

**Daniil A. Anikin**

Lomonosov Moscow State University,  
Peoples' Friendship University of Russia,  
Moscow, Russia

E-mail: dandee@list.ru

ORCID ID: 0000-0001-6232-6557

ResearcherID: D-7070-2013

SPIN-code: 2015-5946

## **Genocide of the Soviet People: Trajectories of Legal Culture and Politics of Memory**

*Abstract.* Criminalisation and victimisation, which characterise contemporary politics of memory, result in the construction of collective traumas as instruments for the political consolidation of society. The political instrumentalisation of genocide occurs in the context of memory wars unfolding between the countries of Eastern Europe and the Russian Federation as part of a process of rethinking their common socialist past. The recognition of historical events such as the famine of 1932–1933 as “genocide” thus becomes not only an important factor in civil nation-building, but also a symbolic instrument of international geopolitical struggle. The historical development of the concept of “genocide” in relation to the crimes of the Nazi regime at the level of judicial decisions and federal legislation can be seen as a response to the use of this concept by Eastern European countries as a justification for revising the post-war international order as enshrined in the decisions of the Nuremberg trials. The submission to the Russian State Duma in 2024 of a bill “On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945” leaves a number of questions unanswered. First of all, these consists in the problem of interpreting the concept of “a people” from the point of view of the ethnic or civic understanding of the nation. In addition, a question arises concerning the correlation of newly developed categories of memorial legislation with concepts already enshrined in existing regulatory acts (victims of the Great Patriotic War).

*Keywords:* genocide; trauma; memory law; Soviet people; crime against humanity; memory wars; instrumentalisation; peoples

**Problem Statement.** On June 18, 2024, a group of deputies submitted to the State Duma of the Russian Federation the text

of the bill “On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945”. The rare inter-factional unanimity demonstrated by the deputies in preparation of this bill, while in itself not a guarantee of its adoption, symbolises the importance that is attached to this project as part of the process of perpetuating the memory of the Great Patriotic War. As O.F. Rusakova notes, “in state discourse, historical memory is considered primarily as one of the structural components of a rich set of traditional values that form the basis of Russia’s national identity. At the same time, the concept of *historical memory* appears in official documents as one of the dominant strategic priorities of national policy associated with the protection of traditional Russian values” (Rusakova 2023: 37). As a result of the question of preserving the memory of the Great Patriotic War becoming one of the key issues in contemporary Russian historical policy, the presented analysis of this bill thus acquires not only a scientific, but also a rather practical significance.

The issue of the normative consolidation of the concept of *genocide of the Soviet people* also acquires extreme relevance in the context of the analysis of memorial laws adopted in recent years in the Russian Federation, as well as law enforcement practice based on these laws. Thus, the issue acquires both a purely legal, as well as a theoretical-political and socio-philosophical, dimension.

In a legal sense, the proposed bill serves as a means of clarifying and specifying legal responsibility for war crimes against civilians; in addition, it provides for a clear definition of the powers of state bodies and local governments to perpetuate the memory of the victims of the Great Patriotic War.

In a theoretical and political science sense, the very appearance of the bill should be considered as a natural development of a whole chain of normative acts regulating and controlling the methods of referring to the past. In relation to such normative acts, the designation “memory laws” has become established in modern social science. The most important subject of this research is the political context that gives rise to the need to codify ideas about the past, as well as the selection of those categories that are used for such codification.

In a socio-philosophical sense, it is significant to change the models of ideas about the past (primarily about the Great

Patriotic War) from the point of view of the emotional colouring of these memories, focusing attention in the public space on the traumatic and sacrificial nature of the historical memory of the war. One can agree with D.E. Letnyakov that “it is counterproductive to view the collective memory of society as something unified, homogeneous and monolithic. On the contrary, it is a combination of different elements that may often appear contradictory” (Letnyakov 2021: 72). In this sense, the contemporary collective memory of Russian society is also extremely heterogeneous; therefore, questions of its potential splits, as well as nonlinear dynamics, become extremely relevant for scholarly research.

The present work will focus on the theoretical and political science aspects of the normative consolidation of the concept of *genocide of the Soviet people*, as well as the foreign and domestic policy contexts of the transformation of memorial legislation in this direction.

