

Institutes of Trauma Re-production in a Borderland: Poland, Ukraine, and Lithuania

by Per Anders Rudling

Over the past few decades, we have observed a new trend across Europe: “memory laws,” aimed at regulating the writing of history. In several countries these have been accompanied by governmental organizations set up to shape, form and police what is referred to as “national memory.” This phenomenon is prevalent in those states of east-central Europe, where significant efforts have been vested in controlling the representation of Soviet and Nazi legacies. This essay focuses on one transnational space, the former eastern borderlands of interwar Poland, known as *Kresy Wschodnie*, a region exposed to some of the most brutal aspects of both National Socialist and communist rule. The area is now part of four independent states: Belarus, Lithuania, Poland and Ukraine. This essay aims at discussing some of the problems associated with the legislated “national” memory in those countries.¹ It is intended as a cursory overview² of some of the institutions and some key issues, to be further explored in the hereafter following contributions from each of those four countries.

Contrary to what one may surmise, the phenomenon of history legislation and setting up institutes of national memory is a recent one, which, in its current form, can be dated to the early 1990s. Moreover, the

trend started in Western Europe. It was France that first criminalized denial of the Holocaust in 1990, a move that would be copied by many other countries across Europe. However, in regard to institutionalization of memory through government agencies, Poland and Lithuania were at the forefront. Poland established the precursor of the current Institute of National Remembrance in 1991, Lithuania followed suit in 1992. Today, no less than fourteen countries have laws dedicated to the denial of the Holocaust, and the number of institutes of national memory continues to rise, in particular across the post-socialist space.³ The impetus of using state institutions to enforce a particular interpretation of history has antecedents in the communist era, but the activities of these institutes of “national memory” straddle a number of activities, including popularizing scholarship, gate-keeping of archives, and instrumentalization of history. While they are often led by trained historians, these do not always follow practices and standards of their profession. For one, they operate on the behalf of governments, using history to pursue ideological agendas. Their preferred venues are not academic, peer reviewed journals, but what they refer to as “popular-scientific” fora. They often do not adhere to standards of note apparatuses and accuracy, and do not, like academic historians, seek to be free of tendency.⁴ Various terms have been suggested

for this curious phenomenon; they have been referred to as “memorians,”⁵ “dogmatic intellectuals,”⁶ “mnemonic warriors,”⁷ “memory managers,”⁸ and “information warriors.”⁹ John-Paul Himka (b. 1949) has described politics of history as a “disease” which affects all post-communist countries.¹⁰ As this volume illustrates, the phenomenon is wider, and not limited to post-communist Europe.

Although the budgets, mandates and institutional frameworks of the memory institutes differ, there are similarities. As to the institutes that are the main focus of this study, they share the totalitarian interpretive framework and the heavy stress on victimization. Klas-Göran Karlsson (b. 1955) argues that post-Soviet history writing tends to “place blame on a communist ideology which no longer enjoys any significant popular support, identifying Lenin and Stalin and their closest henchmen as culprits, while Soviet society at large remains innocent, oppressed, subjugated and totally subjected to the arbitrary rule.”¹¹

Use and Abuse of History

The literature distinguishes between use and abuse of history, though there is no consensus regarding the terms.¹² In her essay in this volume, Florence Fröhlig argues that one such distinction is that of recognition of wrong-doings and self-victimization. Memory, she notes, “remains captive to the symptom of obsession and makes memory waver continually between use (recognition of the victims) and abuse (victim status).”

Genocide and Memory

Lithuania, Poland, and Ukraine not only share a common history, but also display similarities in terms of governmental memory management. Not least the memory of the Holocaust, its representation and management, has been surrounded by controversy and generated significant international attention.¹³ A common trope in the memory discourse in all three states is the generous application of the term “genocide,” and the centrality it occupies in their memory discourses. The term itself is linked to the eastern borderlands. Raphael Lemkin (1900–1959) and his main critic, Hersch Lauterpacht (1897–1960) were both educated at the university in the city today known as L’viv.¹⁴ From the very beginning, the

term and its use were fraught with problems. In 1948, as the United Nations Convention on Genocide (UNCG) was drafted, Stalin’s USSR and Chang Kai-Shek’s Republic of China were veto-wielding permanent members of the UN Security Council and thus had a decisive say over the definition of genocide. Unsurprisingly, Joseph Stalin “was among the most vocal opponents of extending Convention protection to political groups.”¹⁵ In May, 1948, Platon Morozov (1906–1986), the Soviet representative in this process, argued that: “Crimes committed for political motives are not connected to propaganda of

