

LEGAL FRAMES OF MEMORY. TRANSITIONAL JUSTICE IN CENTRAL AND EASTERN EUROPE

WARSAW, 27-29 NOVEMBER 2013

KEY NOTE SPEAKER



Elazar Barkan is a Professor of International and Public Affairs and the Director of the Human Rights Concentration at Columbia's School of International and Public Affairs. His research interests focus on human rights and on the role of history in contemporary society and politics and the response to gross historical crimes and injustices. His human rights work seeks to achieve conflict resolution and reconciliation by bringing scholars from two or more sides of a conflict together and employing historical methodology to create shared narratives across political divides. Professor Barkan's other current research interests include refugee repatriation, comparative analysis of historical commissions, shared sacred sites, and the question of human rights impact, specifically with regard to redress and transitional justice. His recent books include *No Return, No Refuge: Rites and Rights in Minority Repatriation* (with Howard Adelman) *The Guilt of Nations: Restitution and Negotiating Historical Injustices* and *Taking Wrongs Seriously: Apologies and Reconciliation* (an edited volume with Alexander Karn, 2006).

INVITED SPEAKERS:

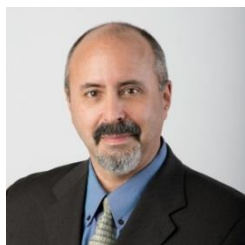


Lavinia Stan is an Associate Professor at St. Francis Xavier University in Canada, where she also serves as Director of the Center for Post-Communist Studies. Her main research interests revolve around democratization, broadly conceived. More precisely, she has published extensively on transitional justice, and religion and politics, with a focus on Europe. She is the author of *Leaders and Laggards* and *Transitional Justice in Post-Communist Romania: The Politics of Memory* co-author of *Religion and Politics in Post-Communist Romania* (with Lucian Turcescu) and *Church, State and Democracy in the Expanded Europe* (with Lucian Turcescu), editor of *Romania in Transition* and *Transitional Justice in Eastern Europe and the Former Soviet Union*, and co-editor of the *Encyclopedia of Transitional Justice* (with Nadya Nedelsky, volumes). Her articles have been published in refereed scholarly journals in the United States, Great Britain, the Netherlands, France, Italy, Romania, and Moldova. Prof. Stan served as a member of the Scientific Council of the Institute for the Investigation of Communist Crimes and the Memory of the Romanian Exile (2010-2013), a member of the National Council for the Recognition of University Titles, Degrees and Certificates (2011-2012), an Associate Editor for the peer-reviewed *Women's Studies International Forum* (2009-present), and Vice-President of the Society for Romanian Studies (2010-present).



Nadya Nedelsky is Associate Professor and chair of the International Studies Department at Macalester College in Saint Paul, Minnesota. She is a specialist in the areas of human and minority rights, comparative nationalisms, and transitional justice. She co-edited, with Lavinia Stan, the 3-volume *Encyclopedia of Transitional Justice* while her book on Central European nationalisms, *Defining the Sovereign Community: The Czech and Slovak Republics*, was recently published. She has also authored chapters in edited volumes on

transitional justice; articles in the journals *Ethnic and Racial Studies*, *Ethnicities*, *Nations and Nationalism*, and *Theory and Society*; and the national report on the Czech and Slovak Republics commissioned by the European Commission Directorate General of Justice, Freedom and Security, titled *How the Memory of Crimes Committed by Totalitarian Regimes in Europe is Dealt with in Member States*.



Mark Osiel's scholarship seeks to show how legal responses to mass atrocity may be improved by better understanding its organizational dynamics; in this way, he employs social/historical explanation to inform our normative assessment of those responsible for genocide, war crimes and crimes against humanity, whether as leaders, followers, or bystanders. Osiel's seven volumes include *Mass Atrocity, Collective Memory & the Law*; *Obeying Orders: Atrocity, Military Discipline, and the Law of War*; *Mass Atrocity, Ordinary Evil*, and *Hannah Arendt: Criminal Consciousness in Argentina's Dirty War*; *Making Sense of Mass Atrocity*; *The End of Reciprocity: Terror, Torture & the Law of War*; *The Right to Do Wrong* (forthcoming), and *After Atrocity: New Approaches to the Restraint and Redress of Mass Killing* (Cambridge Univ. Press, forthcoming).



