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ARGUMENTATIVE STRATEGIES IN THE POLISH DISCOURSE ON ATTEMPTS MEMORY LAWS. THE PARLIAMENTARY DEBATE ON THE 2018 AMENDMENT TO THE ACT ON THE INSTITUTE OF NATIONAL REMEMBRANCE¹

A b s t r a c t

Drawing on the example of a Polish parliamentary debate on the penalization of 'Volhynian lie', the author examined argumentative strategies used by supporters and critics of memory laws. The study asked about the rationale carried by different political parties during the above-mentioned discussion. The presented research was inspired by the Discourse-Historical Approach in Critical Discourse Analysis. It revealed nearly 30 topoi used in the Polish debate on memory laws (e.g. the topos of threat, the topos of advantage, the topos of secondary victimisation, the topos of reciprocity, the topos of a surrogate theme). The study found that the supporters of the proposed regulations were appealing primarily to the moral sense and Christian values of the citizens. A substantial part of their arguments was based on the topoi of a healthy foundation, secondary victimisation, consistency and the topos of *pro bono publico*. The critics, in turn, adopted more pragmatic stance. Their statements were based predominantly on the topoi of feasibility, indispensability, quality, rationality and dialogue.

Key words: memory laws, critical discourse analysis, discourse-historical approach, topos, Volhynian Genocide.

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INTRODUCTION

The paper aims to identify argumentative strategies used by supporters and opponents of the regulations known as memory laws.² These strategies will be demonstrated on the example of the debate that took place in the Sejm and Senate of the Republic of Poland. Behind this decision was the belief that the political class is part of the symbolic elite and, to a substantial extent, shapes the face of public discourse.³ According to the Polish Constitution, parliamentarians are representatives of the Nation and thus also speak on its behalf. It is worth bearing in mind that, ultimately, it is the society that verifies the style of political communication: if a particular group has gained parliamentary representation, it implies that citizens have accepted its rhetoric.⁴

The discussion analysed here originated in 2016, when a group of MPs, represented by Tomasz Rzymkowski, began to demand changes to the current law on the Institute of National Remembrance (Instytut Pamięci Narodowej, IPN). These changes were intended to prosecute individuals publicly questioning—or minimising—the crimes of Ukrainian nationalists committed in Volhynia and Eastern Lesser Poland during World War II (outlawing of the so-called Volhynian lie). The memory of the Volhynian Massacre has long been regarded as a problem in Polish-Ukrainian relations. However, no common interpretation of the event has yet been developed at the political, academic, and social levels. Currently, the dominant view in Poland seems to be that it was genocide against the defenceless Polish population and, as such, deserves unconditional condemnation.⁵

² See Nikolay Koposov, *Memory Laws, Memory Wars. The Politics of the Past in Europe and Russia* (Cambridge: Cambridge University Press, 2018), pp. 1–24; Aleksandra Gliszczyńska-Grabias and Grażyna Baranowska, 'Prawa pamięci. Uwagi na temat ochrony prawdy o przeszłości', in eadem, Aleksandra Gliszczyńska-Grabias, Anna Hernandez-Półczyńska and Katarzyna Sękowska-Kozłowska, eds, *O prawach człowieka. Księga jubileuszowa Profesora Romana Wieruszewskiego* (Warsaw: Wolters Kluwer Polska, 2017), p. 353.

³ Marek Czyżewski, Sergiusz Kowalski and Andrzej Piotrowski, 'Wprowadzenie', in eadem, eds, *Rytualny chaos. Studium dyskursu publicznego* (Warsaw: Wydawnictwa Akademickie i Profesjonalne, 2010), pp. 24–25; Magdalena Nowicka-Franczak, 'Elity i lud, czyli długa pamięć dyskursu. Perspektywa historyczna w badaniach komunikacji publicznej', *Stan Rzeczy* 21: 2, 2021, pp. 90–91, <https://doi.org/10.51196/srz.21.4>.

⁴ Kazimierz Ożóg, 'Język współczesnej polskiej polityki', *Stylistyka* 17, 2008, p. 166.

⁵ Grzegorz Motyka, 'Czy zbrodnia wołyńsko-galicyjska 1943–1945 była ludobójstwem? Spór o kwalifikację prawną „antypolskiej akcji” UPA', *Rocznik Polsko-Niemiecki* 24: 2, 2016, pp. 55–66, <https://doi.org/10.35757/RPN.2016.24.15>; Tomasz Stryjek and Volodymyr Sklokin, *Wprowadzenie. Kultury historyczne. O niepowodzeniu pojednania historycznego*

Attempts to downplay or justify this tragedy provoke intense emotions and public protests. Yet, in Ukraine, the judgement is not so unequivocal. For a certain section of the population, the Organisation of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA) are, above all else, formations fighting for the country's independence. Reflections on the methods of this struggle are not readily engaged in—the moral assessment of the actions undertaken is a sensitive subject. The genocidal nature of the perpetrators' actions is mentioned particularly reluctantly. Representatives of the Ukrainian side try to impose their own interpretative framework to protect the national moral capital.⁶ There are, for example, claims that the drama of the population of Volhynia was not the result of organised action but another act of the Polish-Ukrainian war, in which both sides suffered comparable losses.⁷

The socio-political context that contributed to the adoption of the amendment in question was described, among others, by Jerzy Kordas. The researcher recalled that between 2015 and 2017, the Polish-Ukrainian memory conflict escalated. One of the reasons for this was the adoption of a Ukrainian law recognising that members of the OUN and the UPA were fighters for state independence.⁸ Under the newly adopted regulations, citizens, foreigners and stateless persons who questioned the legitimacy or legality of the actions of these formations risked legal liability. Controversy arose not only over the content of this law, but also over the manner in which it was adopted. It should be recalled that the *spiritus movens* of the whole project was the deputy Yuri Shuchevych (descendant of Roman Shuchevych—

z nowej perspektywy, in eidem, eds, *Kultury historyczne Polski i Ukrainy. O źródłach nieporozumienia między sąsiadami* (Warsaw: Wydawnictwo Naukowe SCHOLAR, 2021), p. 7.

⁶ Michał Łuczewski, *Kapitał moralny. Polityki historyczne w późnej nowoczesności* (Cracow: Ośrodek Myśli Politycznej, 2017).

