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Law as a tool of collective memory formation: A study of Ukrainian “decommunisation laws”

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■ **Abstract.** Among several issues with Ukrainian collective memory of its Communist period, this study specifically addressed the one of lack of a coherent approach to the formation of such memory. The purpose of this study was to identify whether the “decommunisation laws”, adopted in 2015, provided Ukrainian memory entrepreneurs with sufficiently robust tools to build a politics of memory that would be equally applicable across the country. To this end, this study adopted the process tracing method, highlighting the case study of the drafting and adoption of the “decommunisation laws” by relevant stakeholders and the Ukrainian Parliament. Having investigated the preparatory works of these laws and their adoption, it was found that the question of centralisation played a significant role in the establishment of a coherent collective memory of Communism in Ukraine. More specifically, the fact that Members of Parliament pursued a decentralisation-driven agenda resulted in an impediment to the creation of a robust approach to Ukrainian memory of communism. It was also found that the decommunisation package granted Ukrainian memory policymakers several tools to shape the population’s memory of Communism, such as the renaming of toponyms related to Communism, opening access to the archives of the Communist regime, demolition of monuments praising Communist “heroes”, and institutionalisation of a Remembrance Day for victims of totalitarian regimes. Despite these findings, this study concluded that Ukrainian the “decommunisation laws” require a reform to achieve harmonisation considering the country’s aspirations for European integration. The findings of this study can serve as a basis for further recommendatory research on the matter of coherence in Ukrainian memory politics. Researchers might apply these findings to other events with domestically problematic memories or use them to suggest potential reforms to align Ukrainian collective memory of Communism with those of its European partners

■ **Keywords:** memory studies; historical memory legislation; memory policy instruments; decentralisation; reforms

■ Introduction

The speech of former President of Ukraine Petro Poroshenko, where he cited Russian poet Lermontov’s famous line “Farewell, Unwashed Russia” (2017), was interpreted as a full stop in Ukraine’s cultural relations with the Russian Federation. However, this bold political act of P. Poroshenko’s marked the beginning of a new chapter in Russian-Ukrainian relations. This time it was a negative one. It started with the Revolution of Dignity (2014), when, in a vox

populi-like manner, the Ukrainian population showed the world that it had decided to strive for European integration. Nonetheless, by annexing Crimea and backing up Donetsk and Luhansk’s secessionists, Russian President Vladimir Putin showed that he would not accept Ukraine’s cultural, social, and political departure from Russia. Later intensified by the 2022 full-scale invasion of Ukraine by Russian troops, this chain of events resulted in a shift in Ukrainian

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collective memory, understood from both governmental (top-down) and people's (bottom-up) perspectives (Dovhopolova, 2019).

Back in 2014, the annexation of Crimea and the Russian hybrid war in Ukraine's Eastern regions led P. Poroshenko to realise that it was time to depart from the Russian cultural influence. While political distancing from Russia was not up to discussion considering a *de facto* state of war between the countries, P. Poroshenko and the government emphasised socio-cultural breaking away from the Communist legacy. The choice of *memory non grata* was not arbitrary: the Communist past was among the building blocks of the positive attitude towards the Russian state among Ukrainians. Furthermore, the Communist regime planned and governed the most traumatic event in recent Ukrainian history – Holodomor – now widely recognised as a genocide of the Ukrainian people (Maslo, 2023). In this context, in 2015, the Ukrainian legislative adopted a series of laws that condemned Communist atrocities and tried to distance modern Ukrainian memory from anything related to totalitarianism (the “decommunisation laws”).

Addressing the coherence of these laws in shaping the country's collective memory of Communism, this study arrives at the right time because the ongoing events in Ukraine allow for institutional speculations concerning collective memory issues. M. Saryusz-Wolska *et al.* (2022) noted that by attributing enormous political powers to Ukrainian policymakers, the state of war facilitates procedures of adopting and amending laws, some of which might be particularly important for the politics of memory.

In terms of its academic relevance, this study aimed to address the gap at the intersection of legal, political, and memory studies. Since the dissolution of the USSR, many researchers have investigated decommunisation. A. Kuczabski & A. Boychuk (2020) studied the decommunisation of urban place names in Ukraine during the presidency of P. Poroshenko. The authors concluded that Ukraine's decommunisation policy in the field of toponymy had much in common with the countries of Central Europe. At the same time, there were significant differences, one of which concerned the timing and the other the content of decommunisation. For instance, most of the renaming in Ukraine took place during the wave of decommunisation in 2014-2016, rather than immediately after the fall of the communist regime, as was the case with its western neighbours. In addition, decommunisation in Ukraine also served to simultaneously de-Russify the country's symbolic space. This, according to J. Coulson (2021), was facilitated by the thesis of the Holodomor as genocide, which was intended to distance Ukraine from Russia, emphasising the consequences of Soviet colonialism and the value of Ukrainian collective memory as a matter of political

sovereignty. However, in contrast to the Baltic states, despite these policies and the Russian invasion, most of the Ukrainian population continued to use Russian as their primary language, according to a study by H. Hentschel & O. Palinska (2022). G. Kasianov (2023) noted that this decommunisation policy lacked vital components, such as restitution and compensation for the victims of the communist regime.

Considering the above, the purpose of this study was to investigate the question of how law provides political elites with memory policy instruments to shape the population's collective memory. To answer this question, the study thoroughly examined the processes that preceded the signing of the “decommunisation laws” instead of taking them for granted.

■ Literature Review

Apart from situating this study in a broader academic debate on decommunisation and politics of memory in Ukraine, this section introduces the concepts to which the study refers. Its main goal is to substantiate the findings' academic relevance by highlighting the existent research gap. Moreover, it provides a theoretical framework for the subsequent empirical analysis. Firstly, it is essential to conceptualise decommunisation since this process was the primary purpose of the “decommunisation laws”. Two main approaches to decommunisation can be identified: institutional and inclusive. The former emphasises purges of staff and does not allow the discussion to include cultural and social aspects of decommunisation. From the institutional standpoint, decommunisation underlines technical and bureaucratic aspects of dealing with the Communist past (Czarnota, 2009). On the other hand, the inclusive approach provides space for incorporating low-politics aspects, among which memory politics find their place. Socio-cultural elements play an essential role in understanding decommunisation in this vision of the concept (Demaska & Levchuk, 2020). Considering its flexibility, the inclusive approach is more suitable for addressing decommunisation practices in post-Maidan Ukraine. This is because, as M. Kovalov (2022) put forward, decommunisation carries within itself an important “symbolic” dimension, the one that “involves rethinking of the meaning of [Communist] events”. This symbolism is the defining feature of post-revolutionary Ukrainian decommunisation, making it a *sui generis* concept. Moreover, in the Ukrainian context, it is theoretically distinguishable from de-Russification and de-Sovietisation – other observable trends in Ukrainian post-Maidan politics. This conceptual distinction is important because, further in this study, the readers will see that the “decommunisation laws” tried to expand the Ukrainian decommunisation's scope of application by incorporating practices of two other concepts.

