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**MEMORIAL LEGISLATION OF EASTERN EUROPEAN COUNTRIES:
BETWEEN ETHNOPOPULISM AND MNEMONIC SECURITY¹**

Abstract. *The purpose of the research is to identify the main directions of memorial legislation development in Eastern European countries at the present stage, in particular, in the context of determining its functioning in the coordinates of the ethnopopulist rhetoric growth of the respective political regimes and clarifying the degree of mnemonic security, which we could come across in the memorial legislation. Scientific Novelty.* Regarding the idea that memory management in contemporary politics has important ramifications for the retreat from democracy, the Eastern European region offers food for thought. At the same time, the analysis of the Russian, Polish and Ukrainian legislative regulation of historical memory emphasizes that the “wars of memory” are unfolding as proxy wars for modern state identities and the sense of the states security as actors of a special kind. Eastern Europe has become the “main laboratory” for studying the interrelationships between law and memory since the mid-2000s. Memory wars have broken out in the Russian-Ukrainian-Polish triangle, and historical politics, including memory laws, have become the weapon that regimes consciously relied on in their propaganda. The countries in the region have struggled for the mnemonic acknowledgment in the global social hierarchy of remembrance of the major historical events, as evidenced by their memorial laws. **Conclusions.** Due to determining the main directions of functioning in the mnemonic space of Europe regarding memory laws in the countries of its eastern part, it is feasible to bring up their striking difference from the generally accepted policy of memory in the EU. The tangible ethno-populist rhetoric is considered to be one of the controversial issue, which is inherent in such memorial legislative acts. On the other hand, the example of modern Ukraine, which is in a state of fierce and hostile war with Russia, allows us to realize the powerful potential of the mnemonic security of such legislation more deeply.

Key words: *Eastern Europe, memorial legislation, memory laws, historical politics, historical memory, ethno-populism, mnemonic security.*

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МЕМОРІАЛЬНЕ ЗАКОНОДАВСТВО КРАЇН СХІДНОЇ ЄВРОПИ: МІЖ ЕТНОПОПУЛІЗМОМ І МНЕМОНІЧНОЮ БЕЗПЕКОЮ²

Анотація. Мета – висвітлення основних напрямів розвитку меморіального законодавства країн Східної Європи на сучасному етапі, зокрема в контексті визначення його функціонування у координатах зростання етнопопулістської риторики відповідних політичних режимів та з'ясування ступеня мнемонічної безпеки, що містять у собі закони про пам'ять. **Наукова новизна.** Регіон Східної Європи дає багато інформації для роздумів стосовно того, що управління пам'яттю у сучасній політиці має вагомі наслідки для відступу від демократії. Водночас аналіз російського, польського та українського законодавчого регулювання історичної пам'яті підкреслює, що “війни пам'яті” розгортаються як проксі-війни за сучасні державні ідентичності та відчуття безпеки держав як акторів особливого роду. Від середини 2000-х рр. Східна Європа стала “головною лабораторією” для вивчення взаємозв'язків між законом і пам'яттю. У російсько-українсько-польському трикутнику спалахнули війни пам'яті, а історична політика, включаючи закони пам'яті, стала тією зброєю, на яку свідомо поклалися боротьбу за статус мнемонічного визнання у міжнародній соціальній ієрархії пам'яті про основні події минулого. **Висновки.** Визначення основних напрямів функціонування у мнемонічному просторі Європи законів про пам'ять саме в країнах її східної частини дає підставу вести мову про їхню кардинальну відмінність від загальноприйнятої в ЄС політики пам'яті. Одним із проблемних місць є відчутна етнопопулістська риторика, властива подібним меморіальним законодавчим актам. З іншого боку, якраз приклад сучасної України, що перебуває у стані гарячої агресивної війни з боку Росії, дозволяє глибше усвідомити потужний потенціал мнемонічної безпеки такого законодавства.

Ключові слова: Східна Європа, меморіальне законодавство, закон про пам'ять, історична політика, історична пам'ять, етнопопулізм, мнемонічна безпека.

