

Introduction

The Meaning of “Memory Laws”

The term “memory laws” (*lois mémorielles*) was coined in France in the 2000s to refer to legislation that penalizes Holocaust negationism or recognizes certain events as crimes against humanity while not prohibiting their denial. The invention of a new term shows that memory laws were widely perceived as a novelty that could not be adequately described within existing categories. Laws such as these are indeed a relatively recent phenomenon, which dates back to the 1980s. Initially, the concept was colored by a strong ironic overtone and was used mostly by opponents of the new legislation, such as the eminent historians René Rémond and Pierre Nora and the novelist Françoise Chandernagor, who invoked its bizarre nature to repudiate it.¹ The *lois mémorielles* were deemed to be part of the *phénomène mémoriel*, or the rise of memory in the late twentieth century, which their adversaries typically considered a manifestation of the fragmentation and crisis of the French national identity.² But quite soon the term became more commonplace due to its remarkable success in the media, and transformed into a relatively neutral marker. An ad hoc polemical tool had thus grown into a historical concept, which is a typical trajectory for many notions in the historian’s lexicon. Unsurprisingly, though, using it for purposes of classification creates problems, because this is not what the concept was coined for.

Precisely which laws does the term refer to? There seems to be a contradiction between its literal sense and its conventional use, the first

¹ Françoise Chandernagor, “L’enfer des bonnes intentions,” *Le Monde*, December 16, 2005; René Rémond, “L’histoire et la loi,” *Études* 404/6 (2006), pp. 763–773; Rémond, *Quand l’État se mêle de l’histoire: Entretiens avec François Azouvi* (Paris: Stock, 2006); Pierre Nora and Françoise Chandernagor, *Liberté pour l’histoire* (Paris: CNRS Editions, 2008); and Nora, *Historien public* (Paris: Gallimard, 2011).

² Rémond, *Quand l’État se mêle de l’histoire*, pp. 82–83.

being far broader than the second. In addition, the term's meaning in different languages is not exactly the same, the English concept of memory laws being more inclusive than the original French notion of *lois mémorielles*. Taken literally, “memory laws” in English would mean laws regulating historical memory or simply laws on memory. In contrast to the French notion, there is here no appreciable lexical relationship with the current memory boom. In other languages, the meaning of the term vacillates between the French and the English models.³ Those nuances notwithstanding, however, in most languages the notion can be used both in a broad sense encompassing all laws that regulate collective representations of the past and in the narrow sense of prohibitions on Holocaust denial and other similar legislation. As a matter of fact, it is most often, although not always, used in the latter sense.

The tension between the two meanings can occasionally become politically charged. While many critics of memory laws in France stressed their “absolute novelty,”⁴ the partisans of this legislation invoked precedents dating back to the period of the French revolution.⁵ In this context, the demonstration of an established tradition of memory laws was intended to

³ The expression *lois mémorielles* is translated into Italian as “laws on memory” (*leggi sulla memoria*). In Germany, which was the first country to pass a special Holocaust denial bill, in 1985, its original unofficial name was “the law against the Auschwitz-lie” (*Gesetz gegen die Auschwitz-Lüge*). Although the German term “*Erinnerungsgesetze*” came into being as a translation of *lois mémorielles*, its meaning seems closer to the English notion of memory laws. It is lexically connected to such concepts as *Erinnerungskultur* (the culture of memory), which contains a reference to the present-day obsession with the past, but its prevailing interpretation holds that the culture of memory is a universal phenomenon equally typical of ancient societies and our own epoch. See Jan Assmann, “Collective Memory and Cultural Identity,” *New German Critique* 65 (1995), pp. 125–133; Aleida Assmann, *Cultural Memory and Western Civilization: Functions, Media, Archives* (New York: Cambridge University Press, 2011). The Spanish expression *leyes de la memoria histórica*, which is normally used in the singular and refers to the 2007 Historical Memory Act, evokes primarily the memory of the Civil War and the Franco regime, which this act regulates, and this brings the Spanish notion closer to the French. But the Spanish term can be also used in the plural, especially since the government of Andalusia proposed a regional bill titled “Law on Historical and Democratic Memory” (Ley 2/2017, de 28 de marzo, de Memoria Histórica y Democrática de Andalucía). In the Slavic languages, the terms for memory laws are usually calques of the French concept (e.g., *memorial'nyie zakony* in Russian, *memorial'ni zakony* in Ukrainian, *ustawy memorialne* in Polish). They refer to the French memory laws and hence, indirectly, to the memory boom. All these expressions are recent and have yet to become firmly established in their respective languages.