racial and national hatred and cannot therefore be included in the category covered in the notion of genocide.”¹⁶ While the Soviet bloc were not the only ones to oppose the inclusion of political groups – they were accompanied by South Africa and a number of Muslim countries¹⁷ – the 1948 Convention, as one observer notes, “breathes politics.”¹⁸ While the UNCG covers “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such,”¹⁹ it specifically and explicitly omits political groups, thus excluding mass killings by the Khmer Rouge

in the 1970s and the Soviet Union during the 1930s and 40s.²⁰

The bitter irony of Stalin playing a decisive role in the drafting of the Genocide Convention was not lost on hundreds of thousands of refugees who had fled his regime. Émigré groups picked up the term, applying it defiantly – and generously – against the Soviets.²¹ From the 1940s onwards, Lithuanian émigrés presented a tally of over 700,000 genocide victims in Lithuania.²² In 1950, genocide allegations were picked up by Mikola Abramchik (1903–1970), leader of the émigré Rada of the Belarusian People’s Republic, who accused the Kremlin of “genocide of my nation.”²³ Genocide claims similarly played a central role in the memory culture of the Galician Ukrainian émigrés from the 1940s, though, in the immediate postwar years, the focus was on the NKVD execution site in Vinnytsia, massacres of inmates in the NKVD prisons in West Ukraine in 1941, and post-war deportations from West Ukraine.²⁴ Some collaborated in multi-nationalist networks, the most prominent being the anti-Bolshevik Bloc of Nations (ABN), bringing together the successors of the Organization of Ukrainian Nationalists, the Lithu-

“Not least the memory of the Holocaust, its representation and management, has been surrounded by controversy and generated significant international attention.”

anian Activist Front, and the Ustasha, who affirmed each other's genocide claims in their publications.²⁵

Lemkin did not regard the Ukrainian famine of 1932–33 to be genocide in 1948 when he developed his concepts for the genocide convention. Rather, this came later, as the impoverished lawyer increasingly sustained himself by speaking on behalf of various groups of refugees and expellees. Over the 1950s he inflated his concept of genocide to include German policy in occupied Luxemburg, Alsace-Lorraine, and Slovenia, and all communist crimes, including the deportations of Lithuanians, Stalin's anti-cosmopolitan campaign, and the 1956 Soviet suppression of the Hungarian uprising.²⁶ Lemkin's approach does not lack critics; historian Anton Weiss-Wendt (b. 1973) points at one concern associated with the use of an ever-expanding definition of genocide: "when everything is genocide, nothing is genocide."²⁷ On his part, Lauterpacht was concerned that the UNCG's focus on groups would undermine the protection of individuals.²⁸

Communities exposed to extreme violence handled their traumas differently. It may be worth recalling that in Israel, while society was keenly aware of the Holocaust,²⁹ memory culture during the first decades of the state's existence was centered on resistance, with the Warsaw ghetto uprising constituting the key image in Israeli memory culture. The shift in focus towards the victim can rather be dated to the Eichmann Trial and the wars of 1967 and 1973.³⁰ In the case of Armenia, it was only with the 1965 semicentennial that the 1915 massacres came to occupy the central position they hold today in the Armenian diaspora's memory.³¹

For post-war émigré communities such as Ukrainian and Lithuanian Displaced Persons, a memory culture centered on genocide was also a liability. Among these groups there was a disproportionate number who had worked for the German occupation authorities in various capacities.³² The émigrés were well aware of the Holocaust – yet deliberately omitted it from their memory culture.³³ From the late 1970s, as the Holocaust became an increasingly important point of reference in Western historical culture, Ukrainian and Lithuanian émigré communities felt compelled to break their silence.³⁴ Allegations of war criminality and collaboration in the Holocaust stung the

communities, which, following the establishment of the Office for Special Investigation (OSI) in the 1980s, jointly rejected allegations of war criminality.³⁵

Holodomor

Similar to the case of the Armenian diaspora, the Galician Ukrainian diaspora elevated the 1932-1933 famine to the centerpiece of its modern history for the semicentennial anniversary. In 1983, the first "famine-genocide" memorial was erected, in the city of Edmonton in Canada.³⁶ It was to be followed by several others in Winnipeg, Windsor, and other cities. From the mid-1980s, terms like "Ukrainian Holocaust," "the Ukrainian genocide," and "famine-genocide" were increasingly replaced by the neologism *Holodomor* and coupled with the figure seven million (or higher).³⁷ The term is the preferred nomenclature of those who regard the famine as deliberate genocide, aimed at exterminating the Ukrainian nation, an interpretation which occupies a central position in the memory culture of the Ukrainian diaspora.³⁸ Though this definition is legislated into law in Ukraine, consensus remains as distant as ever, and the genocide thesis not endorsed by most scholars outside the Ukrainian community.³⁹

The late Ukrainian diaspora historian Orest Subtelny (1941–2016) argued that the famine "was to be for the Ukrainians what the Holocaust was to the Jews and the massacres of 1915 for the Armenians."⁴⁰ His massive