### **Theme of Genocide in the Context of Memory Laws.**

The idea of the existence of common tragedies for a given community has long been an important element in the formation and maintenance of national identity. The creation of nation states as actors in the politics of memory and identity typically led to their adoption of those versions of the traumatic perception of the past that were developed within the framework of the Christian worldview. According to A.V. Yarkeev, “self-sacrifice for the sake of the heavenly fatherland eventually acquired the appearance of civic self-sacrifice for the sake of the earthly fatherland; as such, the ‘martyrdom’ of the heroically fallen was given a national flavour” (Yarkeev 2023: 22). In this sense, an appeal to collective traumas is not limited to the current development stage of the politics of memory.

N.E. Koposov notes that “the uniqueness of the current historical policy is largely rooted in two important features of modern memory. Here we are talking about the criminalisation and victimisation of the past – that is to say, about the view of history as a chain of crimes and the desire of human groups to present themselves as the victims of these crimes” (Koposov 2011: 52). This seems to be the key difference between the modern attitude towards the past and the Romantic era of the creation of national narratives that arose in the 19th century, which conceived the past as an adventure novel in which the nation played the role of the main protagon-

onist. The consequent criminalisation of the past is built around a desire to present the history of communities as a detective story in the course of which a criminal must necessarily be found; however, ideas of who exactly should be identified in this capacity tend to differ significantly among most modern political actors.

Victimisation is a process in which the idea of the existence of a community of victims who have suffered from a crime is formed; this, in turn, presupposes a certain restoration of justice (legal, economic or symbolic retribution). As K. Elyacheff and D. Soulez-Larivière point out, “at the trials of Adolf Eichmann (1961) and Klaus Barbie (1987), the unrecognised victims wanted to be recognised as victims of a crime against humanity, not as heroes. This was an important stage that took some time: a language appeared that allowed victims to talk about themselves; moreover, it became obligatory to look for the reasons for the appearance of victims in certain qualities of the modern world” (Eliacheff, Soulez-Larivière 2022: 29). From this follows, firstly, the very emergence of the practice of victimisation being directly related to the awareness of the tragic consequences of the Second World War, and, secondly, the state of victimhood being considered not as a random coincidence, but as presupposing the presence of a personified or depersonalised figure of the criminal.

But where there is a crime, there must be punishment. More precisely, the idea of the existence of crimes in the past presupposes the need for the emergence of those normative frameworks that make it possible to establish responsibility for the crime committed – and, most importantly, to hold accountable those whom the modern victimised community considers as criminals.

Memory laws are usually understood as normative acts that establish the responsibility of individual or collective subjects for public statements about the past. An example of the first such law is the Gayssot Act, which was adopted in France on July 13, 1990, and which established legal liability for denial of genocide, racism and xenophobia – in particular, for denial of the Holocaust. It is precisely the mention of a specific historical event (*the Holocaust*) that makes this normative act a striking example of a memory law that limits the possibility of public statements about the past not only from the point of view of national interests, but also that of humanity as a whole. However, it is important to understand that the Gayssot

Act had its own prehistory, which was connected with the enshrinement of the concept of *genocide* in international law. Thus, despite the apparent universality of the term itself in terms of its manifestations in various historical eras, its conceptualisation was directly linked to the events of the Second World War.

On December 9, 1948, the UN Convention on the Prevention and Punishment of the Crime of Genocide was adopted, in which the concept of *genocide* itself was formulated for the first time – or, more precisely, the criteria were outlined according to which a criminal offence could be classified as falling into this category. Defined here, genocide means “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”<sup>1</sup>.

The need to clarify the concept of *genocide* arose due to the activities taking place as part of the Nuremberg Process, as well as by the fact that the previous UN resolution 96 (I) of 11 December 1946 had simply declared genocide a crime that violated international law without providing a precise legal definition. The 1948 Convention specified that the definition of genocide included acts directed against national, ethnic, racial or religious groups; while this may seem to specify a list of communities against which violent acts could be considered genocide, a certain interpretative leeway remained as a result of “national” and “ethnic” being used as separate terms. This ambiguity in the use of the term “nation” did not permit a more precise definition of whether reference was made exclusively to a nation in its ethnic sense or rather to a civil nation, thus significantly broadening the potential interpretation of genocide.

