



## Workshop

### Legal Governance of Historical Memory in Comparative Perspective

Organizers and Co-Sponsors:

**T.M.C. Asser Institute (The Hague)**

**Center for the Study of Law and Society (Berkeley)**

**Miller Institute for Global Challenges and the Law (Berkeley)**

Venue: Room 107 – U.C. Berkeley School of Law (225 Bancroft Way)

Date: 3 April 2018 (Tuesday)

Description:

This one-day workshop held at Berkeley Law School focuses on the legal governance of historical memory often addressed in academic literature under the heading of *memory laws*. In recent years, such memory laws have spread throughout Europe and beyond, and these days encompass much more than just a prohibition of Holocaust denial – as was common twenty years ago. Memory laws aim to establish “proper” ways of interpreting – often dramatic – historical events. While many non-European states also have such laws, their status in Europe remains, for historical and political reasons, hotly contested in terms of fundamental rights, the protection of minorities and rule of law. In particular last month, the Polish law regarding the country’s 20<sup>th</sup> century history provoked an international outcry in Israel, Ukraine, USA and elsewhere. It is commonplace to argue that the United States does not have memory laws; but it does have memory politics. Debates around Ferguson and Charlottesville affairs have recently testified to this. The workshop will gather both Europe and US-based scholars, many of whom have contributed to the recent book “*Law and Memory: Towards Legal Governance of History*”, co-edited by Uladzislau Belavusau and Aleksandra Gliszczyńska-Grabias (Cambridge University Press, 2017).



CENTER FOR THE STUDY OF LAW AND SOCIETY  
BERKELEY LAW

**(3 April, Tuesday)**

09:00-10:00 a.m. Breakfast coffee / tea / pastry

Kadish Library – Center for the Study of Law and Society (2240 Piedmont Ave., Berkeley)

10:00-10:30 a.m. Opening remarks (Room 107 – U.C. Berkeley School of Law)

by Prof. Jonathan Simon (CSLS – Berkeley), Prof. Laurel Fletcher (Miller Institute for Global Challenges and the Law – Berkeley) and Dr. Ulad Belavusau (T.M.C. Asser Institute – University of Amsterdam)

10:30-12:30 a.m. (Room 107)

**Panel I “Governance of Historical Memory in European and US Law”**

Chair: Dr. Ulad Belavusau (T.M.C. Asser Institute – University of Amsterdam)

1. Prof. Eric Heinze (Queen Mary University of London)

*Theorising Law and Historical Memory: Denialism and the Pre-conditions of Human Rights*

2. Prof. Robert Kahn (University of St. Thomas, Minnesota)

*Ferguson, Charlottesville and Social Media: The Changing Nature of Memory Politics in the United States*

3. Dr. Heleen Touquet (KU University Leuven)

*The Unintended Consequences: The EU Memory Framework and the Politics of Memory in Serbia and Croatia*

Discussant: Prof. Reuel E. Schiller (UC Hastings College of the Law)

12:30-1:30 p.m. Lunch

Kadish Library – Center for the Study of Law and Society (2240 Piedmont)



1:30-3:30 p.m. (Room 107)

**Panel II “*Eastern Europe as a Current Hub of Memory Laws and Memory Wars*”**

Chair: Prof. Robert Kahn (University of St. Thomas, Minnesota)

1. Prof. Nikolay Koposov (Emory University)

*Russian Memory Law and Putin’s History Politics*

2. Dr. Ulad Belavusau (T.M.C Asser Institute)

*Memory Laws, Memory Wars and Decline of Democracy in Poland*

3. Marina Bán (T.M.C. Asser Institute)

*Mnemonic Constitutionalism and Rule of Law in Hungary*

Discussant: Prof. Richard Buxbaum (Berkeley Law School)

3:30-4:00 p.m. Coffee/tea

4:00-6:00 p.m. (Room 107)

**Panel III “*Wider Perspective on Legal Governance of History*”**

Chair: Prof. Jonathan Simon (Berkeley Law School)

1. Prof. Dimitry Kochenov (Groningen University)

*The Memory of My Name: The Highest Court in Europe Writing History through Denying Minorities the Right to a Self*

2. Prof. Angana Chatterji (Center for Race & Gender – Berkeley)

*Erasure and Counter-Memory: Law, Impunity and Resistance in South Asia*

3. Dr. Grażyna Baranowska (Polish Academy of Sciences)

*Disappeared and Missing Persons: Role of Memory Laws*

Discussant: Prof. Mariane C. Ferme (Department of Anthropology – Berkeley)

6:00-7:00 p.m. Reception (wine and hors d'oeuvres)

Kadish Library – Center for the Study of Law & Society (2240 Piedmont)