sejm Rzeczypospolitej Polskiej. 1996a. Oświadczenie Sejmu Rzeczypospolitej Polskiej z dnia 21 listopada 1996 r. w sprawie uczczenia pamięci Ignacego Daszyńskiego, współtwórcy odrodzenia niepodległości Rzeczypospolitej Polskiej w 1918 r. i rozwoju polskiego parlamentaryzmu. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19960710658/O/M19960658.pdf (last accessed on April 24, 2020)

Sejm Rzeczypospolitej Polskiej. 1997a. Ustawa z dnia 24 kwietnia 1997 r. o zmianie ustawy o kombatantach oraz niektórych osobach będących ofiarami represji wojennych i okresu powojennego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970640405/T/D19970405L.pdf (last accessed on April 24, 2020)
Sejm Rzeczypospolitej Polskiej. 1997b. Ustawa z dnia 25 kwietnia 1997 r. o zmianie ustawy o kombatantach oraz niektórych osobach będących ofiarami represji wojennych i okresu powojennego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970680436/T/D19970436L.pdf (last accessed on April 24, 2020)
Sejm Rzeczypospolitej Polskiej. 1997c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 19 czerwca 1997 r. w sprawie upamiętnienia 75 rocznicy powrotu części Górnego Śląska do Rzeczypospolitej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19970380371/O/M19970371.pdf (last accessed on April 24, 2020)
Sejm Rzeczypospolitej Polskiej. 1997d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 11 listopada 1997 r. z okazji Święta 11 Listopada. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19970820793/T/M9970793.pdf (last accessed on April 24, 2020)
Sejm Rzeczypospolitej Polskiej. 1998a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 18 czerwca 1998 r. w sprawie potępienia totalitaryzmu komunistycznego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19980200287/O/M19980287.pdf (last accessed on April 25, 2020)
Sejm Rzeczypospolitej Polskiej. 1998b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 11 września 1998 r. w sprawie ustanowienia Dnia Polskiego Państwa Podziemnego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19980300414/O/M19980414.pdf (last accessed on April 25, 2020)
Sejm Rzeczypospolitej Polskiej. 1998c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 3 grudnia 1998 r. w sprawie 76 rocznicy zamordowania pierwszego Prezydenta Rzeczypospolitej Polskiej Gabriela Narutowicza. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19980450623/O/M19980623.pdf (last accessed on April 25, 2020)
Sejm Rzeczypospolitej Polskiej. 1998d. Ustawa z dnia 18 grudnia 1998 r. o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19981551016/O/D19981016.pdf (last accessed on April 26, 2020)
Sejm Rzeczypospolitej Polskiej. 1999a. Ustawa z dnia 4 marca 1999 r. o zmianie ustawy o kombatantach oraz niektórych osobach będących ofiarami represji wojennych i okresu powojennego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19990770862/T/D19990862L.pdf (last accessed on April 26, 2020)
Sejm Rzeczypospolitej Polskiej. 1999b. Ustawa z dnia 7 maja 1999 r. o ochronie terenów byłych hitlerowskich obozów zagłady. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19990410412/O/D19990412.pdf (last accessed on April 26, 2020)
Sejm Rzeczypospolitej Polskiej. 1999c. Ustawa z dnia 3 września 1999 r. o utworzeniu Uniwersytetu Kardynała Stefana Wyszyńskiego w Warszawie. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19990790884/U/D19990884Lj.pdf (last accessed on April 26, 2020)
Sejm Rzeczypospolitej Polskiej. 2000a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 13 kwietnia 2000 r. upamiętniająca 60. rocznicę zbrodni katyńskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20000110198/O/M20000198.pdf (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2000b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 7 września 2000 r. w sprawie uczczenia 20. rocznicy Polskiego Sierpnia i powstania NSZZ "Solidarność". Available at: http://orka.sejm.gov.pl/proc3.nsf/uchwaly/2168_u.htm (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2000c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 października 2000 r. w sprawie uczczenia 100. rocznicy urodzin kardynała Stefana Wyszyńskiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20000350711/O/M20000711.pdf (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2000d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 30 listopada 2000 r. w sprawie uczczenia 60 rocznicy powstania Batalionów Chłopskich. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20000400775/O/M20000775.pdf (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2001a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 21 czerwca 2001 r. w 25. rocznicę protestu w Radomiu, Ursusie, Płocku. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20010210327/O/M20010327.pdf (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2001b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 22 czerwca 2001 r. oddająca hołd uczestnikom Poznańskiego Czerwca. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20010210328/O/M20010328.pdf (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2001c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 22 sierpnia 2001 r. w 60. rocznicę powstania Armii Polskiej na Wschodzie. Available at: http://orka.sejm.gov.pl/proc3.nsf/uchwaly/3319_u.htm (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2002. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 6 grudnia 2002 r. w sprawie ogłoszenia 13 grudnia dniem pamięci ofiar stanu wojennego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20020590799/O/M20020799.pdf (last accessed on April 27, 2020)

Sejm Rzeczypospolitej Polskiej. 2003a. Oświadczenie Sejmu Rzeczypospolitej Polskiej z dnia 10 lipca 2003 r. w związku z 60. rocznicą tragedii wołyńskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20030370516/O/M20030516.pdf (last accessed on April 28, 2020)

Sejm Rzeczypospolitej Polskiej. 2003b. Głosowanie nr 52, 10.07.2003. Available at: http://orka.sejm.gov.pl/SQL.nsf/glosowania?OpenAgent&4&52&52 (last accessed on April 29, 2020)

Sejm Rzeczypospolitej Polskiej. 2003c. Ustawa z dnia 17 października 2003 r. o ustanowieniu Krzyża Zesłańców Sybiru. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20032252230/O/D20032230.pdf (last accessed on April 29, 2020)

Sejm Rzeczypospolitej Polskiej. 2004a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 27 sierpnia 2004 r. "PAMIĘĆ I ODPOWIEDZIALNOŚĆ" w 65. Rocznicę Wybuchu II Wojny Światowej. Available at: http://orka.sejm.gov.pl/proc4.nsf/uchwaly/3204_u.htm (last accessed on April 30, 2020)

Sejm Rzeczypospolitej Polskiej. 2004b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 19 października 2004 r. w XX rocznicę śmierci Ks. Jerzego Popiełuszki. Available at: http://orka.sejm.gov.pl/proc4.nsf/uchwaly/3355_u.htm (last accessed on May 1, 2020)

Sejm Rzeczypospolitej Polskiej. 2005a. Oświadczenie Sejmu Rzeczypospolitej Polskiej z dnia 21 stycznia 2005 r. w 60. rocznicę wyzwolenia obozu koncentracyjnego Auschwitz. Available at: http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20050060076 (last accessed on May 1, 2020)

Sejm Rzeczypospolitej Polskiej. 2005b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 22 marca 2005 r. upamiętniająca 65. rocznicę zbrodni katyńskiej. Available at: http://orka.sejm.gov.pl/proc4.nsf/uchwaly/3819_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2005c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 4 maja 2005 r. W 60. rocznicę zakończenia II wojny światowej w Europie. Available at: http://orka.sejm.gov.pl/proc4.nsf/uchwaly/3965_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2005d. Ustawa z dnia 27 lipca 2005 r. o ustanowieniu dnia 31 sierpnia Dniem Solidarności i Wolności. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20051551295/O/D20051295.pdf (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2005e. Ustawa z dnia 27 lipca 2005 r. o ustanowieniu 16 października Dniem Papieża Jana Pawła II Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20051551296/O/D20051296.pdf (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2005f. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 19 października 2005 r. w sprawie rocznicy męczeńskiej śmierci księdza Jerzego Popiełuszki. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/5660-z_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2005g. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 29 grudnia 2005 r. w sprawie uczczenia pamięci ofiar wydarzeń grudniowych w 1970 roku. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/149_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2005h. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 29 grudnia 2005 r. w sprawie upamiętnienia 24. rocznicy wprowadzenia stanu wojennego. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/158_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2006a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 marca 2006 r. w sprawie uczczenia 25. rocznicy bydgoskiego marca 1981 roku i ogólnopolskiego strajku rolników indywidualnych. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/431_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2006b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 21 czerwca 2006 r. w sprawie ustanowienia dnia 28 czerwca Narodowym Dniem Pamięci Poznańskiego Czerwca 1956 r. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20060430455/O/M20060455.pdf (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2006c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 czerwca 2006 r. w 30. rocznicę protestów robotników w Radomiu, Ursusie i Płocku. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/700_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2006d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 czerwca 2006 r. w 60. rocznicę referendum z 1946 r. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/724_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2006e. Ustawa z dnia 23 czerwca 2006 r. o zmianie ustawy o grobach i cmentarzach wojennych. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20061441041/O/D20061041.pdf (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2006f. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 12 października 2006 r. w sprawie uczczenia 50. rocznicy Powstania Węgierskiego. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/1029_u.htm (last accessed on May 1, 2020)

Sejm Rzeczypospolitej Polskiej. 2006g. Ustawa z dnia 18 października 2006 r. o ujawnianiu informacji o dokumentach organów bezpieczeństwa państwa z lat 1944–1990 oraz treści tych dokumentów. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20062181592/O/D20061592.pdf (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2006h. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 27 października 2006 r. w sprawie 50. rocznicy "Października '56". Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/1067_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2007a. Ustawa z dnia 12 stycznia 2007 r. o zmianie ustawy o ustanowieniu dnia 1 maja świętem państwowym. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20070350214/O/D20070214.pdf (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2007b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 stycznia 2007 r. w sprawie potępienia fałszerstw wyborczych 1947 r. i uczczenia pamięci ofiar komunistycznego terroru. Available at: http://orka.sejm.gov.pl/proc5.nsf/uchwaly/1329_u.htm (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2007c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 14 listopada 2007 r. w sprawie ustanowienia Dnia Pamięci Ofiar Zbrodni Katyńskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20070870944/O/M20070944.pdf (last accessed on May 1, 2020)
Sejm Rzeczypospolitej Polskiej. 2008a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 7 lutego 2008 r. w sprawie ogłoszenia roku 2008 Rokiem Niepodległości. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20080140145/O/M20080145.pdf (last accessed on May 2, 2020)
Sejm Rzeczypospolitej Polskiej. 2008b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 12 marca 2008 r. w 40. Rocznicę Marca 1968 r. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20080240234/O/M20080234.pdf (last accessed on May 2, 2020)
Sejm Rzeczypospolitej Polskiej. 2008c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 17 września 2008 r. w sprawie upamiętnienia ofiar "Golgoty Wschodu". Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20080700628/O/M20080628.pdf (last accessed on May 2, 2020)
Sejm Rzeczypospolitej Polskiej. 2009a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 czerwca 2009 r. w sprawie uczczenia pamięci Jana Karskiego w 95. rocznicę Jego urodzin. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20090400626/O/M20090626.pdf (last accessed on May 5, 2020)
Sejm Rzeczypospolitej Polskiej. 2009b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 14 lipca 2009 r. upamiętniające ofiary zbrodni dokonanych w latach 1937–1939 na Polakach zamieszkałych w ZSRR. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20090460675/O/M20090675.pdf (last accessed on May 5, 2020)
Sejm Rzeczypospolitej Polskiej. 2009c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 15 lipca 2009 r. w sprawie tragicznego losu Polaków na Kresach Wschodnich. Available at: https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20090470684/O/M20090684.pdf (last accessed on May 5, 2020)
Sejm Rzeczypospolitej Polskiej. 2009d. Ustawa z dnia 9 października 2009 r. o ustanowieniu Narodowego Dnia Pamięci Powstania Warszawskiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20092061588/O/D20091588.pdf (last accessed on May 5, 2020)

Sejm Rzeczypospolitej Polskiej. 2010a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 19 lutego 2010 r. w sprawie uczczenia pamięci Ireny Sendlerowej w 100. rocznicę Jej urodzin. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20100100086/O/M20100086.pdf (last accessed on May 5, 2020)

Sejm Rzeczypospolitej Polskiej. 2010b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 8 lipca 2010 r. w sprawie uczczenia pamięci Jana Karskiego w 10. rocznicę Jego śmierci. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20100510675/O/M20100675.pdf (last accessed on May 5, 2020)