Eva-Clarita Pettai is since 2004 senior researcher at the Institute of Government and Politics, University of Tartu (Estonia). She obtained her MA in East European Studies and History as well as a PhD in political science (2001) both at the Free University of Berlin (Germany). Her research include comparative politics of memory in Europe, Baltic historiography and post-communist transitional justice. She is author of *Democratizing History in Latvia. Civic Consciousness and the Politics of History in re-independent Latvia* (in German) and editor of *Memory and Pluralism in the Baltic States*. Her current projects are a book chapter on *Historical Commissions and Reconciliation* (forthcoming) as well as a book (together with Vello Pettai) on *Transitional and Retrospective Justice in the Baltic States*.



Christiane Wilke is an Associate Professor in the Department of Law and Legal Studies at Carleton University. She received her MA and PhD (in Political Science) from the New School for Social Research in 2005. She received research awards for her research in the areas of human rights, political violence, and international law. She has been a managing editor and book review editor of the *Canadian Journal of Law and Society*. Christiane has published articles in journals such as *International Journal of Transitional Justice*, *Law & Critique*, *Journal of Human Rights*, and *Constellations*. She is completing a book manuscript on criminal trials, human rights and political transitions in Argentina and Germany.

SPEAKERS

Rivka Brot is a doctoral candidate at the Zvi Meitar, Center for Advanced Legal Studies, Faculty of Law, Tel Aviv University, and a Posen Foundation fellow for 2013-2015 (Posen Society of Fellows); she holds a LL.B. and a LL.M (with distinction). Her dissertation, *Law in Transition: Trials of Jewish Collaborators at Displaced Person Camps in Germany and in the State of Israel*, combines law and history and is supervised by Prof. Leora Bilsky of the Faculty of Law, Tel Aviv University and Prof. David N. Myers, Chair of the Department of History, University

of California, Los Angeles. She has published several articles in Hebrew and English relating to legal aspects of the phenomenon of Jewish collaboration with the Nazis, — both in Jewish DP camps and in Israel. She is the recipient of prestigious scholarships and article awards in Israel and the United States.

Cosmin Sebastian Cercel is a Research Fellow at the University of Nottingham (United Kingdom). He completed his doctorate in Comparative Legal Studies at the University Panthéon – Sorbonne (Paris I) in 2012 with a thesis dedicated to the analysis of the relation between law and politics in communist Romania. His main research focuses on genealogies of law and politics with specific reference to XXth century continental legal history. Dr. Cercel's current research aims to put under a critical scrutiny the dissolution of classical concepts of legality and constitutionalism in the historical context of the rise of authoritarianism during the interwar period in Romania. He has recently published with the *Journal of Comparative Law* a critical analysis of law and politics in the context of Ceaușescu's regime in Romania. He has equally worked on a theoretical enquiry into the relation between law and historical trauma which is due to be published this year with *Pólemos: Journal of Law, Literature and Culture*.

Agata Fijalkowski is a Senior Lecturer in Law at Lancaster University Law School, United Kingdom. She has a Ph.D. in Law from the University of London. Fijalkowski's research interests broadly lie within the areas of comparative constitutionalism and European human rights and transitional criminal justice. Her monograph, *From Old Times to New Europe: the Polish Struggle for Democracy and Constitutionalism*, considers Polish constitutional and legal developments and their legal philosophical contexts starting with the pre-war period in 1918. Her recent publications have explored the nature of Stalinist courts and trials in Poland and the misadministration of justice.

Aleksandra Gliszczyńska – Grabias, graduated from the European Studies Department, Faculty of Law, Adam Mickiewicz University in Poznan, Poland. She is currently a Senior Researcher at the Poznan Human Rights Centre, Institute of Legal Studies of the Polish Academy of Sciences where she has defended her PhD on counteracting antisemitism with legal instruments of the international human rights law. Her main fields of research are: constitutional law, freedom of speech vs. hate speech, defamation of religions, universal system of human rights protection. She prepares analysis and expert reports for the Polish Parliament and for the European Commission. Aleksandra is also a Vice-President of the "Open Republic" Association against Antisemitism and Xenophobia, a leading Polish NGO active in the field of counteracting intolerance, hatred and prejudice.

Elena Glushko works in the Institute of Scientific Information in Humanities, Russian Academy of Sciences (INION RAN). Postgraduate study in General History at the Institute of Scientific Information in Humanities, Russian Academy of Sciences (INION RAN), Moscow (2007-2010). Her dissertation is titled "Church, State and Society: Questions of spiritual dissidence in Czechoslovakia, 1968-89". The dissertation has been submitted for defense in the spring 2012 to the Russian State University of Humanities (RGGU); however, in June its Academic council on Contemporary History was closed and opened again only in April 2013.