Problem Statement. Russia's unprovoked aggression against Ukraine in February of 2022 proved that such an abstract phenomenon as a “memorial war” may develop into a very real and hostile war. One of the components of the “wars of memory”, which became especially acute in Eastern Europe over the past decade, is the memorial legislation that is designed to fix the historical policy legally inherent in each of the states of the region. The above-mentioned situation outlined numerous difficulties caused by the relevant memory laws. In addition to the significant issues on the single European mnemonic space formation, it turned out that many such acts are based on the ethno-populist rhetoric designed to strengthen the respective nationalist regimes. On the other hand, the case of Ukraine demonstrated that memorial legislation has a powerful potential for mnemonic security as a tool for countering an aggressor state. Another aspect of studying the system of on memory laws in the Eastern European space is the importance of Ukraine taking into account its positive and negative sides, primarily given the high pace of its European integration and the need for synchronization with EU legislation.

Review of the Recent Research. The issue on studying the memorial legislation gained considerable popularity in the European sphere of humanitarian understanding of memory policy. Although there are not any comprehensive interpretations regarding the above-mentioned issue in Ukrainian historiography. It should be noted that the study on the above-mentioned issue was covered by the following domestic scholars: Heorhii Kasianov (Kasianov, 2018, Kasianov, 2022), Alina Cherviatsova (Cherviatsova, 2020), Svitlana Koch (Koch, 2018). The topic on the memorial legislation was analyzed by the following Western

² Статтю підготовлено в межах держбюджетної теми “Протидія історичній політиці країни-агресора РФ у процесі деокупації українських територій” (номер державної реєстрації 0123U101598).

scholars increasingly as Uladzislau Belavusau (Belavusau, 2023, Belavusau U., Gliszczyńska-Grabias & Mälksoo, 2021), Marta Bucholc (Bucholc, 2019), Anna Wójcik (Wójcik, 2023), Aleksandra Gliszczyńska-Grabias, Nikolaj Kuposov (Kuposov, 2018, Kuposov, 2022), Daniel Lucksted (Lucksted, 2022), Karl Gustafsson, Maria Mälksoo (Mälksoo, 2021b, Gustafsson & Mälksoo, 2024). In particular, both specific legal systems of countries in the Eastern European region are being covered in their works as well as their common features, general regional specificity, individual components and functions inherent in local memory laws are being compared, which form a specific regional mnemonic space.

The purpose of the research is to analyze the main directions of the memorial legislation development in Eastern European countries at the current stage, in particular in the context of determining its functioning in the coordinates of the ethno-populist rhetoric growth of the relevant political regimes and clarifying the degree of mnemonic security, which are in the memory laws.

Results of the Research. Over the past ten years, memory laws have developed in Eastern European countries actively, prompting memory studies experts to refer to this area as a distinct “region of memory” with its own model (Olick, 2016, Mälksoo, 2023b). As a result, the process of creating a pan-European mnemonic unity is seriously hampered. It is well known that Western Europe has been enacting memory laws since the middle of the 1980s with the intention of outlawing the Holocaust denial (“the Gayssot Law” of 1990 is the classic example in France). However, the expansion of the European Union (EU) to the East led to a clash of memories due to the fact that the East’s narratives differ from the Western interpretation of the past significantly, especially regarding World War II. Russia became another “mnemonic region” in the context of the memorial legislation formation at this stage (Ivanhorodskiy, 2023). Hence, it shows how variable and asymmetrical the memory policies of the European states are, which leaves almost no chance of agreement between them in this area (Gliszczyńska-Grabias, 2014, p. 161). On the other hand, it would be quite useful for the Western European leaders to take the issues on the mnemonic security seriously faced by the traditional “objects” of their power in Eastern Europe in order to understand the methods of the “weak” better (Mälksoo, 2021, p. 888).