Another important step towards establishing legal responsibility for war crimes was taken in 1968, when the UN General Assembly adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (resolution 2391 (XXIII) of 26 November 1968)<sup>2</sup>. In the preamble, it is directly stated that the abolition of the statute of limitations for war crimes

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<sup>1</sup> *Convention on the Prevention and Punishment of the Crime of Genocide*, available at: [https://www.un.org/ru/documents/decl\\_conv/conventions/genocide.shtml](https://www.un.org/ru/documents/decl_conv/conventions/genocide.shtml) (accessed October 12, 2024). (in Russ.).

<sup>2</sup> *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity*, available at: [https://www.un.org/ru/documents/decl\\_conv/conventions/warcrimes\\_limit.shtml](https://www.un.org/ru/documents/decl_conv/conventions/warcrimes_limit.shtml) (accessed October 12, 2024). (in Russ.).

and crimes against humanity was based on the decisions of the Nuremberg Tribunal. It is significant that the mention of genocide in the content of this Convention indicates the absence of a direct equivalence between these types of crimes. More precisely, genocide is considered as one of the crimes against humanity, but not the only one, since a number of crimes specified in the Charter of the International Nuremberg Military Tribunal are also included among them, namely “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated”<sup>3</sup>.

One can agree with T.G. Daduani that “there was a complex relationship between the two related but distinct concepts of *genocide* and *crimes against humanity*. Not only was genocide qualified as an international crime under an international convention, but it was also accompanied by significant additional obligations, namely: to prevent crimes; to enact national laws and enforce punishment for the crime; to cooperate in the extradition of criminals” (Daduani 2011: 142). At the same time, while the broad interpretation of crimes against humanity did not imply that each of them could be considered an act of genocide, the active dissemination in the 1960s of ideas about the Holocaust as the main tragedy of the civilian population during the Second World War led to the idea of the inextricable connection and even interchangeability of these concepts taking root in the public consciousness. Thus, the victimisation of Holocaust memory led to the emergence of a model of genocide that became key to subsequent political and legal use, not only in terms of the criteria for classifying an event as genocide, but also in terms of determining the consequences for those communities that acted as victims.

**Political Instrumentalisation of Genocide in the Context of Memory Wars.** An important factor in international relations at the beginning of the 21<sup>st</sup> century is the gradual complication

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<sup>3</sup> *Charter of the International Military Tribunal for the trial and punishment of the major war criminals of the European Axis countries*, available at: <https://docs.cntd.ru/document/901737883> (accessed October 12, 2024). (in Russ.).

of relations between the Russian Federation and the countries of Western Europe, which could not but be reflected in the sphere of memory politics since concerning the question of the alleged responsibility of the USSR not only for the socialist regimes in post-war Eastern Europe (the concept of *double occupation*), but also for the outbreak of World War II itself. Looking ahead, it is worth recalling that it was precisely this last political and legal invective that was reflected in the European Parliament resolution “On the importance of European remembrance for the future of Europe”, adopted on September 19, 2019, which proclaimed the dual responsibility of the USSR and Germany for unleashing the war<sup>4</sup>.

However, the specificity of a “memory war” lies in its peculiar epistemological status, since it is difficult to consider its goal to be the clarification of the final truth regarding a particular event. The question is rather one of determining which community has the moral right to tell the story that emphasises guilt or victimhood. “The debate around World War II is a struggle not so much for the right to impose a certain belief about it, but rather to recount a narrative about it. Likewise, all the numerous themes of the “memory wars” are a struggle for the position of the narrator and all the benefits that go with it” (Illarionov, Mosienko 2023: 40).

Any collective trauma that allows a certain community to be represented as victims (or their heirs) of actions that took place in the past thus becomes a powerful argument in the process of symbolic struggle. However, in the context of the devaluation of victimhood, when any community can appeal to tragic events that took place in its history that suggest the guilt of another community, it becomes important not only to identify the collective trauma itself, but also to give it a special character and thus to outplay one’s rivals in the “symbolic field”.

The theme of genocide, which is traditionally associated with the Holocaust in the European political and legal narrative, is acquiring a new meaning precisely in the context of a rethinking by Eastern European states of their geopolitical priorities and historical policies. From the point of view of the political context, the ap-

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<sup>4</sup> *European Parliament resolution of 19 September 2019 on the importance of European remembrance for the future of Europe*, available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021_EN.html) (accessed October 12, 2024).

peal to genocide is beginning to be used most actively in relation to those states that are considered to be the remnants (or successors) of the former socialist camp. In particular, in 2009, the European Parliament adopted a resolution on Srebrenica, in which the actions of Serbian troops against the civilian population are directly characterised as genocide<sup>5</sup>. In parallel, a similar attempt is underway to reinterpret the mass famine on the territory of the Soviet Union as genocide, which in Ukrainian historiography is commonly called *the Holodomor*.

