

# Law, Memory, and Testimony

A Palimpsest Workshop



# Law depends on memory

01

Witnesses recall past events

02

Courts rely on recollection

03

Memory is treated as evidence

# But memories change...

Memory changes over time

Retelling alters emphasis

Confidence does not equal accuracy

# Testimony as Narrative

- Events are shaped into stories
- Language frames meaning
- Omission can be strategic

# Revision becomes harder under pressure

Cross-examination probes  
inconsistencies

Witnesses revise under  
scrutiny

Narratives shift to preserve  
credibility

# What Is a Palimpsest?

- A palimpsest is a manuscript reused after erasing earlier text
- Traces remain visible beneath, providing a metaphor for testimony
- Testimony carries marks of revision like a palimpsest; questioning intends to find the basis
- Original memories persist despite being reshaped by time, and pressure

# Writing Exercise

## Law-Focused Exploration

This exercise simulates legal testimony to demonstrate how memory and narrative shift under questioning. It is exploratory, not evaluative.



1

### First Version

Write your initial statement recalling a specific memory

2

### Second Version

Rewrite the same memory after being asked questions

Comparing your versions will reveal how questioning alters narrative emphasis, detail selection, and perceived "facts" of your recollection. This exercise reflects challenges faced by witnesses in real legal contexts.

# Guidance for writing (10-15 mins)

To best observe narrative shifts, select a small, specific memory for this exercise.

**Focus on details for a small event**

**Notice what changes**

**Pay attention to omissions**

# Reflection Questions

After completing both versions, compare them. The differences reveal key truths about memory and testimony in legal contexts.



## What changed?

Note alterations in detail, emphasis, or structure.

## What was omitted or added?

Identify appearing or disappearing information.

## Why did changes occur?

Consider motivations for revisions.

No "correct" answers exist. This exercise reveals the often-invisible process of narrative construction and revision in legal testimony.

# Legal Implications

## Credibility is constructed

Through narrative choices and presentation

## Truth can be fragmented

Across competing accounts and memories

## Narrative skill matters

In legal proceedings and outcomes – more convincing witnesses shift jury and judge

# Palimpsest

## The Project



Curated writing & letters



Focus on memory + truth



Performative?



Ongoing dialogue

Visit [palimpsest.digital](https://palimpsest.digital) to explore the collection and contribute your reflections.

# Closing Thought

Law seeks truth

Memory revises it

Writing helps to make this more visible