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A CROSS-CULTURAL COMPARISON OF THE EFFECT OF ADVERSARY AND INQUISITORIAL PROCESSES ON BIAS IN LEGAL DECISIONMAKING

Allan Lind, John Thibaut,** and Laurens Walker****

I. INTRODUCTION †

SPECULATION about the behavior of decisionmakers and others involved in the legal process has long been an important factor in the scholarly evaluation of procedural questions. A prominent example of this aspect of legal policymaking is the continuing debate on the value of that collection of rules which, in American law, is termed the adversary system. Those scholars who defend the existing system contend that adherence to the adversary model aids greatly in the just, accurate, and satisfactory resolution of legal conflicts.[1] In contrast, those who advocate changes in the system suggest that adversariness leads to judicial "gaming" at the expense of justice.[2]

* Assistant Professor of Psychology, University of New Hampshire.

** Professor of Psychology, University of North Carolina.

*** Professor of Law, University of North Carolina.

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1 According to Robert Millar, ". . . the [interested] striving of two contending parties is, in the long run, an infinitely better agency for the ascertainment of truth than any species of paternalistic inquiry." Millar, *The Formative Principles of Civil Procedure,* 18 ILL. L. REV. 1, 16 (1923). More recently Professor Adams has asserted that the adversary process "is distinctive because it guarantees to the parties who are affected by the decision the right to prepare for themselves the representations on the basis of which their dispute is to be resolved," and he suggests that this participation "heightens the rationality and acceptability of the result." Moreover, Adams contends, the adversary system is likely to result in a decision which is "comprehensively and creatively fashioned because of this adversarial input." Adams, *The Small Claims Court and the Adversary Process: More Problems of Function and Form,* 51 CAN. B. REV. 583, 593 (1973).

2 Roscoe Pound attacked the adversary system as promoting a "sporting theory of justice," with the result that "we take it as a matter of course that a judge should be a mere

Recently, investigators have become increasingly interested in examining the effects of legal procedures through the empirical techniques social scientists have developed for studying human behavior. Studies using social science methods certainly cannot resolve all of the issues in any procedural controversy,[3] but in several areas such studies have already contributed significantly to the understanding of the psychology and sociology of adjective law.[4] It was with the intention of enlarging this pool of knowledge—especially with regard to the adversary system—that the research described below was undertaken.

In an earlier report,[5] we described an experimental study which tested a major assumption of legal scholars defending the adversary system. This assumed quality has been expressed in general form by Professor Lon Fuller: "An adversary presentation [of evidence] seems the only effective means for combating . . . [a] natural human tendency to judge too swiftly in terms of the familiar that which is not yet fully known." [6] Specifically, the earlier study examined the effects of adversary presentation of evidence on the judgments of decisionmakers who either did or did not expect a particular state of affairs in a legal case. To lend additional meaning to the study, the adversary presentation technique was compared to some aspects of its most often mentioned alternative, the inquisitorial

umpire, to pass upon objections and hold counsel to the rules of the game, and that the parties should fight out their own game in their own way without judicial interference." Pound, *The Causes of Popular Dissatisfaction With the Administration of Justice,* 40 AM. L. REV. 729, 738 (1906). Recently it has been said, "[c]ontrary to what most of us have accepted as gospel, a purely adversarial system, uncontrolled by the judiciary, is not an automatic guarantee that justice will be done." Kaufman, *The Philosophy of Effective Judicial Supervision over Litigation,* in *Seminar on Procedures for Effective Judicial Administration,* 29 F.R.D. 207, 211 (1962). Similarly, Ehrenzweig argues that "American liberty" has been maintained *"despite* rather than because of its vaunted 'litigious and contentious' procedures." A. EHRENZWEIG, PSYCHOANALYTIC JURISPRUDENCE 261 (1971).

3 Plainly, the values necessarily incorporated in any choice of a procedure cannot be discriminated and ranked through any process of empirical observation or measurement, and hence the ultimate choice of a procedure is inextricably related to the philosophy of law. *See generally* Summers, *Evaluating and Improving Legal Processes—A Plea for "Process Values,"* 60 CORNELL L. REV. 1 (1974).

4 Most noteworthy are the jury research of Kalven and Zeisel and the examination of the pre-trial conference done by Rosenberg. *See* H. KALVEN & H. ZEISEL, THE AMERICAN JURY (1966); M. ROSENBERG, THE PRETRIAL CONFERENCE AND EFFECTIVE JUSTICE (1964).