⁷ Julia Rysicz-Szafraniec, 'Ukrainian "Working through the Past" in the Context of the Polish-Ukrainian Dialogue on Volhynia-43. Asymmetry of "Memory", *European Review* 29: 4, 2020, pp. 499–500, <https://doi.org/10.1017/S1062798720000538>. The narratives present in the Ukrainian discursive space are described, inter alia, in: Grzegorz Motyka, 'Wołyń '43: polsko-ukraiński konflikt pamięci', in Nicolas Masłowski and Andrzej Szeptycki, eds, *Pamięć zbiorowa, pojednanie i stosunki międzynarodowe* (Warsaw: Wydawnictwa Uniwersytetu Warszawskiego, 2020), pp. 52–60, <https://doi.org/10.31338/uw.9788323540052>; David R. Marples, *Heroes and Villains: Creating National History in Contemporary Ukraine* (Budapest: Central European University Press, 2007), pp. 208–14, 221–33; Bogumiła Berdychowska, 'Ukraińcy wobec Wołynia', *Zeszyty Historyczne* 525: 146, 2003, pp. 65–104.

⁸ Jerzy Kordas, 'Geneza „ukraińskich zmian” w ustawie o Instytucie Pamięci Narodowej z 2018 r.', *Annales Universitatis Paedagogicae Cracoviensis. Studia de Securitate* 9: 1, 2019, pp. 99–100, <https://doi.org/10.24917/20820917.9.7>; idem, 'Polska-Ukraina: Polityka historyczna w latach 2015–2017', *Annales Universitatis Paedagogicae Cracoviensis. Studia de Securitate et Educatione Civili* 7, 2017, p. 200.

—the main commander of the UPA). It was also significant that only a few hours earlier Bronisław Komorowski, the president of Poland, had made a conciliatory speech in the Ukrainian parliament. The whole situation may have contributed to his subsequent defeat in the presidential election.⁹ The actions of the Ukrainian Verkhovna Rada and the helplessness of the Polish leader were strongly condemned by the Law and Justice Party (Prawo i Sprawiedliwość, PiS), which soon took power in the country.

The adoption of the aforementioned memorial law was another step that shocked Polish public opinion and alarmed the government in Warsaw (it should be noted that a few years earlier, Stepan Bandera and R. Shuchevych had been honored with the title of Hero of Ukraine).¹⁰ In this situation, Poland intensified its own historical policy. On the 73rd anniversary of the Volhynian Massacre, the Senate and the Sejm passed resolutions in which the crimes of the OUN-UPA were, for the first time, termed genocide.¹¹ J. Shuchevych later stated that Poland had thus initiated a hybrid war against Ukraine, and that the actions of parliamentarians were sponsored by the Kremlin. In retaliation, deputies of the Verkhovna Rada began work on a resolution commemorating the alleged genocide of Ukrainians by the Polish state between 1919 and 1951.¹² In 2016, under pressure from the Ukrainian Ministry of Foreign Affairs, a public screening of the film *Volhynia*, organized by the Polish Institute in Kiev, was cancelled. National media increasingly reported acts of vandalism targeting Polish diplomatic missions and memorial sites.¹³ The dismantling of an illegal monument to the UPA in Hruszowice further exacerbated the already tense relations between the countries. Following this action, Ukrainians ceased issuing permits for the search, exhumation, and burial of Poles murdered in Volhynia. The ban is still in force today, although it is worth noting that in January 2025, Prime Minister Donald Tusk announced a breakthrough: both

⁹ Kordas, 'Geneza „ukraińskich zmian” w ustawie’, p. 100; idem, 'Polska-Ukraina', pp. 200–03; Grzegorz Motyka, 'Nieustający polsko-ukraiński spór o historię', *Sprawy Międzynarodowe* 71: 1, 2018, pp. 33–34, <https://doi.org/10.35757/SM.2018.71.1.03>.

¹⁰ Tadeusz A. Olszański, *Miejsce UPA w wielkiej wojnie ojczyźnianej. Dylematy polityki historycznej Ukrainy* (Warsaw: Ośrodek Studiów Wschodnich im. Marka Karpia, 2013), pp. 25–26.

¹¹ In previous resolutions of the Polish Parliament the Volhynian Massacre was described successively as: 'the Volhynian tragedy'; 'mass murder with the characteristics of ethnic cleansing and genocide'; 'ethnic cleansing with the characteristics of genocide'.

¹² Kordas, 'Geneza „ukraińskich zmian” w ustawie’, p. 103.

¹³ Ibid., pp. 104–09.

countries exchanged lists of sites for the future exhumation works. There has been speculation that the searches in Ukraine could begin this spring. In the circumstances described above, the government in Warsaw seemed to have lost faith in the effectiveness of a historical policy based on positive measures (e.g. raising awareness among opinion-forming elites or education).¹⁴ The temptation to use all the instruments at the disposal of the state became stronger.

The amendments to the IPN Act attracted significant interest from both Polish and foreign media.¹⁵ The resulting discourse was analysed in detail by scholars from the Center for Research on Prejudice.¹⁶ Michaj Sodolski wrote about the anti-Semitic undertones of articles published in right-wing opinion weeklies.¹⁷ On the other hand, other authors argued that the adoption of the aforementioned amendment had momentous consequences for Polish foreign policy. The implications for Polish-American and Polish-Israeli relations were outlined by Przemysław Furgacz,¹⁸ Łukasz Jureńczyk,¹⁹ Maciej Mróz,²⁰

¹⁴ Tomasz Stryjek, 'Hipertrofia polityki pamięci w III RP i jej konsekwencje od roku 2015', *Zoon Politikon* 8, 2017, pp. 107, 113, <https://doi.org/10.4467/2543408XZOP.17.004.9263>.

¹⁵ It should be emphasised that the loudest wave of comments was triggered by the part of the amendment that referred to the memory of the Holocaust.

¹⁶ Maria Babińska, Michał Bilewicz, Dominika Bulska, Agnieszka Haska and Mikołaj Winiewski, *Stosunek do Żydów i ich historii po wprowadzeniu ustawy o IPN* (Warsaw: Centrum Badań nad Uprzedzeniami, 2018), https://cbu.psychologia.pl/wp-content/uploads/sites/410/2021/02/Analiza_Skutki_ustawy_o_IPN.pdf (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 1 March 2024.); Michał Bilewicz, Dominika Bulska, Maria Babińska, Agnieszka Haska and Mikołaj Winiewski, 'Marzec w lutym? Studium stosunku Polaków do Żydów i historii Holokaustu w kontekście debaty wokół ustawy o IPN', *Nauka* 2, 2018, pp. 7–41.

¹⁷ Michaj Sodolski, 'W stronę radykalizacji. Analogie i różnice między antysemitką dyskursem lat 30. XX wieku a debatą wokół noweli ustawy o Instytucie Pamięci Narodowej', *Progress. Journal of Young Researchers* 4, 2018, pp. 66–77, <https://doi.org/10.4467/25439928PS.18.019.9006>. The content published in the weekly newspapers *Polityka* and *W Sieci* was examined by: Bernardyna Zemła, 'Rezonans medialny nowelizacji ustawy o Instytucie Pamięci Narodowej w wybranych tygodnikach opinii', *Polityka i Społeczeństwo* 16: 3, 2018, pp. 48–66, <https://doi.org/10.15584/polispol.2018.3.4>. The discourse of right-wing daily newspapers in Poland and Israel was described by: Paweł Pokrzywiński and Przemysław Zawada, 'Diplomatic Crisis Between Poland and Israel in Right-Wing Dailies', *Polish Political Science Review. Polski Przegląd Politologiczny* 9: 1, 2021, pp. 27–44, <https://doi.org/10.2478/ppsr-2021-0003>.