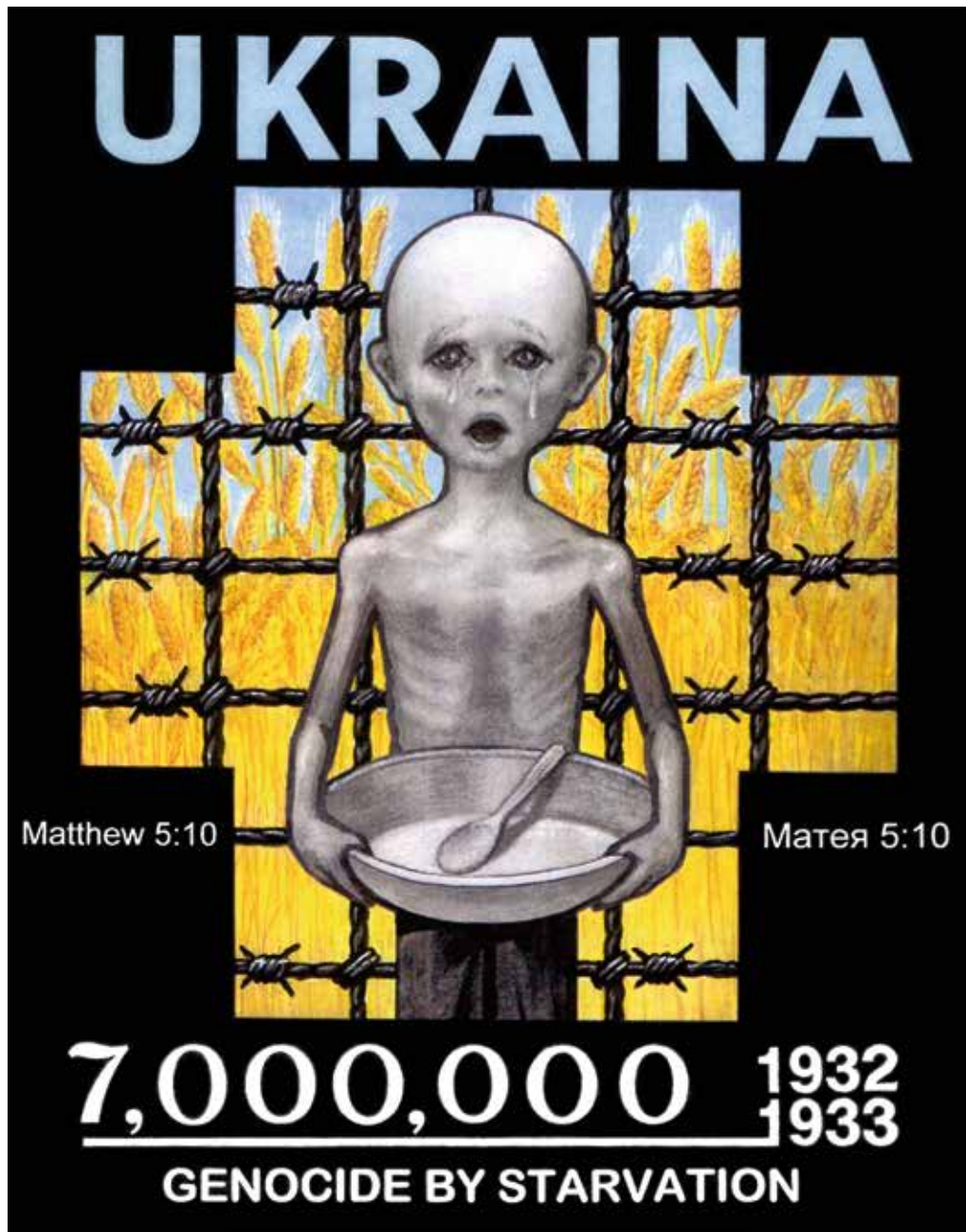
Ukraine: A History (1988), which appeared in Ukrainian translation in 1991, came to have a tremendous impact on post-Soviet Ukrainian historiography. In the early 1990s, there was hardly a work on Ukrainian history which lacked a Subtelny reference: tongue-in-cheek, historian David Marples (b. 1952) refers to Subtelny as "the new Lenin."⁴¹ Heavily centered on the his-

tory of ethnic Ukrainians, it allotted no more than five of nearly 700 pages to other ethnic groups who also called Ukraine home.⁴²

Poland: The Institute of National Remembrance

Poland, with its relatively more liberal cultural climate, already began addressing the Holocaust and popular anti-Semitism in the final years of communist rule. In 1987 Jan Błoński's (1931-2009) essay "Poor Poles looking at the Ghetto" constituted an early attempt at addressing