Sejm Rzeczypospolitej Polskiej. 2011a. Ustawa z dnia 3 lutego 2011 r. o ustanowieniu Narodowego Dnia Pamięci "Żołnierzy Wyklętych". Available at: http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20110320160 (last accessed on May 5, 2020)

Sejm Rzeczypospolitej Polskiej. 2011b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 29 lipca 2011 r. w sprawie ustanowienia Dnia Pamięci o Zagładzie Romów i Sinti. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20110700690/O/M20110690.pdf (last accessed on May 5, 2020)

Sejm Rzeczypospolitej Polskiej. 2012a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 17 lutego 2012 r. w sprawie upamiętnienia 70. rocznicy powstania Armii Krajowej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20120000114/O/M20120114.pdf (last accessed on May 5, 2020)

Sejm Rzeczypospolitej Polskiej. 2012b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 9 listopada 2012 r. w związku z 70. rocznicą powstania Narodowych Sił Zbrojnych. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20120000890/O/M20120890.pdf (last accessed on May 6, 2020)

Sejm Rzeczypospolitej Polskiej. 2012c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 listopada 2012 r. w sprawie uczczenia 70. rocznicy wysiedleń z Zamojszczyzny. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20120000932/O/M20120932.pdf (last accessed on May 6, 2020)

Sejm Rzeczypospolitej Polskiej. 2012d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 listopada 2012 r. w sprawie uczczenia 70. rocznicy powstania Rady Pomocy Żydom "Żegota". Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20120000929/O/M20120929.pdf (last accessed on May 6, 2020)

Sejm Rzeczypospolitej Polskiej. 2013a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 17 kwietnia 2013 r. w 70. rocznicę wybuchu Powstania w Getcie Warszawskim. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000356/O/M20130356.pdf (last accessed on May 6, 2020)

Sejm Rzeczypospolitej Polskiej. 2013b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 24 maja 2013 r. w sprawie ustanowienia dnia 4 czerwca Dniem Wolności i Praw Obywatelskich. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000490/O/M20130490.pdf (last accessed on May 6, 2020)

Sejm Rzeczypospolitej Polskiej. 2013c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 27 września 2013 r. w sprawie ustanowienia 17 września Dniem Sybiraka. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000815/O/M20130815.pdf (last accessed on May 6, 2020)

Sejm Rzeczypospolitej Polskiej. 2013d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 12 lipca 2013 r. w sprawie uczczenia 70. rocznicy Zbrodni Wołyńskiej i oddania hołdu Jej ofiarom. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000606/O/M20130606.pdf (last accessed on May 6, 2020)

Sejm Rzeczypospolitej Polskiej. 2013e. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 12 lipca 2013 r. w sprawie uczczenia pamięci profesorów uczelni lwowskich zamordowanych przez niemieckich okupantów w lipcu 1941 r. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000605/O/M20130605.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2013f. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 26 lipca 2013 r. w 70. rocznicę buntu więźniów w niemieckim nazistowskim obozie zagłady w Treblince Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000685/O/M20130685.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2013g. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 8 listopada 2013 r. w sprawie uczczenia polskich żołnierzy biorących udział w bitwie pod Lenino. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000970/O/M20130970.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2014a. Ustawa z dnia 14 marca 2014 r. o zmianie ustawy o kombatantach oraz niektórych osobach będących ofiarami represji wojennych i okresu powojennego oraz niektórych innych ustaw. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20140000496/O/D20140496.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2014b. Ustawa z dnia 10 czerwca 2014 r. o ochronie Znaku Polski Walczącej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20140001062/O/D20141062.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2014c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 lipca 2014 r. w 70. rocznicę wybuchu Powstania Warszawskiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20140000643/O/M20140643.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2014e. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 lipca 2014 r. w sprawie uczczenia pamięci ofiar Obławy Augustowskiej z lipca 1945 roku. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20140000667/O/M20140667.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2014f. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 lipca 2014 r. w sprawie uczczenia 70. rocznicy operacji "Ostra Brama". Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20140000669/O/M20140669.pdf (last accessed on May 6, 2020)
Sejm Rzeczypospolitej Polskiej. 2015a. Ustawa z dnia 20 marca 2015 r. o działaczach opozycji antykomunistycznej oraz osobach represjonowanych z powodów politycznych. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20150000693/O/D20150693.pdf (last accessed on May 7, 2020)
Sejm Rzeczypospolitej Polskiej. 2015b. Ustawa z dnia 24 kwietnia 2015 r. o ustanowieniu Narodowego Dnia Zwycięstwa. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20150000622/O/D20150622.pdf (last accessed on May 7, 2020)
Sejm Rzeczypospolitej Polskiej. 2015c. Ustawa z dnia 15 maja 2015 r. o zmianie ustawy o cmentarzach i chowaniu zmarłych, ustawy o grobach i cmentarzach wojennych oraz ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20150000935/O/D20150935.pdf (last accessed on May 7, 2020)
Sejm Rzeczypospolitej Polskiej. 2015d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 15 maja 2015 r. w sprawie uczczenia ofiar Tragedii Górnośląskiej z 1945 r. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20150000477/O/M20150477.pdf (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2015e. Ustawa z dnia 9 lipca 2015 r. o ustanowieniu Dnia Pamięci Ofiar Obławy Augustowskiej z lipca 1945 roku. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20150001181/O/D20151181.pdf (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2015f. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 września 2015 r. w sprawie ustanowienia dnia 2 października Dniem Pamięci o Cywilnej Ludności Powstańczej Warszawy. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20150000917/O/M20150917.pdf (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2016a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 16 marca 2016 r. towarzysząca otwarciu Muzeum Polaków Ratujących Żydów podczas II wojny światowej im. Rodziny Ulmów w Markowej. Available at: http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20160000284 (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2016b. Ustawa z dnia 1 kwietnia 2016 r. o zakazie propagowania komunizmu lub innego ustroju totalitarnego przez nazwy jednostek organizacyjnych, jednostek pomocniczych gminy, budowli, obiektów i urządzeń użyteczności publicznej oraz pomniki. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20160000744/O/D20160744.pdf (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2016c. Ustawa z dnia 29 kwietnia 2016 r. o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu oraz niektórych innych ustaw. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20160000749/O/D20160749.pdf (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2016d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 czerwca 2016 r. w sprawie uczczenia 40. rocznicy protestów robotników przeciwko władzy komunistycznej w czerwcu 1976 r. w Radomiu, Ursusie i Płocku. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20160000631/O/M20160631.pdf (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2016e. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 22 lipca 2016 r. w sprawie oddania hołdu ofiarom ludobójstwa dokonanego przez nacjonalistów ukraińskich na obywatelach II Rzeczypospolitej Polskiej w latach 1943–1945. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20160000726/O/M20160726.pdf (last accessed on May 7, 2020)

Sejm Rzeczypospolitej Polskiej. 2016f. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 16 grudnia 2016 r. w sprawie uczczenia 35-tej rocznicy tragicznych wydarzeń grudniowych w Kopalni Węgla Kamiennego "WUJEK". Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20160001239/O/M20161239.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2017a. Ustawa z dnia 7 kwietnia 2017 r. o Narodowych Obchodach Setnej Rocznicy Odzyskania Niepodległości Rzeczypospolitej Polskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000919/O/D20170919.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2017b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 25 maja 2017 r. w sprawie ustanowienia roku 2018 Rokiem Jubileuszu 100-lecia odzyskania przez Polskę Niepodległości. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20170000538/O/M20170538.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2017c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 15 września 2017 r. w sprawie upamiętnienia 75. rocznicy powstania Narodowych Sił Zbrojnych. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20170000874/O/M20170874.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2017d. Ustawa z dnia 29 września 2017 r. o ustanowieniu Dnia Walki i Męczeństwa Wsi Polskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001953/O/D20171953.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2017e. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 12 października 2017 r. w sprawie uczczenia twórców i żołnierzy Batalionów Chłopskich w 77. rocznicę ich powstania. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20170000959/O/M20170959.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2017f. Ustawa z dnia 9 listopada 2017 r. o Instytucie Solidarności i Męstwa imienia Witolda Pileckiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170002303/O/D20172303.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2017g. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 24 listopada 2017 r. w sprawie potępienia ideologii i skutków rewolucji bolszewickiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20170001114/O/M20171114.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2018a. Ustawa z dnia 26 stycznia 2018 r. o zmianie ustawy o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu, ustawy o grobach i cmentarzach wojennych, ustawy o muzeach oraz ustawy o odpowiedzialności podmiotów zbiorowych za czyny zabronione pod groźbą kary. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180000369/O/D20180369.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2018b. Ustawa z dnia 6 marca 2018 r. o ustanowieniu Narodowego Dnia Pamięci Polaków ratujących Żydów pod okupacją niemiecką. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180000589/O/D20180589.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2018c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 13 kwietnia 2018 r. w 75. rocznicę Powstania w Getcie Warszawskim. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20180000412/O/M20180412.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2018d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 20 lipca 2018 r. w 50. rocznicę inwazji wojsk Układu Warszawskiego na Czechosłowację. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20180000727/O/M20180727.pdf (last accessed on May 8, 2020)

Sejm Rzeczypospolitej Polskiej. 2018e. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 20 lipca 2018 r. w sprawie ustanowienia roku 2019 Rokiem Powstań Śląskich. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20180000730/O/M20180730.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2018f. Ustawa z dnia 4 października 2018 r. o ustanowieniu Narodowego Dnia Pamięci Duchownych Niezłomnych. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180002156/O/D20182156.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2018g. Ustawa z dnia 22 listopada 2018 r. o grobach weteranów walk o wolność i niepodległość Polski. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180002529/O/D20182529.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2018h. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 listopada 2018 r. z okazji 100. rocznicy bohaterskiej obrony Lwowa. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20180001192/O/M20181192.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2018i. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 12 grudnia 2018 r. w sprawie upamiętnienia ofiar stanu wojennego w Polsce. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20180001248/O/M20181248.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2019a. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 17 stycznia 2019 r. w sprawie uczczenia 100. rocznicy inauguracji obrad Sejmu Ustawodawczego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20180001192/O/M20181192.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2019b. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 16 maja 2019 r. w 40. rocznicę I pielgrzymki Jana Pawła II do Polski oraz w 30. rocznicę odrodzenia Senatu Rzeczypospolitej Polskiej i częściowo wolnych wyborów do Sejmu Rzeczypospolitej Polskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20190000463/O/M20190463.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2019c. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 13 czerwca 2019 r. w sprawie ustanowienia roku 2020 Rokiem Bitwy Warszawskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20190000604/O/M20190604.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2019d. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 31 lipca 2019 r. w sprawie upamiętnienia 75. rocznicy wybuchu Powstania Warszawskiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20190000731/O/M20190731.pdf (last accessed on May 9, 2020)

Sejm Rzeczypospolitej Polskiej. 2019e. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 30 sierpnia 2019 r. w sprawie upamiętnienia 80. rocznicy wybuchu II Wojny Światowej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20190000846/O/M20190846.pdf (last accessed on May 9, 2020)