¹⁸ Przemysław Furgacz, *Israeli-Polish Political Dispute over the Amendment of the Act of the Institute of National Remembrance*, in Jan Rydel and Stefan Troebst, eds, *Instrumentalizing the Past. The Impact of History on Contemporary International Conflicts* (Berlin and Boston, MA: De Gruyter Oldenbourg, 2022), pp. 259–74, <https://doi.org/10.1515/9783110769791-018>.

¹⁹ Łukasz Jureńczyk, 'The United States and the Defense of the Good Name of Poland and the Polish Nation in the Context of the Holocaust', *Res Historica* 56, 2023, pp. 1145–65, <https://doi.org/10.17951/rh.2023.56.1145-1165>.

²⁰ Maciej Mróz, 'Ukraina w polityce zagranicznej Polski w dobie drugiego rządu zjednoczonej prawicy pod egidą Prawa i Sprawiedliwości (2015–2018)', *Roczniki Nauk Społecznych* 47: 1, 2019, pp. 23–36, <https://doi.org/10.18290/rns.2019.47.1-2>.

Teresa Gardocka, and Dariusz Jagiełło,²¹ Grzegorz Motyka,²² Tomasz Stryjek,²³ Oleksandr Grytsenko,²⁴ and Łukasz Adamski²⁵ highlighted the implications for Polish-Ukrainian historical dialogue. However, there is a lack of in-depth analyses in the literature regarding the arguments used by both supporters and opponents of the amendment in the Polish Parliament. In writing this article, the author attempted to fill this research gap.

The following questions guided the presented study: How did the bill's initiators motivate the necessity of changes in Polish law? What position did the other political groups adopt, and how did they substantiate it? The answers will be provided by analysing documents produced during the legislative process. In the article the analytical framework developed by Ruth Wodak was applied. For many years, the Austrian linguist has been studying the language of right-wing populist formations. When analysing their argumentative strategies, the pioneer of the Discourse-Historical Approach uses the concept of *topos*. As she explains:

[...] 'topoi' or 'loci' can be described as parts of argumentation that belong to the obligatory, either explicit or inferable, premises. They are the content-related warrants or 'conclusion rules' that connect the argument or arguments with the conclusion, the claim. As such, they justify the transition from the argument or arguments to the conclusion.²⁶

According to Michał Krzyżanowski, *topoi* can be characterized as 'certain headings of arguments which [...] summarise the argument while also providing it with a necessary "skeleton" which is fleshed over by respective discourse contents'.²⁷ In the works of Wodak, one can find an inventory of the most common *topoi*. However, the linguist

²¹ Teresa Gardocka and Dariusz Jagiełło, 'Pamięć narodowa a relacje międzynarodowe Polski', *Acta Universitatis Wratislaviensis. Studia nad Autorytaryzmem i Totalitaryzmem* 42: 2, 2020, pp. 355–56, <https://doi.org/10.19195/2300-7249.42.4.16>.

²² Motyka, 'Nieustający polsko-ukraiński spór o historię', pp. 35–36.

²³ Stryjek, 'Hipertrofia polityki pamięci w III RP', pp. 115–16.

²⁴ Oleksandr Grytsenko, 'Politics of Memory in Ukrainian-Polish Relations. Poland's Hyper-Activeness and Ukraine's Reactiveness', in Tomasz Stryjek and Joanna Konieczna-Salamatin, eds, *The Politics of Memory in Poland and Ukraine. From Reconciliation to De-Conciliation* (London and New York: Routledge, 2022), pp. 46–47.

²⁵ Łukasz Adamski, 'Jak wyjść z korkociągu polsko-ukraińskiego', *Polski Przegląd Dyplomatyczny* 73: 2, 2018, pp. 98–99.

²⁶ Martin Reisigl and Ruth Wodak, *Discourse and Discrimination: Rhetorics of Racism and Antisemitism* (London: Routledge, 2001), pp. 74–75.

²⁷ Michał Krzyżanowski, *The Discursive Construction of European Identities. A Multi-Level Approach to Discourse and Identity in the Transforming European Union* (Frankfurt am Main: Peter Lang, 2010), p. 85.

stipulates that this is by no means an exhaustive list.²⁸ Its creative development, therefore, seems advisable. The identification of topoi in the parliamentary debate on memory laws makes it possible to look beneath the surface of public discourse, to reach what is unspoken—collective knowledge, collective patterns of thinking and acting.²⁹

COURSE OF THE LEGISLATIVE PROCESS

The Deputies' bill, designated with no. 771³⁰ was submitted to the Sejm in early July 2016. It was an initiative of twenty MPs affiliated with the Kukiz'15 club—a populist formation created after the 2015 parliamentary elections.³¹ The first reading of the bill took place during the 27th sitting of the Sejm on 5 October 2016, i.e. already after the official commemoration of the 73rd anniversary of the Volhynian Crime. The Deputies' submission was considered together with Sejm paper no. 806—a government bill which made it possible to prosecute persons disseminating so-called defective memory codes.³² The Deputies' bill was presented by Tomasz Rzymkowski. His speech was followed by a discussion, which included 5-minute statements on behalf of parliamentary clubs and circles. The proposed bill received the unconditional support of the Kukiz'15 club. The representative of Ryszard Petru's Modern Party (Nowoczesna)³³ did not question the sense of introducing similar regulations. However, the final wording of the submitted bill caused his concern. Thus, he called for the document to be referred for further deliberations. At the same time, he emphasised that a group of specialists in public international law

²⁸ Ruth Wodak, 'The Discourse-Historical Approach', in Ruth Wodak and Michael Meyer, eds, *Methods of Critical Discourse Analysis* (London: SAGE Publications, 2001), p. 74, <https://doi.org/10.4135/9780857028020.n4>.

²⁹ Marta Smykała, 'Kategoria toposu w lingwistycznej analizie dyskursu na przykładzie badań polskiego i niemieckiego dyskursu migracyjnego', *tekst i dyskurs—text und diskurs* 15, 2021, pp. 466, 472–73, <https://doi.org/10.7311/tid.15.2021.20>.