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Poster about *Holodomor*, the man-made famine in the Ukrainian SSR in 1932 and 1933 (Leonid Denysenko, 2009).

the topic.⁴³ Poland was at the forefront of dismantling the socialist system; it was also a pioneer in establishing an institute of national memory. In 1998, the Main Commission for the Prosecution of Crimes against the Polish Nation was incorporated into the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (*Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu, IPN*), established in 1991, a government institution straddling tasks such as prosecution, education and running archives. To a significant degree, the IPN

has mirrored the government’s historical interpretations, to the point that critics have described it as a “ministry of memory.”⁴⁴ Notably, a catalyst for these debates were Polish-born historians active abroad, who more or less forced these difficult discussions on Polish society. The discussions arguably started in earnest with Jan T. Gross’ (b. 1947) 2000 book *Neighbors*, on the 1941 Jedwabne massacre.⁴⁵ The discussions on Polish co-perpetration in the Holocaust were polarizing. National-conservative voices reaffirmed their commitment to a narrative centered on Polish victimhood.

Lithuania: Genocide and Resistance Center

In October 1992, the *Saema*, the Lithuanian parliament, legislated that the entire Soviet period constituted “Soviet genocide.”⁴⁶ The law radically expanded the definitions of the 1948 UN Genocide Convention to include persecution on social and political grounds.⁴⁷ In the same month, the Genocide and Resistance Research Centre of Lithuania (*Lietuvos gyventojų genocido ir rezistencijos tyrimo centras*, LGGRTC) and its affiliated Museum of Genocide Victims (Genocido aukų muziejus) were established in Vilnius, dedicated to “collect, keep and present historic documents about forms of physical and spiritual genocide against the Lithuanian people.”⁴⁸ The estimated number of genocide victims mentioned in public debates ranged widely from 350,000 to 800,000.⁴⁹ Debates in parliament listed 780,922 people between 1940 and 1952.⁵⁰

The lumping together of population transfers of Poles from Wilno/Vilnius, Germans from Memel/Klaipeda and deportations of Lithuanians into the Soviet interior under Stalin with the wholesale murder of the Jews blurs the distinction between deportation, expulsion and genocide. What ensues is a vaguely defined “politics of genocide,”⁵¹ or “losses during the occupation,” centered on the suffering of ethnic Lithuanians.⁵² The absence of the Holocaust, in a genocide museum in a city once known as “the Jerusalem of the North,” where Jews constituted a proportion of 41% at the turn of the century, was anything but uncontroversial.⁵³ No less problematic is that the museum’s permanent exhibition glorifies Lithuanian nationalist groups, including some that took an active part in the Holocaust. Academically, this discourse is largely detached from the scholarly field of genocide studies. Sometimes referred to as the “double genocide” narrative, it has been criticized for appropriating the Holocaust discourse.⁵⁴

International attention has necessitated changes to the center and the museum’s activities, including an exhibit addressing the Holocaust, though critics still regard the changes as insufficient, as described in this publication by Violeta Davoliūtė. After many years of sustained criticism, in April 2018 the museum was renamed the

Museum of Occupations and Freedom Fights (*Okupacijų ir laisvės kovų muziejus*).⁵⁵

An event similar in importance and impact to that of the publication of Gross’ *Neighbors* in Poland was the 2016 publication of the book *Our People* (*Mūsų šakai*). Written in a popular, semi-biographic format by journalist Rūta Vanagaitė (b. 1955) and Efraim Zuroff (b. 1948) of the Simon Wiesenthal Center, relatives of perpetrators and victims respectively, the book constituted the perhaps most serious challenge to the official narrative to date. It generated significant interest as well as emotional reactions. Indeed, many Lithuanians were deeply uncomfortable as the combative Zuroff laid out the uncomfortable facts about the Holocaust in Lithuania: “Of the 212,000 Lithuanian victims, about 5,000 were deported to death camps in Poland. The rest were rounded up in the cities, towns and villages. Some were shot on the spot, but most were marched out to a local forest or beauty spot, brutally shot, and buried in mass graves. Photographs and carefully recorded questioning reveal that in most cases the massacres were carried out by Lithuanians.

Sometimes no Germans were present.”⁵⁶

Vanagaitė describes Zuroff as “Lithuania’s bogeyman, the person who made Lithuanian schoolteachers weep.”⁵⁷ *Our People* nevertheless became a best-seller in Lithuania, but was withdrawn from circulation in 2018, officially due to a factual error in regards to an anti-Soviet insurgent venerated by Lithuanian nationalists.⁵⁸ Zuroff brushed off

the emotional reactions, musing that he took comfort in the knowledge “that each copy of the 19,000 that were sold has been read by as many as five people, and that people are waiting to borrow it.”⁵⁹ Meanwhile, the book has appeared in translations into many languages, while Vanagaitė is currently finalizing a new popular history on the Holocaust in Lithuania, this time with Christoph Dieckmann (b. 1960), the most authoritative scholar of the subject.