It is indicative that the concept of *Holodomor* as genocide is constructed according to the normative trajectory that was already established using the example of *the Holocaust*. In 2003, the Verkhovna Rada adopted a decision to recognise *the Holodomor* as genocide; in 2006, a law was passed establishing legal liability for denying *the Holodomor*. In a scholarly article examining the differences between Russian and Ukrainian positions on this event, the authors note that the perception of the famine of 1932–1933 not simply as a common tragedy, but as a deliberate act of eradication of the Ukrainian people, becomes an element of civil nationalism in Ukraine. In this context, *the Holodomor* becomes a collective trauma around which attempts to consolidate the culturally and linguistically disunited population of Ukraine are constructed; therefore, the key victimisation factor is the purely functional need to perform a national traumatic myth (Menkouski et al. 2021). A similar point of view is expressed by G.V. Kasyanov, who places this example in the broader context of nation-building practices in the post-Soviet space: “The myth of the long-suffering of a particular nation is common to almost all historiographies of the period of ‘national revivals’ not only in Europe, but indeed throughout the world (in fact, it is a necessary part of the ‘national revival’ scenario). In the post-Soviet space, it enjoys particular popularity” (Kasyanov 2004: 242).

But if in Ukraine the construction of *the Holodomor* as a collective victimisation trauma began back in the 1990s, then its gradual spread among European countries turned out to be connected with a general cooling of relations between Russia and the European

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<sup>5</sup> European Parliament resolution of 15 January 2009 on Srebrenica, available at: [https://www.europarl.europa.eu/doceo/document/TA-6-2009-0028\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-6-2009-0028_EN.html?redirect) (accessed October 12, 2024).



Union. During the 2000s, more than 15 countries officially recognised the fact of *the Holodomor*, but in different formulations: for a number of countries, the concepts of *Holodomor* and genocide were synonymous; while for others, *the Holodomor* was perceived as an undoubted crime of the Soviet regime or the leadership of the Soviet Union, but without establishing the fact of genocide.

First and foremost among those who opposed the broad conflation of these concepts was Israel. According to E. Zuroff, writing in 2019, “One of the biggest problems we face now is the so-called ‘double genocide theory’ that is prevalent throughout Eastern Europe, where governments are trying to claim that communist crimes amounted to genocide”<sup>6</sup>. The essential point here was the transformation of the concept of *genocide* from a legal mechanism that allowed for the possibility of prosecution without taking into account the time that had passed into a political instrument for settling scores with ideological opponents.

An intensification of the process of instrumentalisation of *the Holodomor* as genocide is associated with the armed conflict taking place in Ukraine. During the autumn of 2022, a number of European countries adopted legislative acts that, without further ado, recognised *the Holodomor* as genocide, establishing legal liability for its denial. The culmination of these public actions was the adoption by the European Parliament of a resolution to mark the 90th anniversary of the famine, which declared that the Parliament “recognises the Holodomor – the famine of 1932–1933 in Ukraine, artificially and deliberately created by the policy of the Soviet regime – as genocide against the Ukrainian people, since it was carried out with the aim of destroying a group of people by deliberately creating conditions of life calculated to bring about their physical destruction”<sup>7</sup>. Clearly, by cancelling at a stroke all scholarly discussions about the correctness of using this term in relation to the complex and ambiguous phenom-

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<sup>6</sup> Zuroff: *Israel should not recognize Holodomor as genocide*, available at: <https://www.jpost.com/israel-news/zuroff-israel-should-not-recognize-holodomor-as-genocide-578308> (accessed October 12, 2024).

<sup>7</sup> *Resolution of the European Parliament of 15 December 2022 “90 years after the Holodomor: Recognizing mass starvation as genocide”* (2022/3001(RSP)), available at: <https://www.europarl.europa.eu/cmsdata/263124/1269638%2090%20years%20after%20Holodomor%2015.12.2022%20RU.pdf> (accessed October 12, 2024). (in Russ.).

enon of the mass famine of 1932–1933, it is not the legal, but rather the political aspect of this problem that is brought to the forefront.