In general, the Eastern European region offers diverse material for reflection on the idea that the memory management in contemporary politics has significant implications for the retreat from democracy. At the same time, an analysis of the Russian, Polish and Ukrainian legislative regulation of historical memory highlights that “memory wars” are being waged as proxy wars for contemporary state identities and the sense of states security as special kinds of actors (Belavusau, Gliszczyńska-Grabias, & Mälksoo, 2021, p. 114). The way that the past is remembered became a key component of comprehending current political events inside and between governments in Eastern Europe. According to F. Krawatzek and G. Soroka, Eastern Europe is a fascinating area to study. That is why, much attention should be paid to both the content and dynamics of memory policies in the region, as they often differ from those prevailing in the former “Soviet states” and Western European states. Furthermore, these historical narratives are increasingly circulating and reproduced in new contexts through factors such as migration and the growth of transnational media. Nevertheless, the post-communist space displays certain distinctive interpretative characteristics relating to its shared experience although there is no homogeneous mnemonic identity (Krawatzek, & Soroka, 2022, pp. 198–199).

Eastern Europe essentially became the “main laboratory” (N. Kuposov) for studying the interrelationships between law and memory since the mid-2000s. The relatively peaceful

international climate began to deteriorate in Eastern Europe rapidly due to the continued rise of populism and the emergence of Putin's authoritarian regime. It triggered an avalanche of mutual accusations of the past crimes among the governments of Russia, Poland, and Ukraine. As the nationalists came to power in all three countries, in the following years they were faced with the need to consolidate their support with increasingly ethno-populist rhetoric. Memory wars broke out in the Russian-Ukrainian-Polish triangle, and historical politics, including memory laws, became the weapon that the three regimes relied on in their propaganda consciously (Koposov, 2022, p. 279). There are different types of populism, including ethnopopulism, the rise of which marked the turn of the 21st century profoundly, especially in Eastern Europe (Müller, 2016, pp. 7–9). In contrast to Western Europe, some Eastern European memory laws are a product of ethnopopulism. Russia is a vivid example of this trend, although similar memory policies can also be observed in Poland, Hungary, and Turkey (Koposov, 2020, p. 114). The ethnopopulists whitewash the history of their countries persistently, forming a new type of memory laws that primarily shift the blame for historical injustice to other states, and also try to promote their national narratives (which, it seems, are undeservedly deprived of attention) into the mnemonic space of the EU. According to M. Bucholc, despite the Western European experience dominance in the conceptual focus of memory research thus far, memories of Eastern European societies are gaining more and more space in the European narrative, improving scientific understanding of the fundamental interdependence among collective identities, collective memory, memory politics, and historical politics (Bucholc, 2019, p. 87).

The politics of history permeates Eastern Europe, a region where conversations within and between states are always conducted in terms of the past and its contemporary, politically conditioned assessment (Soroka, 2022, p. 328). In the so-called “post-Soviet” space, memorial legislation is aimed primarily at achieving a political result and as a tool for legitimizing power by consolidating certain interpretations of past events. In addition, it captures the spirit of “geopolitical” confrontation between neighbouring countries, where mutually exclusive interpretations of the historical events are legally enshrined (Russia, Ukraine, Poland, Israel) (Ivangorodsky, 2023, p. 84). In addition, memory laws serve as both a shield and a sword in the context of memory wars unfolding in the region. It allows experts to characterize such laws as a means of “mnemonic search for security”, to fix at the state level a clear understanding of the past in order to strengthen stable self-consciousness of the nations (Belavusau, Gliszczyńska-Grabias, & Mälksoo, 2021, pp. 97–98). The most vivid examples of the mnemonic management techniques used in recent years in nations like Russia, Poland, and Ukraine are those that use militant rules of memory in order to guarantee a politically improved version of the past. Nevertheless, it is essential to take into account the purely historical peculiarity of their interactions over the ages, which culminated during World War II. At the same time, the historical legacy of the Russian-Ukrainian relations is crucial to comprehending the necessity of mnemonic security in Eastern Europe nowadays.