Saygun Gökarıksel completed his M.A. degree in East European Studies at the Jagiellonian University (Poland) in 2003. Since 2005 he has been a Ph.d. student in the Anthropology Department of the Graduate Center of City University of New York. He is currently finishing his dissertation project, which focuses on the ethico-political and judicial reconstructions of East European socialist experience on the basis of secret service archives and lustration court proceedings. Central to his research are themes of popular sovereignty, state formation, and political violence, and ethics of knowing, reconciliation, and political life. He was a doctoral fellow at the Center for Place, Culture, and Politics of the Graduate Center of City University of New York (2012/2013). Currently, he is a fellow at the New Europe College (Romania).

Katarzyna Katana is a graduate student in the Faculty of Law and Administration of the Jagiellonian University (Krakow). She graduated from the Erasmus Programme at the University of Malta. She is a co-author of a

publication *Consumer at the financial services market* [Konsument na rynku usług finansowych], her passion is journalism.

Kate Korycki is researching toward her doctorate in political science at the University of Toronto. She has a Master of Arts degree in political science from McGill University. Her broad research agenda concerns politics of identity and belonging, and conflict. In her doctoral work she looks at law and memory. She examines what happens to collective remembering when its conflicts collide with, and are conducted through law. She theorizes that in the moments of memory contest, when meaning and moral valuation of the past have not coalesced into a coherent narrative, law reflects that conflict, transforms it, and in the process it affects memory itself.

Ana Luleva gained her PhD in Ethnography with a thesis *The World of Things in the Rural Bulgarian House*. She works in Institute of Ethnology and Folklore Studies with Ethnographic Museum, Bulgarian Academy of Sciences. Since 2004 she is a head of the Department "Ethnology of Socialism and Post-socialism" at the National Ethnographic Institute and Museum. Her research interests include: anthropology of socialism and post-socialism, memory studies, gender studies. She published in *Ethnologia Balkanica*, *Ethnoscripts* and others. She co-edited *Zwangsarbeit in Bulgarien 1941-1962. Erinnerungen von Zeitzeugen*.

Hannes Püschel (Ass. jur.) was born 1979 in Potsdam, from 2000 to 2007 he studied jurisprudence in Frankfurt/Oder and Vilnius (Lithuania). From 2007 to 2009 he took post-graduate civil service training (Referendariat) in Berlin, Frankfurt/Main, Hamburg and Tbilissi (Georgia), from 2010 to 2011 served as Tutor for German Law at the Ivane Javakhishvili State University Tbilissi. Since 2012 he has been working as adviser for victims of political violence in Potsdam. He has publications on German and Eastern European memory policy, constitutional law, administrative law and legal history.

Marcin Romanowski gained his PhD in Law, LL.M. at the University of Regensburg. He was a scholarship holder of Konrad Adenauer Foundation at the University of Regensburg, University of Greifswald and Humboldt University in Berlin. Currently he's working as assistant professor at the Chair of Theory and Philosophy of Law at the Faculty of Law at the Cardinal Stefan Wyszyński University in Warsaw. His main areas of research are issues dealing with the past and transitional justice, natural law, social ethics and theory of global law.

Ela Rossmiller is a doctoral student in international relations at American University in Washington, D.C. She specializes in transitional justice as well as comparative and regional studies. She also holds a master's degree in international education from Harvard University and a diploma in Polish studies from Jagiellonian University.

Magdalena Saryusz-Wolska is assistant professor at the Institute for Contemporary Culture at the University of Lodz (sabbatical), deputy director at the Center for Historical Research of the Polish Academy of Sciences in Berlin. Her recent publications: *Spotkania czasu z miejscem. Studia o pamięci i miastach* (Time meets space. Studies on memory and cities, Warszawa 2011), *Pamięć zbiorowa i kulturowa. Współczesna perspektywa niemiecka* (Collective and cultural memory. The contemporary German perspective, Kraków 2009), articles in *Deutsch-Polnische Erinnerungsorte* (German-Polish realms of Memory, eds. R. Traba, H.H. Hahn, Paderborn 2012) as well as in "Zeitschrift für Kulturwissenschaften" (1) 2012 and „German Life and Letters“ 2013 (1). Her current research project concerns visual cultures in early postwar Germany.

Joachim J. Savelsberg is a professor of sociology at the University of Minnesota and currently a fellow at the Käthe Hamburger Institute for Advanced Study "Law as Culture" in Bonn. Recent writings address issues of law regarding hate, genocide and atrocities, especially their public representations and collective memories. They include *American Memories: Atrocities and the Law* (with Ryan D. King); *Crime and Human Rights: Criminology of Genocide and Atrocities* as well as articles. Current NSF-funded research addresses "Collective Representations and Memories of Atrocities after Judicial Intervention: The Case of Darfur in International

Comparison". He is the incoming co-editor of the *Law & Society Review* (2014-16), a past chair of the ASA Section for Sociology of Law and SSSP Theory Division and a fellow of the American Society of Criminology.