As its name suggests, de-Russification focuses on distancing particularly from Russian cultural influence. According to V. Kulyk (2018), de-Russification embodies institutional actions aimed at diminishing the Russian language's role in the de-Russifying society. S. Bychkov Green (1997) mentioned that the Baltic States were pioneers of this approach to breaking away from the cultural influence of their bigger Eastern neighbour. The main feature of this social phenomenon is prioritising national language over Russian. Yet, V. Kulyk (2018) pointed out that de-Russification in Ukraine took a mild form that implied a transitional period during which "Ukrainian identity is accepted as parallel to the Russian one". As one can see from this explanation, de-Russification occurs primarily in institutional settings where it aims at eliminating the Russian language (or, more generally, cultural influence) from everyday life, without bearing any symbolism that defines decommunisation in Ukrainian post-Maidan context.

De-Sovietisation, on the contrary, refers to actions that defined Soviet Union's legacy as *memory non grata* in Ukrainian society. According to A. Liubarets (2016), the de-Sovietisation of Ukraine started in 2014 when the spontaneous demolition of Lenin monuments occurred throughout the country without a prior governmental mandate. While its performance was mainly visual, i.e., emphasising the people's bottom-up actions (demolition of monuments or explicitly bringing to the political discussion events such as Holodomor), de-Sovietisation, just like de-Russification, has an institutional dimension since it involves structural changes in the form of, for instance, administrative reforms. However, what makes them distinct from decommunisation is that, while both focus on a definitive breaking away from an oppressive culture, their epitomes of evil are different. Furthermore, de-Sovietisation is distinct from decommunisation because the former lacks symbolic aspects. Instead of dealing with Ukraine's past by rethinking its meaning in a top-down manner, the de-Sovietisation of Ukraine mainly concerned spontaneous, grassroots initiatives in the immediate aftermath of the Revolution of Dignity.

In summary, de-Russification refers to practices of eradicating the Russian language from public space. On the other hand, de-Sovietisation has a precise bottom-up dimension and concerns distancing from purely Soviet – not necessarily Communist – practices. Both phenomena are primarily technical and highlight only one unwelcome social or historical trend. At the same time, decommunisation in the Ukrainian context is more inclusive and bears a symbolic dimension that implies rethinking its Communist past to develop a new vision of it. Thus, decommunisation is distinct from both de-Russification and de-Sovietisation in institutional (having an explicit

top-down nature) and social (emphasising symbolic distancing from everything even remotely relevant to Communism) terms.

In Ukraine after 2014, decommunisation aims to uproot all totalitarian practices while stressing the Communist past as *memory non grata*. Furthermore, building on its symbolism, post-Maidan Ukrainian decommunisation implies political appeals to the nation's psyche. It exploits the collective memory's malleability by addressing people's emotions and aiming to erase any positive memories of the country's Communist past (Coulson, 2021). However, being distinct theoretically, in practice decommunisation does not exclude two other concepts. Furthermore, some observers even argued that decommunisation would not be complete without de-Russification and de-Sovietisation (Fedinec & Csernicskó, 2017).

While this essay understands decommunisation as an encompassing concept, its vision of memory is significantly narrower. It mainly revolves around political initiatives to shape collective memory, prioritising them over memory manifestation. This institutional perspective has long found its place in the academic debate about collective memory. Rather than understanding it in N. Hunt's (2010) terms as "the joint memories held by a community about the past", this study focused on R.N. Lebow's (2006) "politics of memory": "elite constructions of memory (that) shape the memories of groups and individuals". The choice of empirical data justifies prioritising a top-down approach to memory because this study puts political initiatives in the spotlight.

Most earlier studies in the field of the collective memory of post-revolutionary Ukraine examined regional differences in the formation of the national memory (Kutsenko, 2020), Russian influence on the country's memory politics (Kasianov, 2022), or the new Ukrainian memory narrative's clash with those of other countries (Wylegała, 2017). The "decommunisation laws", once published, also found their way to bookshelves, and sparked an academic debate. This discussion primarily concerned the relationship between the enforcement of the laws and Ukrainian nation-building.

D. Marples (2018), for instance, was among scholars who preferred the term "memory laws" over the "decommunisation laws", hence emphasising their significance in collective memory formation. In line with what this study argues later, he concluded that post-Maidan decommunisation practices in Ukraine followed the path of the country's neighbours from Eastern and Central Europe. "Memory laws", according to D. Marples (2018), were not utterly successful in replacing existing national memory since "the choices adopted [were] somewhat partisan in nature". Moreover, when it came to discussing the honouring of Ukrainian nationalist organisations of

the 20th century as “fighters for independence” in the package, D. Marples (2018) argued that that part of the package was “the most disruptive” and “highly selective”, leaving influential nation builders of the Communist regime aside.

O. Shevel (2016), although basing her study on Ukrainian decommunisation practices as well, approached their contribution to nation-building differently. Reflecting on Ukrainian decommunisation, she considered the post-revolutionary political landscape as a battlefield for historical memory. Arguing that the Yatsenyuk government undertook “major steps to pivot more decisively from Russian (cultural) influence”, she pointed out what she called “the fundamental dilemma in Ukraine’s decommunisation”. It was a puzzle, according to the researcher, of how to undo the legacy of the Communist era without following the Soviet approach of mandating the one and only ‘correct’ interpretation of the past. This vision of the situation refers to the issue of malleability from which Ukrainian collective memory, like any other, suffers. Resonating with earlier discussion of decommunisation as *sui generis*, O. Shevel (2016) was concerned with unavoidable political manipulations on memory matters. Legislating history for the purposes of nation building, in Shevel’s opinion, could not occur without producing troubling consequences for society. N. Kopolov (2020) summarised analogous concerns raised by multiple academics.

As the readers could have noted from the previous paragraphs, the ongoing debate on the relationship between the “decommunisation laws” and Ukrainian nation-building attracted the attention of multiple scholars. The formation of a national identity inextricably relates to the politics of memory since politicians always manipulate memories of historical events to build their narratives.

■ Materials and Methods

This study explored the coherence in Ukrainian collective memory formation, using the adoption of the “decommunisation laws”^{1,2,3,4} as a case study. Consequently, these laws represent its nucleus. The study traced the process of their adoption to examine memory policy tools that the “decommunisation laws” provided to the Ukrainian government to shape the collective memory of the country’s Communist past

in a coherent manner. This study found the following memory-shaping instruments in the decommunisation package: renaming of toponyms related to Communism, opening access to the archives of the Communist regime, demolition of monuments glorifying Communist “heroes”, and recommendations to institutionalise a Remembrance Day for victims of totalitarian regimes.

This study put forward the central hypothesis that the decommunisation package contained powerful memory policy tools that enabled it to become an important steppingstone in the Ukrainian government’s centralised top-down alteration of the country’s collective memory about Communism. To test this claim, this paper examined the process of drafting and adopting these pieces of legislation through the lens of major internal political events in Ukraine in the aftermath of the Revolution of Dignity. Furthermore, it attempted to uncover implicit yet meaningful connections accompanying the adoption process of the laws, thereby stressing how significant the “decommunisation laws” are for Ukrainian politics of memory.