There is a struggle among three nations for the mnemonic recognition in the international social hierarchy of remembering significant historical events is also evident in their memorial laws. Empirically, this argument is placed against the background of respective attempts made by Russia, Poland and Ukraine to seek status through their recent mnemonic laws (Mälksoo, 2021c). According to M. Mälksoo, Russia demonstrates “mnemonical positionalism”, Poland – “mnemonical revisionism”, and Ukraine – “mnemonical self-emancipation” in the typology of mnemonical status-seeking. In this case, the laws of memory provide a general

example of securing and/or improving the mnemonical position of a state in the corresponding order of memory. The scholar brought in the notion of the “militant memocracy,” i.e. the management of historical memory through a dense network of laws and policies of memory that prescribe and prohibit, based on the conceptual comparison of “militant democracy”. The “war of memories” in Eastern Europe, however, forms a distinct regional dynamic, as the respective national memories of the victims and the shared historical experience of being the victims of the Soviet injustices act as a source of solidarity precisely in the face of the revisionist Russian narrative of World War II (Mälksoo, 2021b, pp. 489–490). By projecting an imaginary “wholeness” onto an idealized past, militant laws of memory, thus, reinforce claims to preserve national unity in the present, often reflecting dissatisfaction with liberalism and helping mobilize politics and transnational commitment aimed at destroying its core features.

The European order of memory is not a monolith, and therefore, due to the eastern enlargement of the EU, it began to lose its dominant coherence (the main culprit is the Nazi Germany, the main crime is the Holocaust), as the new members brought to it a clear emphasis that they also suffered during the war, but not only from the Nazis, but also from the Communists. In this context, the above-mentioned types of searches for the mnemonical status demonstrate a noticeable similarity in their desire for the legal institutionalization of the respective official narratives of memory. Hence, the memory laws on Russia, Poland and Ukraine seek to protect an exclusive national self-image, offering rather simplified narratives of the past, where the titular nations are depicted only as victims or heroes, in order to ensure a modern state identity. Hence, the militant memocracy seeks to create and control heroic or sacrificial fantasy of a particular nation owing to memory laws and is aimed at disciplining and punishing anyone, who threatens such idealized self-image (Mälksoo, 2021b, pp. 504–505). It is also related to the effect that M. Mälksoo offered to define as “securitization of historical memory” (Mälksoo, 2015, p. 222). It assumes that “our” narrative is maliciously misunderstood and distorted by others, and therefore their vision of the past is existentially dangerous to our existence as “us”.

Hence, there is a tendency to reproduce mutual insecurity and a constant renewal of historical hostility. Furthermore, the state can legitimize the use of force and violence to protect its “memory” in such a situation. When the past becomes an object of the national security, governments are the key actors in historical policy, and authorities are mobilized to protect dominant narratives and legislative regulation of the interpretation of past events is introduced. Therefore, the securitization of memory is often accompanied by restrictive and prohibitive measures. For instance, Russia’s historical policy of recent decades considers memory and history as an existential threat, and there were made attempts to revise the Soviet-Russian vision, which are certainly rejected in the Kremlin as an encroachment on the sovereignty of the Russian Federation and deprivation of its status as a victorious state (Latysh, 2022, p. 181). Therefore, there was a dilemma regarding the mnemonic security in the Russian-Ukrainian relations – the historical narrative that legitimizes the Ukrainian state and consolidates the nation is systematically denied by Russia, which led to memory wars. The securitization of memory is also observed in Ukraine, but in the context of a full-scale war, its historical policy looks like a completely justified step.

One of the negative consequences of the memorial legislation of Eastern European countries is that they move away from the rule of law, simultaneously with the growth of the nationalist politics of memory. For instance, Hungary and Russia have made Historical

Memory a subject of their constitutions. In both countries, these constitutional changes were implemented with the help of the referendums and were intertwined with openly populist “anniversary legislation” (Belavusau, 2020). Since the 2010s, memory laws in the region became the instruments of the mnemonic security in order to strengthen the sovereignty of individual countries in the face of the increasing Russian propaganda. The legal rehabilitation of Stalinism is at the heart of the Russian propaganda, along with the whitewashing of the Soviet expansionism, which follows Putin’s dangerous rhetoric on fomenting the post-Soviet imperialism, to justify the Russian military aggression and intervention in the region (Belavusau, 2023, pp. 72–73). As it is known, Putin’s ideology is based on the Stalinist myth of the Great Patriotic War, which includes the idea of an exclusively peaceful nature of Russia’s foreign policy (Koposov, 2018).