5 Thibaut, Walker, & Lind, *Adversary Presentation and Bias in Legal Decisionmaking,* 86 HARV. L. REV. 386 (1972).

6 Fuller, *The Adversary System,* in TALKS ON AMERICAN LAW 34, 44 (H. Berman ed. 1971).

model of decisionmaking.[7] If Professor Fuller's claim for adversary presentation is correct, it would be expected that decisionmakers would overcome their pretrial expectations and biases under adversary, but not under inquisitorial, evidence presentation.

The results of the earlier study support Professor Fuller's position. When decisionmakers were led to expect, from their own past experiences, that those accused of unlawful actions were usually guilty of those actions, the study revealed that judgments following adversary, two-sided evidence presentation were less influenced by this "bias" than those following inquisitorial, unilateral evidence presentation. When the decisionmakers had no definite expectations concerning the likelihood of the defendant's guilt, there were no differences between judgments rendered after adversary presentation and judgments rendered after inquisitorial presentation.

While these findings appear to confirm the claimed advantage of the adversary system, it is necessary to subject the results to a critical assessment similar to that which would be directed toward any other type of logical operation.[8] On the basis of such examination, it seems to us that the study is internally sound, but that there may be some ambiguity about the postulates upon which we based our interpretation of the results. In particular, we assumed that the findings outlined above were the results of characteristics intrinsic to the adversary mode of evidence presentation.[9] It may have been, however, that our American experimental participants moderated their bias in the presence of an adversary format, not because of

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[7] In the report of our original experiment, we noted that in this stylized inquisitorial format, the decisionmaker was not also the inquisitor, but that "in relation to the adversary simulation, considerable movement toward a pure inquisitorial model was thought to be achieved." The possibility that psychological factors operate to counteract bias when the inquisitor is the decisionmaker was thus not explored. Thibaut, Walker, & Lind, *supra* note 5, at 393-94 & nn. 18-21, 401.

[8] The criteria for such an evaluation are described in D. CAMPBELL & J. STANLEY, EXPERIMENTAL AND QUASI-EXPERIMENTAL DESIGNS FOR RESEARCH (1966). *See also* Wiggins, *Hypothesis Validity and Experimental Laboratory Methods,* in METHODOLOGY IN SOCIAL RESEARCH 390 (H. Blalock & A. Blalock eds. 1968). A detailed example of the application of these criteria may be found in Thibaut & Walker, *An Experimental Examination of Pretrial Conference Techniques,* 55 MINN. L. REV. 1113, 1126-1129 (1971).

[9] For a supportive appraisal, see Adams, *supra* note 1, at 594. A qualified dissent from this view is expressed in Damaska, *Presentation of Evidence and Fact Finding Precision,* 123 U. PA. L. REV. 1083, 1095-1100 (1975). Flatly critical is Brett, *Legal Decisionmaking and Bias: A Critique of an "Experiment,"* 45 COLO. L. REV. 1 (1973).

some quality of that format *per se,* but because, relative to the inquisitorial format, adversary presentation more closely resembled the trial procedure prescribed by the legal institutions of their society. That is, the participants in the earlier study may have overcome the experimentally-induced bias in the face of adversary presentation because the adversary format increased their awareness of the judicial connotations of their judgments. This increased awareness of the implications of their judgments may have stimulated the participants to avoid showing their bias.

The interpretation noted above would stand in opposition to our original interpretation that the observed moderation of bias occurred because the two-sided adversary presentation made bias participants more cognizant of the choice of judgments available to them and, thus, led them to consider more carefully all of the evidence in the case. It would seem quite important to resolve this ambiguity, since the two explanations of the findings lead to different evaluations of the necessity of adversary presentation. If our original interpretation is correct, it implies that across all cultures the adversary format can more effectively moderate bias in this manner. If the cultural interpretation is accurate, however, it might be expected that either an adversary or inquisitorial mode of presentation could reduce bias if that mode were culturally defined as the preferred means of providing evidence for legal decisions.

