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**Legal Forms of Experiencing History: Practices and Limits
Review of the International Scientific and Practical Conference
(St. Petersburg, the North-Western Branch of the Russian State University of
Justice, September 11–12, 2020)**

The St. Petersburg International Scientific and Practical Conference entitled “Legal Forms of Experiencing History: Practices and Limits” was held at the North Western branch of the Russian State University of Justice on September 11–12, 2020. The event was held with the financial support of the Russian Foundation for Basic Research (project No. 20-011-20021).

The plenary session of the conference took place on September 11, 2020. V.N. Kornev, Professor, Vice-Rector for Science of the Russian State University of Justice, and Ya.B. Zholobov, Director of the North-Western Branch of the Russian State University of Justice, made welcoming presentations.

In the scientific reports of S.V. Kodan, D.J.S., Professor (Yekaterinburg, Ural State Law University), I.L. Chestnov, D.J.S., Professor (St. Petersburg Law Institute (Branch) of the Academy of the General Prosecutor's Office of the Russian Federation), T.F. Yashchuk, D.J.S., Professor (Dostoevsky Omsk State University), D.A. Pashentsev, D.J.S., Professor (Moscow, The Institute of Legislation and Comparative Law under the Government of the Russian Federation), Ruth Arie van der Paul, a judge of the Appeal Court of Arnhem–Leeuwarden (Oss, Netherlands), M.A. Kozhevina, D.J.S., Professor (Omsk, Omsk Academy Ministry of Internal Affairs of the Russian Federation), N.N. Efremova, C.J.S., Professor (Moscow, The

Russian Presidential Academy of National Economy and Public Administration), Pavel Siren, a judge of a district court in Krakow (Poland), T.N. Il'ina, C.J.S., Associate Professor (Kursk State University), T.V. Shatkovskaya, D.J.S. (Rostov-on-Don, the South-Russian Institute of Management of the Russian Presidential Academy of National Economy and Public Administration), S.V. Lonskaya, D.J.S., Associate Professor (Kaliningrad, Immanuel Kant Baltic Federal University), I.A. Orlova, C.J.S., Associate Professor (St Petersburg University), S.V. Korostylev, C.J.S., Associate Professor (St Petersburg University), I.A. Vasil'ev, C.J.S., Associate Professor (St Petersburg University), and other researchers, it was noted that one of the striking characteristics of the modern period is the actualization of history accompanied by the experiencing of the past events in a new way, though, as it seemed recently, humanity had developed a universally recognized attitude to them.

Various causes contributing to the emergence and development of this phenomenon were identified.

Firstly, the turn of each century, especially the millennium, gave rise to the painful emergence of new development paradigms that led to the reassessment of recent past and distant events. The beginning of the 21st century was no exception.

Secondly, significant changes have occurred and are still taking place on the political map of the world. The clash of geopolitical interests forces opponents to turn to historical facts, engage in their interpretation, and use them to defend their positions.

Thirdly, once unresolved contradictions can have a traumatic effect on society for a reasonably long time. Furthermore, over the 20th century, such contradictions related to racial, national, religious, territorial and other issues have accumulated significantly.

Fourth, human rights development as a systemic factor forces humanity to seek the optimal balance between such categories as “collective” and “individual”, “universal” and “group”. Therefore many events of the past are acutely perceived at the present stage. A part of the population sometimes desires to get a “reimbursement” for oppression, the committed injustice, inequality, etc.

Fifth, thanks to scientific and technological progress, historical knowledge has never been as accessible as it is now. Anyone can find information about the events of the past that interest him and share memories and give their assessments. History has ceased to be a science; its achievements are no longer a great asset of professionals. According to modern experts, there was an open interaction of history and memory for the first time.

A.A. Dorskaya, D.J.S., Professor (St. Petersburg, the North-Western Branch of the Russian State University of Justice), in her scientific report, touched upon the legal design of the concepts of “official policy of remembrance” and “commemorative legislation.” The author concluded that not all issues in this area had been resolved. Instead, humanity is still taking the first steps to legally experience history, at least of the 20th century, and develop the relevant forms.

On September 12, 2020, sectional meetings were held.

In the first breakout session entitled “Official Policy of Remembrance: Theoretical and Historical Dimensions,” theoretical, historical and legal issues of the official policy of remembrance were discussed.

T.M. Bazhenova, C.H.S., Associate Professor, and S.V. Kodan, D.J.S., Professor, considered the biographical approach to social memory study in their report. The issues of legal forms of experiencing digitalization were raised in the report of N.V. Zaloilo, C.J.S. The correlation between the concepts of “policy of remembrance” and “historical policy” was considered in the message of N.I. Alekseeva, C.J.S. the reports of O.M. Karamyshev, C.J.S., M.I. Yudina, C.J.S., V.V. Efremova, C.J.S., were devoted to the historical aspects of the official policy of remembrance.

The second breakout session entitled “Commemorative Laws of Russia and Foreign Countries” has become a platform for discussing challenges in the field of commemorative legislation of our country and some foreign countries.

In particular, S.V. Bochkarev, C.J.S, Associate Professor, stopped on questions of the crisis phenomena as the historical and legal category illustrated by the case of France. Z.N. Kalindarishvili, C.J.S., C.P.S., Associate Professor, and V.A. Kovalev

raised the questions of historical memory, national identity and common law in the United States during the Civil War.