The Ukrainian Institute of National Memory

In Ukraine, discussions on the Holocaust and local agency got underway later, but here, too, were largely triggered by outside inquiry. Half a decade after the Jedwabne discussion in Poland, Ukrainian-born historian

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Sofia Hrachova (b. 1977), pursuing her Ph.D. at Harvard University, played a key role in initiating the first earnest debates on the role of Ukrainian nationalists in the Holocaust. One impetus here was her work with Omer Bartov (b. 1954) as his research assistant during his work on his book *Erased: Vanishing Traces of Jewish Galicia in Present-Day Ukraine*, which spilled over into the pages of the journal *Krytyka*, a high-brow intellectual journal modelled on the *New York Review of Books*, in 2005.⁶⁰ In the debates that followed, local scholars with limited exposure to the field of Holocaust studies tended to take more conservative positions.⁶¹ The discussions in Ukraine never approached anything like the intensity of the Jedwabne debates in Poland, and were eclipsed by the wave of civic protest referred to as the Orange Revolution. Swept to power by this peaceful protest, in May, 2006 the new “orange” government established a Ukrainian Institute of National Memory (*Ukrains’kyi Instytut Natsional’noi Pamiaty*, UINP), modelled on the Polish and Lithuanian examples, and launched a massive campaign to instrumentalize the recent Ukrainian past.

Under Viktor Yushchenko (b. 1954, president 2005–2010), the UINP placed a heavy stress on the *Holodomor*, which, together with a heroic representation of the ultranationalist Bandera wing of the Organization of Ukrainian Nationalists, OUN(b) and its armed forces, the Ukrainian Insurgent Army, UPA, became the center of the new “national memory.” On November 28, 2006, law 378-V, “On the *Holodomor* in Ukraine, 1932-1933” was narrowly passed by the *Verkhovna Rada*, formally recognizing the famine as *Holodomor* and “genocide of the Ukrainian people.” Parliament amended the wording of the presidential decree, changing “genocide of the Ukrainian nation” (*natsiia*) to “genocide of the Ukrainian people” (*narid*), switching the definition from ethnic to political.⁶² The following month another bill was floated in the *Rada* that sought to amend the Criminal Code of Ukraine to criminalize not the denial of the 1932–33 famine as a fact but rejection the interpretation that it constituted a deliberate *genocide*.⁶³

Yushchenko sought to persuade other governments to follow suit and follow his example of legislating history.⁶⁴ Most countries ignored his appeals; in Europe, other than Poland, only Lithuania, Estonia, and Hungary followed

suit – though countries with significant Ukrainian diasporas, such as Canada and Australia, passed similar bills.⁶⁵ In a gesture of solidarity, on December 6, 2006, Poland legislated history using near-identical terminology.⁶⁶ Despite several attempts, the criminalization of *Holodomor* denial has, to date, not been successful.⁶⁷ In March 2007, Yushchenko made a new, similarly

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unsuccessful effort, calling upon the *Verkhovna Rada* to pass a law prohibiting the denial of either the Holocaust or the *Holodomor*.⁶⁸ Though the attempts at criminalization have been unsuccessful so far, the Ukrainian government, through the foreign ministry, has sought to restrict alternative interpretations of the famine other than the official one. A recent example of this is the

intervention of the Ukrainian ambassador to Germany to pressure the German-Ukrainian history commission to disinvite the prominent historian Heorhii Kas’ianov (b. 1964), author of a number of critical studies of Ukrainian memory politics.⁶⁹

The legislating of the in-group into the role of genocide victims, paradoxically, went hand in hand with the rehabilitation of Ukrainian far right groups involved in systematic ethnic violence, not least against Poles and Jews. In particular, the designation of Roman Shukhevych (1907-1950), commander of the Ukrainian Insurgent Army (UPA), and Stepan Bandera (1909-1959), the leader of the most radical wing of the far-right Organization of Ukrainian Nationalists (OUN-Bandera) in 2007 and 2010, caused consternation in Poland.⁷⁰

De-Communizing Ukraine

Memory conflicts again came to the fore in connection with the second revolution against Yanukovich in 2014, followed by a Russian invasion and annexation of the Crimea. As part of the ideological mobilization of the home front, the Ukrainian government appointed the activist Volodymyr V’iatrovych (b. 1977) director of the Ukrainian Institute of National Memory, which was tasked with the instrumentalization of history. V’iatrovych, who up until then headed a front organization of the clandestine Bandera wing of the OUN, immediately set out to draft laws aimed as “decommunizing” Ukraine.