The Western scholars note decently that Russia has a special history associated with the control of its historical narrative. Mnemonic conflicts in Eastern Europe intensified especially after the re-election of V. Putin as the President in 2012. The culmination of this was his infamous address on February 21, 2022, 3 days before the invasion of Ukraine began. After all, this was not just rhetoric, his statements had real consequences, which, as we have seen, are manifested through the blatant weaponization of fictional narratives in the “legitimization” of Russia’s hostilities against Ukraine (Lucksted, 2022, pp. 1455–1456). The Russian aggression against Ukraine proved once again that mnemonic wars go beyond the symbolic sphere and can lead to the physical violence and military conflicts. V. Putin used made-up historical justifications in order to support and legitimize the impending invasion, denying Ukraine its right to the national sovereignty. In a nutshell, what his statement illustrates is typical of many populist and right-wing movements worldwide, not just the Russian politics. Mnemonic wars are waged by populist forces in order to strengthen the national identity and bring societies together against adversaries both inside and beyond the country (Saryusz-Wolska, Wawrzyniak & Wóycicka, 2022, p. 1276).

One of the specific features of the Eastern European memorial legislation is precisely the policy of decommunization. Russia is the exception to the above-mentioned. There should be the split with the Communism in Eastern Europe, which involves primarily the struggle for the national liberation, in which the democrats and the nationalists are allies. Hence, the phenomenon of the liberal nationalism or national liberalism, which is so typical of this region and so clearly distinguished from the national populism. As a result, decommunization became an ambivalent phenomenon, with both democratic and nationalist components. In particular, in some post-communist countries, a noticeably different culture of memory emerged, seeking to promote its national narratives rather than a “cosmopolitan”, EU-driven historical memory. Poland was the first country to outlaw the denial of both the Nazi and the Communist crimes under the 1998 Law on the Institute of National Remembrance, which was also the first case of an outright ban on certain claims about the past in Eastern Europe.

In fact, Poland created a role model regarding the memory law that was an alternative to the model in Western Europe, since the latter did not take into account certain issues typical of the Eastern European countries, arising from their respective historical peculiarities. The legacy of Communism is usually accepted there as a particularly important issue, while the collaboration of local population with the Nazi and communist regimes is systematically downplayed. This decisive denigration played a role in the memory wars of the following decades. It also explains partly the “failure to create a pan-European memory project” (Koposov, 2022, pp. 276, 278). Poland’s example was soon followed by the other countries,

including Lithuania, Latvia, Hungary, the Czech Republic, and Ukraine, as they have a particularly strong history of the anti-Soviet resistance and were immediately drawn into fierce conflicts with Russia over the interpretation of the past. At the same time, the practices of “monopolizing” public opinion with the help of historical narratives created by the state institutions and memorial legislation are not only a form of destruction of the liberal democracy, but also a mechanism for ideological justification of geopolitical practices of “expansion” (Koch, 2018, p. 49).

According to Robert Kahn, by reinforcing the state nationalism the memory laws also increase international tensions, as country A reacts to country B’s narrow memory law by introducing its own law, triggering a mnemonic arms race in which each country seeks to control the truth as it sees it, within and beyond its borders (Kahn, 2018, p. 46). Furthermore, the chain reaction on the introduction of the memorial laws in Russia, Ukraine, Poland and Israel is a vivid example of how a “mnemonic arms race” can spread in a particular region in the second half of the 2010s. At the same time, the memory laws can be an integral part of hybrid strategies for engaging the internal and external opponents of the state, just as “memory wars” can demarcate the previous phase of a kinetic conflict, as clearly demonstrated by Russia’s current war in Ukraine. Since 2014, Russia’s efforts towards political legislation on memory have been parallel to its conflict with Ukraine and have been particularly intensified after the annexation of the Crimea and intervention in Donbas. Declaring the containment of “nationalist” memories in the former Soviet space and protecting the borders of its own imperial/Soviet narrative of memory, Russia’s self-justifying memory laws have become international, not just domestic, means of political persuasion in the ongoing disputes over legitimate political memory of World War II and the Soviet legacy in general. The current full-scale Russian aggression against Ukraine can also be repected as a political containment of memory through punishment with the use of force, including to protect Russian “state history” (Gustafsson, & Mälksoo, 2024, pp. 7–8).