³⁰ 'Poselski projekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej—Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu', Sejm paper no. 771, 8th term Sejm of the Republic of Poland, 6 July 2016, <https://orka.sejm.gov.pl/Druki8ka.nsf/0/AC4F1A377ED89A68C1257FF8003272B2/%24File/771.pdf>.

³¹ Ben Stanley and Mikołaj Cześnik, 'Populism in Poland', in Daniel Stockemer, ed., *Populism Around the World. A Comparative Perspective* (Cham: Springer International Publishing, 2019), pp. 75–76.

³² An example of a defective memory code is the phrase 'Polish concentration camps'. Artur Nowak-Far, 'Wstęp: Wadliwe kody pamięci we współczesnym świecie', in idem and Łukasz Zamecki, eds, *Wadliwe kody pamięci. Zniekształcenie pamięci o zbrodniach międzynarodowych w dyskursie publicznym* (Warsaw: Wydział Dziennikarstwa i Nauk Politycznych Uniwersytetu Warszawskiego, 2015), pp. 10–11.

³³ Polish political party with a liberal orientation.

should participate in the debate. A similar position was taken by members of the Polish People's Party³⁴ (Polskie Stronnictwo Ludowe, PSL), as well as by former Kukiz'15 MPs, forming the Free and Solidary (Wolni i Solidarni, WiS) Circle. Secretary of State at the Ministry of Justice Patryk Jaki also mentioned the need to refine the submitted concept further. The member of the Law and Justice³⁵ assured that his ministry would aid in the search for a legal formula that would most fully reflect the proponents' intentions. The centre-left Civic Platform³⁶ (Platforma Obywatelska, PO), the strongest opposition party, criticised the submission at issue. Despite this, after the first reading, there was no motion to reject the bill in its entirety.

Sejm paper no. 771 was referred to the Justice and Human Rights Committee, working under the chairmanship of Stanisław Piotrowicz of the Law and Justice party. The Committee considered it a month later, at a meeting on 8 November 2016. At the invitation of the proponents, Polish historians Professor Czesław Partacz, PhD, Włodzimierz Osadczy, PhD, and Wojciech Muszyński, PhD, attended the meeting. Osadczy took the floor during the session. The expert in modern history expressed a favourable opinion on the initiative of Kukiz'15 MPs. It also gained the support of Andrzej Matusiewicz of the PiS party, who was to perform the functions of a Rapporteur. Only the PO representative was sceptical about the proposal. However, his reservations could not inhibit further work. The Committee has decided that the Sejm papers nos. 771 and 806 will be merged into one document. After voting on amendments of a technical and legislative nature and approving the entire text,³⁷ it was referred back to the Sejm.

The bill's authors had to wait more than a year for the second reading (until 25 January 2018). After the speech by the Deputy-Rapporteur, the parliamentary clubs had the opportunity to comment again on the proponents' proposal. The planned amendments received emphatic support from the ruling party and the Kukiz'15 club.

³⁴ Political party with a neo-agrarian orientation.

³⁵ Political party with a right-wing-populist slant, which has ruled independently since the 2015 parliamentary elections.

³⁶ Clearly defining PO's political orientation is problematic. The last public declaration of the party's worldview dates back to 2001, and suggests that at its inception Donald Tusk's formation was a conservative-liberal party. Observers of Polish political life point out, however, that the ideological profile of the party has changed significantly over the last two decades. Its members used to claim that PO was a centrist party. In recent years, the formation has clearly tried to win over an electorate with left-wing views.

³⁷ 'Pełny zapis przebiegu posiedzenia Komisji Sprawiedliwości i Praw Człowieka (nr 49) z 8 listopada 2016', 8th term Sejm of the Republic of Poland, p. 37, <https://orka.sejm.gov.pl/zapisy8.nsf/0/37DDC9BFD0AB463EC125806D004F9EE9/%24File/0123008.pdf>.

The PSL club, the WiS circle, and Janusz Sanocki, an independent Deputy, also voted in favour of the amendment without hesitation. Despite some reservations, the submission was also approved by Nowoczesna. PO tabled its own amendments to the text. The centrist Union of European Democrats (Unia Europejskich Demokratów, UED) categorically opposed the bill.³⁸

Following the rules of the Standing Orders of the Sejm, the amendments tabled during the second reading were considered by the Justice and Human Rights Committee. At its meeting on 26 January 2018, all the postulates submitted by the opposition were rejected.³⁹ The third reading of the bill took place on the same day. The parliamentary majority agreed with the Committee's proposals. The vote on the bill as a whole was attended by four hundred and fourteen MPs. Two hundred seventy-nine voted in favour of it (all members of the PiS,⁴⁰ Kukiz'15,⁴¹ and PSL⁴² clubs, as well as six independent MPs, five Nowoczesna MPs, three WiS MPs, and two PO members). All three representatives of the UED and two MPs of the Nowoczesna voted against. An overwhelming majority of the 136-member PO⁴³ club and thirteen Nowoczesna MPs abstained from the vote.

On 29 January 2018, the bill was presented to the Marshal of the Senate. Paper no. 722 was considered two days later at a joint meeting of the Committee on Culture and the Media and the Committee on Human Rights, the Rule of Law and Petitions. The Ministry of Justice

³⁸ 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej w dniu 25 stycznia 2018 r.', 8th term Sejm of the Republic of Poland, pp. 122–134, https://orka2.sejm.gov.pl/StenoInter8.nsf/0/18A94DB8D7778264C12582210013D7FF/%24File/57_a_ksiazka_bis.pdf.

³⁹ The PO club pointed out that the phrase 'crimes of Ukrainian nationalists and members of Ukrainian formations collaborating with the Third Reich' should be replaced with 'crimes of Bander nationalists and members of formations collaborating with the German Third Reich'. This change was intended to ensure that the proposed law would not be perceived as an attack on the entire Ukrainian nation. See 'Pełny zapis przebiegu posiedzenia Komisji Sprawiedliwości i Praw Człowieka' (nr 120) z 26 stycznia 2018, 8th term Sejm of the Republic of Poland, pp. 3–6, <https://orka.sejm.gov.pl/zapisy8.nsf/0/6F9CCCB4DB607A8FC12582240045F2DF/%24File/0279708.pdf>.

⁴⁰ The Law and Justice club had 237 members at the time; 225 of them took part in the vote. All voted in favour of the project under consideration. See 'Głosowanie nr 81. na 57. posiedzeniu Sejmu dnia 26-01-2018 r., o godz. 11:14:27', 8th term Sejm of the Republic of Poland, https://www.sejm.gov.pl/sejm8.nsf/agent.xsp?symbol=glosowania&nr_kadencji=8&nr_posiedzenia=57&nrglosowania=81.

