Biased Hypothesis Testing and Behavioral Confirmation in the Legal System

Jisun Park[†]

Korea National Police University

The process of biased hypothesis testing, which occurs when people tend to search for information that would provide support for their hypotheses and ignore hypotheses-disconfirming information, may influence the ways individuals interact with other people, and may end up eliciting behaviors in others that actually correspond to their initial hypotheses, leading them to provide behavioral evidence for the initial expectancies. These processes of biased hypothesis testing and behavioral confirmation have been extensively studied, especially in the instructional setting as a type of self-fulfilling prophecies. In the current paper manifestations of the processes of biased hypothesis testing and behavioral confirmation in three areas of the legal system, legal decision making, police interrogations (false confessions), and eyewitness identifications, were discussed. Furthermore, procedures that can be used to minimize problems resulting from biased hypothesis testing and behavioral confirmation were explored.

Key words : biased hypothesis testing, behavioral confirmation, legal decision making, police interrogation, eyewitness identification

---

[†] 교신저자(Corresponding Author) : Jisun Park, Korea National Police University,
(446-703) Giheunggu Yongin Kyonggi-do Korea, Tel : 031-620-2164, E-mail : jsirispark@hotmail.com

When individuals make judgments about other people through social interactions, they tend to search for information that would provide support for their hypotheses about others: for example, whether other individuals are outgoing, attractive, or aggressive (Snyder & Klein, 2005; Snyder & Swann, 1978; Snyder, Tanke, & Berscheid, 1977). In addition, when individuals test these hypotheses, they are more likely to recall hypotheses-confirming information than they do hypotheses-disconfirming information (Snyder & Cantor, 1979; Snyder & Uranowitz, 1978). These processes of biased hypothesis testing may influence the ways individuals interact with other people, and may end up eliciting behaviors in others that actually correspond to their initial hypotheses, leading them to provide behavioral evidence for the initial expectancies (Haw & Fisher, 2004; Jussim, 1989; Stukas & Snyder, 2002). This process is referred to as behavioral confirmation, which is defined as the process "whereby people's social expectations lead them to act in ways that cause others to confirm their expectations"(Myers, 1999, p.121).

Snyder and his colleagues (e.g., Snyder & Cantor, 1979; Snyder & Uranowitz, 1978; Snyder & Swann, 1978) are one of the first researchers who extensively investigated the processes of biased hypothesis testing and behavioral confirmation. For example, Snyder and Swann (1978) reported that when half of their participants (perceivers) were asked to test the hypothesis of whether the other half of the participants (targets) were extroverts (or introverts) and were given a list of questions that might assist them in testing their hypothesis, they (perceivers) tended to select questions that would likely confirm their hypothesis (that is, they chose questions related to the characteristics of typical extroverts when testing whether the other participants were extroverts), selectively attending to information that would provide support for their hypothesis. Furthermore, targets were later judged by objective raters who were blind to the experimental conditions to demonstrate personality traits that actually corresponded to the hypothesis which they were being tested under (e.g., targets who were interviewed by perceivers who were testing the extravert hypothesis were judged to be more outgoing than targets interviewed by perceivers with the introvert hypothesis), providing behavioral confirmation (Snyder & Swann, 1978).

Biased hypothesis testing and behavioral confirmation in the educational setting

These processes of biased hypothesis testing and behavioral confirmation have been extensively studied, especially in the instructional setting as a type of self-fulfilling prophecies in that we, based on our beliefs and expectations, create our own reality (Jussim, 1989; Rosenthal & Jacobson, 1968; Snyder & Klein, 2005).

Self-fulfilling prophecy in the classroom is defined as "situations in which a teacher's expectations about a student's future achievement evoke from the student performance levels consistent with the teacher's expectations" (Jussim, 1986, p.429).

