

THE RELATIONSHIP BETWEEN COGNITIVE DISSONANCE AND JUDICIAL DECISION MAKING

MADISON SCOTT
UTAH VALLEY UNIVERSITY

This paper explores the effect dissonance has on the judicial decision-making process. Leon Festinger (1957) introduced this theory and outlined how individuals attempt to avoid this feeling. Cognitive dissonance is the conflict that arises between two separate viewpoints that one person holds. This theory is applied to the different steps of the decision-making process and some behaviors that judges use to ease the dissonance. The paper identifies judges as leaders and examines how individuals examine their process and learn from it. Leaders are encouraged to analyze the judge's process and compare it with their own. The purpose of this paper is to inform and start a conversation on cognitive dissonance and leadership and how they apply daily life.

Judicial decision-making has fascinated researchers worldwide. Every day, judges hear cases and have to make decisions that may violate their personal beliefs. Some guidelines regulate the process judges go through; they must analyze the laws, legal ethics, and the evidence presented to them. Judges agree to stay unbiased throughout their deliberations, yet members within their governing body, the American Bar Association, have stated that bias in the courtroom is unavoidable (Frazier, 2022). These biases or beliefs cause dissonance, which plays a significant role in the method by which they make and justify their ruling.

Cognitive dissonance is not unique to the field of judges; it is something that all people face. Being able to make a timely and wise decision is a quality that leaders should have. It does not matter if you are deciding something about a large company or what you want to eat for breakfast in the morning. Understanding the strain that cognitive dissonance plays

in the decision-making process enables leaders to acquire valuable skills that can be applied to real-world situations. In this article, I will review the Cognitive Dissonance Theory and the part that it plays in judicial decision-making. I will also address how we can learn from judges and apply their methods to our own lives.

THE COGNITIVE DISSONANCE THEORY

Leon Festinger (1957) was the first one to propose a theory that explained why humans change or continue their behavior in the face of adversity. It can be explained as the mental turmoil that an individual goes through when they hold two beliefs that contradict each other. Festinger (1957) uses this example: “A person may know that smoking is bad for him and yet continue to smoke...” (p. 2). When feelings like this arise, they create tension, and it is human instinct to ease that tension; when you have an itch, you scratch it. The same can be said for dissonance; humans try to reduce the pressure of dissonance when they feel it.

Reduction of dissonance comes in a few different forms. The first method is to change the behavior. To add to the previous example, the smoker would simply quit smoking because they know it is bad. The second method is to change the surrounding environment to meet the expectations of an individual. This is less feasible in some social settings. Imagine a person walking up and down a staircase in their house; though they know that it is no different than the other steps, they always skip the bottom step. To resolve the dissonance, they may purposely break the first step; that way, reality matches up with their beliefs. In social settings, it can be hard to do more than change the people who surround you, which is not always a possibility.

Finally, individuals may completely avoid the topic, causing their dissonance, and only accept information that plays into their held beliefs. This relief method is similar to the concept of confirmation bias. Back to the smoker, they may only review the studies that say smoking is good for you and criticize any studies that say otherwise (Leon Festinger, 1957). This is essentially the problem that judges are faced with. Information presented in the courtroom may directly challenge beliefs held by the judge; however, despite this, a fair and just decision needs to be made.

THE DECISION-MAKING PROCESS

HOW JUDGES THINK THEY JUDGE

Capurso (1998) conducted a study that analyzed the way that judges perceive their decision-making and the way that attorneys see it. In this study, two judges who represented their profession were interviewed and their answers interpreted (Capurso, 1998). Judge A admitted to including external factors such as precedent, legal experience, and logic into their process. They also identified a few other factors that have the potential to sway them: political ideology, feelings towards a particular group, and equity. Judge B showed a similar awareness of their own biases and how they influence them. For example, "... after a vehicle was stolen from Judge B's household, it was more difficult for Judge B to remain unbiased when an alleged automobile thief was brought on charges before the bench" (Capurso, 1998, 29.1 U. Bait. L. F. 11). In this scenario, the judge already has an opinion on alleged car thieves, but they must decide based on the law; this is the type of situation where cognitive dissonance develops. To get an attorney's perspective, Capurso (1998) interviewed a local experienced practitioner. In their opinion, most judges can do their duty fairly and impartially, but there are a small few who only focus on results and allow themselves to be swayed by external factors that should not have a place in the procedure (Capurso, 1998).

INTERPRETATION AND MEANING

Much of a judge's time is spent analyzing legal statutes and precedent. It is becoming impractical to think that the law should be read and applied exactly as it is written. Mikołaj Pietrzyk (2025) points out that many judges follow the last method of dissonance reduction, "...dictionaries serve judges to confirm their linguistic intuitions and to support their understanding of legal provision. Empirical studies show that judges assess positive arguments that support their decision and negatively those that undermine it" (Pietrzyk, 2025, p. 11). In other words, the judges will use the new information that they receive from things like dictionaries to confirm their beliefs and thereby reduce feelings of dissonance. Pietrzyk (2025) continues by stating that because the legal text is open to interpretation and changes often, it is easy for judges to take their values and assert them as an interpretation of the text. This brings up the potential of judges' ruling to better serve themselves. While this is unlikely in many cases, it is still

important to consider how judges get their positions. While it varies by state, many judges get their jobs through an election, and because of the political party with which they are affiliated. This may pressure judges to make decisions that reflect favorably on themselves and those they are associated with.