Legal scholars [10] and social scientists [11] have long been aware of the value of cross-cultural and cross-national comparisons as techniques of avoiding parochialism in theory and research. In spite of the need for such comparative approaches, however, the present study (together with other research conducted in the same project) is to our knowledge the first attempt to assess in this manner the generality of experimental findings concerning legal procedures. There has been, however, some cross-national empirical research on related issues, as exemplified by a recent examination of

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10 In the field of legal procedure, see for example Kaplan, *Civil Procedure—Reflections on the Comparison of Systems,* 9 BUFF. L. REV. 409 (1960), and Kaplan, von Mehren, & Schaefer, *Phases of German Civil Procedure,* 71 HARV. L. REV. 1193, 1443 (1958). These articles report participant observation carried out abroad.

11 *See, e.g.* H. C. TRIANDIS, THE ANALYSIS OF SUBJECTIVE CULTURE (1972); Jakobovits, *Comparative Psycholinguistics in the Study of Cultures,* 1 INTERNATIONAL JOURNAL OF PSYCHOLOGY 15 (1966).

reactions to bargaining as a mode of conflict resolution.[12] In that study a number of variations in bargaining behavior were observed and were found to be related to differences in the perceived meaning of the behavior at various sites of experimentation.[13] The existence of such differences in reactions to a common mode of dispute resolution would seem to make particularly important the investigation of possible cultural differences in the reactions of those involved in legal disputes. That is, questions such as those raised by the cultural interpretation of our earlier study must be considered all the more seriously in the face of demonstrated cultural variations in response to related social procedures.

In order to resolve this conceptual issue, we repeated our test of the original question using participants for whom the adversary presentation format did not approximate the legal procedures endorsed by their society. To accomplish this the earlier experiment was repeated in Paris [14] using French undergraduate students as participants.

A form of the inquisitorial model has dominated the development of French legal procedures. The characteristic inquisitorial pattern of judicial control is exhibited in the civil procedure of France.[15] Civil cases are tried by a three-judge panel. The presiding judge may appoint a reporting judge, the *juge chargé de suivre la procèdure*. The reporting judge at informal conferences prior to the formal hearing may actively promote settlement. Testimony is presented at special proof takings where questioning is conducted by a delegated judge (*juge commissaire*, usually the *juge chargé de suivre la procèdure*). When the parties request a proof taking, the court or reporting judge decides whether the particular evidence should be taken and may call witnesses on his own motion.

12 Kelley, Shure, Deutsch, Faucheux, Lanzetta, Moscovici, Nuttin, Rabbie, & Thibaut, *A Comparative Experimental Study of Negotiation Behavior*, 16 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 411 (1970).

13 The differences observed in the Kelley *et al.* study, *supra* note 12, occurred both within and between nations, as the lack of national institutionalization of bargaining procedures might lead one to expect.

14 The authors wish to express their gratitude to Professor Serge Moscovici and other researchers at the Laboratoire de Psychologie Sociale, École Pratique des Hautes Études, Paris, for their advice and assistance in completing the Paris study; to Mlle. Joëlle Gaultier, for translating the materials into French and for serving as experimenter in Paris; and to M. Pierre Joret and M. Pierre Petit, for serving as the attorney role-players in Paris.

15 *See* P. HERZOG, CIVIL PROCEDURE IN FRANCE (1967).

The delegated judge controls the record by summarizing all testimony. Expert witnesses are identified with the court and are appointed by the full court or in the usual case by the reporting judge. The weight given evidence and the inferences allowable are left to the discretion of the court.

The active participation of the decisionmaker and the tendency toward judicial control are also found in French criminal procedure.[16] Upon the lodging of a criminal complaint, an impartial judicial official, the *juge d'instruction,* is interjected into the criminal process after the police investigation but before the actual trial. Under Article 81 of the French Code of Criminal Procedure, he is empowered to undertake all acts of investigation that he deems useful to determining the truth. His control is practically absolute. He directly interrogates the accused and all witnesses. He can order expert testimony. His role is to develop all the facts —those favoring the accused as well as those favoring the prosecution. The information thus developed by the *juge d'instruction* is committed to writing and is reported to the court before trial as a part of the *dossier.*

If the French experiment were to yield results similar in form to those obtained in the original study, the cultural interpretation could be discounted. On the other hand, if the French results differed radically from those of the original experiment, it would be necessary to reconsider the suggested advantage of the adversary format as an inhibition to bias in legal decisionmaking.