Senat Polskiej Rzeczypospolitej Ludowej. 1989. Oświadczenie Senatu Rzeczypospolitej Polskiej w pięćdziesiąta rocznice wybuchu II Wojny Światowej. Available at: https://www.senat.gov.pl/prace/uchwaly/page,4.html?kadencja=1&pp=100 (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 1990a. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 3 serpnia 1990 r. w sprawie akcji “Wisła”. Available at: https://www.senat.gov.pl/prace/uchwaly/page,2.html?kadencja=1&pp=100 (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 1990b. Oświadczenie Senatu Rzeczypospolitej Polskiej z dnia 22 czerwca 1990 r w sprawie upamiętnienia protestów społecznych. Available at: https://www.senat.gov.pl/prace/uchwaly/page,2.html?kadencja=1&pp=100 (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 1990c. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 27 kwietnia 199o r. w sprawie Katynia. Available at: https://www.senat.gov.pl/prace/uchwaly/page,2.html?kadencja=1&pp=100 (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 1992. Oświadczenie Senatu Rzeczypospolitej Polskiej z dnia 13 listopada 1992 r. o zbrodni katyńskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19920360261/O/M19920261.pdf (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 1998. Uchwała Senatu z dnia 16 kwietnia 1998 r. w sprawie przywrócenia ciągłości prawnej II Rzeczypospolitej Polskiej i III Rzeczypospolitej Polskiej. Available at: http://ww2.senat.pl/K4/DOK/UCH/11/059UCH.HTM (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 2004a. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 29 lipca 2004 r. w 60. rocznicę wybuchu Powstania Warszawskiego. Available at: http://ww2.senat.pl/K5/DOK/UCH/067/758uch.htm (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 2004b. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 30 września 2004 r. w sprawie 65 rocznicy utworzenia Polskiego Państwa Podziemnego. Available at: http://ww2.senat.pl/K5/DOK/UCH/069/802uch.htm (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 2005a. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 3 lutego 2005 r. w sześćdziesiątą rocznicę oswobodzenia obozu koncentracyjnego Auschwitz-Birkenau. Available at: http://ww2.senat.pl/K5/DOK/UCH/076/879uch.htm (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 2005b. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 1 kwietnia 2005 r. w 65. rocznicę zbrodni katyńskiej. Available at: http://ww2.senat.pl/K5/DOK/UCH/079/916uch.htm (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 2005c. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 28 kwietnia 2005 r. w 60. rocznicę zakończenia II wojny światowej. Available at: http://ww2.senat.pl/K5/DOK/UCH/080/920uch.htm (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 2006. Głosowanie nr 45, 23.08.2006. Available at: http://ww2.senat.pl/k6/dok/sten/017/21.HTM#G00045 (last accessed on December 6, 2020)

Senat Rzeczypospolitej Polskiej. 2007. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 14 marca 2007 r. w sprawie uhonorowania działalności Ireny Sendleroweji Rady Pomocy Żydom "Żegota" w tajnych strukturach Polskiego Państwa Podziemnegow okresie II wojny światowej. Available at: http://ww2.senat.pl/k6/dok/uch/029/364uch.pdf (last accessed on May 10, 2020)

Senat Rzeczypospolitej Polskiej. 2008. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 7 maja 2008 r. w sprawie przywrócenia pamięci zbiorowej Polaków bohaterskiej postaci rotmistrza Witolda Pileckiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20080380333/O/M20080333.pdf (last accessed on May 11, 2020)

Senat Rzeczypospolitej Polskiej. 2009. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 23 wrzesnia 2009 r. w 70. rocznicę wybuchu drugiej wojny światowej. Available at: https://monitorpolski.gov.pl/M2009063083201.pdf (last accessed on May 11, 2020)

Senat Rzeczypospolitej Polskiej. 2013. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 20 czerwca 2013 r. w 70. rocznicę Zbrodni Wołyńskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20130000582/O/M20130582.pdf (last accessed on May 11, 2020)

Senat Rzeczypospolitej Polskiej. 2014a. Uchwała Senatu Rzeczypospolitej Polskiej zdnia 30 stycznia 2014 r. w sprawie wniesienia do Sejmu projektu ustawy o działaczach opozycji antykomunistycznej oraz osobach represjonowanych z powodów politycznych. Available at: https://orka.sejm.gov.pl/Druki7ka.nsf/0/1ACC0D286E0AE3B5C1257C7F002FBBED/%24File/2137.pdf (last accessed on May 11, 2020)

Senat Rzeczypospolitej Polskiej. 2014b. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 24 kwietnia 2014 r. w stulecie urodzin Jana Karskiego. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20140000358/O/M20140358.pdf (last accessed on May 11, 2020)

Senat Rzeczypospolitej Polskiej. 2015. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 21 maja 2015 r. "In memoriam". Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20150000515/O/M20150515.pdf (last accessed on May 11, 2020)

Senat Rzeczypospolitej Polskiej. 2016a. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 7 lipca 2016 r. w sprawie oddania hołdu ofiarom ludobójstwa dokonanego przez nacjonalistów ukraińskich na obywatelach II Rzeczypospolitej w latach 1939–1945. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20160000638/O/M20160638.pdf (last accessed on May 11, 2020)

Senat Rzeczypospolitej Polskiej. 2016b. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 22 września 2016 r. w sprawie wsparcia obywatelskich inicjatyw uczczenia 100. rocznicy Bitwy Warszawskiej. Available at: http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20160000948/O/M20160948.pdf (last accessed on May 11, 2020)

Shermer, Michael and Alex Grobman. 2000. *Denying History: Who Say the Holocaust Never Happened and Why Do They Say IT?*. Berkeley, Los Angeles: University of California Press

Shevel, Oxana. 2011. "The Politics of Memory in a Divided Society: A Comparison of Post-Franco Spain and Post-Soviet Ukraine," *Slavic Review*, 70: 1, pp. 137–164

Shevel, Oxana. 2014. "Memories of the Past and Visions of the Future: Remembering the Soviet Era and its End in Ukraine." In *Twenty Years After Communism: The Politics of Memory and Commemoration*, edited by Michael Bernhard and Jan Kubik, pp. 146–167. Oxford: Oxford University Press.

Shevel, Oxana. 2016. "The Battle for Historical Memory in Post-Revolutionary Ukraine," *Current History* 115: 783, 258–263

Shukhevych, Yuriy. 2015a. The Memo on the Project of the Law on Legal Status and Honoring the Memory of Freedom Fighters, 7 April 2015. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=2538-1&skl=9 (last accessed on June 2, 2021)

Shukhevych, Yuriy. 2015b. Speech at the Sitting of the Veterans Affairs Committee, 8.04.2015

Shukhevych, Yuriy. 2017. The Project of Amending Law to the Laws 'On Instituting Liability for Denying the Fact of Legitimacy of the Struggle for Independence and the Holodomor of 1932–1993.' Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=60975 (last accessed on June 2, 2021)

Siemiątkowski, Zbigniew. 1998. Speech at the Sitting of the Sejm, 09.09.1998. Wypowiedzi na posiedzeniach Sejmu RP III kadencji, Druki Seimowe, 3 kadencja. Available at: http://orka2.sejm.gov.pl/Debata3.nsf/main/05A7FB8F (last accessed on December 8, 2021)

Smolarz, Henryk. 2015. Speech at the Sitting of the Sejm, 18.03.2015. Wypowiedzi na posiedzeniach Sejmu. Available at: http://www.sejm.gov.pl/sejm7.nsf/wypowiedz.xsp?posiedzenie=89&dzien=1&wyp=24&view=1 (last accessed on December 8, 2021)

Snyder Tymothy. 2010. *Bloodlands: Europe between Hitler and Stalin*. New York: Basic Books

Sobolev, Ehor. 2018. Speech at the Plenary Session of the Verkhovna Rada, 13.03.2018. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/6739.html (last accessed on November 22, 2020)

Sonik, Bogusław. 2017. Projekt uchwały w sprawie potępienia ideologii i skutków rewolucji bolszewickiej. Available at: http://orka.sejm.gov.pl/Druki8ka.nsf/0/2D23237D466C015BC12581E1004CF547/%24File/1994-A.pdf (last accessed on June 2, 2021)

Sosnowski, Zbigniew, Edmund Borawski, Krzysztof Borkowski et al. 2012. Projekt uchwały w sprawie ustanowienia Dnia Pamięci i Męczeństwa Kresowian. Available at: http://orka.sejm.gov.pl/Druki7ka.nsf/0/F6ADBBC9F8FF90D7C12579E50036E255/%24File/327.pdf (last accessed on April 1, 2021)

Stein, Eric. 1986. "History against Free Speech: The New German Law against the "Auschwitz" – and Other – "Lies"," *Michigan Law Review* 85: 2, pp. 277–324

Stola, Dariusz. 2012. "Poland's Institute of National Remembrance: A Minsitry of Memory?" In *The Convolutions of Hisotrical Politics*, editors Alexei Miller and Maria Lipman, pp. 45–58. Budapest: Central European Press

Suchoń, Mirosław. 2016. Speech at the Sitting of the Justice Affairs Committee, 27.04.2016. Pełny zapis przebiegu posiedzenia Komisji Sprawiedliwości i Praw Człowieka (nr 18), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/E35970328F815C90C1257FAF003DB2A1/%24File/0052708.pdf (last accessed on May 3, 2021)

Symonenko, Petro. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/30110602_39.htm (last accessed on June 14, 2020)

Symonenko, Petro and Igor Aleksieev. 2013. The Explanatory Note to the Fascist Crimes Denial Law. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=47198 (last accessed on June 14, 2020)

Szawłowski, Ryszard. 1998. Speech at the Sitting of the NAD, 02.07.1998. Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (nr 8), Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 638/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/D76D46A4642F0FE1C1256B73003A097F?OpenDocument (last accessed on July 8, 2020)

Śledzińska-Kataraśińska, Iwona. 1998. Speech at the Sitting of the Justice Affairs Committee, 22.05.1998. Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 475/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/398FC8EBC6AD4D67C1256B730039987A?OpenDocument (last accessed on October 17, 2020)

Śledzińska-Katarasińska, Iwona. 2010. Speech at the Sitting of the Culture Affairs Committee, 10.02.2010. Biuletyny Komisji Sejmowych, VI kadencja, Biuletyn nr: 3364/VI. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/CC12873617F878A8C12576CE0039A235?OpenDocument (last accessed on October 17, 2020)

Śledzińska-Katarasińska, Iwona. 2013a. Speech at the Sitting of the Culture Affairs Committee, 11.07.2013. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr. 84), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/B07BD0A818F85B3DC1257BAB00496AA5/%24File/0209307.pdf (last accessed on October 17, 2020)

Śledzińska-Katarasińska, Iwona. 2013b. Speech at the Sitting of the Culture Affairs Committee, 23.10.2013. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 103), VII kadenja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy7.nsf/0/BCA7B295A5518812C1257C19004F1ECA/%24File/0253707.pdf (last accessed on October 17, 2020)

Śledzińska-Katarasińska, Iwona. 2017. Speech at the Sitting of the Culture Affairs Committee, 07.11.2017. Pełny zapis przebiegu posiedzenia Komisji Kultury i Środków Przekazu (nr 86), VIII kadencja, Biuro Komisji Sejmowych. Available at: http://orka.sejm.gov.pl/zapisy8.nsf/0/F44490A4836F18A2C12581DB0044585A/%24File/0246108.pdf (last accessed on October 17, 2020)

Teachout, Peter. 2006. "Making 'Holocaust Denial' a Crime: Reflections on European Anti-Negationist Laws from the Perspective of U.S. Constitutional Experience," *Vermont Law Review* 30: 3, pp. 655–692

Teitel, Ruti. 2000. *Transitional Justice*. Oxford: Oxford University Press

Temperman, Jeroen. 2014. "Laws Against the Denial of Historical Atrocities: A Human Rights Analysis," *Religion and Human Rights* 9: 2–3, pp. 151–180

Tretiakov, Oleksandr. 2015. Speech at the Sitting of the Veterans Affairs Committee, 8.04.2015.

Tretiakov, Oleksandr. 2018. Speech at the Plenary Session of the Verkhovna Rada, 13.03.2018. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/6739.html (last accessed on May 26, 2020)

Trybunał Konstytucyjny Rzeczypospolitej Polskiej. 2008. Wyrok z dnia 19 września 2008 r., Sygn. akt K 5/07

Trybunał Konstytucyjny Rzeczypospolitej Polskiej. 2019. Wyrok z dnia 17 stycznia 2019 r., Sygn. akt K 1/18

Tsybenko, Petro and Evhen Car'kov. 2009. The Project of the Amending Law to the Law 'On Honoring the Victory in the Great Patriotic War of 1941–1945'. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=35004 (last accessed on July 1, 2020)

Tucker, Aviezar. 2015. *The Legacies of Totalitarianism: A Theoretical Framework*. Cambridge: Cambridge University Press

Tylischak, Volodymyr. 2015. Speech at the Sitting of the Veterans Affairs Committee, 8.04.2015.