To analyse their contribution to Ukrainian politics of memory, this study focused on primary sources of qualitative nature consisting of transcripts of the Ukrainian Parliament’s sessions where the decommunisation package was discussed and adopted. To narrow the focus of the study, only fragments where Members of Parliament (MPs) explicitly addressed the importance of centralisation for the politics of memory or discussed the “decommunisation laws” were analysed. Thus, data directly related to the central hypothesis were selected, since, as argued later herein, centralisation was a precondition for coherently shaping the population’s collective memory of the Communist past.

This study employed the process tracing method to analyse its case study. This method provided a framework to establish causal relations between the case study and an observable social trend. In this study, the former was the adoption of the “decommunisation laws”, while the latter was the shift in Ukraine’s politics of memory concerning Ukraine’s Communist past. By tracing the process of preparing and passing these laws in the Ukrainian Parliament, the study found how the “decommunisation laws” were intended to contribute to the formation of a coherent anti-

¹ Law of Ukraine No. 2540 “On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917-1991”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/316-19#Text>.

² Law of Ukraine No. 2558 “On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/317-19#Text>.

³ Law of Ukraine No. 2539 “On Remembering the Victory over Nazism in the Second World War”. (2015, April). Retrieved from <https://uinp.gov.ua/dokumenty/normatyvno-pravovi-akty-rozrobleni-v-instytut/zakony/law-of-ukraine-on-perpetuation-of-the-victory-over-nazism-in-world-war-ii-of-1939-1945>.

⁴ Law of Ukraine No. 2538-1 “On the Legal Status and Honouring of the Memory of the Fighters for the Independence of Ukraine in the 20th Century”. (2015, April). Retrieved from <https://uinp.gov.ua/dokumenty/normatyvno-pravovi-akty-rozrobleni-v-instytut/zakony/law-of-ukraine-on-the-legal-status-and-honoring-the-memory-of-fighters-for-ukraines-independence-in-the-twentieth-century>.

Communist collective memory in Ukraine. This approach helped to present an alternative explanation of the shift in the Ukrainian institutional memory.

Among the strengths of process tracing are its suitability for small cases and its focus on detail (Fontaine, 2020). This quality of process tracing influenced the methodological choice because it helped examining each of the “decommunisation laws” to identify multiple memory policy tools presented in the package and to discuss the extent to which their enforcement involved centralised measures. Considering its “within case” nature, process tracing suited this study well because it helped to uncover the effects of actors’ interactions on the final policy outcome and emphasise the significance of the laws for Ukrainian memory politics.

On the other hand, the said method lacks the tools for examining larger amounts of data, thus limiting the scope of this study to a very selective choice of empirical material (Bennett, 2010). Hence, it was necessary to select empirical materials cautiously, relying mainly on previous knowledge. Another challenge faced because of this method was that it generally makes provision for putting forward only one potential explanation of the social phenomenon of interest (Beach, 2023). Finally, choosing process tracing as the primary method for this study helped to contribute to a niche in the discussion of the “decommunisation laws”. None of the researchers have attempted to investigate them by applying “within case” approaches and stressing how and under what circumstances the legislators passed the laws. Instead, academics assumed this process and studied mainly its outcomes.

By bringing together memory, legal, and political studies, this study attempted to enrich the existing literature on Ukrainian collective memory formation by providing a detailed overview of how the “decommunisation laws” were drafted and adopted, who were the main political actors involved, and what role did the political landscape play in this process. Rather than taking the “decommunisation laws” for granted, the study investigated their adoption process from the inside to examine the hypothesis that these laws awarded Ukrainian executives with comprehensive memory policy tools, thus playing an essential role in building a coherent approach to framing the country’s collective memory of its Communist past. Having explained the methodological and empirical justifications, the study now zooms in on the drafting and adopting the “decommunisation laws”.

■ Results and Discussion

Empirical data: Preparatory works. To understand the complete picture of who, under what circumstances, and with what goals in mind prepared and

adopted the “decommunisation laws”, the Ukrainian political landscape in the aftermath of Euromaidan must first be considered. The Ukrainians democratically elected P. Poroshenko as President in 2014. His anti-Russian political agenda presented European integration as its primary purpose. Several months later, during the snap election for the 8th convocation of Verkhovna Rada, the Ukrainian nation confirmed its pro-European orientation by voting mostly for pro-European and anti-Russian politicians (Zhelтовскый, 2020). In these circumstances, two considerations are crucial to understanding the political situation that preceded the drafting and passing of the “decommunisation laws”.

First, this marked the formation of the first Western-oriented coalition in the Ukrainian Parliament since the country gained independence. These drastic changes in the Ukrainian political climate enabled numerous openly anti-Russian discussions for the first time. Considering the Russia-backed war launched in Donbas and the annexation of Crimea, those discussions often took radical forms, even in the Parliament (Lytovchenko *et al.*, 2021). Anti-Russian rhetoric, hence, dominated Ukrainian public space and influenced multiple policy choices undertaken to bring Ukraine closer to Europe. Second, the lack of previous memory-shaping experience of the Ukrainian politicians could result in a clumsy top-down approach to the country’s memory formation. All prior attempts of Ukrainian politicians to pursue coherent politics of memory initiatives failed to achieve significant public support or survive their successors’ contrasting policies. These preceding efforts were selective in nature and mainly dealt with issues such as Holodomor, leaving blank spots in the country’s politics of memory. Those spots allowed for propaganda and ambiguous interpretations of the past to fill them, making the population’s collective memory vulnerable to spreading Russian values. Thus, Arseniy Yatseniuk’s cabinet was the pioneer in addressing the country’s collective memory of its Communist past in a consistent and encompassing manner.

In late 2014, the newly appointed A. Yatsenyuk’s government framed the politics of memory as a matter of national security. Considering the war in Donbas, it was necessary to ensure that this issue would receive policymakers’ attention. The first step in shaping Ukrainian collective memory was to review the legal status of the already existing agency regulating memory politics in Ukraine – the Ukrainian Institute of National Memory (UINM). Until this change happened in November 2014, this body was ineffective, and its activity focused solely on historical research.

With its Decree No. 684 of November 12, 2014¹, the Ukrainian government awarded the UINM with

¹ Decree of the Cabinet of Ministers of Ukraine No. 684 “On Amendments to the Decree of the Cabinet of Ministers of Ukraine of December 24, 2001 No. 1717”. (2014, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/684-2014-%D0%BF?lang=en#Text>.

new powers in the form of memory policy tools. According to its new status, the Institute became “the central body of (Ukrainian) executive branch of power... that regulates national policy in the area of renewal and preservation of the Ukrainian people’s national memory”. Furthermore, the decree endowed the UINM with executive powers in multiple areas that were particularly important for addressing Ukraine’s collective memory. For instance, the body became able to govern the national policy regarding Ukrainian history popularisation, remembrance of the fighters for the country’s independence, the memory of Holodomor, and other Communist-era events.