Ivor Sokolić is first year Ph.D candidate at University College London at the School of Slavonic and Eastern European Studies, under the supervision of Dr. Eric Gordy. Sokolić completed a B.Sc and M.Sc in European Politics from the University of Wales, Aberystwyth. His research focuses on transitional justice in Croatia, as well as the region more broadly. In particular, he investigates what effects international, domestic and civil society initiatives in the transitional justice process have had in the cultural and societal spheres.

Tomasz Stryjek is a professor in the Institute of Political Studies of the Polish Academy of Sciences and in Collegium Civitas. He published several books: *Ukraińska idea narodowa okresu międzywojennego. Analiza wybranych koncepcji* [Ukrainian nationalism in the interwar period. Analysis of selected concepts], *Jakiej przeszłości potrzebuje przyszłość? Interpretacje dziejów narodowych w historiografii i debacie publicznej na Ukrainie 1991-2004* [What past does the future need? Interpretations of national history in the historiography and public debate in Ukraine 1991-2004] and (with Grzegorz Motyka, Rafał Wnuk and Adam F. Baran) *Wojna po wojnie. Antysowieckie podziemie w Europie Środkowo-Wschodniej 1944-1953* [War after the war. Anti-Soviet underground in Central-Eastern Europe 1944-1953] (Gdańsk – Warszawa 2012). In the last book he raises the topic of contemporary discussions concerning the 1939-1953 period in the Baltic states, Belarus and Ukraine.

Oldřich Tůma is director of the Institute of Contemporary History at the Academy of Sciences of the Czech Republic. Dr Tůma is one of the most renowned Czech historians focusing on the post-war history of Czechoslovakia. His recent work deals with analysis of totalitarian regimes and the mechanisms of their functioning. At the Institute of Contemporary History he has supervised numerous oral history projects that aim to reconstruct historical memory of the period after 1948 in Czechoslovakia.

Marcin Warchoń is an Assistant Professor in the Institute of Criminal Law, Faculty of Law and Administration, University of Warsaw where he is currently appointed as vice-headmaster. In 2011 awarded with scholarship in Max-Planck-Institut für ausländisches und internationales Strafrecht in Freiburg. From 2008 he works as specialist in Ombudsman office. Author of scientific publications, he co-edited book *European Rules of Criminal Procedure*.

Marcin Wróbel is final year law student at Jagiellonian University in Kraków, seminarist in Department of Sociology of Law, former president and active member of TBSP (student scientific organization at WPiA UJ), researcher at Faculty of Law and Administration, Jagiellonian University.

DISCUSSANTS

Uladzislau Belavusau is an Assistant Professor at the *Vrije Universiteit Amsterdam* (the Netherlands). He holds a Ph.D. from the *European University Institute* (Florence, Italy) and an LL.M. from the *Collège d'Europe* (Bruges, Belgium). He was a visiting scholar at the *University of California at Berkeley* (USA), *Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht* (Heidelberg, Germany) and *York University* (Toronto, Canada). His research interests cover comparative human rights, EU non-discrimination law, constitutional theory, and critical legal studies. His recent publications include a monograph *Freedom of Speech: Importing European and US Constitutional Models in Transitional Democracies*, 2013. Amongst other subjects, that monograph unpacks the role of memory laws in Central & Eastern Europe.

Adam Czarnota is the current Scientific Director of Onati International Institute for the Sociology of Law. He is an Associate Professor of Law and Co-Director of the Network for the Interdisciplinary Studies of Law at the University of New South Wales, Sydney, Australia, and also a Professor of Law at the University of Białystok,

Poland. He teaches philosophy of law and sociology of law as well as history of legal and political ideas and comparative law. He has been a Fellow of the Royal Flemish Academy of Sciences and Arts, and Collegium Budapest and a member of the Board of the Research Committee on the Sociology of Law and Chair of the Working Group on "Transformation of law in post-communist societies". Professor Czarnota has published extensively in Polish and English in fields of sociology of law, legal theory, philosophy of law and history of ideas, and political theory. Currently he is working on a book on legal strategies of dealing with the past in post-communist world and on project on law and collective memories.

Antoni Dudek studied at the Faculty of Law and Administration of Jagiellonian University in Kraków (1985-1990). His research interests are focused on contemporary Polish history, especially the political history of People's Republic of Poland and the Third Republic of Poland. In 2000 he became Head of the Research Department at the Institute of National Remembrance. Since 2010 he continues to work at the Jagiellonian University in Kraków as an Associate Professor.