The post-Yanukovich leadership has been ambivalent on the legacy of the OUN and UPA. While President Pet-



The former KGB building that hosts The Museum of Occupations and Freedom Fights. PHOTO: ALGIRDAS /WIKIMEDIA COMMONS

Execution room where prisoners were killed and later buried in mass graves outside Vilnius. Objects found in these mass graves are now on display within the glass cases located across the floor of the room. PHOTO: KRISTIAN FRISK, KGB MUSEUM

ro Poroshenko (b. 1965, president 2014-2019) recognized the plight of the Jews in Babi Yar, he presented the OUN as co-victims of the Nazis, opening an oversized memorial to its martyrs on the grounds of Babi Yar. The OUN(b) greeting *Slava Ukrainy!* was adopted as a greeting for the Ukrainian armed forces and Ukrainian uniforms redesigned to resemble those of the UPA.⁷¹ During his July, 2016 state visit to Poland, Poroshenko placed a wreath at the Warsaw monument to the victims of OUN and UPA, only to have the director of the Ukrainian Institute of National Memory deny this was genocide.⁷²

In April 2015, the *Verkhovna rada* finally passed a legislation package drafted by V”iatrovych and Iuryi Shukhevych (b. 1933), son of the late UPA commander. Of these laws, two stood out as particularly controversial. Law 2538-1 outlawed “disrespect” for “fighters for Ukrainian statehood in the 20th century.”⁷³ It was accompanied by law 2558, “Condemning the communist and national socialist (Nazi) totalitarian regimes in Ukraine and banning their propaganda and symbols.”⁷⁴

The UINP has largely stayed clear of glorifying the 14th Ukrainian Waffen-SS Division Galizien,⁷⁵ but it is venerated by memorials, street names, and memorial plaques in several localities in West Ukraine. The application of law 2558 has, however, been uneven. V”iatrovych has publicly denied this Waffen-SS unit’s collaboration with the Nazis, and declared its emblem was not a Nazi symbol – thereby not subject to the ban on

“symbols of the totalitarian regimes of the 20th century.”⁷⁶ Meanwhile, in May 2017, a Lviv court sentenced a young man to two and a half years in prison for posting Lenin quotes on Facebook.⁷⁷

Critics such as historian Tarik Cyril Amar (b. 1969) of Columbia University emphasize that the laws are applied unequally.⁷⁸ “[T]he Laws are not, as claimed, targeting Nazism and Communism equally, in a spirit of ‘anti-totalitarianism’ and ‘double genocide’ symmetry, problematic in itself. The purpose of condemning Nazism is largely rhetorical – to reinforce the attack on Communism: if it were not, the simultaneous idolization of nationalist Nazi sympathizers and collaborators would be impossible.”⁷⁹

Ukrainian Nationalist Expertise

To the wealth of Ukrainian history laws was added No. 1780-VIII, “On the introduction of changes to some Ukrainian laws regarding the limitation of access to the Ukrainian market of foreign printed productions of anti-Ukrainian content,”⁸⁰ which came into force on January 1, 2017.⁸¹ Article 28 of that law subjected international media to “specialist reviews” to prevent “propaganda of war, violence, or cruelty; the incitement of racial, national, or religious hatred; dissemination of pornography...; propaganda of communist and/or national socialist (Nazi) totalitarian regimes and their symbols.”⁸²

On July 7, 2017 a 15-member “expert council” led by Bohdan Chervak (b. 1964), banned the import of twenty-five books for violating the new law.⁸³ The decision

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was announced on January 10, 2018, by the Department for the Development of the Sphere of Information and European Integration of Ukraine's State Television and Radio Broadcasting Committee (*Upravlinnia rozvytky informatsiinoi sfery ta evropeiskoi intehratsii pry Derzhavnoho komitetu telebachennia i radiomovlennia Ukrainy*).⁸⁴ Among the books banned were the award winning book *Stalingrad* by British historian Anthony Beevor (b. 1946) and Swedish journalist Anders Rydell's (b. 1982) *The Book Thieves: The Hunt for the Lost Libraries*.⁸⁵ Beevor's book was banned for mentioning a massacre of Jewish children by Ukrainian militia men in 1941, while Rydell's book was banned for containing a short reference to the 1919 pogroms carried out by the followers of Symon Petliura (1879-1926), the head of the short-lived Ukrainian People's Republic.⁸⁶ Bohdan Chervak is neither a trained historian nor a dispassionate expert. The head of the Expert Committee of the State Committee for Television and Radio Broadcasts of Ukraine is also leader of the right-wing Melnyk faction of the OUN.⁸⁷

Poland – “an Effective Instrument to Defend its Good Name”

Official Poland, which had long kept a relatively low profile in regard to the difficult aspects of Polish-Ukrainian relations, now started to object more openly. In 2013 the Sejm characterized the events in Volhynia in 1943 as “ethnic cleansing with signs of genocide.”⁸⁸