While this instrument was politically neutral in not explicitly referring to the Communist regime governing Ukraine in 1917-1991, several observations are worth mentioning. First, the decree arrived almost immediately after the formation of the cabinet. It explains the vital role that the new government attached to the politics of memory. It should not be surprising that after the devastating year of 2014, when Ukraine lost control over Crimea and two massive Eastern regions because of Russian aggression, the government considered the cultural departure from the Russian sphere of influence as a matter of paramount importance. Thus, the A. Yatsenyuk government was the first link in the chain of political interactions that resulted in the adoption of the “decommunisation laws”.

Second, although without explicitly blaming the Communist regime for all the monstrosities that it organised in Ukraine, the instrument acknowledged them and awarded the Institute with important memory policy tools to reorganise the country’s politics of memory. As this subsection demonstrates further, the UINM took the course on completely renewing the national memory. It would be impossible without being able to count on the government’s support. For a government with no experience in dealing with collective memory issues, it was a serious step towards coherence in framing the understanding of Ukraine’s past. By committing this act, Ukrainian executives influenced the course of the subsequent decommunisation process.

Under the new director Volodymyr Viatrovych, appointed in 2014, the UINM played the key role in preparing the “decommunisation laws”. With the help of his colleagues, V. Viatrovych drafted the

laws^{1,2,3,4} with a special emphasis on building an independent Ukrainian identity. Himself an active participant in the Revolution of Dignity and *persona non grata* in Russia since 2008, V. Viatrovych dedicated his academic career to researching the Ukrainian collective memory and history and, on many occasions in his publications, blamed the Communist regime for attempting to wipe out Ukrainian national identity (Shaikan & Shaikan, 2020). This analysis cannot downplay his figure because V. Viatrovych’s strong anti-Communist and anti-Russian views resulted in the final, radical version of the laws.

More importantly, he often emphasised the significance of pursuing a centralised approach to Ukrainian memory politics. V. Viatrovych mentioned that the Institute’s main goal was to create “an inclusive Ukrainian political nation” through a politics of memory “subordinated to this goal” (Vus, 2017). Moreover, the UINM had to achieve this goal by overcoming previous Communist attempts to destroy Ukrainian national memory. However, succeeding in building the new collective memory of the Communist past through the “decommunisation laws” in the whole country was impossible without centralising their enforcement.

In this light, it can be argued that draft the “decommunisation laws” reflected V. Viatrovych’s views on decommunisation. Following his ideas, the package attached extreme importance to the Revolution of Dignity as a forum where the Ukrainian population expressed its will. Moreover, it was hostile to Russia and its preceding forms of state and instantaneous in trying to distance the country from “Russkiy mir’s” cultural influence. Flowing from their main drafter’s beliefs, the “decommunisation laws” intended to put an end to the presence of Communism in Ukrainian collective memory once and for all. Thus, having received a *carte blanche* from the government, V. Viatrovych and the UINM became the most influential actors in the preparation of the laws. This subsection examined the preparation of the “decommunisation laws”, addressing the main actors involved and emphasising how their personal views on decommunisation influenced the process of drafting the laws. At that point in the process, centralisation was a crucial part of the package. It is now necessary to turn attention to the 44th plenary session of the 8th convocation of the Ukrainian Parliament, where the country’s

¹ Law of Ukraine No. 2540 “On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917-1991”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/316-19#Text>.

² Law of Ukraine No. 2558 “On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/317-19#Text>.

³ Law of Ukraine No. 2539 “On Remembering the Victory over Nazism in the Second World War”. (2015, April). Retrieved from <https://uinp.gov.ua/dokumenty/normatyvno-pravovi-akty-rozrobleni-v-instytut/zakony/law-of-ukraine-on-perpetuation-of-the-victory-over-nazism-in-world-war-ii-of-1939-1945>.

⁴ Law of Ukraine No. 2538-1 “On the Legal Status and Honouring of the Memory of the Fighters for the Independence of Ukraine in the 20th Century”. (2015, April). Retrieved from <https://uinp.gov.ua/dokumenty/normatyvno-pravovi-akty-rozrobleni-v-instytut/zakony/law-of-ukraine-on-the-legal-status-and-honoring-the-memory-of-fighters-for-ukraines-independence-in-the-twentieth-century>.

legislative branch voted for the “decommunisation laws”, to see whether the Ukrainian legislature favoured the drafters’ centralised approach to their enforcement.

April 9: The point of no return in Ukrainian decommunisation. Verkhovna Rada addressed the “decommunisation laws” in its plenary session on April 9th, 2015. It was not an ordinary session and implied several connections that the following subsections uncover. To begin with, it took place between Catholic and Orthodox Easters. It was Thursday before the latter, known as “Clean Thursday” in Eastern Orthodox tradition. The choice of this date emphasises the social aspect of Ukrainian decommunisation because references to important religious days contrast with the anti-religious narrative of the Communist regime. Furthermore, considering the significance of religion for P. Poroshenko Ukraine’s political image (Shestopalets, 2020), the choice of this day seems more deliberate than coincidental. Several MPs addressed this issue during the session. O. Liashko and A. Parubiy’s comments that used this term in the political context are particularly relevant to understanding the attendees’ perspective on Communism (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 25, 2015).

A. Parubiy, the head of the session, urged his colleagues to “purge (the country) from the Communist plague”. In the same fashion, O. Liashko highlighted that “Clean Thursday” was a fantastic opportunity to “cut that umbilical cord of the Communism off” (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 25, 2015). These phrases of the MPs explain how most of the Parliament felt about Communism. In those circumstances, there was no other choice than adopting the “decommunisation laws”. These comments confirm that Parliamentarians shared the drafters’ opinion on the Ukrainian decommunisation’s radical nature. Another prominent aspect distinguishing this Rada’s session from any other concerned the visitors present there. Special international guests attended the session along with President P. Poroshenko and the entire A. Yatsenyuk cabinet. Polish President B. Komorowski opened the session by addressing MPs with a speech about their countries’ long-lasting friendship. He emphasised the importance of the Revolution of Dignity for the “protection of values on which the European Union was built”. Continued with the President’s further discussion of Ukraine’s European integration perspectives, this speech provides some insights about the atmosphere of the meeting (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 25, 2015).

First, it was a special Parliamentary session. Its embedded internationally-oriented political nature is difficult to overestimate. Poland, one of Ukraine’s

closest allies in the aftermath of the crisis in Russian-Ukrainian relations, was crucial for maintaining the P. Poroshenko regime’s legitimacy internationally. The Polish state supported Ukraine with humanitarian, economic, and political aid. Furthermore, post-Communist Poland was a success story of decommunisation. Since its independence, Warsaw’s radical and centralised approach to handling the Communist past was a landmark for Ukrainian anti-Communist nationalists. Thus, with such a prominent guest taking part in the Parliament’s session, it was reasonable to expect sound political outcomes.