Udovekno, Henadiy. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm (last accessed on October 9, 2020)

Ukrainskiy Tyszden. 2014. 'Rada z podachi komunistiv pryiniala dva zakony dlia 'borotby z fasystamy i ich prybichnykamy'," 16 January 2014. Available at: https://tyzhden.ua/News/99028 (last accessed on October 5, 2020)

Vekrhovna Rada Ukrainskoii RSR. 1971. Kodeks zakoniv pro praciu Ukrainy. Available at: https://zakon.rada.gov.ua/laws/show/322-08#n426 (last accessed on March 6, 2020)

Verkhovna Rada Ukrainskoi RSR. 1991. Pro reabilitaciuzertv politycznyh represiy na Ukraini. Avaialble at: https://zakon.rada.gov.ua/laws/show/962-12/ed19910417 (last accessed on March 6, 2020)

Verkhovna Rada Ukrainy (VRU). 1991a. Pro 50-riczia poczatku Velykoyi Vitczyzniannoyi viyny ta partuzanskoho I pidpilnoho ruhu na Ukraini. Available at: https://zakon.rada.gov.ua/laws/show/1181-12 (last accessed on January 16, 2020)
Verkhovna Rada Ukrainy (VRU). 1991b. Pro uroczyste zasidania Verkhovnoii Rady Ukrainy, prysviachene 125-ricziui z dnia narodzenia Hrushevskoho M.S. Available at: https://zakon.rada.gov.ua/laws/show/1762-12 (last accessed on January 16, 2020)
Verkhovna Rada Ukrainy (VRU). 1992. Pro vidznaczenia 75-riczia Ukrainskoi demokratycznoii revoliucii 1917–1918 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/2255-12 (last accessed on January 16, 2020)
Verkhovna Rada Ukrainy (VRU). 1993a. Pro delehaciu Ukrainy dlia uczasti v uroczystostiah z nahody 50-riczia peremohy v Stalingradskyi bytvi. Available at: https://zakon.rada.gov.ua/laws/show/2942-12 (last accessed on January 16, 2020)
Verkhovna Rada Ukrainy (VRU). 1993b. Pro zasnuvania juvileinoji medali '50 rokiv Peremohy u Velikiy Vitczysnainiy viyni 1941–1945 rokiv.' Available at: https://zakon.rada.gov.ua/laws/show/3527-12 (last accessed on January 16, 2020)
Verkhovna Rada Ukrainy (VRU). 1993c. Pro status veteraniv viyny, harantii ich socialnoho zahustu. Available at: https://zakon.rada.gov.ua/laws/show/3551-12/ed19931022 (last accessed on January 16, 2020)
Verkhovna Rada Ukrainy (VRU). 1994. Pro zahody u zviazku z vidznaczeniam v Ukraini 50-riczia Peremohy u Velykiy Vitczyzniannyi viyni 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/289/94-%D0%B2%D1%80 (last accessed on January 16, 2020)
Verkhovna Rada Ukrainy (VRU). 1995a. Pro dodatkovi zahody u zviazku z vidznaczeniam v Ukraini 50-riczia Peremohy u Velykiy Vitczyzniannyi viyni 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/155/95-%D0%B2%D1%80 (last accessed on January 18, 2020)
Verkhovna Rada Ukrainy (VRU). 1995b. Pro 50-riczia voziednannia Zakarpattia z Ukrainoiu. Available at: https://zakon.rada.gov.ua/laws/show/275/95-%D0%BF%D0%B2 (last accessed on January 18, 2020)
Verkhovna Rada Ukrainy (VRU). 1995c. Pro vykonannia Postanovy Presidii Verkhovnoi Rady Ukrainy vid 15 travnia 1995 roku 'Pro 50-riczia voziednannia Zakarpattia z Ukrainoiu'. Available at: https://zakon.rada.gov.ua/laws/show/344/95-%D0%BF%D0%B2 (last accessed on January 18, 2020)
Verkhovna Rada Ukrainy (VRU). 1995d. Pro zvernennia Verkhovnoii Rady Ukrainy do narodu Ukrainy z nahody 400-riczia vid dnia narodjenia Bohdana Hmelnytskoho. Available at: https://zakon.rada.gov.ua/laws/show/340/95-%D0%B2%D1%80 (last accessed on January 19, 2020)
Verkhovna Rada Ukrainy (VRU). 1995e. Zakon Ukriainy Pro vnesennia zmin i dopovnen do Zakonu Ukrainy "Pro status veteraniv viyny, harantii ich sotsialnoho zahystu". Available at: https://zakon.rada.gov.ua/laws/show/488/95-%D0%B2%D1%80/ed19981225#Text (last accessed on January 19, 2020)
Verkhovna Rada Ukrainy (VRU). 1997. Pro zahody po vidanzaczeniu 80-riczia ukrainskoho parlamentaruzmu. Available at: https://zakon.rada.gov.ua/laws/show/179/97-%D0%B2%D1%80 (last accessed on January 19, 2020)
Verkhovna Rada Ukrainy (VRU). 1999a. Pro vidznaczenia 100-riczia vid dnia narodzennia lehendarnoho partyzanskioho heroja Semena Vasyliovycha Rudnieva. Available at: https://zakon.rada.gov.ua/laws/show/450-14 (last accessed on January 20, 2020)

Verkhovna Rada Ukrainy (VRU). 1999b. Pro 80-riczia komsomolu Ukrainy ta posylennia uvahy do problem molodi. Available at: https://zakon.rada.gov.ua/laws/show/660-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 1999c. Pro dejaki zahody u zviazku z vindsnaczenniam 54-ji ricznyzi Peremohy u Velykiy Vitczisnianniy viyni. Available at: https://zakon.rada.gov.ua/laws/show/608-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 1999d. Pro priamu tele- i radiotranslaciju urochystoho plenarnoho zasidania Verkhovnoyi Rady Ukrainy z nahody 54-ji ricznyci Peremohy y Velykiy Vitczisnianniy viyni. Available at: https://zakon.rada.gov.ua/laws/show/623-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2000a. Pro uvichnennia Peremohy u Velykiy Vitczisnianiy viyni 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/1684-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2000b. Pro vnesenia zminy do statti 73 Kodeksu zakoniv pro praciu. Available at: https://zakon.rada.gov.ua/laws/show/1421-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2001a. Pro vidznaczenia 100-riczia vid dnia narodzennia Oleksia Fedorovycha Fedorova. Available at: https://zakon.rada.gov.ua/laws/show/2273-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2001b. Pro vidznaczenia 100-riczia z dnia narodzennia Heroia Radianskoho Soiuzu henerala armii M.F. Vatutina. Available at: https://zakon.rada.gov.ua/laws/show/2821-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2001c. Pro poriadok provedennia specialnoho zasidania Verkhovnoi Rady Ukrainy 22 czervnia 2001 roku – v den 60-riczia poczatku Velykoi Vitczisnianoji viynu 1941–1945. Available at: https://zakon.rada.gov.ua/laws/show/2530-14 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2002a. Pro vidznaczenia 60-riczia z dnia stvorennia pidpilnoi molodizanoii orhanizaciyi 'Moloda Hvardia'. Available at: https://zakon.rada.gov.ua/laws/show/164-15 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2002b. Pro 70-ti rokovyny holodomoru v Ukraini. Available at: https://zakon.rada.gov.ua/laws/show/258-15 (last accessed on January 20, 2020)
Verkhovna Rada Ukrainy (VRU). 2003a. Pro 85-tu ricznyciu VLKSM ta derzavnu pidtrymku molodiznoho ruhu. Available at: https://zakon.rada.gov.ua/laws/show/1200-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2003b. Pro vindznaczennia 60—riczia Peremohy ta zvilnennia Ukrainy vid fascistskych zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/598-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2003c. Pro Rekomendacii parlamentskyh sluhan sczodo vshanuvania pamiati zertv holodomoru 1932–1993 years. Available at: https://zakon.rada.gov.ua/laws/show/607-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2003d. Pro zvernenia do Ukrainskoho narodu uczasnykiv specialnoho zasidania Verkhovnoii Rady Ukrainy 14 travnia 2003 roku sczodo vshanuvania pamiati zertv holodomoru 1932–1933. Available at: https://zakon.rada.gov.ua/laws/show/789-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2003e. Pro 85 ricznycziu vudania IV Universalu Centralnoii Rady Ukrainskoii Narodnoii Respubliky. Available at: https://zakon.rada.gov.ua/laws/show/1%D0%B0-15 (last accessed on January 21, 2020)

Verkhovna Rada Ukrainy (VRU). 2003f. Pro shvalenia ukrainsko-polskoii parlamentskoii zaiavy u zviazku z 60-ju ricznyceiu volynskoii trahedii. Available at: https://zakon.rada.gov.ua/laws/show/1085-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2004a. Pro 85-riczia LKMSU ta posulennia roli molodiznyh hromadskyh orhanizaciy u vuhovaniy roboti z moloddiu. Available at: https://zakon.rada.gov.ua/laws/show/1559-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2004b. Pro zvernennia hrupy uczsnykiv boijovych diy u Velykiy Vitczisnianiy viyni szodo stvorennia memorialnoho kompleksu 'Ratne pole'. Available at: https://zakon.rada.gov.ua/laws/show/132-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2004c. Pro 60-riczia Yaltynskoi konferencii hlavderjav antyhitlerivskoi koalicji. Available at: https://zakon.rada.gov.ua/laws/show/1997-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2004d. Pro pidhotovku ta vindznaczenia 70-riczia stahanivskoho ruhu. Available at: https://zakon.rada.gov.ua/laws/show/2168-15 (last accessed on January 21, 2020)
Verkhovna Rada Ukrainy (VRU). 2004e. Pro deyaki zahody iz vhanuvania veteraniv Velykoyi Vitczysnianoyi viyny z nahody 60-ii ricznyci vysvlennia Ukrainy vid fascistskyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/2048-15 (last accessed on January 22, 2020)
Verkhovna Rada Ukrainy (VRU). 2004f. Pro vidznaczenia Miznarodnoho dnia holokostu romiv. Available at: https://zakon.rada.gov.ua/laws/show/2085-15 (last accessed on January 22, 2020)
Verkhovna Rada Ukrainy (VRU). 2004g. Pro vnesenia zmin do Zakonu Ukrainy 'Pro status veteraniv viyny, harantii ich socialnoho zahusty (sczodo osib, jaki vysnaiutsia uczasnykamy bojovych diy ta uczasnykamy viyny)'. Available at: https://zakon.rada.gov.ua/laws/show/2202-15/ed20041210 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2005a. Pro Zvernennia Verkhovnoyi Rady Ukrainy do deputativ Verkhovnoyi Rady Avtonomnoi Respubliky Krym, oblasnyh, miskyh, raionnyh, selushcznyh I silskyh rad z nahody pidhotovky ta vidnsanczenia 60-riczia Peremohy u Velykiy Vitczysnianiy viyni 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/2556-15 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2005b. Pro vidznaczenia 410-ii ricznyci z dnia narodjenia Bohdana Hmelnytskoho. Available at: https://zakon.rada.gov.ua/laws/show/2732-15 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2005c. Pro vidznaczenia 125-riczia z dnia narodzennia vydantoho hromadskoho, politychnoho diacza i pysmennyka Volodymyra Vynnychenka. Available at: https://zakon.rada.gov.ua/laws/show/2731-15#Text (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2006a. Pro vidznaczenia 100-riczia z dnia narodjenia lvicho Heroia radianskoho Soiuzu, heneral armii Czerniahovskoho I.D. Available at: https://zakon.rada.gov.ua/laws/show/3548-15 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2006b. Pro Holodomor 1932–1933 rokiv v Ukraini. Available at: http://zakon.rada.gov.ua/go/376-16 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2008. Pro vidznaczenia pamiatnyh dat ta juvileiiv u 2009 roci. Available at: https://zakon.rada.gov.ua/laws/show/825-17 (last accessed on January 25, 2020)