The Russian aggression is an imperial war in a world of nation states, supported by Russia’s open denial of Ukraine’s political sovereignty and the right of the Ukrainians to exist as an independent nation. In this conflict, the incompatible logics of sovereignty (Ukraine) and imperialism (Russia) clash. At the same time, once again we witness a postcolonial moment that reveals the distinctly Eurocentric nature of theorizing in memory studies and its relative disregard for the Eastern European ideas, the validity of their experience, and the intellectual laziness in assessing (allegedly) smaller actors in world politics. It is also symptomatic of a not-yet-decolonized model of thinking about Eastern Europe as a region whose sovereign space is supposedly always defined by stronger or supposedly more responsible and rational others (Mälksoo, 2023, pp. 471–472). And if Eastern Europe always suffered from the difference issues with its Western counterpart, the case of Ukraine as a “secondary Europe with a secondary colonial difference” (or an intermediate zone – “The East of Europe, the West of Russia”) is traditionally even more acute compared to its Central European neighbours. In Western academia, Ukraine was so far “too European for a Russian history course and too Soviet for a course on Eastern Europe”.

The reaction to Russia’s current war against Ukraine also revealed the long and unprocessed legacy of the Russian imperialism in the minds of many in the Western world when it comes to recognizing a distinct Ukrainian subjectivity. Unfortunately, the Russian imperialism and colonialism remain one of the blind spots of the academic field of memory studies and broader postcolonial studies (Mälksoo, 2023, pp. 473–474). Ukraine still seems

to occupy a subordinate position in the international community, i.e. the position of the “subordinate”. Ukraine is “orientated” as an unknown country and always in the shadow of Russia, which does not recognize its right to “difference”. This is a fairly typical reaction from a former colonialist, but what is surprising is that Western European societies still seem to believe in this view. Western media display considerable ignorance about Ukraine, making them prone to accepting Russian propaganda’s portrayal of the Ukrainians as the essentialist nationalists. It seems that Ukraine still has a long way to go to become a recognized political entity and leave its post-colonial state behind (Törnquist-Plewa, & Yurchuk, 2019, p. 714).

The spread of memorial legislation across Europe is in line with global trends in the legal protection of memory. However, while cosmopolitan historical memory prevails in the Western part of the continent, recent memory laws in Russia (2014) and Poland (2018) clearly demonstrate their new nationalist paradigm as a mnemonic weapon in the ongoing wars over memory. Furthermore, memory laws are now being used as the mnemonic tools to reinforce existing legal standards (Lucksted, 2022, p. 1450). According U. Belavusau: “illiberal democracies” seem particularly eager to return to the populist identity formation under the guise of the memory politics, introducing nationalist historiography. At the same time, the author wrote quite decently the following: “despite the fact that in other works I have spoken out against the memory laws, in the end, I came to the paradoxical conclusion that it is the Ukrainian legal acts on decommunization that are currently probably the only memory laws that can be justified in the light of mnemonic security, because Ukraine has to counteract the heavy machine of the Russian media propaganda in a dramatic state of aggression and military occupation of part of its territories. The Polish memory law of 2016 regarding Volyn tragedy is completely untimely against this background, unneighbourly, and even contradicts the logic of mnemonic security, the main task of which now should be to counteract Putin’s aggression and propaganda, and not to harass weaker neighbours (Belavusau, 2018).

Conclusions. In general, the identification of main directions of the memory laws functioning in the mnemonic space of Europe in the countries of its eastern part allows us to talk about their fundamental difference from the generally accepted policy of memory in the EU. One of the problematic areas is the noticeable ethno-populist rhetoric inherent in such memorial legislative acts. On the other hand, the example of modern Ukraine, which is in a state of hostile war with Russia, allows us to understand more deeply the powerful potential of the mnemonic security of such legislation. In the future, it is worth analyzing the memorial legislation of each of the countries of Eastern Europe in more detail, paying attention to the positive and negative aspects of both its application in practice and its impact on the societies of these countries.