Considering that Poland already underwent a process of abruptly breaking away from its Communist past, the fact that its President attended the session where the “decommunisation laws” were adopted was a symbolic act. In this light, Ukrainian political elites set the scene for formally cutting ties with Communism. However, they did it in a way that would simultaneously send a clear message to the rest of the world. After years of inconsistent memory policies, the Ukrainian authorities finally committed to consistently following the decommunisation path of their Eastern and Central European neighbours. Moreover, the goal of this path was European integration. The adoption of the decommunisation package was a well-planned political act aimed at fostering Ukraine’s European ambitions.

Second, most Parliamentarians acknowledged the importance of breaking away from Ukraine’s Communist past by building a coherent national memory narrative about it. It can be understood, for instance, from the voting results (Nominal voting for the draft Law No. 2538-1, 2015). Out of the 320 MPs present at the session, not even one voted against any of the “decommunisation laws”. Despite representing parties from different ends of the political spectrum and pursuing different memory politics agendas, Ukrainian MPs committed to leading their country towards consistent memory politics for the first time. The crucial importance that the executives attached to this event as a decisive moment in modern Ukrainian history largely influenced Parliamentarians’ voting on the “decommunisation laws”.

Unlike earlier selective attempts to institutionalise the memory of the Communist atrocities in Ukraine (Budryté, 2023), this novel approach, created in the aftermath of the Revolution of Dignity, signified a radical departure from everything related to totalitarianism. To quote member of parliament (MP) O. Liashko once more, this breaking away from the Communist past was to take such an extreme form that it would almost be like “cutting that *totalitarian* umbilical cord off” (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 25, 2015). The combination of unity and utmost hostility towards totalitarian practices allowed, at least

on paper, for coherence in the country's politics of memory. Nevertheless, the views on how to enforce the package varied.

The discussion of the preceding two subsections suggests that the primary purpose of the “decommunisation laws” at the drafting stage was to form a coherent anti-Communist collective memory among Ukrainians. Centralisation in their enforcement was vital to achieving coherence because it would allow for consistent shaping of the population's collective memory nationwide. However, many MPs did not support the executives in striving for a centralised approach to memory politics. These opposing views arose from the fact that during the 2014 Parliamentary elections many candidates promised to achieve more policymaking freedom for regional governments. Having campaigned for decentralisation of power, multiple MPs viewed it as the only way to resolve the Donbas crisis and a precondition for European integration (Romanova & Umland, 2019). MP O. Bereziuk, for instance, was extremely critical of the draft package's centralised approach since he feared that “the transformation would ruin multiple things” (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 25, 2015).

Hence, during the discussion stage, Ukrainian Parliamentarians tried to redirect decommunisation towards less centralised enforcement because decentralisation of power was on their agenda. These different approaches could substantially hamper Ukrainian memory politics on their way to coherence. To tackle this challenge, memory policy tools of the “decommunisation laws” had to reconcile both visions under a common framework. This study shall now turn to examining these instruments individually.

From theory to practice: Memory policy tools.

Since the package attributed a crucial role to memory politics, it was logical to expect that it would equip Ukrainian memory agents with effective policy tools in memory-related areas. Before this subsection proceeds to identify these instruments in the decommunisation package, it is important to consider their potential design and pitfalls. Memory policies can take various forms, such as changing school curricula, censoring specific topics in the media, or sponsoring historical research highlighting dominant events over those that should be downplayed. Whatever the memory entrepreneurs' choice is, the favoured tool should bring the unwanted memory down as effectively as possible and lead towards the development of a new, supportive of the government's narrative, collective memory (Neumayer, 2015). In this light, the most effective strategy for Ukrainian memory agents was to exploit the national memory's

malleability by diminishing the place that the *memory non grata* occupied in the public discourse.

The intricacies of the Ukrainian context made the drafters carefully approach the memory policy choice. First, the cultural influence of the Communist era over Ukraine that the Russian Federation tried to prolong was strong, especially in Eastern Ukraine (Sazhniev & Sułkowska, 2020). No matter how well-suited it would be, not a single policy could eradicate at once more than seven decades of influencing the nation's psyche, forming traditions, and educating several generations in line with Communist values. The choice of wrong policy tools could aggravate the East-West conflict among the people, additionally impeding the achievement of cohesion in memory politics. Furthermore, since the government considered Eastern regions under the secessionist formations' control to be Ukrainian territory, the tools had to be at least in theory applicable to those territories. Second, Ukrainian politicians needed to formulate their memory policies exceptionally cautiously because some countries viewed the organisations that the “decommunisation laws” honoured as terrorist formations. For instance, Ukraine's glorification of Organisations of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA) led to a memory narrative clash with Poland (Siddi, 2017). Considering the arguments of the preceding passages, Ukraine could not afford to lose Polish support as it would leave the country in an even more vulnerable position internationally. Thus, the drafters of the laws needed to invest significant time and effort in selecting domestically relevant and internationally neutral memory policy tools to facilitate the universally practical implementation of the package across the country. However, due to the haste with which these laws made their way to the official registry, the assumption that the legislators' resources were scarce seems reasonable. Engaging in such a challenging balancing exercise without sufficient temporal and human resources was risky. The following subsections delve into the substance of the “decommunisation laws” to examine what memory policy tools the package contained.

Despite receiving the least attention, the Law of Ukraine No. 2540¹ (the “archival law”) included the first formally decommunising steps towards a coherent memory formation that its drafters desired. Its official objective was to “secure the openness of archival information” that the Communist regime's secret services accumulated. This law, furthermore, provided an explicit and exhaustive list of “repressive bodies” that oppressed the Ukrainian population. However, in a manner more relevant to the

¹ Law of Ukraine No. 2540 “On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917-1991”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/316-19#Text>.

present study, the “archival law” awarded the UINM with additional, more decisive policy tools. For instance, its articles 7-10 delegated all the managerial functions relating to archival information to one of the Institute’s departments. Therefore, the UINM was to receive all the previously confidential information about repressions, catastrophes, unlawful acts of Soviet administrations, violations of human rights, and other extremely sensitive issues that Communist regime concealed from the public.

Considering the extension of the Institute’s powers that led to the adoption of the “decommunisation laws”, this legal wording clarifies the Ukrainian government’s approach to coherence in collective memory formation. While it may seem that the Institute that was actively involved in drafting the package tried to increase its policy powers, this law reflected a few well-formulated government’s objectives. First, the unwritten objective of this piece of legislation, contrary to what Article 1(2) asserts, was to identify the scope of the post-Maidan decommunisation. By explicitly mentioning Communist agencies and labelling them “repressive bodies”, the drafters intended to provide a point of reference for a future memory politics framework that would demonise Communism in the national memory. They achieved it by including in the preamble the idea that Communist bodies were evil and effectively recognising that the Communist practices became “one of the prerequisites” for the Russian aggression in Crimea and Eastern Ukraine. Thus, a crucial accomplishment of this law was to institutionalise the concept that the Russian Federation’s aggression was a continuation of the Communist regime practices, meaning that the root of Ukraine’s modern problems lies in its Communist past. All other laws of the package followed this approach. Second, the policymakers’ emphasis on the archives’ role in “keeping the people’s memory” represented another memory policy tool. With more primary sources available now, it was an opportunity for researchers to investigate the Communist era in greater detail. The Ministry of Education could thus change historical education nationwide, basing its new dominant narrative on the latest findings. In the long term, combining historiography of Communist atrocities with an openly anti-Communist school curriculum could have resulted in prominent outcomes in altering the population’s collective memory of Communism.