Verkhovna Rada Ukrainy (VRU). 2009a. Pro vidznaczenia 65-riczia Peremohy u Velikiy Vitczisnianiy Viini ta zvilnennia Ukrainy vid fastyskyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/842-17 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2009b. Pro vidznaczenia 64-ii ricznici Peremohy u Velukii Vitczisnianii Viini. Available at: https://zakon.rada.gov.ua/laws/show/1260-17 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2009c. Pro vidznaczenia 90-riczia stvorenia komsomolu Ukrainy. Available at: https://zakon.rada.gov.ua/laws/show/1221-17 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2009d. Pro pidhotovku ta vidznaczenia 75-riczia stahanivskoho ruhu. Available at: https://zakon.rada.gov.ua/laws/show/1431-17 (last accessed on January 25, 2020)
Verkhovna Rada Ukrainy (VRU). 2010a. Pro proholoshennia 2010 roku v Ukraini Rokom veteraniv Velykoi Vytcziznanoyi viyny 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/1948-17 (last accessed on January 26, 2020)
Verkhovna Rada Ukrainy (VRU). 2010b. Pro vidznaczennia 90-riczia z dnia narodzenia trychi Heroia Radianskoho Soiuzu Kozeduba Ivana Mykytovycha. Available at: https://zakon.rada.gov.ua/laws/show/1810-17 (last accessed on January 26, 2020)
Verkhovna Rada Ukrainy (VRU). 2010c. Pro vidznaczenia 90-riczia z dnia narodzenia dvichi Heroia Radianskoho Soiuzu Sultana Amet-Hana. Available at: https://zakon.rada.gov.ua/laws/show/2544-17 (last accessed on January 26, 2020)
Verkhovna Rada Ukrainy (VRU). 2011a. Pro vidznachenia 70-riczia partysanskoho ruhu v Ukraini. Available at: https://zakon.rada.gov.ua/laws/show/3301-17 (last accessed on January 26, 2020)
Verkhovna Rada Ukrainy (VRU). 2011b. Pro Zayavu Verfkovnoyi Rady Ukrainy 'Do 65-ii ricznici Niurnberhskoho trybunalu nad fascistskymy zloczyncizmy'. Available at: https://zakon.rada.gov.ua/laws/show/3248-17 (last accessed on January 26, 2020)
Verkhovna Rada Ukrainy (VRU). 2011c. Pro vnesennia zmin do Zakonu Ukrainy 'Pro uvichnennia Peremohy u Velykiy Vitczisnianiy viyni 1941–1945 rokiv' sczodo poriadku oficiynoho vykorystania kopii Prapora Peremohy. Available at: https://zakon.rada.gov.ua/laws/show/3298-17 (last accessed on January 26, 2020)
Verkhovna Rada Ukrainy (VRU). 2011d. Pro zaprovadzennia v Ukraini osoblyvoii ceremonii – provedenia 22 czervnia koznoho roku Hvylyny pamiati za zahyblymy u Velykiy Vitczysnainiy vini 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/3430-17 (last accessed on January 27, 2020)
Verkhovna Rada Ukrainy (VRU). 2011e. Pro vidznaczennia 70-riczia z dnia stvorenia pidpilhnoii molodiznoii orhanizacii 'Moloda Hvardia'. Available at: https://zakon.rada.gov.ua/laws/show/3982-17 (last accessed on January 27, 2020)
Verkhovna Rada Ukrainy (VRU). 2011f. Pro viddznaczenia 110-ii ricznici z dnia narodzenia Heroiia Radianskoho Soiuzu Vatutina Mykoly Fedorovycha. Available at: https://zakon.rada.gov.ua/laws/show/4089-17 (last accessed on January 27, 2020)
Verkhovna Rada Ukrainy (VRU). 2011g. Pro vidznaczenia 65-riczia vhodzennia Zakarpatskoii oblasti do skladu Ukrainskoi Radianskoi Socialistychnoi Respubliky. Available at: https://zakon.rada.gov.ua/laws/show/2993-17 (last accessed on January 27, 2020)
Verkhovna Rada Ukrainy (VRU). 2011h. Pro vnesennia zmin do statti 2 Zakonu Ukrainy 'Pro uvichnennia Peremohy u Velykiy Vitczisnianiy viyni 1941–1945 rokiv' sczodo bezkoshtovnoho pokazu hudoznih ta dokumentalnyh filmiv pro Veluky Vitczisniany viynu 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/4105-17 (last accessed on January 27, 2020)

Verkhovna Rada Ukrainy (VRU). 2012a. Pro vidznaczenia 125-riczia z dnia narodzenia dvichi Heroiia Radianskoho Souizu Sudora Artemovycha Kovpacka. Available at: https://zakon.rada.gov.ua/laws/show/4603-17 (last accessed on January 27, 2020)
Verkhovna Rada Ukrainy (VRU). 2012b. Po vidznaczenia 110-riczia z dnia narodzenia viyskovoho diacha, dvichi Heroiia Radianskoho Souizu Moskalenka Kyryla Cemenovycha. Available at: https://zakon.rada.gov.ua/laws/show/4604-17 (last accessed on January 27, 2020)
Verkhovna Rada Ukrainy (VRU). 2012c. Pro prysvoienia yurydycznym osobam ta objektam prava vlasnosti imen (psevdonimiv) fisycznyh osib, juvileinyh ta sviatkovyh dat, nazv i dat istorychnych podiy. Available at: https://zakon.rada.gov.ua/laws/show/4865-17#n11 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2012d. Pro vidnzanczenia 110-riczia z dnia narodzenia pysmennyka-antyfasysta Zroslava Oleksandrovycha Halana. Available at: https://zakon.rada.gov.ua/laws/show/5109-17 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013a. Pro vidznaczenia 70-riczia oborony Kerchi ta Sevastopolia vid nimecko-fastistkyh zaharbnkiv u 1942 roci. Available at: https://zakon.rada.gov.ua/laws/show/4610-17 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013b. Pro vidznaczenia 70-riczia vyzvolenia mista Hakrova vid nimacko-fastistkyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/278-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013c. Pro vidznaczenia 70-riczia zvilnenia Ukrainy Cervonoiu Armieiu vid fasystkyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/299-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013d. Pro vidznaczenia zvilnenia Czervonoiu Armieiu mista-heroia Kyieva vid nimecko-fastystkyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/300-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013e. Pro vidznaczenia 70-riczia vysvolenia Donbasu vid nimeck-fastystkyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/418-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013f. Pro vidznaczenia 70-riczia proruvy radianskymy viyskamy nimeckoii linii oborony 'Votan' ta vysvolenia mista Melitopolia. Available at: https://zakon.rada.gov.ua/laws/show/413-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013g. Pro vidznaczenia 70-riczia vysvolenia mista Slovianska ta Slovianskoho raionu Donetskoi oblasti vid nimeck-fasystkyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/416-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013h. Pro vidznaczenia 70-riczia vysvolenia mista Nikopolia Dnipropetrovskoi oblasti vid nimecko-fasystkyh zaharbnykiv, zdobutoho v resultati provedenia nastupalnoi Nikopolsko-Kryvoriskoi operacii viskamy 3-ho i 4-ho Ukrainskyh frontiv. Available at: https://zakon.rada.gov.ua/laws/show/576-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013i. Pro vidznaczenia 70-riczia vysvolenia mista Ordjonikidze Dnipropetrovkoii oblasti vid nimecko-fasystkyh zaharbnykiv. Available at: https://zakon.rada.gov.ua/laws/show/577-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2013j. Pro vhanuvania viyskovyh podvihiv voiiniv Czervonoii Armii pid czas forsuvania riczky Dnipro na terytorii Dnipropetrovskoi oblasti. Available at: https://zakon.rada.gov.ua/laws/show/611-18 (last accessed on January 28, 2020)

Verkhovna Rada Ukrainy (VRU). 2013k. Pro ratyficaciu Uhody pro uvicznenia pamiati pro muznist i heroism narodiv derzav-uczasnyc' Cpivdruznosti Nezaleznyh Derzav u Velikiy Vitczysnizniy viyni 1941–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/204-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2014a. Pro vnesenia zminy do Kryminalnoho kodeksu Ukrainy szcodo vidpovidalnosti za zapereczenia czy vypravdania zloczyniv faszyzmy. Available at: https://zakon.rada.gov.ua/laws/show/729-18 (last accessed on January 28, 2020)
Verkhovna Rada Ukrainy (VRU). 2014b. Pro vyznania takymy szco vtratylyl czynist, deiajkych zakoniv Ukrainy. Available at: https://zakon.rada.gov.ua/laws/show/732-18#n2 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2014c. Pro vnesenia zminy do Kryminalnoho kodeksu Ukrainy sczodo vidpovidalnosti za zapereczenia czy vypravdania zloczhyniv faszyzmu. Available at: https://zakon1.rada.gov.ua/laws/show/735-18?lang=ru (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2014d. Pro vidznaczenia 75-riczia Karpatskoii Ukrainy. Available at: https://zakon.rada.gov.ua/laws/show/888-18 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2015a. Pro vidznaczenia pamiatnyh dat i yuvileiv u 2015 roci. Available at: https://zakon.rada.gov.ua/laws/show/184-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2015b. Pro uvicznenia peremohy nad nazysmom u Druhii svitoviy viyni 1939–1945 rokiv. Available at: https://zakon.rada.gov.ua/laws/show/315-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2015c. Pro pravovyi status ta vshanuvannia pamiati borciv za nezaleznist Ukrainy u 20 stolitti. Available at: https://zakon.rada.gov.ua/laws/show/314-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2015d. Pro zasudjenia komunistycznoho ta nacional-socialistycznoho (nacystskoho) totalitarnyh rezymiv v Ukraini ta zaboronu propagandy ihnjioi symvoliky. Available at: https://zakon2.rada.gov.ua/laws/show/ 317-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2015e. Pro vidznaczenia 125-riczia z dnia narodjenia Evhena Konoval'ca. Available at: https://zakon.rada.gov.ua/laws/show/831-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2015f. Pro vyznannia henocydu kymskotatarskoho narodu. Available at: https://zakon.rada.gov.ua/laws/show/792-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2016a. Zvernenia Vekhovnoyi Rady Ukrainy do derzav-partneriv Ukrainy sczodo vysnannia Holodomoru 1932–1933 rokiv v Ukraini zlochynom henocydu Ukrainskoho narodu. Available at: https://zakon.rada.gov.ua/laws/show/1777-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2016b. Pro vidznaczenia pamiatnyh dat i yuvileiv u 2016 roci. Available at: https://zakon.rada.gov.ua/laws/show/971-19 (last accessed on January 29, 2020)
Verkhovna Rada Ukrainy (VRU). 2017. Pro vidznaczenia pamiatnyh dat i yuvileiv u 2017. Available at: https://zakon.rada.gov.ua/laws/show/1807-19 (last accessed on January 29, 2020)

Verkhovna Rada Ukrainy (VRU). 2018a. Pro vidznaczenia pamiatnyh dat i yuvileiv u 2018. Available at: https://zakon.rada.gov.ua/laws/show/2287-19 (last accessed on January 29, 2020)

Verkhovna Rada Ukrainy (VRU). 2018b. Pro vidznaczenia na derjanvnomu rivni 75-h rokovyn pocztku deportacii ukrainciv z Lemkivsczyny, Nadsiannia, Holmsczyny, Pivdennoho Pidliashia, Liubaczivsczyny, Zahidnoii Boykivsczyny u 1944–1951 rokah. Available at: https://zakon.rada.gov.ua/laws/show/2608-19 (last accessed on January 29, 2020)

Verkhovna Rada Ukrainy (VRU). 2018c. Pro vidznaczenia 100-riczia proholoshenia Akta zluky Ukrainskoii Narodnoii Respubliky i Zahidnoukrainskoii Narodnoii Respubliky ta provedenia Bseukrainskoii estafety iednania. Available at: https://zakon.rada.gov.ua/laws/show/2521-19 (last accessed on January 29, 2020)

Verkhovna Rada Ukrainy (VRU). 2018d. Pro vnesenia zminy do statti 6 Zakonu Ukrainy 'Pro status veteraniv viyny, harantii ich socialnoho zahystu' sczodo posylennia socialnoho zahystu uczasnykiv borot'by za nezalesnist Ukrainy u 20 stolitti. Available at: https://zakon.rada.gov.ua/laws/show/2640-19/ed20191227#n5 (last accessed on January 29, 2020)

Verkhovna Rada Ukrainy (VRU). 2019a. Pro vidznaczenia pamiatnyh dat i yuvileiv u 2019. Available at: https://zakon.rada.gov.ua/laws/show/2654-19 (last accessed on January 30, 2020)

Verkhovna Rada Ukrainy (VRU). 2019b. Pro vidznaczenia pamiatnyh dat i yuvileiv u 2020. Available at: https://zakon.rada.gov.ua/laws/show/325-20 (last accessed on January 30, 2020)

Verstiuk, Vladyslav. 2008a. Speech at the Roundtable "Ukrainian Historiography and the Objectives of the Institute of National Memory", *Congress of Ethnic Communities Gazette* 11: 78. Available at: http://www.forumn.kiev.ua/2008-11-78/78-06.htm (last accessed on Novermber 19, 2020)

Verstiuk, Vladyslav. 2008b. "Czhomu ukrainci nazyvaiut' Holodomor henocydom," *Suchasnist' Magazine* 11

Verstiuk, Vladyslav, Ihor Yuhnovskiy, and Volodymyr Tylischak. 2008. *A Brochure "Holodomor – Genocide of the Ukrianian people 1932–1993*." Kyiv: UINP, Vydavnytstvo Oleny Telihy.