The victimisation of the former socialist republics (both Eastern Europe and the immediate post-Soviet space) and concomitant criminalisation of Russia as the legal successor of the Soviet Union had very specific consequences not only from the point of view of the current political agenda, but also in the context of memory wars. The ensuing victim status not only allowed a number of states to escape responsibility for crimes committed during the war, including against the peoples of the Soviet Union, but also opened the way for the open glorification of accomplices of the Nazi regime among representatives of Eastern European countries.

A logical reaction to the formation of a victim narrative in Ukraine consisted in a corresponding desire to justify Russia's moral and legal right to hold people accountable for the crimes committed, which manifested itself both in the emergence of a number of public projects and in attempts to normatively enshrine such a right.

**From Peoples to People: the Concept of *genocide* in the Russian Memorial Agenda.** The topic of Nazi crimes against humanity on the territory of the Russian Federation (and more broadly, the former USSR) was brought to the fore in 2018, which was caused not only by foreign policy, but also by domestic political factors.

Several years before this, in 2014, amendments were made to the Criminal Code of the Russian Federation, which established liability for the rehabilitation of Nazism (Article 354.1 of the Criminal Code of the Russian Federation), which became, in fact, the first example of a memorial law in Russia (Anikin, Golovashina 2023). In the same 2014, amendments were made to Article 20.3 of the Code of Administrative Offences of the Russian Federation, which received the clarified title “Propaganda or public display of Nazi paraphernalia or symbols, or paraphernalia or symbols of extremist organisations, or other paraphernalia or symbols, the propaganda or public display of which is prohibited by federal laws”<sup>8</sup>.

Finally, on May 9, 2018, the Decree of the President of the Russian Federation was signed, launching preparations for the celebration

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<sup>8</sup> *Code of Administrative Offences of the Russian Federation. Art. 20.3*, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/e3620d183bd6d1fe2ab8b0c912809857217325a2/](https://www.consultant.ru/document/cons_doc_LAW_34661/e3620d183bd6d1fe2ab8b0c912809857217325a2/) (accessed October 12, 2024). (in Russ.).

of the 75<sup>th</sup> anniversary of Victory in the Great Patriotic War, which involved the development and approval of a plan for the preparation and holding of the main festive events<sup>9</sup>. The date planned for 2020 was perceived as comparable in its symbolic potential to the previous “round” anniversary in 1995.

At the meeting of the Organising Committee “Victory” on December 12, 2018, in her speech, E.M. Tsunaeva, who is also the executive secretary of the Search Movement of Russia and the chairperson of the commission of the Public Chamber of the Russian Federation on youth affairs, development of volunteerism and patriotic education, voiced the idea of the need to create the project “Without a Statute of Limitations” aimed at updating the memory of the crimes of the Nazis against the population of the USSR.

There are two points worth noting in this speech. Firstly, the international context of rethinking the role of the USSR in the fight against Nazism: “Many of the perpetrators of punitive actions escaped punishment by receiving asylum abroad. Moreover, they are becoming a symbol of a new wave of revision of the results of the Second World War... Unfortunately, in a number of countries this has become part of state policy, and this with the complete connivance of European neighbours, who have also apparently forgotten what the inaction of their grandparents led to in the 1930s”<sup>10</sup>. Secondly, it is in this speech that the talk turns to genocide – and by analogy with the Holocaust that not only of Jews, but also other peoples living on the territory of the Soviet Union: “The crime in all the territories temporarily occupied by the Nazis clearly testifies to the genuine genocide not only against the Jews, but also against the entire Slavic people”<sup>11</sup>.

The launch of the “No Statute of Limitations” project in 2019 led not only to the intensification of public activity in searching for burial sites and installing monuments to victims of Nazism, but

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<sup>9</sup> *Decree of the President of the Russian Federation of 09/05/2018 No. 211 “On the preparation and holding of the celebration of the 75th anniversary of Victory in the Great Patriotic War of 1941–1945”*, available at: <http://www.kremlin.ru/acts/bank/43034> (accessed October 12, 2024). (in Russ.).

<sup>10</sup> *Meeting of the Organising Committee “Victory” (December 12, 2018)*, available at: <http://www.kremlin.ru/events/president/news/59388> (accessed October 12, 2024). (in Russ.).