⁴ Rémond, *Quand l'État se mêle de l'histoire*, p. 9.

⁵ Arno Klarsfeld, “L'histoire n'appartient pas aux historiens,” *Le Monde*, January 27, 2006. Similar arguments can be put forward without any ideological implications. See Serge Barcellini, “L'État républicain, acteur de la mémoire: des morts pour la France aux morts à cause de la France,” in *Les guerres de mémoire*, eds. Pascal Blanchard and Isabelle Veyrat-Masson (Paris: La Découverte, 2008), p. 209; Timothy Garton Ash, “Trials, Purges and History Lessons: Treating a Difficult Past in Post-Communist Europe,” in *Memory and Power in Post-War Europe: Studies in the Presence of the Past*, ed. Jan-Werner Müller (Cambridge: Cambridge University Press, 2002), p. 267.

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serve as a gauge of their legitimacy. In 2008, a special commission of the French Parliament (the Accoyer Commission,⁶ which had been created to investigate the legitimacy of the memory laws), reached the following conclusion regarding their uniqueness:

The concept of *lois mémorielles* is very recent: the expression appears only in 2005 to retrospectively designate a group of texts the first of which dates back only to 1990. But the laws that this concept refers to belong to a long-standing commemorative tradition whose legacy they have both developed and problematized.⁷

This is, I believe, a reasonable conclusion, characterizing as it does the complex relationship between the “new generation” of memory laws (the term used in the Accoyer Report) and their historical predecessors. The tension between the broad and the narrow meanings of the term may, however, be heuristically productive, in drawing attention to both the novelty of the present-day memory laws and their multiple connections with previous legislation.

The group of texts mentioned in the quote above includes first of all the 1990 Gayssot Act that penalizes Holocaust negationism and three “declarative” laws – the “Armenian” Law of 2001 that recognizes the 1915 massacre of Armenians in the Ottoman Empire as a genocide; the Taubira Act, also of 2001, that proclaims slavery and the slave trade a crime against humanity; and the 2005 Mekachera Act that “acknowledges the sufferings and sacrifices” of the “civil and military victims” of the Algerian war on the French side. These statutes are usually viewed as canonical memory laws.⁸

However, there is no consensus in France on whether these four laws can even be seen as members of the same category,⁹ and not only because

⁶ The commission was chaired by Bernard Accoyer, President of the National Assembly.

⁷ *Assemblée Nationale: Rapport d'information no 1262: Rassembler la Nation autour d'une mémoire partagée* (Paris: Assemblée Nationale, 2008), p. 11.

⁸ Marc Olivier Baruch, *Des lois indignes? Les Historiens, la politique et le droit* (Paris: Tallandier, 2013).

⁹ *Ibid.*, p. 111. Some French legal scholars use the term “purely memory laws” (“lois purement mémorielles” or “lois strictement mémorielles”) to refer to declarative laws that establish “the truth of the past” but have no normative component. See Marc Frangi, “Les lois mémorielles: De l’expression de la volonté générale au législateur historien,” *Revue du droit public* 1 (2005), p. 243, and Nathalie Droin, “L’avenir des lois mémorielles à la lumière de la décision du Conseil constitutionnel du 28 février 2012 relative à la loi visant à réprimer la contestation de l’existence des génocides reconnus par la loi,” *Revue française de droit constitutionnel* 3/95 (2013), pp. 589–610. From this vantage point, the Gayssot Act is but a “partially memory law” (“loi partiellement mémorielle”). See also Patrick Fraisseix, “Le droit mémoriel,” *Revue française de droit constitutionnel* 67/3 (2006), pp. 483–508; Anne-Chloé Foirry, “Lois mémorielles, normativité et liberté d’expression dans la jurisprudence du Conseil constitutionnel: Un équilibre complexe et des

one of them criminalizes certain statements about the past while others do not. It is sometimes argued that the laws of 2001 and 2005 are declarations rather than real laws because they have created no new norms.¹⁰ More significantly, these three laws are often viewed as products of electoral manipulation and a competition of victims, such criticism being rarely voiced with regard to the Gayssot Act.