II. METHOD

In both the initial study and the French replication the claimed advantage of adversary presentation was tested by asking participants to render judgments of the lawfulness of a defendant's action in an assault case. The test case used in the experiments was presented as a criminal case arising from a bar room stabbing.[17] The central issue in the case was the question whether the defendant's

16 *See* Pugh, *Administration of Criminal Justice in France: An Introductory Analysis,* 23 LA. L. REV. 1 (1962).

17 The test case used in this experiment is very similar to that used successfully in a number of other studies. *See, e.g.,* Lind, Thibaut, & Walker, *Discovery and Presentation of Evidence in Adversary and Nonadversary Proceedings,* 71 MICH. L. REV. 1129 (1973); Walker, Thibaut, & Andreoli, *Order of Presentation at Trial,* 82 YALE L. J. 216 (1972).

actions were justified under a self-defense rule.[18] The test case was introduced to the participants in the form of a summary of the situation and events from which the charge arose.

Evidence about the case was presented in the form of 50 individual facts about the events, situation, and individuals involved in the case. These facts were selected on the basis of a psychological scaling procedure [19] from an initial pool of 86 facts about the case. The 50 facts actually used in the studies consisted of 25 facts found through the scaling to be favorable to the prosecution's contention that the defendant had acted unlawfully, and 25 facts found to be favorable to the defense's contention that the stabbing was lawful under the self-defense rule. Further, the scaling procedure permitted the facts to be selected in such a way that both sides of the case would be represented by approximately equally convincing evidence. This technique was followed to ensure that differences in judgments obtained in the two studies could be attributed to the experimental variables rather than to aspects of the particular evidence presented in the test case.

As the test case was presented, the participants in each study were asked to indicate their tentative opinions about the case after they had heard each of ten sets of five facts about the case. In the assessments of greatest interest to this report, the participants were asked, after they had heard all fifty facts about the test case, to indicate on a nine-interval rating scale their final judgments of the lawfulness of the defendant's actions.

Within this setting, eight different situations were examined in each of the experiments. These eight situations were defined by three factors varied experimentally in the trial procedure, as described in the following paragraphs.

1) Adversary versus inquisitorial presentations. To examine the basic question to which the two experiments were addressed, some participants were presented evidence about the test case through a stylized adversary format while others were acquainted with the evidence in a stylized inquisitorial format. For experimental

18 The participants in the experiments were given written statements of a legal definition of justified self-defense. In the initial study this definition was purported to be "the law of North Carolina . . ." (the state where the study was being run). In the French study the definition was simply attributed to "the law. . . ."

19 The facts were scaled using a technique termed "Thurstone equal-appearing interval scaling." *See* L. THURSTONE, THE MEASUREMENT OF VALUES (1959).

purposes, the distinction between these two modes of evidence presentation was the simplest possible—in the adversary format the facts were presented by two individuals playing the roles of defense and prosecuting attorneys, while in the inquisitorial format a single "attorney" presented all of the facts about the test case. In all the experimental sessions the experimenter read aloud the summary of the test case and told the participants the order in which the two sides of the case would be presented. In those sessions in which the adversary format was used the attorney role-players then read the facts from behind two physically separated tables labeled "Defense" and "Prosecution." In sessions using the inquisitorial format a single attorney role-player acted to some extent as a "*juge d'instruction*" and presented both sides of the case from behind an unlabeled, centrally located table.

Thus, in both the initial study and the French replication the claimed advantage of adversary presentation was tested under the minimum conditions necessary for its realization. We reasoned that if the bias-moderation appeared in this stylized context it would be all the more powerful in courtroom situations where the salience of adversariness is strengthened by partisan statements and the contentiousness of cross-examination.

2) Biased versus unbiased decisionmakers. To generate the expectancy bias necessary to test the postulated ability of adversary presentation to moderate such bias, participants in one half of the experimental sessions in each study were given some experience with similar cases before being exposed to the test case. Specifically, these participants were asked to render judgments on six preliminary, "biasing" cases, five of which involved clearly unlawful actions by a defendant. It was intended that the biasing cases would create an expectancy on the part of these participants that most of the defendants charged in the experimental cases were, in fact, guilty—an expectancy similar to that often thought to be present in actual legal decisionmakers. In the half of the experimental sessions in which participants were not exposed to this "biasing" procedure, the test case was heard immediately after the participants were introduced into the study. The biased-unbiased distinction crossed the adversary-inquisitorial distinction so that sessions were conducted in all four possible combinations of the factors.