<sup>11</sup> *Ibid.*

also to the emergence of legal practice of initiating criminal cases under Article 357 of the Criminal Code of the Russian Federation for crimes committed during the Great Patriotic War. The first precedent of the court decision was the recognition of the mass murder of civilians in 1942–1943 in the village of Zhestyanaya Gorka in the Novgorod region as a war crime against humanity. The Soletsky District Court, which issued its verdict on October 27, 2020, agreed with the prosecutor’s arguments that failure to recognise the crime as genocide would limit the rights of the victims<sup>12</sup>.

Over the following years (2020–2024), similar decisions were made by the courts of a number of constituent entities of the Russian Federation; the dynamics and geography of the decisions taken allow us to judge that in the near future all regions in which military actions took place in 1941–1945 will join this process. In the autumn of 2024, the fact of genocide was officially established on the territory of the Republic of Adygea (September 26)<sup>13</sup> and the Donetsk People’s Republic (October 1)<sup>14</sup>.

It is not surprising that already in the spring of 2023, the practice of recognising crimes against civilians as manifestations of genocide was brought to the federal level. On March 22, 2023, a Statement of the State Duma of the Russian Federation was issued, which stated the following: “The State Duma... recognises the criminal acts of the Nazi invaders and their accomplices against the civilian population of the USSR as genocide of the peoples

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<sup>12</sup> Kiknadze V.G. *Genocide of our people recognised by the court for the first time*, 28.10.2020, available at: <https://www.noo-journal.ru/blog/patrioticheskie-svodki-ot-vladimira-kiknadze/genotsid-naseleniya-rossii-resheniye-suda-novgorodskaya-oblast-zhestyanaya-gorka/> (accessed October 12, 2024). (in Russ.).

<sup>13</sup> *In Adygea, the court granted the prosecutor’s application to establish the fact of genocide of the peoples of the Soviet Union, as prepared on the instructions of the Prosecutor General of Russia Igor Krasnov*, 26.09.2024, available at: <https://epp.genproc.gov.ru/web/gprf/mass-media/news?item=98137931> (accessed October 12, 2024). (in Russ.).

<sup>14</sup> *In Donetsk, the court granted the prosecutor’s application to establish the fact of genocide of the peoples of the Soviet Union, as prepared on the instructions of Igor Krasnov*, 01.10.2024, available at: <https://epp.genproc.gov.ru/web/gprf/mass-media/news?item=98237033> (accessed October 12, 2024). (in Russ.).

of the Soviet Union”<sup>15</sup>. In this formulation, two fundamental aspects should be emphasised. Firstly, this is an appeal to UN normative acts in terms of formulations that clarify and concretise the concept of *genocide* (“genocide of national, ethnic and racial groups that constituted the population of the USSR”). Secondly, this indicates a plurality of those peoples who are victims of targeted activities to destroy them by the Nazis and their accomplices (including from among the inhabitants of the occupied territories).

The transcript of the State Duma meeting allows us to assess the disagreements that arose between the deputies regarding the wording of the document. In particular, several options for clarifying the composition of the peoples of the USSR were announced; here, special attention was proposed to be paid to the Russian people, which provoked a very characteristic comment from the chairman of the defence committee A. Kartapolov: “They were killed, cut, burned, raped as citizens of the Soviet Union, and not as Ukrainians, Belarusians, Dagestanis, Jews and Tatars, understand this!”<sup>16</sup> Despite a clarification about citizens of the Soviet Union not being included in the final document, this exchange very well characterises the categorical fork in which the initiative to give crimes against civilians the status of genocide found itself. Although the idea of genocide against the peoples of the USSR more clearly corresponds to the spirit of the 1948 Convention, it raises the question of the exact composition of the peoples subjected to genocide (taking into account the certain ambiguity of the population censuses). The idea of genocide against the people of the USSR in the sense of a civil nation forces us to turn to a literal interpretation of the 1948 Convention regarding the distinction between ethnic and national communities, and also refers to the wording of the 1977 Constitution: “a society of mature socialist social relations, in which, on the basis of the rapprochement of all classes and social strata, the legal and actual equality of all nations and nationalities, and their fraternal

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<sup>15</sup> *Statement of the State Duma “On the genocide of the peoples of the Soviet Union by Germany and its accomplices during the Great Patriotic War of 1941–1945”*, 22.03.2023, available at: <http://duma.gov.ru/news/56676/> (accessed October 12, 2024). (in Russ.).

