



“NEVER AGAIN” CONSTITUTIONALISM

COLLECTIVE TRAUMA IN SCIENCE AND LAW

A constitution is not only a compilation of legal principles, but also a collection of historical narratives shaped by collective memories of past experiences and traumas. These narratives affect national laws and policies that may not be directly related to the events that gave rise to them, reflect the fears and anxieties of subsequent generations of both perpetrator and victim groups, and play a role in forming social and political perceptions of what is just and fair.

How do collective memories and historical traumas impact constitutional agendas? To what extent do they contribute to social violence, a tendency to populism, and xenophobia? What should be their role within the realm of constitutional law? Can they create an excuse or justification to consider historical circumstances and the psychological state of mind of a social group when evaluating the legitimacy of its laws and possible deviations from accepted legal rules? And how should political communities reconcile with their past trauma and overcome it?

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