In the beginning of an academic year, teachers may have certain expectancies about the academic performance of each of the students (Jussim, 1989). Through the dramatic change in the cognitive functioning of elementary school students over an academic year, Rosenthal and Jacobson (1968) demonstrated that teachers can induce their students to perform in a manner that is congruent with the initial hypotheses of the teachers regarding the school achievement of each of the students by treating them in accordance with the hypotheses that they held. Based on the initial hypotheses about each student on various aspects (e.g. achievement in math) reported by teachers in the beginning of the year, Jussim (1989) successfully replicated the findings of Rosenthal and Jacobson (1968) on self-fulfilling prophecies. Students who had been expected by their teacher to perform well in math did outperform the other students who had been believed to display low achievement (Jussim, 1989).

Several researchers (e.g., Brophy & Good, 1970; Jussim, 1986) have attempted to explain the paths to self-fulfilling prophecies in these educational settings: how teachers' initial expectations facilitate students to enact behaviors that are expected of them and to provide behavioral confirmation. Jussim (1989) argued that it is teachers' favorable or unfavorable feedback delivered to students that influences students' subsequent school achievement. For example, it has been reported that teachers tend to make encouraging comments on the class participation of students who were predicted to perform well, whereas teachers tend to make discouraging remarks on the class participation of low-expectancy students (Brophy & Good, 1970; Rosenthal & Jacobson, 1968). Furthermore, the amount and level of materials taught by teachers differ between high- and low-expectancy students, such that more time is dedicated to teaching challenging materials to the high-expectancy students than low-expectancy students (Brophy & Good, 1970; Jussim, 1986). Consequently, high-expectancy students come to obtain more academic opportunities of raising questions and participating in class activities and to become more motivated for learning, which in turn result in superior school performances than low-expectancy students (Jussim, 1986; Rosenthal & Jacobson, 1968). Through these processes of differential interactions between teachers and high- or low-expectancy students, initial beliefs of a teacher about students' academic achievement influence the ways he or she interacts with the students, which, in turn, elicit from them behaviors that correspond to the teacher's initial expectations, leading them to provide behavioral confirmation in that they

display the level of academic performance that is correspondent to his or her initial beliefs (Jussim, 1989; Rosenthal & Jacobson, 1968).

Social stereotypes, biased hypothesis testing, and behavioral confirmation

Snyder and Klein (2005) claimed that it is these processes of biased hypothesis testing and behavioral confirmation through which social stereotypes that are widely shared by the people in the same society perpetuate. According to Myers (1999), a stereotype is defined as "a belief about the personal attributes of a group of people" (p.336). Stereotypes tend to perpetuate in spite of opposing evidence, because people are more likely to recall stereotype-congruent information than they do stereotype-incongruent information (Snyder & Uranowitz, 1978). In addition, when individuals have stereotypic expectations about people who belong to a particular social group, circumstances and behaviors related to the stereotyped people that are rather ambivalent are more readily interpreted as representing the stereotypes (Snyder et al., 1977). Moreover, Snyder et al. (1977) stated that behavioral evidence that is consistent with stereotypic beliefs is more retrievable from our memory than stereotype-inconsistent evidence. Through these processes of selective memory, interpretation, and retrieval, individuals ' stereotypic expectations may influence the ways they interact with a particular group

of people who are strongly associated with social stereotypes, and may facilitate behavioral confirmation by eliciting behaviors in the stereotyped people that actually validate those stereotypes (Snyder et al., 1977).