3) Order of presentation. To ensure that any effect of adversariness or biasing found in either experiment would not be restricted to a particular ordering of the presentation of the two sides of the case, in half of the sessions in each experiment the prosecution evidence was presented first, followed by the defense evidence; in the other half of the sessions the order of the presentation was reversed.

The procedure described above was followed in both the original American study and the French study. In both experiments, the same 50 facts, selected from the American scaling investigation, were used. Since it was necessary that any differences obtained between the two experiments be attributable only to the cultural background of the participants, every effort was made to ensure that the French experimental sessions were as similar as possible to the American sessions. This goal was achieved for all practical purposes, the sole difference between the two experiments being that, on the average, somewhat fewer participants were present at the French sessions.[20]

In rendering the original English materials into French, the translation process was designed to achieve "functional equivalence" between the original and the translated materials. That is, it was desired that the connotations of the situations and facts of the test and biasing cases be the same for French and American participants. Consultation with French scholars reassured us that this was indeed the case in the final French version of the materials. For this reason, all of the settings mentioned in the cases were transformed into their nearest French equivalent. This rule occasionally led to deviation from verbatim translation. For example, it was necessary to change the context of one of the biasing cases. The setting of this case—a golf course—was felt to carry greater connotations of unusual wealth for the French than for the American participants. The setting of the case was therefore changed to a tennis court, though within this setting the basic facts of the case were unaltered. Thus, a true cross-national test of the issues raised above was achieved by confronting French and American participants with an experimental situation which was legally and

[20] In both studies the participants were university students. In the American experiment seven to twelve students participated in each experimental session; in Paris there were five to nine students at each session.

psychologically equivalent at the two sites of investigation and by assessing, in the same manner, the judgments rendered in that situation.[21]

III. Results and Discussion

As mentioned earlier, the participants in both experiments indicated their final judgments in the test case by marking a nine-interval rating scale. On this scale a rating of "1" indicated strong belief that the defendant in the test case acted unlawfully while a rating of "9" indicated strong belief in the lawfulness of the defendant's actions.[22] The mean final ratings of the participants in each of the eight distinct situations in the two experiments are recorded in Table 1. It should be noted that, given the direction of the rating scale, higher values of the mean judgment ratings indicate judgments in the direction of lawfulness of the defendant's actions.

Table I

Mean Final Judgments (Number of Participants in Parentheses)

U.S. Experiment: Order	Biased Participants		Unbiased Participants	
	Inquisitorial	Adversary	Inquisitorial	Adversary
Unlawful-Lawful	3.00 (13)	4.20 (10)	5.53 (15)	5.00 (13)
Lawful-Unlawful	1.33 (15)	3.13 (15)	2.00 (16)	3.47 (19)
French Experiment: Order	**Biased Participants**		**Unbiased Participants**	
	Inquisitorial	Adversary	Inquisitorial	Adversary
Unlawful-Lawful	3.91 (11)	5.25 (8)	5.89 (9)	5.60 (10)
Lawful-Unlawful	2.25 (12)	4.22 (9)	5.11 (9)	5.25 (8)

21 Because the materials were translated with the intent of obtaining psychological equivalence for the French participants, the judgments of fifteen non-French students who attended the experimental sessions in Paris were not included in the results reported here. In addition, six French participants were not included either because they did not respond to all of the experimental questions or because they did not understand the questionnaire format.

22 Rather than asking the participants to give their judgments on a two-valued scale (*i.e.*, to judge the defendant's actions as simply "lawful" or "unlawful"), we chose the nine-interval scale in the interest of assessing finer gradations of opinion. However, the generation of a two-valued scale (by considering all participants with final judgments above 5 on the scale to be judging the actions lawful) showed a pattern of effects very similar to that reported here.

A statistical analysis [23] combining and contrasting the data from the two experiments reveals only one statistically "significant" [24] difference between the results of the French and American experiments. The French participants were less likely, in general, to believe that the defendant had acted unlawfully. The mean final judgment of all the French participants in all the experimental situations was 4.64, while the corresponding mean judgment for the American participants was 3.45 ($p<.001$). When one considers the pattern of judgments in the eight situations at each site of experimentation, however, there is remarkable similarity between the results of the two experiments. And it is in the pattern of judgments that both experiments confirm the claimed advantage of the adversary presentation format.

