

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.



1

What changed?

Note alterations in detail, emphasis, or structure.

2

What was omitted or added?

Identify appearing or disappearing information.

3

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 to explore the collection and contribute your reflections.

Closing Thought

Law seeks truth

Memory revises it

Writing helps to make this more visible