Using stereotypic beliefs about physically attractive people, Snyder et al. (1977) examined whether perceived physical attractiveness of targets influenced interpersonal interactions between perceivers and targets and whether that, in turn, caused targets to actually enact behaviors that were associated with the stereotypic beliefs. Regarding the stereotypes related to physically attractive people, Dion, Berscheid, and Walster (1972) stated, "Not only are physically attractive persons assumed to possess more socially desirable personalities than those of lesser attractiveness, but it is presumed that their lives will be happier and more successful" (p.289). Snyder et al. (1977) reported that based on a 10-minute telephone conversation between the perceiver and the target, targets who interacted with the perceivers who had been led to believe that their targets were physically attractive were judged by neutral raters who were blind to the experimental conditions to be more likely to manifest personality characteristics that are typically associated with physically attractive people than targets who interacted with the perceivers with low-attractiveness expectancy for their partners. Snyder et al. (1977) found that the rated level of desirable personality traits (such as sociability,

kindness, and confidence) that are associated with the widely-accepted stereotypic beliefs about physically attractive people differed significantly between two groups of targets. Furthermore, Snyder et al. (1977) asked outside judges to additionally rate personal characteristics of perceivers manifested during the interactions with their targets. Snyder et al. (1977) found that perceivers' ways of interacting with their targets turned out to serve as a mediator, such that getting informed of the physical attractiveness of their conversation partner influenced the way perceivers behaved (that is, the perceivers who had been led to believe that they would interact with a physically attractive female were judged to have behaved more friendly and sociable themselves than the perceivers with low-attractiveness expectancy for their partners were); therefore, in turn, perceivers' behavior influenced the ways their targets behaved, eliciting behavioral evidence for the initial expectations that the perceivers held.

Beyond the previous commonly-used behavioral confirmation experiment paradigm in which perceivers were usually aware of the hypotheses about their targets, Chen and Bargh (1997) used priming techniques and reported that subliminally activated stereotypes related to a particular ethnic group (i.e. African Americans) effectively influenced perceivers' ways of displaying behaviors toward their targets and consequently induced their targets to engage in behaviors that matched the activated stereotypes

(i.e. hostile; see Devine, 1989), providing behavioral confirmation.

Social stereotypes that are widely shared by members of a society, especially related to the people of specific gender or ethnicity, may generate negative consequences. A series of studies investigating the association between negative stereotypes and the low achievement of the stigmatized group members have been conducted, typically examining the phenomenon of stereotype threat(e.g., Spencer, Steele, & Quinn, 1999; Steele & Aronson, 1995). These studies demonstrated how certain expectations related to social stereotypes induced members of the social group to perform in **stereotype-consistent** ways, such that Blacks, primed with social stereotypes, showed poorer performance than Whites in a verbal test (Steele & Aronson, 1995) and that female students, who had been performed similarly as male students had on math tests but reminded of negative stereotypes (i.e. females are not good at math), came to display low achievement than male students on a subsequent math test (Spencer et al., 1999), providing behavioral confirmation for the negative stereotypes.

Behavioral confirmation for the social stereotypes that are unfavorable toward members in a particular social group may have crucial implications for the fair treatment of people in various social settings. Word, Zanna, and Cooper (1974) reported that job applicants who were interviewed in the same way as the African

American applicants in the job interview settings had been treated (for example, the interviewer spent a less amount of time on the interview and showed less friendliness toward the job applicant during the interview) were judged to appear less confident and more nervous. It turned out that stereotypic beliefs associated with African Americans (for example, hostile, lazy; see Devine, 1989) influenced the ways interviewers interacted with the job applicants, as these interviewers themselves were rated as less friendly by the job applicants (Word et al., 1974); therefore, interviewers' stereotypic expectations influenced their ways of interacting with the job applicants and consequently induced the applicants to engage in behaviors that matched the expected stereotypes, facilitating behavioral confirmation.

These processes of biased hypothesis testing and behavioral confirmation can be observed in various social contexts (Snyder & Klein, 2005), including legal settings. Beliefs and expectations that a person (for example, a judge, prosecutor, lawyer, juror, and an interrogator) holds about others (for example, defendants and suspects) may bias the manner that he or she treats others in the legal context, which, in turn, may cause them to behave in accordance with initial expectations (e.g., Haw & Fisher, 2004; Kassin, Goldstein, & Savitsky, 2003). Manifestations of the processes of biased hypothesis testing and behavioral confirmation in three areas of the legal system, legal decision making, police

interrogations (false confessions), and eyewitness identifications, will be discussed.