<sup>16</sup> Veretennikova K. *Deputies looked for the past in the present*, 22.03.2023, available at: <https://www.kommersant.ru/doc/5888941> (accessed October 12, 2024). (in Russ.).

cooperation, a new historical community of people has emerged – the Soviet people”<sup>17</sup>.

The lack of a clear solution to this problem is also demonstrated by the bill “On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945”, submitted to the State Duma on June 18, 2024<sup>18</sup>. On the one hand, it uses “genocide” in relation to the term “people” in the singular, while on the other hand, the very definition of the genocide of the Soviet people contains a reference to the ethnic interpretation of this term: “The genocide of the Soviet people is recognised as the actions of Nazi Germany and its accomplices, aimed at the complete or partial destruction of national, ethnic and racial groups inhabiting the territory of the USSR during the Great Patriotic War of 1941–1945”<sup>19</sup>. The difficulties associated with the uncertainty of terminology are not only of a purely theoretical nature, but also have a very definite practical significance, since they raise the question of the compliance of the adopted normative acts with international legislation – in particular, the Conventions of 1948 and 1968, which were developed with the direct participation of representatives of the USSR. In addition, according to a fair commentary on the draft law from the Accounts Chamber, a conflict arises related to the definition of the boundaries of the very concept of *victims of the genocide of the Soviet people*: “it remains unclear whether it is intended to consider victims of the genocide of the Soviet people as a category of citizens separate from victims of the Great Patriotic War, or whether it is a matter of clarifying the concept of *a victim of the Great Patriotic War*”<sup>20</sup>. At present, no amendments have been made to this bill, so there is still no understanding of what path will be chosen for the normative formulation of the topic of genocide.

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<sup>17</sup> *Constitution (Basic Law) of the Union of Soviet Socialist Republics (adopted at the extraordinary seventh session of the Supreme Soviet of the USSR of the ninth convocation on October 7, 1977)*, available at: [https://constitution.garant.ru/history/ussr-rsfsr/1977/red\\_1977/5478732/](https://constitution.garant.ru/history/ussr-rsfsr/1977/red_1977/5478732/) (accessed October 12, 2024). (in Russ.).

<sup>18</sup> *On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945*, available at: <https://sozd.duma.gov.ru/bill/650430-8> (accessed October 12, 2024). (in Russ.).

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

In conclusion, we may note the following:

1. The development of memory wars in contemporary international relations leads to the desire to use tragic events of the past as instruments of symbolic politics. The use of collective trauma as political arguments leads to the devaluation of victimhood (that is, the loss of the symbolic meaning of conventional wars or armed conflicts), forcing the parties to turn to the topic of crimes against humanity in an attempt to “raise the stakes”. It is important to take into account that the concept of *genocide* is not legally equivalent to the concept of *crime against humanity*; more precisely, it represents only one type of such crime.

2. *The Holocaust* becomes a model for the instrumentalisation of genocide; consequently, methods for consolidating the memory of it in symbolic space (monuments, public speeches, regulations establishing responsibility for denial) begin to be replicated in relation to other events that have sacrificial potential. The use of genocides in symbolic space becomes especially acute in the context of Eastern European and Balkan countries, where historically ethnic heterogeneity becomes the basis for the possibility of such an interpretation.

3. The theme of genocide as a way of implementing memorial culture and historical policy represents a complex combination of several motives – both the desire to preserve the memory of the crimes committed in the public space and an act of symbolic struggle aimed at rethinking the historical agenda. The issue of the genocide of the Soviet people, which has been actively addressed in recent years not only in the public space but also in regulations and bills, serves as a manifestation of this ambiguity and contradiction.

4. From a legal point of view, the arguments about the existence of the Soviet people as an independent national community, which logically follows from the wording of the 1948 Convention, require additional elaboration and argumentation; either that, or the discussion should be about the genocide of the peoples of the Soviet Union, which triggers the process of internal symbolic competition between individual political factions already active within contemporary Russia. From a political perspective, it seems important to study not only the context of the actualisation of such topics in modern Russian society, but also the prospects for its transfor-

mation into a new system of civil goals and priorities, primarily as affecting young people.

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