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BIBLIOGRAPHY

Belavusau, U. (2018). Final Thoughts on Mnemonic Constitutionalism. *VerfBlog*, URL: <https://verfassungsblog.de/final-thoughts-on-mnemonic-constitutionalism>. DOI: 10.17176/20180115-130117. [in English]

Belavusau, U. (2023). Law and the Politics of Memory. In: M. Mälksoo (Ed.). *Handbook on the Politics of Memory*, (pp. 65–80). Cheltenham, Northampton: Edward Elgar Publishing. DOI: 10.4337/9781800372535.00011. [in English]

Belavusau, U. (2020). Mnemonic Constitutionalism and Rule of Law in Hungary and Russia. *Interdisciplinary Journal of Populism*, 1(1), 16–29. [in English]

Belavusau, U., Gliszczyńska-Grabias, A., & Mälksoo, M. (2021). Memory Laws and Memory Wars in Poland, Russia and Ukraine. *Jahrbuch des Öffentlichen Rechts*, 69, 95–116. DOI: 10.1628/joer-2021-0005. [in English]

Bucholc, M. (2019). Commemorative Lawmaking: Memory Frames of the Democratic Backsliding in Poland After 2015. *Hague Journal on the Rule of Law*, 11, 85–110. DOI: 10.1007/s40803-018-0080-7. [in English]

Cherviatsova, A. (2020). On the frontline of European memory wars: memory laws and policy in Ukraine. *European Papers*, 5(1), 119–136. DOI: 10.15166/2499-8249/387. [in English]

Gliszczyńska-Grabias, A. (2014). Memory Laws or Memory Loss? Europe in Search of Its Historical Identity through the National and International Law. *Polish Yearbook of International Law*, 34, 161–186. [in English]

Gustafsson, K., & Mälksoo, M. (2024). Memory-Political Deterrence: Shielding Collective Memory and Ontological Security through Dissuasion. *International Studies Quarterly*, 68(1), 1–12. DOI: 10.1093/isq/sqae006. [in English]

Ivangorodsky, K. (2023). Memorialne zakonodavstvo RF yak zasib okupatsiinoi polityky: istoryko-pravovyi analiz [Memorial legislation of the Russian Federation as occupation policy tool: historical and legal analysis]. *Visnyk Cherkaskoho universytetu. Seriya: Istorychni nauky – Bulletin of Cherkasy University. The series “Historical Sciences”, 1*, 78–92. DOI: 10.31651/2076-5908-2023-1-78-92. [in Ukrainian]

Kahn, R. (2018). Free Speech, Official History and Nationalist Politics: Toward a Typology of Objections to Memory Laws. *Florida Journal of International Law*, 31(1), 33–53. DOI: 10.2139/ssrn.3299751. [in English]

Kasianov, G. (2018). *Past continuous: istorychna polityka 1980-kh – 2000-kh. Ukraina ta susidy* [Past continuous: historical politics of the 1980s – 2000s. Ukraine and neighbors]. Kyiv: Laurus. [in Ukrainian]

Kasianov, G. (2022). Memory Crash. Politics of History in and around Ukraine, 1980s–2010s. Budapest: CEU Press, 2022. 418 p. [in English]

Koch, S. (2018). Memorialna polityka susidiv Ukrainy: vid stratehii natsionalnoho suverenitetu do “Velykykh derzhav” [Memorial policy of Ukraine’s neighbors: from the strategy of national sovereignty to the “Great States”]. *Politykus*, 4, 46–50. [in Ukrainian]

Koposov, N. (2020). Historians, Memory Laws, and the Politics of the Past. *European Papers*, 5(1), 107–117. DOI: 10.15166/2499-8249/390. [in English]

Koposov, N. (2018). Memory Laws: Historical Evidence in Support of the “Slippery Slope” Argument. *VerfBlog*. URL: <https://verfassungsblog.de/memory-laws-historical-evidence-in-support-of-the-slippery-slope-argument>. DOI: 10.17176/20180108-150448. [in English]