Viatrovych, Volodymyr. 2008. Speech at the Roundtable "Ukrainian Historiography and the Objectives of the Institute of National Memory", *Congress of Ethnic Communities Gazette* 11: 78. Available at: http://www.forumn.kiev.ua/2008-11-78/78-06.htm (last accessed on Novermber 22, 2020)

Viatrovych, Volodymyr, Oleksandr Zinchenko, and Maksym Maiorov (eds.). 2016. *Vyina I Mif. Nevidoma Druha Svitova*. Kharkiv: UINP, Klub Simeinoho Dozvil'a

Viatrovych, Volodymyr. 2016. "Druha Svitova. Viyna Pamiatey," *Zbruch*. Available at: https://zbruc.eu/node/51248 (last accessed on Novermber 21, 2020)

Viatrovych, Volodymyr. 2019. Interview to the author, 1 October 2019

Vidal-Naquet, Pierre. 1992. *Assassins of Memory: Essays on the Denial of Holocaust*. New York: Columbia University Press

Waldner, David. 2015. "What Makes Process Tracing Good? Causal Mechanisms, Causal Inferences, and the Completeness Standard in Comparative Politics," in *Process Tracing: From Metaphor to Analytical Tool*, edited by Andrew Bennett and Jeffrey Checkel, pp. 126–152. Cambridge: Cambridge University Press

Waniek, Danuta. 1998. Speech at the Sitting of the Sejm, 03.04.1998. Wypowiedzi na posiedzeniach Sejmu RP III kadencji, Druki Seimowe, 3 kadencja. Available at: http://orka2.sejm.gov.pl/Debata3.nsf/118b9e577f3fceeac125746d0030d0fa/b3736439fd05bacfc1257491003e4624?OpenDocument (last accessed on January 3, 2021)

Wiechecki, Rafał, Przemysław Andrejuk, Witold Bałażak et al.. 2006. Projekt ustawy o zmianie ustawy z dnia 18 grudnia 1998 r. o Instytucie Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiem. Available at: http://orka.sejm.gov.pl/proc5.nsf/opisy/334.htm (last accessed on August 16, 2020)

Wiechecki, Rafał. 2006. Speech at the Sitting of the Sejm, 09.03.2006. Wypowiedzi na posiedzeniach Sejmu, V kadencji. Available at: http://orka2.sejm.gov.pl/Debata5.nsf/851e81387c160e4fc125745f00379393/c08993ee36233d38c12574650038daa0?OpenDocument (last accessed on August 22, 2020)

Yakovenko, Natalia (ed.). 2008. *Materials of the Working Group on Monitoring Schools Textbooks in Ukrainian History*. Kyiv: UINP

Yuhnovskiy, Ihor. 1997. Speech at the Plenary Session of the Verkhovna Rada, 24.12.1999. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: https://iportal.rada.gov.ua/meeting/stenogr/show/2375.html (last accessed on March 18, 2020)

Yuhnovskiy, Ihor. 2006a. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm (last accessed on March 18, 2020)

Yuhnovskiy, Ihor. 2006b. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_37.htm (last accessed on March 18, 2020)

Yuhnovskiy, Ihor. 2007. "I Will Persuade the President: There Won't be Reconciliation," 14.05.2007. Interview by Lana Samohvalova for UNIAN. Available at: https://www.unian.ua/politics/45295-igor-yuhnovskiy-ya-vmovlyu-prezidenta-primirennya-ne-bude.html (last accessed on March 18, 2020)

Yurchuk, Yulia. 2017. "Reclaiming the Past, Confronting the Past: OUN-UPA Memory Politics and Nation Building in Ukraine (1991–2016)," in *War and Memory in Russia, Ukraine and Belarus*, edited by Julie Fedor, Markku Kangaspuro, Jussi Lassila, and Tatiana Zhurzhenko, pp. 107–137. London: Palgrave MacMillan

Yushchenko, Viktor. 2007a. The Project of the Amending Law to the Criminal Code of Ukraine. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=29881 (last accessed on March 21, 2020)

Yushchenko, Viktor. 2007b. The Project of the Amending Law to the Criminal and Criminal Procedural Codes of Ukraine, 7.12.2007. Available at: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=30993 (last accessed on March 21, 2020)

Yushchenko, Viktor. 2008. "A Foreword," in *Book of Memory of the Victims of the Holodomor 1932–1933*. Kyiv: Vydavnytstvo Oleny Telihy

Zabarskiy, Viacheslav. 2006. Speech at the Plenary Session of the Verkhovna Rada, 28.11.2006. Stenohramy plenarnyh zasidan Verkhovnoji Rady Ukrainy. Available at: http://static.rada.gov.ua/zakon/skl5/2session/STENOGR/28110602_36.htm (last accessed on March 16, 2020)

Zemke, Janusz. 1998a. Speech at the Sitting of NAD, 23.07.1998. Komisja Nadzwyczajna do rozpatrzenia projektów ustaw dotyczących powszechnego dostępu do archiwów i dokumentacji byłych organów bezpieczeństwa państwa (nr 11), Biuletyny Komisji Sejmowych, III kadencja, Biuletyn nr: 746/III. Available at: http://orka.sejm.gov.pl/Biuletyn.nsf/0/B0EA2C17952DA491C1256B73003A392D?OpenDocument (last accessed on April 19, 2020)

Zemke, Janusz. 1998b. Speech at the Sitting of the Sejm, 09.09.1998. Wypowiedzi na posiedzeniach Sejmu RP III kadencji, Druki Seimowe, 3 kadencja. Available at: http://orka2.sejm.gov.pl/Debata3.nsf/main/5945D694 (last accessed on April 19, 2020)

Zerubavel, Eviatar. 2003. *Time Maps: Collective Memory and the Social Shape of the Past*. Chicago: University of Chicago Press

Zgorzelski, Piotr, Mieczysław Kazimierz Baszko, Paweł Bejda et al. 2016. Projekt uchwały w sprawie ustanowienia 11 lipca Dniem Pamięci o Polakach – Ofiarach Ludobójstwa dokonanego przez OUN-UPA na Kresach Wschodnich II Rzeczypospolitej. Available at: http://orka.sejm.gov.pl/Druki8ka.nsf/0/B28DE40725B93265C1257FD800628D32/%24File/625.pdf (last accessed on Novemer 16, 2020)

Zvarych, Roman. 2006. 'Zakon pro Holodomor.' Interview by Tetiana Yarmoschuk. *Radio Svoboda,* 28 November 2006. Available at: https://www.radiosvoboda.org/a/955246.html (last accessed on March 18, 2020)

Zwiercan, Małgorzata. 2018. Speech at the Sitting of the Sejm, 25.01.2018. Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej. Available at: https://orka2.sejm.gov.pl/StenoInter8.nsf/0/18A94DB8D7778264C12582210013D7FF/%24File/57_a_ksiazka_bis.pdf#%5B%7B%22num%22%3A253%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22FitR%22%7D%2C-493%2C-23%2C1089%2C864%5D (last accessed on March October 17, 2020)

Zych, Józef. 1996. Speech at the Sitting of the Sejm, 27.06.1996. Wypowiedzi na posiedzeniach Sejmu RP II kadencji, Druki Seimowe, 2 kadencja. Available at: https://orka2.sejm.gov.pl/Debata2.nsf/118b9e577f3fceeac125746d0030d0fa/a4a5fb95d6f85658c12574ef0044e202?OpenDocument (last accessed on July 29, 2021)

# SUMMARY IN ESTONIAN

## „Mäluseadused“ ja kollektiivse mälu reguleerimise mustrite võrdlev analüüs: Poola ja Ukraina aastatel 1989–2020

Miks on Kesk- ja Ida-Euroopa riigid asunud reguleerima seda, kuidas rääkida ajaloost, võttes vastu „mäluseadusi“ muuhulgas ka karistusõiguslikul tasemel seadusandlike aktidena? Miks on parlamentide seadusloome, mis tegeleb mälupoliitiliste või ajaloopoliitiliste seisukohtade reguleerimisega, erinevate tulemustega? Ehk üldistatumalt: miks tegelevad Kesk- ja Ida-Euroopa riikide parlamendid erinevas ulatuses mälu ja mälestamist reguleeriva seadusloomega?

Doktoritöö vaatleb mälupoliitika arenguid Poolas ja Ukrainas alates 1989/1990 aasta demokraatlikest siiretest, seda eeskätt läbi seadusandliku prisma. Neid kahte juhtumit võib käsitleda esinduslikena mälupoliitiliste debattide intensiivsuse osas regioonis ning doktoritöö seadis eesmärgiks selgitada „mäluseaduste“ arengu üldisi mustreid ning selgitada lähemalt nn karistusõiguslikul tasemel vastu võetud seadusandlike aktide spetsiifilisi protsesse Poola ja Ukraina parlamentides. Dissertatsioonis uurisin süstemaatiliselt kahe juhtumiriigi ühismälu reguleerimise protsessiga seonduvaid poliitilisi arenguid.

Kontseptuaalsel tasandil tegeles doktoritöö süstemaatiliselt mäluseaduse kontseptsiooniga ning minu panus teadusala arengusse on selles vallas kahetine: esiteks eristab väitekiri ühismälu reguleerimise ja üleminekuõigluse poliitikate valdkondi. Eristasin varasemas mäluseaduste teemalises teadustöös kahte kontseptualiseerimise tasandit. Niinimetatud kõrgema tasandi tööd tegelevad enamasti mäluseaduse mõiste taksonoomiliste kriteeriumite määratlemisega. Selle tasandi tööd korrastavad kontseptuaalset mõtlemist, lähtudes mäluseaduse funktsionaalsuse kriteeriumist. Seejuures on karistuslikkus kui funktsionaalne kriteerium nende autorite põhiliseks kontseptuaalseks tööriistaks mäluseaduste mõistmisel ja mõtestamisel. Niinimetatud madalama taseme debatis keskendutakse idiosünkraatilistele näidetele konkreetsetest seadustest, liikudes seejärel induktiivselt kontseptualiseerimise ja klassifitseerimise suunas.

Selle debati taustal vaatlesin peatükis 2.1 kriitiliselt mõlema tasandi töid ja demonstreerisin, kuidas nii-öelda madalama taseme debattides esinevaid puutujääke saab korrigeerida süstemaatilise tööga mälupoliitika kontseptsiooni osas. Iseäranis olulisena uuendasin Eric Heinze tööst lähtudes mäluseaduste kontseptualiseerimist, suhestades selle omakorda teiste temaatiliste käsitlustega. Demonstreerin süstemaatiliselt Heinze poolt formuleeritud, selle potentsiaali kaasata nii teised klassifitseerivad lähenemised kui ka üle saada madalama taseme debati puudujääkidest. Seejärel pakun omalt poolt välja Heinze lähenemise edasiarenduse ning esitlen parandatud mäluseaduse taksonoomiat, mis on sobilik empiiriliste uurimuste läbiviimiseks kollektiivse mälu reguleerimise mustrite teemal.