Nonetheless, the term “memory laws” was coined to refer to all these acts. The Accoyer Report states that what they have in common is their goal of fulfilling the “duty of memory” (*le devoir de mémoire*),¹¹ which since the early 1990s has become a central theme of public debates in France.¹² This is, of course, just another way of saying that memory laws are legislation having to do with the *phénomène mémoriel*, and there are several other laws that fall under this definition,¹³ not all of which are mentioned in the Accoyer Report. For instance, the report does not count as a memory law the enactment passed on October 8, 1987, that created *mort en déportation* (died during deportation) as an official status attributable to a deceased person. That could, of course, be a simple omission, for this piece of legislation was obviously in line with the duty of memory agenda. But are there good reasons not to designate as memory laws similar acts that had been passed long before the duty of memory became a fashionable idea? The law of 1987 was modeled after a law of July 2, 1915, that had introduced the concept (“*mention*”) of *mort pour la France* (died for France) in the context of legislation aimed at commemorating fallen soldiers and granting privileges to their families.¹⁴ If the former legislation belongs to this category, why should the latter not also be called a memory law? The only possible answer is that 1915 is distant from us in

évolutions possibles,” *Pouvoirs* 4/143 (2012), pp. 141–156; and Thomas Hochmann, “Le problème des lois dites ‘mémorielles’ sera-t-il résolu par les résolutions ? La référence à l’article 34-1 de la Constitution dans le discours contemporain sur les relations entre le Parlement et l’histoire,” *Droit et cultures* 66 (2013), pp. 57–69. This use of the concept is justified insofar as the problem of normativity of law is essential to legal theory. However, it obscures the novelty of laws that criminalize certain statements about the past.

¹⁰ Until the reform of 2008, the constitution of the Fifth Republic did not give the parliament the right to adopt declarations; legislators had to pass a law should they want to express their official position on a given issue. See Baruch, *Des lois indignes?*, p. 110, and *Assemblée Nationale: Rapport d’information no 1262*, p. 23.

¹¹ *Assemblée Nationale: Rapport d’information no 1262*, p. 25.

¹² Olivier Laliu, “L’invention du ‘devoir de mémoire,’” *Vingtième siècle: Revue d’histoire* 69 (2001), pp. 83–94; Sébastien Ledoux, *Le devoir de mémoire: Une formule et son histoire* (Paris: CNRS Éditions, 2016); Myriam Bienenstock, ed., *Devoir de mémoire? Les lois mémorielles et l’histoire* (Paris: Éditions de l’éclat, 2014).

¹³ *Assemblée Nationale: Rapport d’information no 1262*, pp. 25–33.

¹⁴ Barcellini, “L’État républicain,” pp. 209–219.

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time, while memory laws are a recent fact. Similar arguments have been adduced in other debates on memory laws.¹⁵

As with most historical concepts, the category of memory laws should probably be conceived in terms of the prototype theory of classification. The prototype theory states that, contrary to Aristotelian logic, human categories, or the concepts that our minds naturally form, do not follow the principle of necessary and sufficient conditions but are formed around prototypes or good examples, to which less good examples and borderline cases are associated by means of a vague family resemblance. Definitions or general concepts, it is maintained, are of little use in the actual categorization process, which is guided by a holistic perception of objects, not by a trait analysis. Empirically formed categories tend to have a hard core and a complexly structured periphery. An object can belong to this or that extent to a prototypical class (“some dogs are more doggy than others”), which is impossible with regard to an Aristotelian class, whose members are all equal so long as they satisfy the required conditions for category membership. In response, critics of the prototype theory argue that humans form different kinds of concepts. In many cases, prototypical effects do indeed occur but this does not prove that a concept does not have a meaning that we spontaneously interpret analytically, in terms of necessary and sufficient conditions.¹⁶ In a moderated version that emphasizes the plurality of forms of classification and the complexity of the semantic structures of our concepts, the prototype theory can arguably be a useful tool of historical research.¹⁷

Historical concepts (like many words of our everyday language) tend to have a general meaning and refer to concrete historical occurrences that can be seen as good examples of a particular category. In other words, they have aspects of both Aristotelian and prototypical categories. Given that these occurrences are unique historical phenomena, limited in space and time (or, to borrow from the language of the German historicists,

¹⁵ Pierre Nora, “Malaise dans l’identité historique,” in Nora and Chandernagor, *Liberté pour l’histoire*, p. 14; Rémond, *Quand l’État se mêle de l’histoire*, p. 40.