The third breakout session entitled “International Legal Understanding of the Historical Process,” raised issues of peaceful secession by reference to the experience of the Scandinavian countries (the report of Yu.V. Ginzburg, C.J.S.), the reconstruction of constitutional and legal mechanisms for preventing secession on the example of the countries of Eastern Europe (report of E.E. Khashchina, C.J.S.), the preservation of historical memory through foreign language teaching (the report of A.I. Sinina, C.Philol.S., and N.N. Shestakova).

The fourth breakout session entitled “Practices and Limits of the Legal Qualification of the Relations in Sports: History and Modern Times” was devoted to questions of criminal policy in sports (the report of P.V. Tsvetkov), to counteraction of organized crime in sports as a historical and legal challenge (the report of E.V. Topil'skaya, C.J.S.), development of the legislation on prevention of extremist manifestations in sports (the report of S.U. Salmanov, D.J.S., Professor).

At the fifth breakout session entitled "Challenges of the Legal Aspects of the Experiencing History in the Research Projects of Young Scientists," postgraduates, Master's students and undergraduates presented the reports devoted, in particular, to the issues of the effectiveness of legal regulation of family relations in pre-revolutionary Russia (L.A. Kadyrova, postgraduate of the Department of Theory and Civil Law Education of the Herzen State Pedagogical University of Russia), analysis of the federal target program called “Perpetuating the memory of those killed in the defense of the Fatherland for 2019–2024 years” (E.S. Urdina, Master's student of the Herzen State Pedagogical University of Russia), some factors of the legal regulation of the statute of limitations in the criminal law of the Russian Federation (D.S. Zubritskii, Master's student of the North-Western Branch of the Russian State University of Justice) and other legal aspects of the experiencing history.

Thus, the conference discussed such fundamental scientific challenges as the possibility of a legal definition of attitude to historical events, the correlation between the official policy of remembrance and freedom of scientific creativity, primarily in

the field of history and history of law, legal tools for preventing and overcoming the “wars of memory” observed today in various regions of the world, the relationship of international and domestic law in “commemorative” issues (in particular, modern attempts to review the decisions of the Nuremberg and Tokyo Trials by adopting national laws), the role of international organizations and international law in the process of universalization of the remembrance policy of modern States.

The discussion at the conference contributes to the formation of a new classification of commemorative laws that was discussed while summing up the results of the second day of the conference and the development of existing directions within the framework of the official policy of remembrance of different States.

The potential for practical use of the scientific results of the event can be presented as follows.

1) Legal forms of experiencing history are related to the official policy of remembrance carried out at the international, supranational and domestic levels.

2) The official policy of remembrance has been known since ancient times, and at first, it was closely related to canonical overtones. For example, the canonization of innocently killed princes, kings, the construction of religious buildings in honor of military victories, the establishment of orders, medals were used by the authorities at different historical development stages.

This phenomenon gained traction in the second half of the 20th century. A huge role in this process was played by Helmut Kohl, the former German Chancellor, when he began to pursue a policy of forming German patriotism in a positive way.

3) At the present stage, three levels of the official policy of remembrance can be distinguished.

The first level is an international one. Thus, based on the UN General Assembly Resolution No. 60/7 of November 1, 2005, the outreach program on the subject of the “Holocaust and the United Nations” was established. It encourages the development of educational projects by Member States. The United Nations designated January 27 as an annual International Day of Commemoration in Memory

of the Victims of the Holocaust. In 2007, a resolution condemning any denial of the Holocaust was adopted by 102 States out of 192 delegations taking part in the vote.

The second level is a supranational one. It can be considered on the example of the official policy of remembrance of the European Union. This international integration organization faced the difficult task of writing pan-European history, given the fact that many states constantly fought among themselves and still have disputed territories. In the 20th century, they were divided into capitalist or socialist camps, etc. This policy has been implemented for about a quarter of a century, and so far a number of the taken measures are growing. So, in 1996, the EU Directive obliged the participating countries to criminalize the public acquittal of crimes convicted by the Nuremberg Trial. In 2019, the European Parliament adopted the Resolution on Importance of European Remembrance for the Future of Europe.

The third level is a domestic one. Since the 1990s, commemorative laws have appeared in the legislation of many States, primarily in Europe. The ambiguity of this process has led to the emergence of three groups of countries, depending on their attitude to commemorative legislation: the first group considers legislative consolidation of the attitude to the past unacceptable (the United States); the second group has adopted commemorative laws, but they are not in force as being found to be inconsistent with the Constitution (Spain); the third group has adopted commemorative laws and advocates their further development (Austria, Belgium, Canada, Czech Republic, Germany, Hungary, Israel, Liechtenstein, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Slovenia, Switzerland, etc.).

4) The international legal level of regulation of attitude to historical events has many advantages over supranational and domestic ones. International law is a certain deterrent to the development of commemorative legislation, a criterion for its compliance with the universal human rights system. The primary purpose of regulations and treaties is to maintain balance and not to give rise to a new confrontation. The adoption of new instruments at the international legal level affecting historical material is based on the agreed will of all or most of the parties. So, on November 16, 2017, the Third Committee of the UN General Assembly

adopted the Russian version of the resolution on combating the glorification of Nazism, neo-Nazism and other types of discriminatory practices. The resolution was endorsed by 125 States out of 193 delegations.

As a result of the conference, the multi-authored monograph entitled “Legal forms of experiencing history: practices and limits” was published under the editorship of S.V. Bochkarev (St. Petersburg: Asterion, 2020, 694 p.).