Stereotypes and legal decision making

One area in the legal system that may be influenced by these processes of biased hypothesis testing and behavioral confirmation involves legal decision making. Certain stereotypic beliefs held by a prosecutor (and shared by people in the society) about a defendant who belongs to a particular social group may unfairly bias the way the prosecutor questions/treats the defendant (for example, selectively searching for stereotype-congruent evidence and actively screening out stereotype-incongruent evidence). These biased hypothesis testing processes may cause the defendant to enact behaviors that would likely confirm the expected stereotypes. Consequently, the whole process may influence the decision making of the triers of fact, such that the defendant may later be judged by the jury and/or the judge as truly possessing negative dispositions that are associated with the stereotypes, ending up receiving unfavorable sentences.

Interestingly, Stukas and Snyder (2002) suggested that the likelihood for the target to produce behavioral confirmation for related stereotypes may increase when there is apparent power differential between the perceiver and the target (for example, a job interviewer and an applicant a prosecutor and a defendant). In the

processes of legal decision making, a judge and/or a prosecutor who holds prejudicial beliefs about an ethnic-minority defendant (for example, aggressive, deceptive, antisocial, etc) may selectively search for evidence that provides support for his or her beliefs and induce the defendant to behave in a manner that is consistent with the stereotypic beliefs. When, for instance, stereotypic expectations that a prosecutor or a judge holds influence the ways he or she interacts with a defendant who belongs to a particular social group that is strongly associated with certain stereotypes, the defendant may refrain from enacting behaviors that are incongruent with those expectations in order to appear to be polite and cooperative throughout the interaction with the prosecutor or the judge (Stukas & Snyder, 2002). As ethnic-minority defendants may "believe that it would be too risky or inappropriate to seek to actively disconfirm perceivers' labels for them"(Stukas & Snyder, 2002, p.39), they may end up providing behavioral confirmation by manifesting behaviors that actually validate those stereotypes (Snyder et al., 1977). Besides, if the defendant resists providing any stereotype-confirming evidence, that resistance itself can be regarded as impolite, uncooperative behavior and may end up exacerbating negative stereotypic expectations that the prosecutor or the judge holds.

These processes of biased hypothesis testing and behavioral confirmation related to social stereotypes that are unfavorable toward members in a particular social group have crucial implications for the fair sentencing and treatment of defendants in the legal system.

Police Interrogations(False Confessions)

Another area in the legal system that may be influenced by these processes of biased hypothesis testing and behavioral confirmation involves the police interrogation of the suspect. When police investigators hold a certain hypothesis about the suspect's guilt (that is, the suspect is believed to be guilty of a given crime), they may preferentially search for the information that matches their hypothesis, ignore any evidence that is contradictory to the expectation of the guilt of the suspect, ask the suspect guilt-oriented questions that would likely support their guilt-hypothesis, treat the suspect in accordance with their expectations, and result in eliciting behavioral evidence from the suspect that provides support for their initial hypothesis, especially in the form of inducing a confession of the crime that he or she did not commit (Kassin et al., 2003).

Indeed, Kassin et al. (2003) demonstrated that police interrogators' expectations about the suspect's guilt influenced their interrogation techniques and eventually the suspect's behavioral reactions. Kassin et al. (2003) reported that police interrogators who had been led to believe that the suspect was responsible

for the given crime were more likely to ask the suspect guilt-oriented questions and to put the suspect under severe pressure than did police interrogators who held non-guilty expectations.

Furthermore, following the traditional experimental procedures in previous studies (e.g., Snyder et al., 1977; Snyder & Swann, 1978; Stukas & Snyder, 2002) that employed objective raters to assess whether behavioral confirmation had been made, Kassin et al. (2003) asked neutral judges to assess behaviors that these suspects displayed during the interrogation process. As a result, the suspect questioned by police interrogators who believed him or her to be guilty was judged to be more defensive and guilty (although not significant) during the interrogation than the suspect questioned by interrogators who believed him or her to be innocent (Kassin et al., 2003).