⁴¹ The Kukiz'15 club consisted of 30 MPs at the time; 27 of them took part in the vote. They all voted in favour of adopting the law. See *ibid.*

⁴² At the time, the PSL club consisted of 16 MPs; 11 of them participated in the vote. No one voted against the law. See *ibid.*

⁴³ PO MPs cast as many as 116 abstentions. Eighteen did not take part in the vote. See *ibid.*

envoys, supported by a Ministry of Foreign Affairs representative, presented the document adopted by the Sejm. The act under consideration was negatively assessed by an expert of the Helsinki Foundation for Human Rights. A great deal of confusion was caused by the fact that the bill interwove two different threads: the problem of responsibility for the Holocaust and the problem of Polish-Ukrainian relations. Minister Jaki explained that he himself was in favour of separating the two issues. At the same time, he stipulated that he was generally in favour of criminalising the 'Volhynian lie'. During the debate, the PO club proposed eight amendments. Of these, two related to the Ukrainian theme and coincided with the demands made during the second reading in the Lower House.⁴⁴ In the end, however, the joint Committees agreed to the proposal of Jan Hamerski of the PiS party, adopting the bill without amendments.

The final position of both bodies was presented at the 55th session of the Senate, held on the same day. During the discussion, the provisions included at the request of the Kukiz'15 club were criticised by senators of the largest opposition party. In doing so, they drew on arguments that had already been made in the Lower House of Parliament. The haste that accompanied the work on such a critical amendment was also highly objectionable. Jaki once again spoke of his distance from the provisions criminalising the 'Volhynian lie'. Asked again for the government's opinion, he stated that it was not the Ministry's idea and that such regulations should be introduced on another occasion, in another way.⁴⁵

The debate described took place late into the night.⁴⁶ Both the Committee on Culture and the Media and the Committee on Human Rights, the Rule of Law, and Petitions had to respond to the proposals of a legislative nature that had been tabled. A break was therefore declared a few minutes after midnight, during which a remarkably short meeting between the two bodies took place. As a result, it was agreed that the Committees would recommend that the bill be adopted

⁴⁴ 'Zapis stenograficzny ze wspólnego posiedzenia Komisji Praw Człowieka, Praworządności i Petycji (202.) oraz Komisji Kultury and Środków Przekazu (79.) w dniu 31 stycznia 2018 r.', 9th term Senate of the Republic of Poland, pp. 14–15, https://www.senat.gov.pl/download/gfx/senat/pl/senatkomisjeposiedzenia/7578/stenogram/202pcppw_egz_4.pdf.

⁴⁵ 'Sprawozdanie Stenograficzne z 55. posiedzenia Senatu Rzeczypospolitej Polskiej w dniu 31 stycznia 2018 r.', 9th term Senate of the Republic of Poland, pp. 70, 72, https://www.senat.gov.pl/download/gfx/senat/pl/senat_przebieg_stenogramy_pdf/301/spr_55net.pdf.

⁴⁶ The 55th sitting of the Senate began on 31 January 2018 at 11.04 a.m. and ended on 1 February 2018 at 01.56 a.m.

without amendments.⁴⁷ When the plenary resumed, the senators complied with this request.⁴⁸ On 6 February 2018, President Andrzej Duda signed the bill into law.

TOPOI OF PARLIAMENTARY DISCOURSE ON MEMORY LAWS

The collected material identified nearly 30 topoi appearing in the Polish memory laws debate. Figures familiar from Wodak's analyses are present among them. One is the topos of threat, indicating that emerging dangers should be actively counteracted.⁴⁹ The parties to the dispute also operated with the topos of advantage, according to which only actions that bring specific benefits should be taken.⁵⁰ The discussion also revealed the *pro bono publico* topos, a specific variant of the topos of advantage. According to this, from among the available solutions, one should always choose one that will benefit all those involved. The topos of numbers also found its application in the following formula: if a community is affected by a large-scale tragedy, the memory of this event must be duly protected.⁵¹

The performed analysis allowed for the reconstruction of figures reaching beyond the list we find in the Austrian researcher's work. The topos of indispensability was repeatedly used in the debate. It suggests that if a proposed change to a piece of legislation does not bring anything new to the existing system, it should not be introduced. The topos of feasibility interacted with this guideline. This schema assumes that only those provisions that can be enforced should be incorporated into the existing system. Finally, the described figures were complemented by the topos of the quality: when the proposed rules are not clear and precise, they cannot become part of the existing law.

The parties to the dispute repeatedly used the topos of a healthy foundation. It proclaims that friendly and stable relations between

⁴⁷ 'Zapis stenograficzny ze wspólnego posiedzenia Komisji Praw Człowieka, Praworządności i Petycji (203.) oraz Komisji Kultury and Środków Przekazu (80.) w dniu 1 lutego 2018 r.', 9th term Senate of the Republic of Poland, p. 4, https://www.senat.gov.pl/download/gfx/senat/pl/senatkomisjeposiedzenia/7580/stenogram/203pcppw_egz_4.pdf.

⁴⁸ 57 senators voted in favour of the motion to adopt the law without amendments (55 PiS senators, 1 PO senator and 1 independent senator). 23 were against (21 PO senators and 2 independent senators), 2 PO senators abstained. See 'Wyniki głosowania nr 13. z dnia 01-02-2018 godz. 01:47:33', 9th term Senate of the Republic of Poland, <https://www.senat.gov.pl/sklad/senatorowie/szczegoly-glosowania,301,13,9.html>.

⁴⁹ Reisigl and Wodak, *Discourse and Discrimination*, p. 77.

⁵⁰ Ibid., p. 75.

⁵¹ Ibid., p. 79.

nations cannot be based on lies or omissions. The figure that urges to refrain from actions that aggravate the harm to victims (the topos of secondary victimisation) was also very popular. The topos of humiliation and supervision complete the list of the most frequently used schemata. The former indicates that solutions whose sole purpose is to humiliate the opponent should be abandoned. The latter informs that those in power should control the message coming from state-subsidised institutions.

Moreover, the symbolic elites used the topos of reciprocity to build their arguments. According to the rule contained therein, when planning one's actions, one should consider the opponent's behaviour, following the eye for an eye principle. The topos of fighting inertia was also present in the analysed materials. It assumes that when a particular actor fails to fulfil their obligations, appropriate mobilisation measures should be taken. The topos of broadening competencies corresponds to this schema. It conveys the assumption that the best response to state institutions' inefficiency is to expand their powers.

In parliamentary speeches, the topoi of manifesto and consistency repeatedly appeared. The former implies that when the other party's action infringes our interests, it is necessary to express our disapproval. The latter reiterates that a professed hierarchy of values should be reflected in human behaviour. Some arguments were based on the topos of dialogue, which indicates that conflicts should be resolved through exchanging ideas and compromise. There were also references to the topos of rectifying mistakes, which speaks of correcting predecessors' mistakes. Furthermore, the topos of *raison d'état* was present in the texts, ordering support for those decisions that are in line with the national interest.