Koposov, N. (2022). Populism and Memory: Legislation of the Past in Poland, Ukraine, and Russia. *East European Politics and Societies and Cultures*, 36 (1), 272–297. DOI: 10.1177/0888325420950806. [in English]

Krawatzek, F., & Soroka, G. (2022). Circulation, Conditions, Claims: Examining the Politics of Historical Memory in Eastern Europe. *East European Politics and Societies*, 36 (1), 198–224. DOI: 10.1177/0888325420969786. [in English]

Latysh, Yu. (2022). Sekiurytyzatsiia istorychnoi pamiaty pid chas rosiisko-ukrainskoi viiny [Securitization of Historical Memory during the Russian-Ukrainian war]. *Naukovi pratsi Kamianets-Podilskoho natsionalnoho universytetu: istorychni nauky – Scientific Papers of the Kamianets-Podilskyi National University. History*, 38, 178–188. DOI: 10.32626/2309-2254.2022-38.178-188. [in Ukrainian]

Lucksted, D. (2022). Memory laws, mnemonic weapons: The diffusion of a norm across Europe and beyond. *Memory Studies*, 15(6), 1449–1469. DOI: 10.1177/17506980221134036. [in English]

Mälksoo, M. (2015). “Memory must be defended”: Beyond the politics of mnemonical security. *Security Dialogue*, 46(3), 221–237. DOI: 10.1177/0967010614552549. [in English]

Mälksoo, M. (2021). Captive minds: The function and agency of Eastern Europe in International Security Studies. *Journal of International Relations and Development*, 24(4), 866–889. DOI: 10.1057/s41268-021-00230-2. [in English]

Mälksoo, M. (2021b). Militant memocracy in International Relations: Mnemonical status anxiety and memory laws in Eastern Europe. *Review of International Studies*, 47(4), 489–507. DOI: 10.1017/s0260210521000140. [in English]

Mälksoo, M. (2021c). Who’s afraid of memory laws? Introducing ‘militant memocracy’ in International Relations. *British International Studies Association*. 13 April. URL: <https://www.bisa.ac.uk/articles/whos-afraid-memory-laws-introducing-militant-memocracy-international-relations>. [in English]

Mälksoo, M. (2023). The Postcolonial Moment in Russia’s War Against Ukraine. *Journal of Genocide Research*, 25(3–4), 471–481. DOI: 10.1080/14623528.2022.2074947. [in English]

Mälksoo, M. (2023b). Politics of memory: a conceptual introduction. In: M. Mälksoo (Ed.). *Handbook on the Politics of Memory*, (pp. 1–16). Cheltenham, Northampton: Edward Elgar Publishing. DOI: 10.4337/9781800372535. [in English]

Müller, J.-W. (2016). *What Is Populism?* Philadelphia: University of Pennsylvania Press. [in English]

Olick, J. (2016) Foreword. In: *Pakier, M. and Wawrzyniak, J. (eds) Memory and Changes in Europe: Eastern Perspectives*, (pp. IX–XII). London: Berghahn. [in English]

Saryusz-Wolska, M., Wawrzyniak, J., & Wóycicka, Z. (2022). New constellations of mnemonic wars: An introduction. *Memory Studies*, 15(6), 1275–1288. DOI: 10.1177/17506980221133733. [in English]

Soroka, G. (2022). Recalling Katyń: Poland, Russia, and the Interstate Politics of History. *East European Politics and Societies*, 36 (1), 328–355. DOI: 10.1177/0888325420983433. [in English]

Törnquist-Plewa, B., & Yurchuk, Yu. (2019). Memory politics in contemporary Ukraine: Reflections from the postcolonial perspective. *Memory Studies*, 12(6), 699–720. DOI: 10.1177/1750698017727806. [in English]

Wójcik, A. (2023). Memory Laws, Rule of Law, and Democratic Backsliding: The Case of Poland. *Journal of Illiberalism Studies*, 3(3), 71–87. DOI: 10.53483/XCNP3562. [in English]

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