One big problem that may result from these processes involves inducing false confessions from suspects who are truly innocent. Kassin, Meissner, and Norwick (2005) noted that confession evidence has crucial impact on the legal decisions. However, at the same time, it has been reported that individuals are not good at detecting deception (Kassin et al., 2005). Even experts (e.g. police investigators) have been found to display only a chance level of accuracy performance at differentiating between true and false confessions (e.g. 48.3% accuracy in Kassin et al., 2005, Experiment 1). Furthermore, Kassin et al. (2005) stated that police investigators

demonstrated a response bias in that they tended to presume guilt in the suspect and thus to believe that his or her confession to a given crime would likely be true.

Based on the findings of the previous research on biased hypothesis testing and behavioral confirmation (e.g. Snyder & Swann, 1978), and especially the study of Kassin et al. (2003), a suspect, even though truly innocent, may provide a false confession under the pressure that is exerted by police interrogators who have biased expectations and believe him or her to be guilty. Furthermore, the suspect may later be judged as guilty by triers of fact, based on not only the false confession but also possible defensive behaviors elicited by interrogators with guilty expectations during the interrogation (Kassin et al., 2003).

Considering the devastating effects of biased police interrogation and behavioral confirmation of providing fal se confessions (e.g. the Central Park jogger case occurred in 1989), our understanding of these processes have crucial implications for the fair treatment of suspects during the interrogation. When interrogating suspects, police should avoid asking leading questions and actively search for alternative hypotheses about the crime and the suspect (Powell, Fisher, & Wright, 2005).

Eyewitness Identifications

Another area in the legal system that may be

susceptible to negative consequences resulting from the processes of biased hypothesis testing and behavioral confirmation includes eyewitness identification procedures. As stated earlier, perceivers' hypotheses may bias the memory retrieval process, such that they are more likely to recall hypotheses-confirming information than hypotheses-disconfirming information (Snyder & Cantor, 1979; Snyder & Uranowitz, 1978). Therefore, when police investigators have initial hypotheses as to who is the likely suspect of a given crime, they may focus on information that matches their hypotheses and screen out hypotheses-incongruent information, and even induce an eyewitness to retrieve information that is consistent with the appearance of the suspect they have in mind and suppress any hypotheses-inconsistent information. Furthermore, when a police investigator has a certain expectation as to the identity of the suspect, he or she may cause the eyewitness to conform to the expectation and to provide behavioral confirmation, leading him or her to actually identifying the police suspect as the perpetrator (Haw & Fisher, 2004; Phillips, McAuliff, Kovera, & Cutler, 1999).

Mistaken eyewitness identifications biased by the police investigator's expectations can result in severely negative consequences: False identifications may lead to the wrongful conviction of an innocent person (Haw & Fisher, 2004; Schacter et al., 2008). In addition to the apparent problems resulting from mistaken

identifications, the level of confidence expressed by the eyewitness who has been influenced by the police investigator's expectation may seriously distort judgments of legal decision makers in that they may overestimate the accuracy of the eyewitness identification (Garrioch & Brimacombe, 2001).

A majority of erroneous conviction cases involved eyewitness evidence that later turned out to be mistaken (Schacter et al., 2008; Wells et al., 1998). Therefore, it is crucial to identify procedures that can be used to minimize problems resulting from these processes in the eyewitness identification.