However, it is easy to forget that cognitive dissonance is not purely an intellectual phenomenon; it can affect and influence our emotions. Judges are not purposefully interpreting the law in a way other than it was originally intended, or making their choices based on what their political parties think. There can be some extent of emotional stress caused by dissonance, and we cannot dismiss the influence that it has.

WRITTEN OPINIONS

In the Supreme Court, we see a practice that is a bit unique to that level. After a case has been decided, the justices may release concurring and dissenting opinions. Collins (2009) argues that this practice is a form of cognitive dissonance relief. It is an opportunity for them to justify themselves to others and potentially safeguard their popularity, "... demonstrating that the justices are more likely to author and join special concurring opinions to justify their discrepant voting behavior, are indicative that the justices are cognizant of the utility of being viewed as consistent decision makers" (Collins, 2009, p. 372). This practice is mainly seen in the higher courts, such as the Supreme Court, because these cases are publicized. When the audience is larger, there is a greater chance that the justices will be scrutinized. By getting a chance to explain their reasoning, they are relieving the pressure from dissonance, but also the pressure they may feel from the public.

Aronson et al. (2018) describe two subsections of self-justification that writing an opinion could fall into. The first is external justification, which can be defined as the act of looking for a reason outside of yourself to explain dissonant behavior (Aronson et al., 2018). Judges could write the opinion to say that precedent was there, or that a certain law indicates how the decision should be made, therefore taking it out of the judge's hands. The second is counterattitudinal advocacy, which is when you talk about a belief that opposes another one that you already hold (Aronson et al., 2018). Combining these two subsections produces a result that closely

represents the action of authoring an opinion after the fact. Judges may have to advocate for an opinion that directly counters their own, but they may justify it in such a way that it comes across as if their choice was the only one that could have possibly been made.

Nevertheless, interpretation, assignment of meaning, and writing an opinion are not the only steps in the whole process. Each judge has a unique way of approaching their duties. By studying their methods, we can gain deeper insight into how their mind works when tasked with this duty.

APPLICATION

Judges are often deemed leaders in their field; they are the people who know the most and are able to influence others around them. Their choices have the opportunity to influence the people in their community or the people in the whole country. When we think about the way our choices influence others, we should study the process that judiciaries go through and apply it to our own lives. In 2016, Benedikt Ahlfeld talked about the power that our choices bring and why we should focus on making better ones (TED, 2016). Reflecting on the process and potential traps that we fall into can help us become better leaders and make cognitive dissonance work in our favor.

Above, I briefly outlined some of the steps that judges take when deliberating. Now I will show how we can take those steps and use them in our own process. First, we need to analyze the situation at hand and the choice that needs to be made. In a legal setting, each side of the argument will specifically ask the judge what they are looking for and to rule in favor of one side over the other. However, this setup may not always be applicable to the choices that we need to make. So, digging deep and imagining a few outcomes of your decision will give you a roadmap and help guide you through the process. In his 2019 talk, Matthew Confer refers to this step as a premortem, which is taking the time to imagine what you want to happen and what could go wrong before planning (TED, 2019). This then leads to researching past decisions that have been made, and how they can apply to your situation. The best leader is one who learns from those who came before them. The past is a useful resource; we can learn from its triumphs and its failures.

Once we know vaguely where we need to go, we can start to analyze our own biases and ideas about the topic at hand. When the decision-making process starts to interfere with our own beliefs, dissonance occurs. The solution to that is to already know what your beliefs are and how proceeding may challenge them. This will not rid us of dissonance entirely, but it can allow us the opportunity to gain more knowledge and potentially develop our beliefs into something different.

The process that I have outlined here is not complete or all-encompassing. As you learn and grow as a leader, your own procedure will develop with you. While you are still learning, it is important to study other leaders around you and their unique practices. Many individuals look towards political leaders or the biggest names in the business world; I think that we need to start including judges on that list. They are a great example of facing adversity and embodying the ability to make timely decisions in the toughest circumstances.

CONCLUSION

The judicial decision-making process is unique to the individual performing it. There are similar steps, and within those steps are potential triggers for cognitive dissonance. Daily, judges interpret and assign meaning to new information, which results in a decision being made. To keep their process running smoothly and to make sure that they are fair, judges need to be proactive in their dissonance regulation. This can be done by recognizing the phenomenon, being aware of biases, and approaching new information with an open mind. We can take similar steps when making a decision. It is important to remember that while dissonance is uncomfortable and not sought after, the feeling can be a useful tool for addressing our personal beliefs and biases. By studying how cognitive dissonance manifests in decision-making, we as leaders can develop our skills and the steps we take to resolve the most complicated choices before us.

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