However, more importantly, this Law¹ confirmed Ukrainian policymakers’ striving towards a centralised approach to framing the country’s collective memory. Consistent delegation of policy tools to the UINM further stressed it, making this body the sole powerful memory agent in the country’s politics. Considering that the appointment of the Institute’s director was among the government’s competencies², the system of checks and balances abandoned all questions about the potential consequences of this centralisation.

With the memory policy toolkit that the Institute already possessed, one should see this law’s addition to it as the Ukrainian government’s long-run plan to decommunise superficially less important fields of education and research. However, policymakers expected that over time these long-running practices would have a greater effect on the population’s collective memory of Communism than those intended to play out immediately after the package’s adoption. Eventually, it was meant to lead to a more coherent politics of memory across the country and, as a result, a stronger anti-Communist national memory. Nevertheless, the enforcement of other pieces of the decommunisation package did not align with the underlying logic of this Law³.

Law of Ukraine No. 2558⁴ (the “equating law”) was the most discussed regulation of the decommunisation package. Unlike the “archival law”, it aimed at governing immediate decommunisation practices. This importance of this law rests on the fact that it mandated an ultimate breaking away from Communism’s role in Ukrainian memory politics by equating the Communist regime of the USSR and Nazi Germany. Ukrainian legislators did so intentionally, knowing how vital the antagonistic role of Nazism was for the Russian politics of memory. However, condemnation alone was insufficient to eradicate Communism from the country’s collective memory, considering the hybrid war and Russian propaganda. Hence, besides signalling the conclusive departure from the Russian cultural influence, this law provided local and regional governments and the President’s administration with several memory instruments for implementing the anti-Communist policy course in practice.

First, Article 7(6) of this Law⁵ contributed to the country’s collective memory formation by delegating the most important instant memory-shaping activities to local and regional administrations. Under this

¹ Law of Ukraine No. 2540 “On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917-1991”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/316-19#Text>.

² Decree of the Cabinet of Ministers of Ukraine No. 684 “On Amendments to the Decree of the Cabinet of Ministers of Ukraine of December 24, 2001 № 1717”. (2014, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/684-2014-%D0%BF?lang=en#Text>.

³ Law of Ukraine No. 2540 “On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917-1991”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/316-19#Text>.

⁴ Law of Ukraine No. 2558 “On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/317-19#Text>.

⁵ Ibidem, 2015.

article, it was the task of the “organs of local self-governing” to “conduct demolition of monuments and memorial signs” dedicated to glorifying the Communist regime or its “heroes”. One should see this mandate as an attempt to institutionalise the above-discussed practice of de-Sovietisation and to include it under the broader framework of decommunisation. This provision enriched the spectrum of memory policy tools available to Ukrainian executives by formalising grassroots de-Sovietisation initiatives of destroying the Soviet legacy in Ukraine. It redirected the focus of those practices to the country’s Communist past, thereby changing their conceptual orientation and making them a policy tool for implementing the “decommunisation laws”.

Second, the same article ordered regional and local administrations to rename “all objects of toponymy and... geographical objects whose names include symbolics of the totalitarian Communist regime”¹. Considering that previous Ukrainian governments did not pay sufficient attention to memory politics, many Ukrainian localities, including big cities, still had Soviet-imposed names even after the breakup in political relations with the Russian Federation. On paper, this mandate addressed one of the main problems of the predecessors’ piecemeal approach to dealing with Communism in Ukrainian national memory.

Rather than allowing them to continue using geographical names that glorified “heroes” of the Communist regime, this law offered the Ukrainian executive branch of power a different path to building a national identity. With this provision in place, Ukrainian policymakers could start shaping the population’s collective memory across the country by paying tribute to authentic Ukrainian heroes, most of them being “fighters for Ukrainian independence” within the meaning of the Law No. 2538-1². To support them in this process, the UINM later published a binding list of more than 500 individuals whose names could not be used in Ukrainian toponymy, meaning that any locality whose name contained a reference to them should be renamed.

Finally, in a soft law manner, Article 7(10) of this law suggested the President of Ukraine launched a “Remembrance Day for victims of Communist and National-Socialist (Nazi) totalitarian regimes”. Highlighting the inherent similarities between the two political regimes, this provision offered a recommendation for a memory policy tool rather than mandated one as the Law³ did in Article 7(6). Nevertheless, national celebrations, especially those dedicated to victims of atrocities of totalitarian regimes, are a powerful instrument to create or further develop new memory narratives. Considering the example of the Holocaust as the European Union’s negative foundational myth and its success in consolidating Western European countries’ memory narratives, the drafters of the “decommunisation laws” encouraged the Poroshenko administration to follow this approach.

While these practices represented powerful memory policy tools, they deviated from the memory politics centralisation course that both earlier governmental decrees and drafters pursued when preparing the ground for the “decommunisation laws”. Rather than following the implementational approach of the “archival law”⁴ that consisted in dealing with less acute policy issues in the long run, the “equating law”⁵ pulled Ukrainian decommunisation towards handling crucial memory-related issues at once and radically. Its focus on empowering regional authorities and the decommunisation’s radical nature aligned with the MPs’ endeavours to achieve greater decentralisation. While the “archival law”⁶ and the “heroes’ law”⁷ provided for no regional exceptions in their enforcement, the Law No. 2558⁸ awarded a large margin of discretion to local authorities. It later resulted in several situations where the population of localities that fell under the scope of this provision objected to changing their places’ names (Gnatiuk *et al.*, 2023).

Therefore, memory policy tools included in different laws of the decommunisation package were inconsistent, thus undermining perspectives of a centralised approach to Ukrainian politics of memory and further moving away from coherence in it.

¹ Law of Ukraine No. 2558 “On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/317-19#Text>.

² Law of Ukraine No. 2538-1 “On the Legal Status and Honouring of the Memory of the Fighters for the Independence of Ukraine in the 20th Century”. (2015, April). Retrieved from <https://uinp.gov.ua/dokumenty/normatyvno-pravovi-akty-rozrobleni-v-instituti/zakony/law-of-ukraine-on-the-legal-status-and-honoring-the-memory-of-fighters-for-ukraines-independence-in-the-twentieth-century>.

³ Ibidem, 2015.

⁴ Law of Ukraine No. 2540 “On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917-1991”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/316-19#Text>.

⁵ Law of Ukraine No. 2558 “On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/317-19#Text>.

⁶ Law of Ukraine No. 2540 “On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917-1991”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/316-19#Text>.