In July 2016, after the return of the national conservative Law and Justice party (*Prawo i Sprawiedliwość*, PiS) to power, Poland officially recognized the Volhynian massacres as genocide.⁸⁹ In January 2018 the Sejm banned the propagating of “Banderism,” and declared V’iatrovych persona non grata in Poland. Polish foreign minister Witold Waszczykowski (b. 1957, foreign minister 2015-2018) announced that Ukraine would not be “joining Europe” with Bandera and pledged that Poland would use its veto against a membership in EU or NATO.⁹⁰ The two countries have thus legislated two antagonistic, mutually exclusive narratives of history; whereas “disrespect” for the OUN and Bandera is a criminal offense in Ukraine, promotion of the same is a criminal offense in Poland.

In Poland, discussions on memory have increasingly focused on terminology. In particular, the ahistorical term “Polish concentration camps” has caused great ire and consternation. The Polish Foreign Ministry keeps detailed track on how often the term “Polish Concentration Camps” is used in foreign media (“as many as 103” in 2009)⁹¹ The working assumption of some of IPN-affil-



“The Gate of Death” in Auschwitz-Birkenau. Trains with victims arrived through that gate. PHOTO: LUKE / CREATIVE COMMONS

iated historians, such as Joanna Lubecka (b.1969) is that Germans are ignorant of Nazi atrocities in the east, that “knowledge about the Holocaust, despite an objectively considerable educational effort and imposing financial outlay, is on the whole rudimentary and limited” and that “crimes committed against other nations, and the Slavic in particular, are still consigned to a ‘black hole.’”⁹²

On February 1, 2018, a new law banning the use of the term “Polish death camps”⁹³ was approved by the Polish senate. Officials from the governing PiS declared the purpose of the law was to prevent “insulting and slandering the good name of Poland,”⁹⁴ while the speaker of the senate stated that Poland had now “obtained an effective instrument to defend its good name.”⁹⁵ The law is not limited to Poland, but can be applied beyond its borders.⁹⁶

In the scholarly community, voices were raised that the new law could be invoked to stifle research on Polish collaboration and co-perpetration.⁹⁷ Yad Vashem expressed its concerns that “restrictions on statements by scholars and others regarding the Polish people’s direct or indirect complicity with the crimes committed on their land during the Holocaust are a serious distortion”⁹⁸ and warned that “the law passed last night in the Polish Senate jeopardizes free and open discussion of the part of the Polish people in the persecution of the Jews at the time.”⁹⁹ Havi Dreifuss (b. 1972), professor of Jewish history at Tel Aviv University, cautioned that though the legislation is supposed to except academics and artists, “this law is creating an atmosphere of fear in Poland to talk about these issues.... Poland has wonderful scholars who really changed our understanding of many aspects of the Holocaust, and the fact that they and their students – especially the students, who won’t be part of

the exemption – will have to think twice before working on these issues is something that is very very problematic.”¹⁰⁰ Yehuda Bauer (b. 1926), Honorary Chairman of the International Holocaust Remembrance Alliance, wrote: “The legislation is designed to make research of a difficult and complicated subject [Polish participation in the Holocaust] impossible: it supposedly protects scientific or artistic works from criminalization. But who determines what such works are? What about an investigative journalist? An aspiring but not (yet?) recognized artist? Or a tourist guide explaining how the local population gleefully robbed the property of the Jews as they were being herded to be murdered? Or a simple B.A. student writing a seminar paper and asking for material at an archive – when they submit the paper, will they then serve three years in jail because they found that a group of villagers murdered their Jewish neighbors? I guess they will prefer not to write the paper. In such an atmosphere there can be no free research or publication. It is an authoritarian, illiberal, climate.”¹⁰¹

Indeed, allegations of anti-Semitism and collaboration in the Holocaust touch upon the rawest of nerves. The suggestion by Jan T. Gross that Poles probably killed more Jews than Germans during World War II prompted president Andrzej Duda (b. 1972) to launch an “offensive” against Gross, calling for the retraction of one of Poland’s highest honors.¹⁰² Another target of ire is historian Jan Grabowski (b. 1962) at the University of Ottawa, who has similarly raised difficult and sensitive issues, unpopular with the authorities and much of popular opinion.¹⁰³

Memory laws and instrumentalizing government agencies increase the pressure on dissenting historians: not least by means of ostracizing and shaming, in media old and new. Right-wing nationalist media venues have presented them as a team, accusing them of making “careers in anti-Polonism.”¹⁰⁴ Jan Grabowski’s 2018 two-volume book *Night without an End: The Fate of Jews in Selected Counties in Occupied Poland (Dalej jest noc: Losy Żydów w wybranych powiatach okupowanej Polski)*, co-written with Barbara Engelking (b. 1962), director of the Polish Center for Holocaust Research in Warsaw, prompted the IPN to publish a counter-publication in response to what the government agency called “numerous polemics and manipulations.”¹⁰⁵