The topos of a surrogate theme (surrogate themes should not overshadow real community problems), the topos of recklessness (reckless actions should not be supported), and the topos of totalitarianism (Western polyarchies should not resort to solutions used in non-democratic regimes) appeared far less frequently in the materials analysed. The same can be said of the topos of malicious intent (one who violates the law unintentionally should not be punished as severely as a person motivated by ill-will), the topos of powerlessness (one should not make decisions that may be considered a sign of weakness). Finally, the list of occasionally used schemata closes with the topos of efficiency (among the available solutions, the

most effective one must be chosen), the topos of rationality (when making important decisions, one cannot be guided only by emotional considerations and the need of the moment) and the topos of scientific consensus (if the information circulating in the public sphere is incompatible with current scientific knowledge, it must be eliminated).

ARGUMENTS IN FAVOUR OF CRIMINALISATION

In accordance with the requirements of the Standing Orders of the Sejm, bills submitted to the Lower House must contain an appropriate substantiation. The document shall indicate the need for and purpose of issuing the law, as well as the legal, social, and financial consequences of the proposed solutions.⁵² It follows from the argument attached to Sejm paper no. 771 that the project of the Kukiz'15 club was intended to solve the problem of impunity for those who spread false information about the genocide in Volhynia.⁵³ Therefore, the authors of the proposal use a very clear definition of the situation. For them, the activity they want to ban amounts to an attempt at falsifying the shared history. Referring to the concept of a lie, they point out that downplaying crimes is always underpinned by ill intentions. In other words, denial is never something innocent, never the result of a lack of knowledge or pure ignorance.

In the opinion of the initiators, the dissemination of a falsified interpretation of the events aggravates the suffering of the victims. This conviction was to be confirmed by the words of Jan Zaleski, a witness to the massacre in Korostatin (Korościatyn), who once stated that 'the Kresovians had been killed twice—once by blows of an axe and then again by silence'.⁵⁴ The authors do not refer only to the pain of the living. They argue that ignoring the difficult past insults the memory of the victims: it hinders the search for the places of execution, prevents a dignified burial of the murdered, and exposes the known resting

⁵² See 'Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 30 lipca 1992 r. Regulamin Sejmu Rzeczypospolitej Polskiej', M.P. 1992, no. 26, item 185 as amended, article 34, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP19920260185/U/M19920185Lj.pdf>.

⁵³ 'Poselski projekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej', p. 3.

⁵⁴ An extended version of this quote seems to accurately express the feelings of Borderland circles in Poland: 'the Kresovians had been killed twice – once by blows of an axe, and then again by silence. And this second death is worse than the first'. See Tadeusz Isakowicz-Zaleski, *Wspomnienie o moim Ojcu, śp. Janie Zaleskim, który 40 lat temu odszedł do Domu Ojca*, <http://isakowicz.pl/wspomnienie-o-moim-ojcu-sp-janie-zaleskim-ktory-40-lat-temu-odszedl-do-domu-ojca/>.

places to desecration.⁵⁵ Arguments based on the topos of secondary victimisation are difficult to argue with. As Małgorzata Głowacka-Grajper wrote: 'taking the side of the victims is that social role whose moral foundations are almost unquestionable in our culture'.⁵⁶

According to the bill's authors, the Ukrainian state pursues an autonomous remembrance policy. Within its framework, it is trying to impose an untruthful historical narrative.⁵⁷ The adoption of the *Act on the legal status and respect for the memory of participants in the struggle for Ukraine's independence in the 20th century*⁵⁸ proves that the eastern neighbours do not hesitate to exploit all available tools of historical policy, including legal instruments. The policy of the Ukrainian authorities contradicts Polish policy, as it is based on the glorification of the perpetrators of genocide in the Borderlands. The strategy of the Polish authorities to date is not producing the expected results, which means that it needs to be reviewed. It is necessary to take decisive action, including the use of the tools used by the other side of the memory dispute.

The substantiation analysed is not short of anti-immigration accents. According to its authors, because of increased migration flows, 'carriers of the ideology of Ukrainian nationalism and adherents of a worldview based on the glorification of formations which committed crimes of genocide are appearing in the territory of Poland'.⁵⁹ The situation heightens tensions within the country and in Polish-Ukrainian relations. It is a clear reference to the topos of threat defined in the previous section of this article. The settlement of this issue would allow for a genuine normalisation of bilateral relations. Touching upon the topic of potential advantages, politicians also hinted at more tangible gains: money from fines adjudged to contribute to the state budget.⁶⁰ It was also argued that the legal protection of the memory of the genocide is a manifestation of concern for the moral condition of Ukrainian society, which seems to view its past entirely

⁵⁵ 'Poselski projekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej', p. 5.

⁵⁶ Małgorzata Głowacka-Grajper, *Transmisja pamięci. Działacze 'sfery pamięci' i przekaz o Kresach Wschodnich we współczesnej Polsce* (Warsaw: Wydawnictwa Uniwersytetu Warszawskiego, 2016), p. 174.

⁵⁷ 'Poselski projekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej', pp. 3, 5.

⁵⁸ An act adopted by Ukraine's Verkhovna Rada in 2015 gave the Ukrainian Insurgent Army the status of an organisation fighting for state sovereignty. See Ihor Hurak, 'Relacje Polski i Ukrainy 2010–2015 – ukraiński punkt widzenia', *Krakowskie Studia Międzynarodowe* 2, 2016, p. 199.

⁵⁹ 'Poselski projekt ustawy o zmianie ustawy o Instytucie Pamięci Narodowej', p. 5.

⁶⁰ *Ibid.*, p. 6.

uncritically. In a country where young people are fed with Banderist propaganda, the perpetrators become heroes and explanations for crimes that cannot be justified are sought.⁶¹ From this perspective, the criminalisation of the 'Volhynian lie' is intended to be a barrier, a form of struggle against the blinding ideology of nationalism which, in the opinion of MPs, is taking over all spheres of social life in Ukraine. The action of the Polish state is, therefore, a kind of favour done to both its neighbours and its own citizens. Articulating historical truth would be, in fact, to heal the moral and ethical condition of Polish society. It would be an official break from the policy of double standards, the policy of silence and inaction.

Discussions in the Sejm and the Senate elaborated on the theme of potential advantages. In the speakers' opinion, the proposed legal solution had in mind the welfare of other nations—Jews, Czechs, Slovaks, and Armenians, who also perished at the hands of chauvinists.⁶² In addition, it was reiterated that these regulations would protect the memory of the Righteous Ukrainians: people who, without regard to their own safety, saved their neighbours who were being attacked.