Yifat Gutman gained her PhD in Sociology in New York School for Social Research (2011) with the dissertation entitled *Past before Future: Memory Activism in Israel-Palestine*. Currently based in Hebrew University, Jerusalem. Her research has focused on the politics of commemoration in a transnational context, peace activism, conflict resolution, and political culture. She has published peer-reviewed articles in the journals *Parallax*, *Memory Studies*, and the *International Journal of Politics, Culture and Society*, among others, and co-edited the volume *Memory and the Future: Transnational politics, ethics and society*. Her current project deals with grass-roots memory and reconciliation in Poland and the Sudetenland.

Andrzej Paczkowski is a chairman of the Council of the Institute of National Remembrance in Poland. Graduate from the Faculty of History at the University of Warsaw the title of professor in 1991. In the period 1983-1989 co-organizer and editor of "Archiwum Solidarności" (Solidarity's Archives) Series. Author of hundreds of scientific articles, 10 monographs, editor of several volumes of documents. Participant in numerous scientific conferences in Poland and abroad. Fellow of, among others, W. Wilson Center in Washington and Nobel Institution in Oslo. He was a member of the Council of the Institute of National Remembrance in the years 1999-2011.

Yaroslav Pasko is Professor of Sociology and Philosophy at Donetsk State University of Management and Donetsk State University, Ukraine. In 2005-2007 he was visiting fellow at The Council For Research in Values And Philosophy, Washington, USA. His academic interests include social and cultural aspects of post-soviet memory transformation, postcolonialism, political theory of recognition, civil society and social reconstruction, interrelation between sacral and secular, as well as normative- value legitimating and identity changes in Ukrainian society.

Jirí Pribán graduated from Charles University in Prague in 1989 and joined Cardiff University as a full-time member of staff in 2001. Jirí received his LLD in 2001 and was appointed visiting professor of legal philosophy and sociology at Charles University by President of the Czech Republic Václav Havel in November 2002. He was also visiting professor or scholar at European University Institute in Florence, New York University (Prague Office), University of California in Berkeley, University of San Francisco, University of Pretoria, and University of New South Wales, Sydney. Jirí Pribán has published extensively in the areas of sociology of law, legal philosophy, constitutional and European comparative law, and theory of human rights. He is an editor of the *Journal of Law and Society* and a regular contributor to the BBC World Service, the Czech TV, newspapers and other periodicals.

István Rév is director of Open Society Archives at Central European University in Budapest. He works also as a professor in History Department and Political Sciences Department in Central European University. His main research interests include: Communism, Fascism, Economic and social history of Eastern and Central-Europe.

Wojciech Sadurski is Challis Professor of Jurisprudence at the University of Sydney and Professor of the Centre for Europe at Warsaw University. He has taught at several institutions around the world, such as Cornell Law School and Cardozo Law School in the United States, and at universities across Europe: in Trento, Paris and Warsaw. He was Professor of Legal Theory and Philosophy of Law at the European University Institute in Florence from 1999-2009. Specializing in philosophy of law, political theory, constitutional theory and comparative constitutional law, his most recent books include: *Rights Before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe* (2005), *Equality and Legitimacy* (2008) and *Constitutionalism and the Enlargement of Europe* (2012). A member of a number of governing and program bodies of think tanks and NGOs dealing with human rights and democracy promotion, he is currently Chairman of Academic Advisory Board of the Community of Democracies.

Dariusz Stola is a Professor and vice-president at Collegium Civitas, professor at the Institute of Political Studies, Polish Academy of Sciences and fellow at the Center of Migration Research, University of Warsaw. His academic interests include: international migrations in the twentieth century, Polish-Jewish relations and the Holocaust, the communist regime. On these topics he published eight books and more than hundred articles; the most recent book, *Kraj bez wyjścia?* (A country with no exit?) deals with migrations from Poland 1949-1989. Currently he is working on a project about political sociology of communist regimes after Stalin.

Stanisław Tyszka is Assistant Professor at the Institute of Social Prevention and Resocialisation, Faculty of Applied Social Sciences and Resocialisation, Warsaw University. He also collaborates with the Social Memory Laboratory at the Institute of Sociology, University of Warsaw. Dr. Tyszka received his PhD degree from the European University Institute, Florence. His soon to be published monograph based on the PhD thesis is titled *Restitution as a Means of Remembrance: Transitional Justice in the Czech Republic and Poland*. It is a comparative analysis of the politics of memory in relation to restitution as a measure of post-communist transitional justice in the two countries. Dr. Tyszka's fields of expertise include: sociology of law, transitional justice, coming to terms with the past in post-communist societies, deregulation and better regulation processes.