¹⁶ George Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal about the Mind* (Chicago, Ill.: The University of Chicago Press, 1987); Eric Margolis and Stephen Laurence, eds., *Concepts: Core Readings* (Cambridge, Mass.: MIT Press, 1999); Gregory L. Murphy, *The Big Book of Concepts* (Cambridge, Mass.: MIT Press, 2004). I formulated my understanding of the prototype theory and its relevance to the study of historical concepts in my *De l’imagination historique* (Paris: Editions de l’Ecole des hautes études en sciences sociales, 2009), pp. 73–105.

¹⁷ In one interpretation, Max Weber attributed a prototypical structure to his ideal types. See Jean-Claude Passeron, *Le raisonnement sociologique: L’espace non-popperien du raisonnement naturel* (Paris: Nathan, 1991), pp. 60–61.

“historical individuals,” which includes collective individuals),¹⁸ it may be said that historical concepts combine elements of a common and a proper name. We will return to this theory later, since it can help us understand an important aspect of the present-day historical consciousness. For now, however, I will limit myself to the following suggestion.

I believe that the hard core of the broadly understood category of memory laws consists of legislation penalizing statements about the past (or memory laws per se), while its periphery includes several other kinds of laws: declarative memory laws giving an 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 rehabilitating victims of 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). This list is by no means complete.¹⁹ In many cases, such legislation has practical political and social goals that extend far beyond the regulation of historical memory (for instance, combating the danger from the far right or defining veterans’ rights). The more obvious the “memorial component” of a given act is, the closer it is to the center of the category of memory laws. Characteristically, most types of peripheral memory laws existed long before this concept was coined subsequent to the emergence of the category’s hard core, as described here.²⁰

My focus in the book is on that hard core of the category of memory laws, or legislation criminalizing statements about the past that I believe typifies the present-day historical consciousness. However, I also consider

¹⁸ On the notion of historical individuals, see Heinrich Rickert, *The Limits of Concept Formation in Natural Science: A Logical Introduction to the Historical Sciences* [1896/1902], ed. Guy Oakes (Cambridge: Cambridge University Press, 1986); Ernst Troeltsch, *Der Historismus und seine Probleme, Erstes Buch: Das Logische Problem der Geschichtsphilosophie* (Tübingen: J.C.B. Mohr, 1922).

¹⁹ For other kinds of memory laws see Chapter 3.

²⁰ Cf. Miłosz Matuschek, *Erinnerungsstrafrecht: Eine Neubegründung des Verbots der Holocaustleugnung auf rechtsvergleichender und sozialphilosophischer Grundlage* (Berlin: Duncker & Humblot, 2012), pp. 43–44.

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them in the context of other laws regulating collective representations of history. From among all kinds of memory laws in the broad sense of the word, anti-fascist legislation has been particularly important to the genesis of memory laws per se, and I consider it in Chapter 2. In Eastern Europe, memory laws have also continued another legislative tradition, namely that of de-communization, which I discuss in Chapter 3.

But even in the narrowest possible sense of enactments criminalizing statements about the past, memory laws are a complexly structured category that includes several subtypes and various borderline cases, and it is not always easy to decide whether a given law belongs to that category. One of this book’s main goals is to propose a typology of those laws. Here, however, I will restrict myself to just one more brief comment on the changing meaning of this concept.

Typically, memory laws ban factual (or, more exactly, counter-factual) statements about history rather than assessments of the past. Initially (in the 1980s), they came into being to prevent Holocaust negationism, and one of the arguments in their favor was that they ban lies (the Auschwitz-lie) rather than opinions. That, in fact, is why those laws were called Holocaust *denial* laws. Indeed, occurrences of statements such as “Hitler was right to exterminate the Jews” could be more easily prosecuted on the basis of enactments prohibiting fascist propaganda and hate speech, while claims that “there had been no gas chambers” were, according to the deniers, an academic position that could not be outlawed. The goal of the new legislation was to identify that “position” as a lie and an expression of racism.

As time passed, however, the original notion began to change. Its scope expanded to include the denial of certain other crimes against humanity, so that the original target of the Auschwitz-lie had to be replaced with a broader formula. The expression “memory laws” no longer refers, therefore, only to denial, and many such laws (especially recent ones) penalize both denial and justification of those crimes. Criminalizing negationism remains crucial to the notion of memory laws because of their genealogy, but in some cases, which I would consider peripheral to the category, denial is not banned whereas justification is.²¹ Moreover, prohibitions of utterances that contain certain assessments of past events seem to antedate the emergence of the legislation that bans factual statements about history. Thus, some postwar anti-fascist laws, both in Western and Eastern

²¹ Thus, between 2007 and 2015, Spain banned only the justification but not the denial of crimes against humanity.

