

# MEMORY LAWS, CITIZENSHIP AND FOREIGN SUBJECTS: Affirmative Action for Historic Injustices?

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The heading of *memory laws* addresses various legal prescriptions to commemorate and acknowledge certain historic facts as undisputable truth. Such memory laws have for a long time been a matter of sovereign states interested in prescribing monumental heroic versions of history. In such legal and political narratives, titular nations act as glorious subjects and various minorities and foreigners are stigmatized as oppressors and hideous invaders. In contrast, the second half of the 20<sup>th</sup> century unfolded a somewhat different phenomenon of memory laws that at least partially build up citizenship narratives beyond hegemonic sovereignty. This new governance of memory offers various invitations and even sets duties towards citizens to acknowledge sufferings of minorities and foreign subjects (Jews, Armenians, Roma, colonized nations in Africa and Latin America, etc).

My study looks into memory laws as a terrain of contestation between sovereign citizenship and obligations towards foreigners and minorities. For these ends, I intend to scrutinize:

- 1) the effect of memory laws for the emerging duty to remember in EU law as a specific mode of building European values and concept of EU citizenship out of the recognition of the Holocaust and integration of the – by now largely foreign – Jewish subjects into EU space of commemoration;
- 2) the issue of the Strasbourg distinction between Holocaust and “other genocides”, emblematic for the current Court’s discussion of the Armenian genocide at the ECtHR as well as implicit “Europeanization” of foreign subjects (Armenian and Turkish) in this affair;
- 3) *Shoah* as a matter of legislative and judicial practices in Israel, building up a citizenship narrative out of the Holocaust trauma and engaging various foreign subjects (in particular, German, Austrian, Hungarian, post-Soviet etc.) into the legal settings of memory-building. This outlook will be also enriched with a comparative study of the *Shoah* and *Naqba* in the judicial practices in Israel;
- 4) Attempts to prescribe positive/negative role of colonialism in France via *les lois mémorielles*, largely affecting foreign subjects in the post-colonial Africa;
- 5) Finally, a stream of memory laws that was triggered by de-communization in Central and Eastern Europe. The dilemma of the so-called *Historikerstreit* is particularly emblematic for this group as an ardent dispute about the singularity of the Shoah and comparability of Nazi and Stalinist repressions. While setting building blocks of post-communist national citizenship projects, these memory laws substantially affect foreign subjects.

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