


10-11-2002

# Trends. Predecisional Distortion: An Example of Psychology Distorting Justice?

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## Recommended Citation

Editor (2002) "Trends. Predecisional Distortion: An Example of Psychology Distorting Justice?," *International Bulletin of Political Psychology*: Vol. 13 : Iss. 10 , Article 4.

Available at: <https://commons.erau.edu/ibpp/vol13/iss10/4>

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International Bulletin of Political Psychology

Title: Trends. Predecisional Distortion: An Example of Psychology Distorting Justice?

Author: Editor

Volume: 13

Issue: 10

Date: 2002-10-11

Keywords: Justice, Predecisional Distortion

Abstract: This Trends article discusses the concept of 'Predecisional Distortion' in the context of how juries make decisions.

Predecisional distortion is a construct often associated with the psychology of jury decision making. The construct frequently is interpreted as the biased interpretation by a juror of new evidence in support of whatever verdict is favored by that juror as a trial progresses.

At issue is whether predecisional distortion should be construed as a bias at all, above or beyond the notion that all human sensation, perception, and cognition are biased. Supporters of predecisional distortion as bias seem to necessarily contend that prior information should have no bearing on succeeding information; that new information should be interpreted out of context; in so far as that context comprises or is formed by prior information; and that any and all information must be considered in isolation from its context or from other information.

This atomistic position on the appropriateness and implicit adaptiveness of cognitive functioning certainly belies extensive psychological research on the many merits of informational integration. In fact, the notion that each new snippet of information should be processed in light of an individual's best momentary assessment concerning the nature of the world has face validity, is compatible with descriptive accounts of human phenomenology, and is consonant with state-of-the-art analyses of cognitive functioning.

What predecisional distortion researchers seem to support is a cognitive perspective wherein each individual would maintain a moment-to-moment virginal stance on the nature of reality. Such a stance may be pure as snow and as beneficial as snow for the pursuit of justice. (See Bodenhausen, G.V. (1988). Stereotypic biases in social decision making and memory: Testing process models of stereotype use. *Journal of Personality and Social Psychology*, 55, 726-737; Carlson, K.A., & Russo, J.E. (2001). Biased interpretation of evidence by mock jurors. *Journal of Experimental Psychology: Applied*, 7, 91-103; Hastie, R., & Rasinski, K.A. (1988). The concept of accuracy in social judgment. In D. Bar-Tal & A.W. Kruglanski (Eds.). *The social psychology of knowledge*. (pp. 193-208). Cambridge University Press; Smith, V.L. (1993). When prior knowledge and law collide: Helping jurors use the law. *Law and Human Behavior*, 17, 507-536.) (Keywords: Justice, Predecisional Distortion.)