Europe, contained formulas that can be interpreted as bans on the positive historical evaluation of fascism.²² But they were just remote predecessors, or early peripheral cases, of the category of memory laws, as it has emerged since the 1980s when the task of criminalizing untrue statements became urgent in the context of the growing Holocaust denial movement.

Memory Laws as a Pan-European Phenomenon

Pierre Nora once called memory laws “a distinctively French legislative sport.”²³ He is right insofar as nowhere else have public debates on these laws been as passionate as in France, not to mention that the Gayssot Act of 1990 is a prototypical memory law that has provided a model for several other national enactments and international agreements. Yet the first Holocaust denial laws were adopted in Germany (1985) and Israel (1986). Since the 1990s, this legislation has become a pan-European phenomenon; to this point, some thirty European countries have laws criminalizing statements about the past on their books.²⁴ In some countries, “the French sport” has become at least as popular as in France. For instance, over the past twenty-five years, Ukrainian lawmakers have proposed more than ninety bills dealing with different aspects of historical memory. Given the variety of historical memory regimes in Europe, a comparative approach to memory laws is crucial to their understanding. My intention here is to consider this legislation in the various forms that it has taken at the mature stage of its development, rather than to fall under the spell of “the idol of origins” (Marc Bloch), which sometimes prompts us to explain a social phenomenon by the circumstances of its genesis.

²² E.g., the 1952 Italian Scelba Law, which prohibited “publicly exalting proponents, principles, deeds, and methods of fascism,” and the 1968 East German Penal Code, which criminalized “the glorification of fascism or militarism.” Both formulas obviously implied a ban on certain claims about the past.

²³ Pierre Nora, “Lois mémorielles: pour en finir avec ce sport législatif purement français,” *Le Monde*, December 27, 2011; Françoise Chandernagor (“L’histoire sous le coup de la loi,” in Nora and Chandernagor, *Liberté pour l’histoire*, p. 37) calls memory laws a “French virus.”

²⁴ To the best of my knowledge, there are almost no laws outside Europe that expressly criminalize statements about the past, which does not, however, mean that there is no censorship of historical thought there. See Antoon De Baets, *Censorship of Historical Thought: A World Guide, 1945–2000* (Westport, Conn.: Greenwood Press, 2002). The exceptions that I am aware of include the Israeli 1986 law and a series of Rwandan laws, including the Constitution of 2003 (Article 13) and Law No. 33/bis/2003 on Repressing the Crime of Genocide, Crimes against Humanity and War Crimes, which has introduced a penalty of up to twenty years’ imprisonment for the denial, crass minimization, or justification of genocide. See Yakaré-Oulé (Nani) Jansen, “Denying Genocide or Denying Free Speech? A Case Study of the Application of Rwanda’s Genocide Denial Laws,” *Northwestern Journal of International Human Rights* 12/2 (2014), pp. 191–213.

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This book has been written by a historian, not by a legal scholar. Although we owe to jurists most of what is known about memory laws, in particular with respect to the ongoing debate about the legitimacy of that legislation, history has an important contribution to make to the legal dispute that I will review later in this introduction. I hold that the expansion of memory laws, which is characteristic of the present-day political climate, is gradually changing their nature. Over recent decades, memory laws have become a historical phenomenon with its own logic of development, which has led legislators in many European countries far beyond the original intentions of the authors of the first new-generation memory laws. Initially conceived as a means of maintaining peace, these laws have instead become one of the preferred instruments of the memory wars within and between many European countries.

The book is the first study to offer a complete overview of the laws criminalizing statements about the past in Europe, including in Russia.²⁵ Most of the existing literature deals with memory laws in the West. Their more recent Eastern European, and especially Russian and Ukrainian, analogues are far less well known, for all that they are critical in assessing the role of memory laws as a device of the present-day politics of history and in understanding the polarity of the two main forms of European memory.²⁶

Although adopted largely on the initiative of the European Union and in compliance with its recommendations, some Eastern European memory laws differ significantly from their Western prototypes. I argue that in