The described debate sometimes turned into a discussion about the efficiency of state institutions. The supporters of the bill argued that it would change the philosophy of the functioning of the IPN—an entity with too narrow competencies, which has dealt mainly with communist and Nazi crimes⁶³ so far. Thus, the critical voices from the borderland circles, who openly speak about the lack of institutional support for their activities, were taken up.⁶⁴ The criminalisation of the 'Volhynian lie' was therefore supposed to play the role of an animating impulse: an impulse which would make the defined problem finally receive the due attention of specialists. The bill's authors also referred to an incident at the Ukrainian Language School Complex in Bartoszyce. A few days before the first reading of the bill, the local media reported that publications glorifying members of the Ukrainian Insurgent Army were found in school's library. In an indignant speech by Rzymkowski, the following words were said:

⁶¹ Ibid., p. 4.

⁶² 'Sprawozdanie Stenograficzne z 27. posiedzenia Sejmu Rzeczypospolitej Polskiej', 8th term Sejm of the Republic of Poland, p. 257, https://orka2.sejm.gov.pl/StenoInter8.nsf/0/4D6FCFA93E71D570C1258043006EDA2C/%24File/27_b_ksiazka_bis.pdf.

⁶³ Ibid., p. 255, 266; 'Pełny zapis przebiegu posiedzenia Komisji Sprawiedliwości i Praw Człowieka (nr 49.)', p. 4, 7; 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej', p. 125.

⁶⁴ Głowacka-Grajper, *Transmisja pamięci*, pp. 169, 246–48, 250.

The Polish taxpayer is paying for all this. Polish young people are being taught such patterns; they are being taught that Bandera and Shuchevych were heroes. It is simply scandalous. As long as we do not introduce regulations of this kind, such situations will keep repeating because they go unpunished.⁶⁵

Some of the parliamentary speeches took on an overtly anti-establishment tone. It was pointed out, for example, that the elites in charge of Polish foreign policy had been falsifying the memory of the Borderlands genocide for many years: they had been trying to relativise the enormity of the tragedy, and they had even covered up the guilt of the perpetrators.⁶⁶ The legal protection of the Polish historical narrative was intended to restore the memory due to the victims, simultaneously ensuring that falsifying the truth would no longer be possible. Thus, the popular topos of a healthy foundation was set in motion. It was emphasised that relations between Poland and Ukraine must be based on mutual respect and the truth, even if it is difficult to accept. For evil must be called by its name.⁶⁷ Any other attitude is an insult to the memory of the victims, as it strips them of due respect (the topos of secondary victimisation). Those undecided were to be convinced by the brutality and enormity of the crime.⁶⁸ As it was emphasised, as a result, some 160,000 Poles lost their lives. The lion's share of the victims was never identified and never given a proper burial. On the forum of the Committee, it was even argued that it was the greatest crime against the Polish nation.⁶⁹ In substantiating their position, the defenders of the bill sometimes referred to the authority of science. In their opinion, the position of scholars is clear: that the crime in the former Borderlands of the Polish Republic should be called genocide is beyond all doubt.⁷⁰ Any other interpretation is not properly supported by the facts.

⁶⁵ 'Sprawozdanie Stenograficzne z 27. posiedzenia Sejmu', p. 255.

⁶⁶ Ibid., p. 257; 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej', p. 130.

⁶⁷ 'Sprawozdanie Stenograficzne z 27. posiedzenia Sejmu', p. 261; 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej', pp. 131, 133.

⁶⁸ Polish historians unanimously emphasise that it is virtually impossible to establish the exact number of victims. The IPN mention around 100,000 murdered. Ewa Siemaszko speaks of the deaths of at least 133,800 Poles. See Ewa Siemaszko, 'Straty ludności polskiej w wyniku zbrodni ludobójstwa dokonanych w latach czterdziestych XX wieku przez nacjonalistów ukraińskich. Aktualny stan badań', in *Wołyń 1943 – rozliczenie. Materiały przeglądowej konferencji naukowej 'W 65. rocznicę eksterminacji ludności polskiej na Kresach Wschodnich dokonanej przez nacjonalistów ukraińskich'* (Warsaw: Instytut Pamięci Narodowej, 2010), pp. 78–99.

⁶⁹ 'Pełny zapis przebiegu posiedzenia Komisji Sprawiedliwości i Praw Człowieka (nr 49.)', p. 7.

⁷⁰ Ibid., p. 5.

During the discussion, it was pointed out that the criminalisation of the 'Volhynian lie' constitutes a peculiar protection against the charge of hypocrisy. The values we uphold should be reflected in concrete deeds, and change should start with ourselves. This way, Polish society has a chance to set standards for foreign partners. The very act of voting was to be a test of political credibility. In the opinion of the initiators, the opponents of the law in question adopt the narrative of the Bandera lobbyists, display hypocrisy and have no right to claim that they are striving to counteract resurgent Nazism.⁷¹

ARGUMENTS AGAINST CRIMINALISATION

Critics of the pressed bill appealed above all to the topos of indispensability, demonstrating that the existing legal regulations are completely sufficient and do not require changes. Interestingly, PO MPs were forced to take on the role of defenders of the leading specialised institution of remembrance.⁷² Its achievements to date were enumerated by, among others, Marcin Świąćicki. The MP noted that the IPN had been long investigating the crimes of Ukrainian nationalists; it acted completely legally, using the powers vested in it by the legislation in force. This activity resulted in numerous publications and scientific conferences, exhibitions, film reviews and dozens of investigations in which the crime was described as genocide. As he concluded:

It is difficult to accuse the IPN of remaining silent or [...] that it has no legal basis for conducting proceedings concerning the massacre and Ukrainian crimes in Volhynia, because these proceedings are conducted, news are disseminated, books are published, the website is functioning. This [...] proposal does not add any new, formal, legal grounds for conducting this kind of activity.⁷³

According to the quoted parliamentarian, the intention of the proponents was not so much to improve the activities of the state institution as to humiliate and stigmatise the Ukrainian side.

⁷¹ 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej', pp. 126, 192.

⁷² The PO holds a highly sceptical attitude towards the activities of the IPN. In 2016, Grzegorz Schetyna, then party chairman, spoke of the need to abolish the institution.

⁷³ 'Sprawozdanie Stenograficzne z 27. posiedzenia Sejmu', p. 256.