Doktoritöö sisaldab kahte empiirilist uurimust (uurimus 1, peatükkides 3 ja 4 ning uurimus 2, peatükis 5). Kahe erineva uurimuse läbiviimine doktoritöö raames

annab võimaluse paremini näitlikustada „mäluseaduse“ kontseptsiooni operatsionaliseerimise potentsiaali empiiriliste uurimuste läbiviimiseks. Kontseptuaalsel tasandil (peatükk 2.1) väitis doktoritöö, et „mäluseaduse“ kontseptsiooni ei ole varasemates regiooni mälupoliitika analüüsides rakendatud täiel määral. Seega rakendasin doktoritöös lisaks kontseptuaalsele panusele kahte uurimisstrateegiat regionaalsete mäluseaduste dünaamikate analüüsimiseks.

Uurimus 1 tegeles komposiitvaatega Poola ja Ukraina parlamentide poolsele mälu ja mälestamise teemade reguleerimisele. Selles uurimuses kasutasin esimese sõltuva muutujana mäluseaduste mustreid. Uurimisdisaini poolest järgis esimene uurimus kõige sarnasemate süsteemide loogikat (*most-similar-systems-design,* MSSD) (Przeworski ja Teune, 1970) ning esimest sõltuvat muutujat käsitleti ajastuse, trajektoori ning kalduvuste võtmes, määratlemaks mäluseaduste alatüübid Poola ja Ukraina kontekstis. Need kaks juhtumiriiki esindavad eredalt variatsioone esimese sõltuva muutuja karakteristikutes, seda eelkõige (1) parlamentaarsete poliitikate ja mälestava seadusloome vaheliste seoste intensiivsuse tõttu. Enamgi veel, (2) mälu- ja mälestamise alases seadusloomes eksisteerib riigiti kalduvus eelistada üht konkreetset mäluseaduste tüüpi teistele. Seetõttu formuleeriti **uurimisprobleem** esimeses uurimuses kui: **miks esinevad variatsioonid Poola ja Ukraina mäluseaduste profiilide karakteristikutes?**

Analüütilisel tasandil käsitlesin uurimuses 1 olulisimaid teoreetilisi töid üleminekuõigluse ja mälestamise protsesside vallas (Teitel, 2000; Elster, 2004). See kirjandus leidis, et mälu-teemaline seadusandlus peaks siirde järgselt lauale tulema varastes parlamendikoosseisudes. Uurimus 1 formuleeris kaks hüpoteesi parlamenditaseme mäluprotsesside regulatsiooni ajastuse kohta. Doktoritöö empiiriline analüüs vaidlustas olemasolevaid teoreetilisi vaatenurki, mille kohaselt peaksid mälupoliitilised protsessid algama varakult pärast siirdeprotsessi toimumist (üleminekuõigluse hüpotees). Selle asemel leidis uurimuses 1 toetust teine hüpotees (mälupoliitika hüpotees), mida tutvutatakse väitekirja sissejuhatuses. Uurimus 1 argumenteeris, et mälupoliitilise võimuvõitluse struktuur rahvusparlamentides tõi kaasa mäluseaduste profiilide hilisema intensiivistumise nii Poolas kui Ukrainas.

Akadeemilise kirjanduse ülevaade (peatükk 2.2) näitas, et paljud analüüsid Poola ja Ukraina mäluseadustest katsid vaid teatud segmente mälestavast seadusloomest mõlemas riigis. Seega täitsin uurimus 1 abil selle lünga ja näitasin, kuidas struktureeritud, kolmeosalise lähenemisega mäluseaduse kontseptualiseerimisel on võimalik teostada ammendavat ammendavat analüüsi mäluseaduste profiilidest ja juhtumiriikide mälupoliitikast, kõrvutades selle teoreetilises kirjanduses esitatud argumentidega.

Uurimus 1 oli laiendatud ajalise raamistikuga, keskendudes mäluseaduste poliitikatele riiklikes parlamentides alates demokratiseerumise algusest 1989./1990. aastal. Panusena teadusala arengusse kogusin ja kodeerisin doktoritöö raames unikaalse andmestiku Poola ja Ukraina mälu ja mälestamise teemalisest seadusandlusest. See andmestik hõlmas 719 mäluseadust Poola seimi ja 447 mäluseadust Ukraina ülemraada poolt.

Poola puhul oli andmekogumise alguspunktiks 1989. aasta juuli, mil pärast parlamendivalimisi kogunenud uus parlamendikoosseis tähistas kommunistliku võimu lõppu. Ukraina puhul oli andmekogumise alguseks 1990. aasta aprill, mil Ukraina Nõukogude Sotsialistliku Vabariigi ülemraada kogunes pärast esimesi poolvabasid parlamendivalimisi. Need Poola ja Ukraina üleminekuvalimised kas käivitasid või kaasusid laiema avaliku elu demokratiseerumisega, mis omakorda käivitas ka arutelud riiklikust mälupoliitikast. Ukraina iseseisvusdeklaratsiooni vastuvõtmise kuupäeva 24. augustil 1991 ei valitud uurimuse alguspunktiks, sest see sündmus ei olnud osaks poliitilisest siirdest. 1991. aasta iseseisvusdeklaratsiooni vastuvõtmise ja Nõukogude Liidust väljaastumise järel ei toimunud Ukrainas uusi parlamendivalimisi, mistõttu võeti uuringus arvesse tervet viimase Nõukogude Ukraina ülemraada ametiaega, mis kestis 1994. aasta valimisteni.

Esimese uurimisprobleemi lahendamisel lähtusin esimeses uurimuses reast uurimisküsimustest, mis puudutasid poliitilisi dünaamikaid Poola ja Ukraina mäluseaduste profiilide mustrite osas. Küsimuste eesmärgiks oli vastata:

1) Milline on laiem mälu ja mälestamise teemalise seadusandluse kompositsioon ja seadusloome väljund kahes juhtumiriigis alates üleminekuvalimistest 1989. aastal Poolas ja 1990. aastal Ukrainas?

2) Milline on nende laiemate mäluseadusandluste kogumite (ajaloolisi isikuid puudutavad deklaratsioonid; ajaloolised sündmused; mälestuspäevad ja aastapäevad; mäluteemalist infrastruktuuri reguleerivad seadused; mäluprotseduurid jne) sisu, mille on vastu võtnud siirdejärgsed parlamendikoosseisud?

3) Kuidas on need mälu ja mälestamise teemalised seadusandluse kogumid aja möödudes ja läbi erinevate parlamendikoosseisude arenenud?

4) Milline on mäluseaduste variantide jaotus, mille on vastu võtnud Poola ja Ukraina järjestikused parlamendikoosseisud 1990. aastatel, 2000. aastatel ja 2010. aastatel ja milline on nende mäluseaduste profiilide sisu, mis võeti vastu järjestikuste parlamendikoosseisude poolt?

5) Millised olid peamised pöördepunktid parlamentide mälu ja mälestamise teemalistes regulatsioonides kahe juhtumiriigi puhul kvantitatiivselt (st., tõus teatud tüüpi seaduste arvus, mis võeti vastu teatud parlamendikoosseisu poolt) ja mäluseaduste kvaliteedi osas (riikliku mäluseadusandluse sisuline evolutsioon)?

6) Millised poliitilised liidud ja parlamentide koosseisud edendasid enam parlamendipoolset mälu reguleerimist?

7) Kes olid vastavate parlamentide peamised mälupoliitilised toimijad (poliitiliste parteide kildkonnad ja individuaalsed poliitikud), kes tõukasid tagant parlamendipoliitikaid ja seadusloomet?

Uurimus 2 kasutas sõltuva muutujana karistusõiguslikul tasemel vastuvõetud seaduste variatiivsust Poola ja Ukraina kontekstis. Uurimus 2 lähtus seejuures „mõjukate juhtumite“ (Gerring and Cojocaru, 2016) põhisest disainist: Poola ja Ukraina juhtumid on selles võtmes paradigmaatilised mälu ja mälestamist reguleeriva seadusloome intensiivsuse osas Kesk- ja Ida-Euroopas kui ka nende seaduste silmapaistvuse osas. Uurimus 2 **uurimisprobleem** küsis, **mis põhjustab variatsioone Poola ja Ukraina karistusõiguslikul tasandil tehtava seadusloome tulemuste osas?**

Kui uurimus 1 kasutas komplekti uurimisküsimusi, mis puudutasid ka poliitilisi dünaamikaid Poola ja Ukraina karistusõiguslikul tasandil vastuvõetud mäluseaduste osas, siis uurimus 2 juhindus järgmistest uurimisküsimustest:

1) Millised olid karistusõiguslikul tasemel vastuvõetud seadusandlike aktidega seonduvad sündmused ja nende käik Poola ja Ukraina parlamentides?
2) Millised ajaloolised või ühiskondlikud mälestamise protsessid käivitasid ajaloolise kõne karistusõiguslikul tasemel reguleerimise katsed?
3) Millise sisuga on need parlamentides välja pakutud ajaloolise kõne reguleerimise seadusettepanekud ja millised olid seadusandlik-poliitiliste algatuste tulemused?
4) Kuidas on võtmetähtsusega parlamendi mäluagendid argumenteerinud vajadust luua mäluseadusi karistusõiguslikul tasemel ja milline on nende ajalooliste vaadete sisu?

Nendele küsimustele vastamiseks keskendusin uurimuses 2 Poola ja Ukraina parlamentide karistusõiglusliku taseme mäluseaduste poliitiliste dünaamikate protsessianalüüsile, kasutades „tulemuste selgitamise protsesside jälgimise“ (*explaining-outcome process-tracing*, EOPT) metodoloogiat, mille arendasid välja Beach ja Pedersen (2013). Uurimus 2 käsitles ka debatti interpretatiivsete argumentide kasutamise võimalikkuse üle protsessianalüüsis (Pouliot, 2015; Norman, 2015a; 2016b; Cecchini, Kaas, ja Beach, 2020), milles võtsin pooldava hoiaku. Arendasin omaette empiirilise strateegia, inkorporeerimaks interpretatiivseid komponente karistusõigusliku taseme mäluseaduste protsessianalüüsiks. Ehk siis vaatasin ajaloopõhiste väidete sisu (ajalooliste sündmuste tõlgendused ja argumendid), näitamaks olulisemate mäluagentide orientatsiooni mälu ja mälestamise teemalistes poliitilis-legislatiivsetes protsessides.

Peamised järeldused uurimuse 1 osas viitavad Poola puhul „tõusva“ ja Ukraina puhul „edasilükkava“ kollektiivse mälu reguleerimise mustritele. Väitekirja järeldused (peatükk 6) esitlesid Poola Seimi ja Ukraina Ülemraada mälu ja mälestamise teemaliste poliitiliste protsesside mustrite ülevaadet. Poolas oli poliitilise võistluslikkuse muster struktureeritud seimi valimiste võitjate ümber, mis tähendas kahte kõige arvukamalt esindatud fraktsiooni igas järgnevas parlamendikoosseisus. Poliitiline võistlus kahe enim kohti võitnud partei vahel tõukas tagant

mälualase seadusandluse ideelist arengut ning selgitas lisaks ka mälestava seadusloome edasilükkunud intensiivsust üldisemalt. See poliitiline dünaamika püsib nii läbi 1990. aastate, 2000. aastate kui ka 2010. aastate parlamendipoliitika, hoolimata muutustest Seimis enamust omavates poliitilistes jõududes. Ukrainas oli poliitiline võistlus samuti struktureeritud võitjate ja kaotajate vahel, mida esindasid kaks vastandlikku leeri nõukogudeaegse ja Ukraina rahvusliku mälu mudeli pooldajatest. Nende kahe poliitilise mälu leeri vaheldumine ja parlamendipoliitika edenemine viis mäluteemalise regulatsiooni intensiivistumiseni 2000. aastatel, mis hoogustus veelgi 2010. aastatel. Uurimuse 2 peamine leid (ja selle analüütiline panus teadusalasse) keskendus karistusõigusliku taseme mäluseaduste loome spetsiifilistele protsessidele Poola ja Ukraina riiklikes parlamentides. Uurimus 2 argumenteeris, et see, milline orientatsioon valitseb rahvusliku ajalookirjutuse osas Seimi ja Ülemraada poliitikates, ennustas variatsioone karistusõiguslikul tasemel formuleeritud meetmetes Poola ja Ukraina ajaloolist kõne käsitlevates seadustes. Väitekirja empiiriline komponent (kogutud mäluseadused) ning analüütiline raamistik on kasutatavad ka edasistes uurimustes, näiteks Kesk- ja Ida-Euroopa mäluseaduste loomise mustrite süstemaatilisel uurimisel.