²⁵ Texts of most memory laws are available in English in Talia Naamat, Nina Osin and Dina Porat, eds., *Legislating for Equality: A Multinational Collection of Non-Discrimination Norms*, vol. 1: Europe (Leiden: Martinus Nijhoff, 2012). Pedro Lima Marcheri, *Legislação europeia de combate ao nazismo, doutrinas de ódio e discriminação racial* (Editora Cio Do Ebook, 2015) quotes those laws in original languages as well. However, both books give only the laws' last versions as amended by 2012 and 2015, respectively. Thomas Wandres' *Die Strafbarkeit des Auschwitz-Leugnens* (Berlin: Duncker and Humblot, 2000) and Robert A. Kahn's *Holocaust Denial and the Law: A Comparative Study* (New York: Palgrave Macmillan, 2004) were the first monographical studies of memory laws (to 2000 and 2004 respectively). Matuschek's *Erinnerungsstrafrecht* focuses on German, French, and Polish cases. Other useful overviews include Michael Whine, "Expanding Holocaust Denial and Legislation Against It," in *Extreme Speech and Democracy*, eds. Ivan Hare and James Weinstein (Oxford: Oxford University Press, 2009), pp. 538–556; Luigi Cajani, "Criminal Laws on History: The Case of the European Union," *Historia* 11 (2011), pp. 19–48; Cajani, "Diritto penale et libertà dello storico," in *Riparare, Risarcire, Ricordare: Un dialogo tra storici e giuristi*, eds. Georgio Resta and Vincenzo Zeno-Zencovich (Napoli: Editoriale Scientifica, 2012), pp. 371–410; and *Law and Memory: Towards Legal Governance of History*, eds. Uladzislau Belavusau and Aleksandra Gliszczynska-Grabias (Cambridge University Press, forthcoming).

²⁶ On the perception of Eastern Europe "as a marginal [and] supplementary" issue in memory studies, see Małgorzata Pakier and Johanna Wawrzyniak, "Introduction: Memory and Change in Eastern Europe: How Special?" in *Memory and Change in Europe: Eastern Perspectives* (New York, Oxford: Berghahn Books, 2016), p. 1.

Eastern Europe, legislation on the issues of the past is often used to give the force of law to narratives centered on the history of the nation-states, which is the opposite of what such laws were meant to achieve in Western Europe and what the European Union intends to accomplish by promoting them. The latter's goal is to create a common European memory centered on the memory of the Holocaust as a means of integrating Europe, combating racism, and averting the national and ethnic conflicts²⁷ that national narratives are likely to stimulate.

The Russian case is central to my book because it convincingly demonstrates the changing nature of legislation on the issues of the past and its transformation into an instrument of memory wars that can potentially lead to shooting wars. The Russian law adopted in the midst of the Ukraine crisis in May 2014 penalizes “dissemination of knowingly false information on the activities of the USSR during the Second World War.”²⁸ This document is almost unique among memory laws, which normally protect the memories of the victims of state policy. Russian legislators claim that their law differs in no way from Western memory laws; but what they are actually seeking to do is protect the memory of the Stalin regime against the memory of its victims. The law gives legal protection to the cult of World War II (or the Great Patriotic War, as the Russians typically call it) that under Putin has become the myth of the origins of post-Soviet Russia. This cult includes the notion of the Yalta System and legitimizes the Soviet occupation of Eastern Europe in the aftermath of the war. However, as radical as it is, the Russian case points to broader tendencies in the evolution of the legislation of memory, which is now being widely used in promoting nationalistic goals. (Edoardo Grendi's notion of exceptional/normal²⁹ could almost have been coined to account for the peculiarity of this country, where world-wide trends often take extreme forms whose study helps us better understand those trends themselves.) I will, in particular, show that memory laws were an important instrument in the memory war between Russia and Ukraine, which laid the groundwork for the Russian annexation of Crimea and the war in Donbass.³⁰ Fans of “the French sport” need to be aware of its potential dangers.

²⁷ Klas-Göran Karlsson, “The Uses of History and the Third Wave of Europeanisation,” in *A European Memory? Contested Histories and Politics of Remembrance*, eds. Małgorzata Pakier and Bo Stråth (New York: Berghahn Books, 2010), pp. 38–46.

²⁸ See below, Chapter 6.

²⁹ Edoardo Grendi, “Microanalisi e storia sociale,” *Quaderni storici* 35 (1977), p. 512.

³⁰ Cf. Georgiy Kasianov, “How a War for the Past Becomes a War in the Present,” *Kritika: Explorations in Russian and Eurasian History* 16/1 (2015), pp. 149–156.