⁷ Law of Ukraine No. 2538-1 “On the Legal Status and Honouring of the Memory of the Fighters for the Independence of Ukraine in the 20th Century”. (2015, April). Retrieved from <https://uinp.gov.ua/dokumenty/normatyvno-pravovi-akty-rozrobleni-v-instituti/zakony/law-of-ukraine-on-the-legal-status-and-honoring-the-memory-of-fighters-for-ukraines-independence-in-the-twentieth-century>.

⁸ Law of Ukraine No. 2558 “On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/317-19#Text>.

This inconsistency stemmed from the opposing views of the Ukrainian executive and legislative branches on the form that Ukrainian decommunisation had to take. Nevertheless, as the following subsection demonstrates, the “decommunisation laws” stayed a prominent phenomenon of the country’s remembrance policy. Although Rada adopted the “decommunisation laws” swiftly, they later sparked several parliamentary discussions regarding their enforcement and societal influence. The debate that took place during the plenary session on April 21, several weeks before Poroshenko signed them, is especially important for this analysis. Then, a heated discussion of the relation between the decommunisation package and centralisation of power involved representatives of almost all parliamentary fractions.

Yu. Boyko, leader of the “Opposition Bloc” fraction, initiated the discussion by encouraging his colleagues to vote for his party’s draft laws that implied the decentralisation of power in Eastern Ukraine. Their adoption would result in factual recognition of Luhansk and Donetsk secessionists’ sovereignty over occupied regions. Responding to other MPs’ claims that his party’s proposals intended to split Ukrainian society, Yu. Boyko rejected the “equating law” as “dividing the society” and called on the President to veto it (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 28, 2015).

O. Liashko, the first participant in the debate, categorically opposed Yu. Boyko’s ideas. Drawing on Russian Minister for Foreign Affairs S. Lavrov’s statement after adopting the “decommunisation laws” Ukraine “can forget about a unitary state” (Lavrov: How is it possible..., 2015), MP O. Liashko followed his line of argumentation of two weeks earlier. He condemned the Russian Federation’s involvement in Ukrainian internal affairs, viewing S. Lavrov’s comment as a continuation of Communist “totalitarian, expansionist politics aimed at depriving Ukraine of its independence”. In O. Liashko’s opinion, Yu. Boyko’s proposals followed S. Lavrov’s logic since their implementation would further deteriorate Ukrainian central power’s position vis-à-vis the Donbas and Luhansk secessionists (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 28, 2015).

Yu. Lutsenko, the leader of the “Petro Poroshenko’s Bloc” party, supported O. Liashko in his arguments by mentioning that the decommunisation package was “a serious step to push [the last] bits of totalitarianism away” from Ukraine (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 28, 2015). Finally, MP V. Nychyporenko mentioned that the decentralisation of power included in the “decommunisation laws” (in the form of memory policy tools) was one of the main goals of electoral campaigns of almost all political powers but did not have to spill over to all policy areas.

Furthermore, every MP objecting to Yu. Boyko’s speech blamed him and his party for betraying the nation (Transcript of the Plenary Session of the Verkhovna Rada of Ukraine No. 28, 2015). This heated debate is relevant to the problematic of this study because, first, it revealed the significance of the “decommunisation laws” in shaping the Ukrainian political landscape. Even during a session with entirely different issues on the agenda, MPs found time to argue about the decommunisation package. Furthermore, O. Liashko and Yu. Lutsenko’s radical accusations of Yu. Boyko reflect the debate’s intense nature and profound discrepancies within Ukrainian society regarding the implementation and implications of the “decommunisation laws”.

Second, it suggested that they were not universally applicable throughout the country. This flaw stems from the radical nature of decommunisation that these laws pursued since the early drafting stage. The East of Ukraine, traditionally more sympathising with Russia, wanted mild to no decommunisation. “Opposition Bloc” received most of its votes from that region (D’Anieri, 2022), thus pursuing a similar memory policy agenda and strongly criticising the package in its capacity of an oppositional party. The apogee of this criticism occurred when in 2017 the “Opposition Bloc” collected 46 MPs’ signatures and initiated a judicial review procedure of, among others, Article 7 of the “equating law” with the Ukrainian Constitutional Court (Nimchenko & Shpenov, 2017). This social and political opposition to the “decommunisation laws” became one of the major obstacles to their effective enforcement, thereby distancing Ukrainian memory politics further from coherence. The following paragraphs discuss other hindrances to Ukrainian decommunisation and its prospects in relation to the central hypothesis of this study.

Ukrainian decommunisation at a crossroads.

This subsection interprets the empirical findings of the preceding three and provides several policy recommendations to Ukrainian policymakers. Considering that this study addressed the problem of coherence in forming the Ukrainian collective memory of Communism, one should perceive the “decommunisation laws” as a cause of the shift in the Ukrainian politics of memory paradigm rather than its outcome. Due to the utmost importance that the President and the A. Yatsenyuk government attached to the politics of memory, the process of drafting and adopting the laws was swift. This initiated an entire chain of political initiatives that later attempted to eliminate all positive aspects of Ukraine’s collective memory of Communism. All these actions followed because the “decommunisation laws” provided the guidelines for the subsequent decommunisation policies.

Furthermore, the explicitly radical nature of post-Maidan decommunisation resulted in awarding

the country's executives with (in theory) powerful memory policy tools. However, despite the declared goal of building a consistent anti-Communist politics of memory across Ukraine, the "decommunisation laws" did not bring about desired coherence. They failed because multiple memory policy tools included in each of the package's laws served different goals, reflecting different views on the decommunisation that memory agents held.

The most potent instruments aimed to expand the scope of Ukrainian decommunisation by including practices of de-Sovietisation, thereby ensuring radical and immediate enforcement. Considering that the war in the East of Ukraine made a large part of the population hostile towards Russia and Communism, it was a reasonable decision that led to meaningful short-term results. For instance, in less than a year since P. Poroshenko signed the "decommunisation laws", more than 1,000 localities received "decommunised" names (Kudriavtseva, 2020). Furthermore, hundreds of Communist-era monuments were demolished (Rozenas & Vlasenko, 2022). However, this instantaneous enforcement of the "equating law" did not align with the long-run initiatives of the "archival law"¹.

Following the logic of E. Langenbacher & Y. Shain (2010), it should be agreed with for viewing the "decommunisation laws" as an attempt to create an intensified version of Ukraine's traumatic collective memory of the Communist regime that would later facilitate the country's European integration aspirations. Considering the current events, the European integration is slowly becoming a political goal rather than a dream for Ukraine. In this light, the coherent process of collective memory formation, to which the "decommunisation laws" contributed, should receive greater attention from the country's government. Framed this way, memory politics is a matter of national security because the lack of a unified approach may impede or even deny the country's integration into the European family. Ukrainian policymakers should perceive it as an issue of critical importance for the state's survival rather than an abstract political objective because it is the most effective way to stop Russian aggression quickly. Two aspects are crucial here.