The final wording of the bill was questioned more than once during the debate. Critics emphasised that the submission contained imprecise, problematic, and even factually incorrect wording.⁷⁴ Hence, the risk that the adoption of the draft law would entail consequences contrary to the original intentions of the drafters was high. The fact that the submitted concept needed further refinement was also mentioned by the parliamentarians supporting the proposed law. The discussants pointed out that unfavourable narratives are not disseminated in Poland.⁷⁵ They appear in American dailies, French weeklies, German internet portals. Sometimes they are formulated by Western leaders and prominent Ukrainian politicians.⁷⁶ This circumstance prompts one to pose questions about the limits of Polish jurisdiction and to look for other, more effective solutions. A reasonable alternative could be education, the consistent sensitisation of Western opinion-forming elites.⁷⁷ This is because it should not be indeed forgotten that simple ignorance may be at the root of negationism.⁷⁸ Another option is to use already existing legal instruments: filing lawsuits under civil law in countries where defamatory statements are disseminated. The opponents of the proposed solutions argued that only the weakest defend their historical narratives with penal administrative methods.⁷⁹ Those truly strong can convince their vision through diplomatic means. It has also been argued that by adopting this amendment, Poland will follow in the footsteps of Russia and Turkey, countries that do not meet the standards set by Western polyarchies.⁸⁰

The bill under consideration was not only seen as an image threat. In the eyes of some MPs, the criminalisation of the 'Volhynian lie' would be an irresponsible and impulsive decision. By opting for this solution politicians would interfere with the development of friendly relations with Ukraine.⁸¹ The existing conflict of memories can only be calmed down through dialogue and compromise. Some of the opposition pointed out that the controversial project was not an example of

⁷⁴ Ibid., pp. 258, 261, 265; 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej', p. 128; 'Sprawozdanie Stenograficzne z 55. posiedzenia Senatu', p. 57.

⁷⁵ 'Sprawozdanie Stenograficzne z 27. posiedzenia Sejmu', p. 259.

⁷⁶ Ibid., p. 262; 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej', p. 126.

⁷⁷ 'Sprawozdanie Stenograficzne z 27. posiedzenia Sejmu', p. 259.

⁷⁸ 'Sprawozdanie Stenograficzne z 55. posiedzenia Senatu', p. 95.

⁷⁹ 'Sprawozdanie Stenograficzne z 27. posiedzenia Sejmu', p. 259.

⁸⁰ Ibid.

⁸¹ Ibid., p. 264.

carelessness, but a display of political calculation. Its adoption was intended to divert attention from the government's current problems.⁸² These speculations seemed to be confirmed by the more than year-long pause in work on the law. Stefan Niesiołowski, an MP notorious for his barbed rhetoric, made even stronger accusations. He spoke of externally-inspired anti-Ukrainian hysteria gripping the Polish political class.⁸³

CONCLUSIONS

The analysis conducted sheds light on the Volhynian discourse of the Polish political elite, which has undergone significant changes over the past three decades. The text presents narratives that dominated the public sphere after the 2015 parliamentary elections, i.e. long before the Russian invasion of Ukraine. The collected material made it possible to identify almost 30 topoi, structuring the Polish debate on memory laws. Among them, constructs familiar from Wodak's analyses are present: the topos of threat, the topos of numbers, the topos of advantage (the topos of *pro bono nobis*, *pro bono eorum*). Schemata that go beyond the Austrian linguist's list have also been identified. Examples include the topos of recklessness, malicious intent, humiliation, as well as the topos of the substitute theme. The study found that the supporters of the proposed law were appealing mostly to the moral sense and Christian values of the citizens. A substantial part of their arguments was based on the topoi of a healthy foundation, secondary victimisation, consistency and the topos of *pro bono publico*. The selection of these particular schemes suggests that the proponents of the bill wanted to be seen as people who will always choose the side of innocent victims (regardless of nationality) and care about the moral condition of Poles and Ukrainians. Recurring references to the topos of supervision, reciprocity, as well as the topos of broadening competencies suggest that the bill's initiators place high value on the ideal of strong public institutions. In the course of the analysis, it became apparent that the critics of the memory laws adopted more pragmatic approach. Their arguments were based predominantly on the topoi of feasibility, indispensability, quality, rationality and dialogue. Morality-based justifications appeared less

⁸² 'Sprawozdanie Stenograficzne z 57. posiedzenia Sejmu Rzeczypospolitej Polskiej', pp. 126–27.

⁸³ Ibid., p. 128.

frequently. Overall, it seems that the opponents of the bill were trying to present themselves as defenders of democracy and the rule of law. As they suggested, their position on the matter was motivated mainly by a concern for legal certainty and the quality of statutory law.

The amendment to the IPN Act was unequivocally supported by right-wing populist groups (Law and Justice, Kukiz'15) and a neo-agrarian party (PSL). It should be noted that the introduction of provisions targeting Ukrainian historical policy was not the original intention of the ruling party. According to Tomasz Stryjek, Law and Justice probably backed this solution to avoid being outbid by the other right-wing party and to present itself as an equally fervent defender of national dignity.⁸⁴ It also seemed entirely logical for a party aligning itself with the legacy of the people's movement today (the actions of Ukrainian nationalists primarily targeted the rural population). Centrist and liberal formations (PO, Nowoczesna, UED) opposed the proposed regulations.

In the analyzed debate, two different styles of politics of memory (as well as different value systems) clashed. The position of the proponents of the amendment clearly aligned with the conservative model of historical politics. This model is based on the belief that history must be viewed through the prism of socio-political utility. For citizens, the memory of the past should serve as a binding force, a source of inspiration and national pride, a guide to cherished values or attitudes.⁸⁵ A responsible politics of history (which the public authorities must pursue with great determination, since the truth cannot defend itself) is reduced to highlighting the successes, heroism or martyrdom of one's own community. Conversely, the factions that opposed the proposed legislation advocated for a liberal model of historical politics. An unwavering faith in the marketplace of ideas leads proponents of this model to view any attempts to shape social memory with suspicion. State institutions should maintain neutrality in this matter.⁸⁶ By refraining from delving into proxy issues, those in power will be better positioned to concentrate on what truly matters—

⁸⁴ Stryjek, 'Hipertrofia polityki pamięci w III RP', p. 115.

⁸⁵ Edward Olszewski, 'Pamięć społeczna i polityka historyczna w programach polskich partii politycznych', *Środkowoeuropejskie Studia Polityczne* 2, 2013, pp. 67–68, <https://doi.org/10.14746/ssp.2013.2.05>; Konrad Słowiński, 'Zagraniczny wymiar polityki historycznej Prawa i Sprawiedliwości (2015–2019)', *Studia Polityczne* 49: 4, 2021, pp. 179–180, <https://doi.org/10.35757/STP.2021.49.4.08>.

⁸⁶ Olszewski, 'Pamięć społeczna i polityka historyczna', p. 69; Słowiński, 'Zagraniczny wymiar polityki historycznej Prawa i Sprawiedliwości', p. 179.

—economic policy, educational initiatives, and so forth. Advocates of the liberal model encourage pragmatic action and posit that it is wise legislation, rather than collective memory, that should act as the social glue.

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