It may be seen from Table 1 that the biasing experience led both American and French participants to give judgments less favorable to the defendant. In the French experiment, the mean final judgment of all participants exposed to the biasing experience was 3.88, while the mean final judgment of all participants who did not undergo the biasing experience was 5.46, yielding a significant difference ($p<.005$). In the American experiment, the mean final judgment of all biased participants was 2.94, the mean final judgment of all unbiased participants was 4.00—again a statistically significant difference ($p<.005$). The capacity of the biasing experience to produce judgments less favorable to the defendant is an important confirmation of the success of the experimental method in creating the necessary conditions for a test of the claimed advantage of adversary presentation. Only in the presence of expectancy bias would the moderating effects of the adversary format be expected to occur.

Confirmation of the capacity of adversary presentation to moderate bias is seen in the first two columns of Table 1. The first column of the table presents the mean judgments of participants

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23 Analysis of the data was conducted using a least-squares analysis of variance technique. The marginal means reported in this article were generated from least-squares estimates of the experimental effects. Any slight differences between the marginal means reported for the American sample and those reported in Thibaut, Walker, & Lind, *supra* note 5, are due to somewhat different statistical solutions based on the total cross-national design.

24 A research finding is said to be statistically significant if the probability of that finding occurring by chance is less than five chances out of one hundred (noted "$p<.05$"). The probability of any reported difference occurring by chance is indicated in the text with the notation: "$p<$——."

who were exposed to the biasing procedure and who received evidence about the test case via the inquisitorial format. The second column presents the mean judgments of biased participants hearing the case under the adversary format. In both experiments, inquisitorial presentation led to more biased judgments (*i.e.*, less favorable to the defendant) than did adversary presentation. Combining the results from both experiments and from both orders of presentation, the mean judgment of biased participants in inquisitorial sessions was 2.64 while that of biased participants in adversary sessions was 4.18. The difference between these two mean judgment values reaches a high level of statistical significance ($p<.001$). For unbiased participants, the mean judgment ratings were 4.60 and 4.85 in the inquisitorial and adversary sessions, respectively, a difference which is not statistically significant.[25]

As just noted, the results of the French experiment confirm the initial finding that adversary evidentiary presentation tends to overcome the biasing effect of pretrial expectancies about a defendant's guilt. In addition, that the same pattern of results was obtained using as participants individuals whose society prescribes a nonadversary model of legal procedure indicates that the initial finding was not dependent on the participants' cultural expectations about adversary presentation. The bias-moderating capacity of the adversary format seems to be intrinsic to that mode of evidence presentation regardless of its societal connotations.

Following Professor Fuller's initial postulate, we suggested, in our interpretation of the results of the initial study, that adversary presentation moderates bias by making salient to a legal decisionmaker the contrasting judgmental positions available. The present findings discount the major theoretical alternative to this interpretation—that it was cultural familiarity with the adversary format which produced the American results. Although the specific psychological process by which increased salience of alternative positions moderates bias remains somewhat unclear,[26] the observation

25 In the French data, as in the initial data, a strong difference in judgments attributable to the order of presentation variable is also seen. The mean judgment of participants in the lawful-unlawful sessions (3.24) was considerably lower than the mean judgment of those in the unlawful-lawful sessions (4.84). The difference between these two means is highly significant ($p<.001$).

26 Our original suggestions concerning the psychological processes which might produce the moderation effect were based on patterns of judgment change evident in the tentative judgments of participants in the initial study. In this regard the results of the French

of bias moderation in two experiments increases our confidence that this is indeed a quality of the adversary system.

In order to achieve the control and strict definition of issues desired in studies such as the present, it is necessary to restrict each piece of research to only a small portion of a topic. Thus, the experiments reported here investigated only the effects of adversary evidence presentation and, admittedly, ignored or controlled other possible procedural implications of the adversary model. Nevertheless, we feel that the issue addressed above is an important one and that these studies, together with others examining additional aspects of systemic adversariness, provide a better understanding of the effects of this procedural orientation upon the judgments, behavior, and reactions of those involved in systems claiming to produce justice.[27]

study do not provide clear support for either of the suggested processes. It does seem, though, that whatever the nature of the psychological process, it occurs most strongly when the decisionmaker has heard most or all of the evidence and is considering his final judgment.

27 These broader issues are discussed in the recent book, J. THIBAUT & L. WALKER, PROCEDURAL JUSTICE: A PSYCHOLOGICAL ANALYSIS (1975).