First, Ukrainian executives should align dominant national memory narratives with those of European countries to clear the way on the country's European integration path. Departure from Communism is a first step towards integrating Ukrainian memory politics into the bigger cluster of Central and Eastern European memory narratives. Yet, achieving homogeneity with them will require more. Following the example of how Western European countries

incorporated the Holocaust into their memory politics (Subotic, 2023), Ukrainian policymakers shall consider building a solid anti-Communist national identity using Holodomor as a negative foundational myth. It is an example of a simultaneously neutral to the region's memory and internally unifying event. Considering that previous administrations have already attempted to follow these guidelines (Coulson, 2021), new Ukrainian decommunisation should fill the gaps of its predecessors' piecemeal approach. Second, in an internally divergent country like Ukraine, memory entrepreneurs should put the unity in memory-related issues at the forefront. It was rational to expect that developing an anti-Communist collective memory would be more complicated for the population of the East of Ukraine than for those who were always more distant from and critical of the Communist regime. Nevertheless, there were cases of extreme outliers even in the Western-most parts of Ukraine (Press service of the Prosecutor's Office of Lviv region, 2017).

Ukrainian memory politics still lack centralisation and coherence. Russia's ongoing invasion of Ukraine and annexation of its territory further aggravates the situation because occupational authorities immediately start spreading Russian values across the population. Furthermore, incorporating people living under occupation for almost a decade into the country's collective memory paradigm will pose further challenges to the central government's politics of memory effectiveness. In this light, the legal framework of the Ukrainian decommunisation requires an amendment to finally achieve the long-desired consistency in the politics of memory nationwide. More than eight years passed since the "decommunisation laws" entered into force, but their results are still ambiguous, although their memory policy toolkit, as this study argued, was promising. Unlike a diplomat declared *persona non grata* who must leave the country at once, the memory of the Communist past, the Ukrainian *memory non grata*, does not think of leaving Ukraine yet. Better, more modern, and thoroughly designed political initiatives and legal solutions are necessary to address the issues that the "decommunisation laws" could not, considering the haste with which the cabinet and Rada drafted and adopted them. Before drafting further laws to enhance Ukrainian decommunisation, memory agents should align their political goals. Then, they must revisit the existing decommunisation package and adjust its memory policy tools to work harmoniously.

A novel approach reconciling short-term and long-term goals of Ukrainian decommunisation is necessary to adequately account for regional cultural

¹ Law of Ukraine No. 2558 "On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes and Prohibiting the Propagation of their Symbols". (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/317-19#Text>.

differences within Ukraine that result in different perceptions of the country's Communist past. Furthermore, it should address the position of the country's dominant memory narrative about its "fighters for independence" as opposed to the collective memories of its neighbours. Until these changes take place, Ukrainian policymakers can only dream about coherent politics of memory.

■ Conclusions

This study argued that the existing academia on the Ukrainian politics of memory understudied the process of adopting the "decommunisation laws". By approaching these laws from a "within case" perspective under the process tracing method, this study provided an overview of memory policy tools with which the decommunisation package endowed the Ukrainian post-revolutionary policymakers. Furthermore, unlike previous studies in this field, the present one stressed that to understand the roots of the post-Maidan decommunisation, it is necessary to uncover a series of embedded political messages connected to the process of adoption of the "decommunisation laws" as opposed to taking the package for granted. However, a notable limitation of this study was that conclusions inferred from this process tracing are case-specific and with a small degree of certainty will hold for other decommunisation case studies due to contextual differences.

The purpose of this study was to address the issue of coherence in Ukrainian memory politics by using the adoption of the "decommunisation laws" as a case study. The main conclusion reached is that the decommunisation package failed to provide Ukrainian policymakers with universally applicable memory policy tools to shape the population's collective memory of Communism in a coherent manner. Despite the earlier centralisation of memory policy powers in the hands of the UINM and the government's attempts to

unify the country around a common memory narrative, memory policy tools included in different laws of the package served clashing objectives.

These differences reflected contrasting approaches to centralisation that Ukrainian executives and legislators pursued at various stages of adoption of the package. The different nature of policy goals, combined with the laws' unsuitability for centralised enforcement, resulted in a continuation of the previously applied piecemeal approach to memory politics. Still, the preparatory work of the "decommunisation laws" and their adoption constituted a significant step towards a coherent approach to understanding Ukraine's Communist past. The laws stood out among preceding memory policies because they appealed to socially critical issues but failed to bring the desired coherence to Ukrainian memory politics.

Finally, it might be challenging for future researchers to dig a level deeper and investigate how the informal connections of memory agents involved in the adoption of the "decommunisation laws" affected the process. Although obtaining reliable data for such research would require conducting a series of high-profile interviews, its potential findings may substantially contribute to understanding how the broader political landscape of post-revolutionary Ukraine, with its informal pitfalls, influenced the country's politics of memory through the "decommunisation laws". Furthermore, future research might use the findings of this study to discuss other events of (recent) Ukrainian history, the collective memory of which is not without issues.

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■ Conflict of Interest

The author of this study declares no conflict of interest.

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Закон як інструмент формування колективної пам'яті: дослідження українських «декомунізаційних законів»

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■ **Анотація.** Серед низки проблем, пов'язаних з українською колективною пам'яттю про комуністичний період, ця стаття присвячена проблемі відсутності узгодженого підходу до формування такої пам'яті. Мета цього дослідження – з'ясувати, чи надали «декомунізаційні закони», прийняті 2015 року, українським суб'єктам політики пам'яті достатньо надійних інструментів для формування політики пам'яті, яку однаково застосовували б у всій країні. З цією метою в дослідженні використано метод відстеження процесу, який висвітлює конкретний приклад розроблення та ухвалення «декомунізаційних законів» відповідними зацікавленими сторонами та Верховною Радою України. Дослідивши підготовчу роботу над цими законами та процес їх прийняття, було виявлено, що питання централізації відігравало важливу роль у створенні узгодженої колективної пам'яті про комуністичний період в Україні. Зокрема, той факт, що члени парламенту досягали мети децентралізації, став перешкодою для створення надійного підходу до української пам'яті про комунізм. Крім того, було встановлено, що декомунізаційний пакет надав українським політикам у сфері пам'яті декілька важливих інструментів для формування пам'яті населення про комунізм, таких як перейменування топонімів, пов'язаних з комунізмом, відкриття архівів комуністичного режиму, знесення пам'ятників, що прославляли комуністичних «героїв», та інституціоналізація Дня пам'яті жертв тоталітарних режимів. Попри такі наслідки, у статті сформульовано висновок, що українське «декомунізаційне законодавство» потребує реформування для досягнення гармонізації в контексті прагнень країни до європейської інтеграції. Висновки цього дослідження можуть слугувати основою для подальших рекомендаційних досліджень на тему узгодженості української політики пам'яті. Науковці можуть застосувати результати дослідження щодо інших подій, пов'язаних із проблемами внутрішньої пам'яті, або запропонувати потенційні реформи для узгодження української колективної пам'яті про комунізм із пам'яттю її європейських партнерів

■ **Ключові слова:** студії пам'яті; законодавство щодо історичної пам'яті; інструменти політики пам'яті; децентралізація; реформи