



# CENTER FOR THE STUDY OF LAW AND SOCIETY

## BERKELEY LAW

### CSLS SPEAKER SERIES

Monday, April 22, 2019

### NORMAN SPAULDING

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### “Trauma, Memory, and the Law”

For much of the twentieth century, the connections between trauma, memory, and law have traditionally been represented as redemptive. Naming traumatic experience by recovering the memory of victims, typically privileging their first person testimony, has been critical to the work of seeing justice done. Across the disciplines of history, psychoanalysis, law, psychology, and critical theory there is a vast literature seeking to connect the testimony of traumatic memory in a metaphysically immediate way to justice and truth. In many of these accounts memory work itself – remembering, testifying – *is* the work of justice, just as in psychoanalysis, recovering traumatic experience, reducing it to first person narrative, *is* the path to healing.

But the valence of the trauma/memory/law circuit is complex. Law is, after all, frequently a principal source of traumatic experience and traumatic experience itself resists redemptive turns. This essay surveys the history of the entanglement of trauma, memory, and the law, emphasizing connections to the development of the field of psychoanalysis and to deeply gendered, physicalist assumptions about harm. The essay also synthesizes an emerging critical literature and suggests that criticism (methodological, political, conceptual, and normative) reflects fundamentally unresolved questions about the meaning of traumatic experience – questions that both reflect and obscure profound anxieties regarding the challenges traumatic experience poses to assumptions about the nature of modernity, the self, and the state. Finally, the essay returns to distinctive obstacles confronted by the law in attempting to assimilate traumatic memory into the work of seeing justice done. If there is a practice of justice equal to the problem of traumatic experience, it has not yet been named.

**Copies of Professor Spaulding's paper (Working Draft) are available at the Center.**

PLACE Selznick Seminar Room, 2240 Piedmont Avenue  
TIME 12:45 – 2:00pm. Coffee and water provided. Bag lunches welcome.  
INFO <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>  
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