

CONFERENCE

# JURIDIFICATION OF HISTORY

BETWEEN COLLECTIVE MEMORY, HISTORIOGRAPHY AND POLITICS OF MEMORY

- 18.12.2020 -

## GOAL:

The conference will provide a legal and philosophical contribution to the discussion on the juridisation of history – a process of interference by legislator and the courts with public debate about the past. The formulation of narratives referring to the past is a key element of the politics of memory by countries and nations competing for “moral capital” or striving to achieve other goals. The memory laws (lois mémorielles, Erinnerungsgesetze, prawa pamięci) may therefore be either ant negationist or anti-defamatory. In the former case, they are to set the boundaries to historical denialism, whereas in the latter – to protect against libel and defamation, i.e. behaviors that also demonstrate strong, yet more subtle revisionistic potential. Whatever their nature, memory laws create legal taboos that restrict freedom of expression.

The premise of the conference is therefore to provide scientific perspectives on moral, philosophical, sociological and political questions related to the juridisation of history. Conference’s main focus is on the laws enacted in various jurisdictions as well as judicial practice (national and international) regarding remembrance of Holocaust and other crimes committed during World War II. Some contributions will be dedicated to exploration of other junctions between law and memory.

## DATE:

Friday, December 18th, 2020, begin 9.30 AM, estimated end: 6.00 PM.

## LANGUAGE:

English (no interpretation provided)

## HOST / CONFERENCE ORGANIZER:

Polish Academy of Sciences - Scientific Center in Vienna  
1030 Vienna, Boerhaavegasse 25

## VENUE:

Due to the COVID-19 pandemic event will take a form of a video conference with live streaming on [www.lawandmemory.eu](http://www.lawandmemory.eu)

## CONVENER:

Prof. Arkadiusz Radwan, Polish Academy of Sciences - Scientific Center in Vienna,  
contact: [radwan@viennapan.org](mailto:radwan@viennapan.org)

## COORDINATOR:

Dr. Sonia Horonziak, Polish Academy of Sciences - Scientific Center in Vienna,  
contact: [horonziak@viennapan.org](mailto:horonziak@viennapan.org)

## PARTNERS

## AGENDA

### OPENING ADDRESS

#### Juridification of history. Necessity, futility and the rage of the powerless

9.30 AM – 9.45 AM

Prof. Arkadiusz Radwan (Polish Academy of Sciences - Scientific Centre in Vienna; Vytautas Magnus University): Opening address

### SESSION I

#### Moral, philosophical and cultural foundations of legal governance of history

Chair: Prof. Michał Balcerzak

09.45 AM – 10.00 AM

Prof. Jiří Přibáň (School of Law and Politics, Cardiff University): Political and legal constitution of collective memory and its functionalities: on post-national Europe of historical hopes and fears

10.00 AM – 10.15 AM

Dr. Miłosz Matuschek (Panthéon-Sorbonne University): A good idea? Moral-philosophical justification of legislative interference with collective memories and historical narratives

10.15 AM - 10.30 AM

Dr. Aušrinė Pasvenskienė (Vytautas Magnus University): Political correctness, societal taboos and legally decreed truths – some reflections on the limits of academic freedom in debating genocides

10.30 AM – 10.45 AM

Dr. Lea David (University College Dublin): Ideological frameworks of the juridification of the past

10.45 AM – 11.15 AM Discussion

[11.15 AM – 11.30 AM – Coffee break](#)

### SESSION II

#### Collective memory, genocides and international law

Chair: Dr. Sonia Horonziak

11.30 AM – 11.45 AM

Prof. Michał Balcerzak (Nicolaus Copernicus University in Toruń): Memory of genocides and other international crimes from the perspective of public international law and the protection of human rights

## PARTNERS

11.45 AM - 12.00 PM

Prof. Paweł Wiliński (Adam Mickiewicz University in Poznań): Fighting for truth. Achievements and limitations of international criminal law in preserving memory of genocide and other international crimes.

12.00 PM – 12.15 PM

Dr. hab. Dennis Lichtenstein (Austrian Academy of Sciences; Alpen-Adria-University Klagenfurt): Memory, identity, and legislative action in EU politics

12.15 PM – 12.45 PM Discussion

12.45 PM – 13.30 PM – Lunch break

### SESSION III

#### Nationalisation of memory - a comparative evidence of memory laws and their clashes

Chair: Prof. Arkadiusz Radwan

1.30 PM – 1.45 PM

Dr. Manuel Becker (University of Bonn): 'Vergangenheitspolitik' as the judicial part in modern German historical-political Research. Wording, Concepts and Controversies

1.45 PM – 2.00 PM

Dr. Peter Pirker (University of Innsbruck): First Sacrificers, then Victims: Austrian Post-Nazi Memory Regimes in European Comparison

2.00 PM – 2.15 PM

Dr. Mateusz Tondera (Jagiellonian Club, Kraków): Memory clashes and victimhood rivalry – two models of legal protection of memory

2.15 PM – 2.30 PM

Dr. Sonia Horonziak (Polish Academy of Sciences - Scientific Centre in Vienna): The road to hell is paved with good intentions – unintended effects of the attempted criminalisation of revisionistic defamation in Poland

2.30 PM – 2.45 PM

Prof. Fryderyk Zoll (Jagiellonian University Kraków; University of Osnabrück) - Personal rights of a nation? On the abuse of the private law for political purposes

2.45 PM – 3.15 PM Discussion

3.15 PM – 3.30 PM – Coffee break

### PARTNERS

## SESSION IV

### Look Who's Back - Political and constitutional problems of preventing Nazi revival

Chair: Prof. Paweł Wiliński

3.30 PM – 3.45 PM

Hon.-Prof.in Dr.in Brigitte Bailer-Galanda (University of Vienna; Documentation Centre of Austrian Resistance): From denazification to banning of Holocaust denial - the Austrian law against Nationalist activities

3.45 PM – 4.00 PM

Dr. Janusz Roszkiewicz (University of Warsaw): Constitutional problems of outlawing political organizations affirmative of Nazi legacy

4.00 PM – 4.20 PM Discussion

4.20 PM – 4.35 PM – Coffee break

## SESSION V

### Living with the past – decommunization and transitional justice in Central and Eastern Europe

Chair: Dr Aušrinė Pasvenskienė

4.35 PM – 4.50 PM

Dr. Jacek Sokołowski (Jagiellonian University Kraków): The grappling of legislature with the judiciary over decommunization and lustration laws – evidence from Poland

4.50 PM – 5.05 PM

Dr. Miklós Könczöl (Pázmány Péter Catholic University; Hungarian Academy of Sciences): Constitutional review of the Hungarian law governing accessibility of data concerning collaboration with the communist regime – the 1990s case law and its afterlife

5.05 PM – 5.20 PM

Prof. Klaus Ziemer (Cardinal Stefan Wyszyński University in Warsaw): GDR's "legal injustice" after Germany's Reunification

5.20 PM – 5.35 PM Discussion

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