The politicization of history, Grabowski maintains, has an adverse impact on scholarly research. One aspect, he cautions, is that German academia has become reluctant to address the issue of local co-perpetration in the Holocaust. In an article in *Haaretz* Grabowski argued that

“[T]he well-intentioned determination of German politicians and academics to take exclusive responsibility for the Nazi genocide is now aiding other perpetrators to whitewash their participation.”¹⁰⁶ The near-exclusive fixation on German perpetrators at the expense of other groups, including the Polish Blue Police and the OUN, Grabowski argues, plays into the hands of the instrumentalizing narratives of PiS, FIDESZ, and other such groups.¹⁰⁷

The centrality of the German responsibility for the Holocaust ought not discourage research into local agency of non-German perpetrators in the murder, argues Polish-born historian Grzegorz Rossoliński-Liebe (b. 1979) at the Freie Universität Berlin. This German-centered approach, he argues, has an adverse effect on the understanding of the mechanisms of the Holocaust on the local level, but also plays into the hands of nationalist activists.¹⁰⁸ This “reductionist interpretation of the Holocaust,” he argues, “meets considerable interest among national politicians and historians in countries such as Ukraine, Poland, or Lithuania, as it aids them to dislodge the guilt of local perpetrators on the German occupiers and to present the Holocaust as a German-Jewish matter without participation of local actors.”¹⁰⁹

A Call for Freedom of Interpretation, for the Abolition of Memory Laws

Under the slogan “Ukraine remembers, the world acknowledges,” the UINP sought international affirmation of its claim that the 1932-33 famine was “genocide of the Ukrainian people,” in which seven, or ten, million Ukrainians perished in the republic. At the same time, its director angrily rejected Poland’s claim that the OUN(b) and UPA’s Volhynian massacres constituted genocide, expressing concerns over inflated victims tolls, denouncing it as a tasteless “hunt for victims.”¹¹⁰ In regard to Armenia, the Ukrainian foreign department issued instructions that what transpired in 1915 was *not* genocide, instructing Ukrainians to desist from participating in any commemorative events, and to place the term “Armenian genocide” within citation marks.¹¹¹ Some of the largest atrocities of modern history are reduced to political rhetoric used for political mobilization. Whether this has contributed to understanding, reflection, and education is debatable.

As it enforced its program of decommunization, the activists of the UINP insisted that it was based “primarily on the ‘European experience’.”¹¹² This is a factually correct statement; the memory laws *are* based upon

precedents from western Europe. Laws that explicitly criminalize Holocaust denial were first introduced in France in 1990. In 1994, Germany followed suit. Since then, similar Holocaust or broader genocide denial laws have been introduced in at least fourteen EU member states.¹¹³ Laws to deny the historicity of the Holocaust has been expanded to include the Armenian genocide, Stalinist crimes, and other atrocities. Their consequences are paradoxical. Some appear to underwrite division rather than reconciliation; while disrespect of the OUN and UPA is outlawed in Ukraine, their glorification is illegal in Poland. If it in France it is a criminal offense to deny the Armenian genocide, in Turkey its affirmation is forbidden. If the German practises of *Aufarbeitung* and *Vergangenheitsbewältigung* are often regarded as a success,¹¹⁴ the assessments of the parallel, post-Cold War trend of relying on legislation and courts to settle historical arguments or to prevent misrepresentation are more divided.

Today, micro-studies, including dynamics of local collaboration, are at the forefront of Holocaust research – not least in the areas of the eastern borderlands. These difficult issues would benefit from being researched and debated openly, without laws to defend the good name of contemporary politics or criminalizing disrespect of groups involved in mass ethnic violence.

Academic historians have organized themselves in order to speak up against memory laws and the legislation of history. One such project is *Liberté pour l'histoire*, led by Pierre Nora (b. 1931).¹¹⁵ Another such initiative is *Historians Without Borders*, in which former Finnish Foreign Minister Erkki Tuomioja (b. 1946) – a historian in his own right – has played a central role. Tuomioja argues that “historical truths and interpretations should not be made into legislative issues.”¹¹⁶ One of its members, Timothy Garton Ash (b. 1955), calls upon academic historians to “work within the European Union to...reverse all ... memory laws, to return to the good spirit of John Stuart Mill.”¹¹⁷

While the former eastern borderlands provide some of the more heavy-handed examples of instrumentalization and memory legislation, the discussion should not be limited to these three countries. It is not difficult to concur with *Liberté pour l'histoire* and *Historians Without Borders* about the desirability of keeping legislation away from the discipline of history; a similar call can be made in regard to government opinion making agencies in the field of history. ●

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