# CURRICULUM VITAE

**Name:** Andrii Nekoliak
**Date of Birth:** June 26, 1992
**E-mail:** andrii.nekoliak@yahoo.com

**Education**

2017–2022 Doctoral Studies in Political Science at the Johan Skytte Institute of Political Studies, University of Tartu (Estonia)

2015–2017 M.A. in Democracy and Governance at the Johan Skytte Institute of Political Studies, University of Tartu (Estonia)

2009–2014 M.A. and B.A in Jurisprudence and Science of Law at the Yaroslav Mudryi National Law University (Ukraine)

**Professional Experience**

09.2020–08.2021 ASTRA Junior Researcher, Johan Skytte Institute of Political Studies, University of Tartu

**Research Interests**

Law and politics, memory studies, Ukrainian studies

**Publications**

Nekoliak, Andrii (forthcoming in 2022) "'Shaming' the Court: Ukraine's Constitutional Court and the Politics of Constitutional Law in the post-Euromaidan era," special section 'Troubled Nexuses between International and Domestic Law in the Post-Soviet Space' edited by Cindy Wittke and Maryna Rabinovych, *Review of Central and East European Law*

Nekoliak, Andrii (forthcoming in 2022) "Ukrainian Institute of National Memory / Український Інститут Національної Пам'яті (Ukraine)." In *Encyclopedia of Transitional Justice*, edited by Lavinia Stan and Nadya Nedelsky. Cambridge: Cambridge University Press

Nekoliak, Andrii. 2020. "Regulating Memory through Responsibility for Historical Denialism: the Case of Unempowered Norms in Ukraine." In *Responsibility for Negation of International Crimes*, edited by Patrycja Grzebyk, 219–225. Warsaw: IWS

Nekoliak, Andrii, and Vello Pettai. 2020. "Navigating Ethnopolitical Disputes: Ukraine's Constitutional Court in the Tug-of-War over Language." In *Decentralization, Regional Diversity, and Conflict: The Case of Ukraine*, edited by Maryna Rabinovych and Hanna Shelest, 49–79. Palgrave Macmillan

Nekoliak, Andrii. 2019. "Social and Political Memories Colliding in Public Space: the Case of Post-Euromaidan Shyshaky," *Baltic Worlds*, December 2019, Vol. 12, issue 4, pp. 46–56 (Open Access)

**Selected conferences presentations**

APSA, the 11th (Virtual) American Political Science Association's Annual Meeting & Exhibition, Paper: Regulating Collective Memory by Punishment for Historical Denialism: Ukraine's 'Memory Laws' and Democracy in 1991–2020, 09.09.2020;

Memory Studies Association (MSA), the MSA Nordic Inaugural Symposium, University of Copenhagen, Paper: The 'Mounting' Memory Regulation Regime: Poland's 'Memory Laws' and Democracy in 1989–2020, 30.10.2020;

ASEEES, the 52nd Annual ASEEES Convention, 05.11.2020;

IPSA Colloquium 'Disruption, Crisis, Opportunity: Whither Democratic Governance?' Queen's University Belfast, 14.12.2020;

ASEEES, the 51st Annual Convention in San Francisco, USA, 23–26.11.2019;

CBEES, Sodertorn University, "Central and Eastern Europe 1989–2019: Orders and Freedoms" in Stockholm and Uppsala, Sweden, 06–8.11.2019;

University of Warsaw, "The Punishment of Negationism: Memory Law — International Crimes and the Problem of the Denial," Poland, 07–8.10.2019;

Memory Studies Association (MSA), Third Annual Conference at Complutense University of Madrid, Paper: Social and Political Memories Colliding in Public Space: the Case of Post-Euromaidan Shyshaky, 25–28.06.2019.

**Teaching Experience**

Teaching Assistant at University of Tartu MA-level courses:

| | |
|---|---|
| SHRG.02.005 | The Politics of History and Memory (6 ECTS, responsible lecturer: Dr. Heiko Pääbo) |
| SVJS.00.009 | Qualitative and Interpretive Research Methods (6 ECTS, responsible lecturer Dr. Kristina Muhhina) |
| P2EC.00.090 | History of Russia and Europe since 1700 (6 ECTS, responsible lecturer: Prof. David Ilmar Lepasaar Beecher) |
| SVJS.00.026 | Nations and Empires in a Globalizing World (6 ECTS, responsible lecturer: Prof. David Ilmar Lepasaar Beecher) |

# ELULOOKIRJELDUS

**Nimi:** Andrii Nekoliak
**Sünniaeg:** 26. juuni, 1992
**E-post:** andrii.nekoliak@yahoo.com

**Hariduskäik**

| | |
|---|---|
| **2017–2022** | Doktoriõpingud politoloogia erialal, Johan Skytte poliitikauuringute instituut, Tartu Ülikool (Eesti) |
| **2015–2017** | MA demokraatia ja valitsemine, Johan Skytte poliitikauuringute instituut, Tartu Ülikool (Eesti) |
| **2009–2014** | MA ja BA kohtupraktika ja õigusteadus, Yaroslav Mudryi Riiklik Õigusülikool (Ukraina) |

**Töökogemus**

| | |
|---|---|
| **09.2020–08.2021** | ASTRA nooremteadur, Johan Skytte poliitikauuringute instituut, Tartu Ülikool |

**Peamised uurimisvaldkonnad**

Õigusteadus ja poliitika, mälu-uuringud, Ukraina-uuringud

**Publikatsioonid**

Nekoliak, Andrii (ilmumas 2022) "'Shaming' the Court: Ukraine's Constitutional Court and the Politics of Constitutional Law in the post-Euromaidan era," special section 'Troubled Nexuses between International and Domestic Law in the Post-Soviet Space' edited by Cindy Wittke and Maryna Rabinovych, *Review of Central and East European Law*

Nekoliak, Andrii (ilmumas 2022) "Ukrainian Institute of National Memory / Український Інститут Національної Пам'яті (Ukraine)." In *Encyclopedia of Transitional Justice*, edited by Lavinia Stan and Nadya Nedelsky. Cambridge: Cambridge University Press

Nekoliak, Andrii. 2020. "Regulating Memory through Responsibility for Historical Denialism: the Case of Unempowered Norms in Ukraine." In *Responsibility for Negation of International Crimes*, edited by Patrycja Grzebyk, 219–225. Warsaw: IWS

Nekoliak, Andrii, and Vello Pettai. 2020. "Navigating Ethnopolitical Disputes: Ukraine's Constitutional Court in the Tug-of-War over Language." In *Decentralization, Regional Diversity, and Conflict: The Case of Ukraine*, edited by Maryna Rabinovych and Hanna Shelest, 49–79. Palgrave Macmillan

Nekoliak, Andrii. 2019. "Social and Political Memories Colliding in Public Space: the Case of Post-Euromaidan Shyshaky," *Baltic Worlds*, December 2019, Vol. 12, issue 4, pp. 46–56 (Open Access)

**Valitud konverentsiettekanded**

APSA, the 11th (Virtual) American Political Science Association's Annual Meeting & Exhibition, Ettekanne: Regulating Collective Memory by Punishment for Historical Denialism: Ukraine's 'Memory Laws' and Democracy in 1991–2020, 09.09.2020;

Memory Studies Association (MSA), the MSA Nordic Inaugural Symposium, University of Copenhagen, Ettekanne: The 'Mounting' Memory Regulation Regime: Poland's 'Memory Laws' and Democracy in 1989–2020, 30.10.2020;

ASEEES, the 52nd Annual ASEEES Convention, 05.11.2020;

IPSA Colloquium 'Disruption, Crisis, Opportunity: Whither Democratic Governance?' Queen's University Belfast, 14.12.2020;

ASEEES, the 51st Annual Convention in San Francisco, USA, 23–26.11.2019;

CBEES, Sodertorn University, "Central and Eastern Europe 1989–2019: Orders and Freedoms" in Stockholm and Uppsala, Sweden, 06–8.11.2019;

University of Warsaw, "The Punishment of Negationism: Memory Law — International Crimes and the Problem of the Denial," Poland, 07–8.10.2019;

Memory Studies Association (MSA), Third Annual Conference at Complutense University of Madrid, Ettekanne: Social and Political Memories Colliding in Public Space: the Case of Post-Euromaidan Shyshaky, 25–28.06.2019.

**Õppetöö**

Õppeassistent magistritaseme kursustel:

SHRG.02.005 Ajaloo- ja mälu poliitikad (6EAP, vastutav õppejõud: Dr Heiko Pääbo)

SVJS.00.009 Kvalitatiivsed ja interpretatiivsed uurimismeetodid (6EAP, vastutav õppejõud Dr Kristina Muhhina)

P2EC.00.090 Venemaa ja Euroopa ajalugu alates 1700 (6EAP, vastutav õppejõud: Prof. David Ilmar Lepasaar Beecher)

SVJS.00.026 Rahvused ja impeeriumid üleilmastuvas maailmas (6EAP, vastutav õppejõud: Prof. David Ilmar Lepasaar Beecher)

# DISSERTATIONES RERUM POLITICARUM UNIVERSITATIS TARTUENSIS

1. **Allan Sikk.** Highways to power: new party success in three young democracies. Tartu, 2006.
2. **Holger Mölder.** Cooperative security dilemma – practicing the hobbesian security culture in the Kantian security environment. Tartu, 2010.
3. **Heiko Pääbo.** Potential of Collective Memory Based International Identity Conflicts in Post-Imperial Space. Tartu, 2011.
4. **Mihkel Solvak.** Private member's bills in parliament – a comparative study of Finland and Estonia. Tartu, 2011, 217 p.
5. **Viljar Veebel.** The role and impact of positive conditionality in the EU pre-accession policy. Tartu, 2012, 230 p.
6. **Alar Kilp.** Church authority in society, culture and politics after Communism. Tartu, 2012, 177 p.
7. **Maria Groeneveld.** The role of the state and society relationship in the foreign policy making process. Tartu, 2012, 193 p.
8. **Mari-Liis Sööt.** Explaining Corruption: Opportunities for Corruption and Institutional Trust. Tartu, 2013, 120 p.
9. **Kadri Lühiste.** Regime Support in European Democracies. Tartu, 2013, 124 p.
10. **Raul Toomla.** De facto states in the international system: Conditions for (in-)formal engagement. Tartu, 2013, 209 p.
11. **Andro Kitus.** A Post-Structuralist Concept of Legitimacy. A thesis in partial fulfilment of the requirements for the degree of Doctor of Philosophy. Tartu, 2014, 189 p.
12. **Kristian Lau Nielsen.** Soft Power Europe:The Lesser Contradiction in Terms and Practices. Tartu, 2016, 156 p.
13. **Birgit Poopuu.** Acting is everything: the European Union and the process of becoming a peacebuilder. Tartu, 2016, 242 p.
14. **Kristina Kallas.** Revisiting the triadic nexus: An analysis of the ethnopolitical interplay between Estonia, Russia and Estonian Russians. Tartu, 2016, 152 p.
15. **Liisa Talving.** Economic conditions and incumbent support: when and how does the economy matter? Tartu, 2016, 166 p.
16. **Ryhor Nizhnikau.** Externally Induced Institutional Change in the EU's Eastern Neighbourhood: Migration and Environment Reforms in Ukraine and Moldova in 2010–2015. Tartu 2017, 218 p.
17. **Kats Kivistik.** Relevance, Content and Effects of Left-Right Identification in Countries with Different Regime Trajectories. Tartu 2017, 204 p.
18. **Lukas Pukelis.** Informal mutual oversight mechanisms in coalition governments: Insights from the Baltic states for theory building. Tartu 2018, 145 p.
19. **Shota Kakabadze.** "The Caucasian Chalk Circle": Georgia's Self at the East/West Nexus. Tartu 2020, 186 p.

20. **Maksim Kulaev.** Trade unions, transformism and the survival of Russian authoritarianism. Tartu 2020, 151 p.
21. **Juhan Saharov.** From Economic Independence to Political Sovereignty: Inventing “Self-Management” in the Estonian SSR. Tartu 2021, 161 p.