First, eyewitness identifications should be made based on the knowledge of the eyewitness, not by external influence from the police. Second, Haw and Fisher (2004) suggested that minimal contact should be made between the police investigator and the eyewitness in order to eliminate the possibility of the false identification of the innocent person resulting from any influence from a biased police investigator. Third, any identifications made by co-witnesses should not be revealed to the eyewitness who is about to make an identification, as it may increase the likelihood of the eyewitness to feel pressured to enact expectation-consistent behavior and identify the same person as the perpetrator (Phillips et al., 1999). Fourth, Phillips et al. (1999) suggested that any specific information related to the given crime case that the police investigator may have should be kept to a minimum, if not

none, in order to prevent the eyewitness from selecting an innocent person only because he or she is influenced by any prejudiced beliefs of the police investigator. Fifth, police, although they may have their own hypotheses about which individual is the suspect, should refrain from giving post-identification feedback that can profoundly bias eyewitnesses' confidence in their identification (Garrioch & Brimacombe, 2001; Wells, 2008). In fact, Wells et al. (1998) recommended recording the confidence level of the eyewitness at the time of the identification, so that triers of fact would have more accurate information about the level of the eyewitness's confidence and decide how much weight they should place on the eyewitness evidence.

In addition, procedures that can be used to minimize any problem resulting from procedural issues associated with eyewitness interviewing include the followings. To begin, when interviewing eyewitnesses, police investigators should have an open mind, ask eyewitnesses to freely report what they saw, and carefully listen to eyewitnesses (Fisher & Geiselman, 1992). Powell et al. (2005) stated that police investigators often ignore crucial evidence provided by eyewitnesses, mainly because it is not in accordance with their initial expectations. If the eyewitness provides information that contradicts with the hypotheses that the police have, police investigators should pay considerable attention to it and consider the possibility of alternative hypotheses in the course of

investigation about the suspect or the crime (Powell et al., 2005).

References

Brophy, J. E. & Good, T. L. (1970). Teachers' communication of differential expectations for children's classroom performance: Some behavioral data. Journal of Educational Psychology, 61, 365-374.

Chen, M. & Bargh, J. A. (1997). Nonconscious behavioral confirmation processes: The self-fulfilling consequences of automatic stereotype activation. Journal of Experimental Social Psychology, 33, 541-560.

Devine, P. G. (1989), Stereotypes and prejudice: Their automatic and controlled components. Journal of Personality and Social Psychology, 56, 5-18.

Dion, K., Berscheid, E., & Walster, E. (1972). What is beautiful is good. Journal of Personality and Social Psychology, 24, 285-290.

Fisher, R. P. & Geiselman, R. E. (1992). Memory-enhancing techniques in investigative interviewing: The Cognitive Interview. Springfield, IL: Thomas.

Garrioch, L. & Brimacombe, C. A. E. (2001). Lineup administrators' expectations: Their impact on eyewitness confidence. Law and Human Behavior, 25, 299-314.

Haw, R. M. & Fisher, R. P. (2004). Effects of Administrator-Witness Contact on Eyewitness Identification Accuracy. Journal of Applied

Psychology, 89, 1106-1112.

Jussim, L. (1986). Self-fulfilling prophecies: A theoretical and integrative review. Psychological Review, 93, 429-445.

Jussim, L. (1989). Teacher expectations: Self-fulfilling prophecies, perceptual biases, and accuracy. Journal of Personality and Social Psychology, 57, 469-480.

Kassin, S. M., Goldstein, C. C., & Savitsky, K. (2003). Behavioral confirmation in the interrogation room: On the dangers of presuming guilt. Law and Human Behavior, 27, 187-203.

Kassin, S. M., Meissner, C. A ., & Norwick, R. J. (2005). "I"d know a false confession if I saw one": A comparative study of college students and police investigators. Law and Human Behavior, 29, 211-227.

Myers, D. G. (1999). Social psychology (6th ed.). New York: McGraw-Hill.

Phillips, M. R., McAuliff, B. D., Kovera, M. B., & Cutler, B. L. (1999). Double-blind photo array administration as a safeguard against investigator bias. Journal of Applied Psychology, 84, 940-951.

Powell, M. B., Fisher, R. P., & Wright, R. (2005). Investigative interviewing. In N. Brewer & K. D. Williams (Eds.), Psychology and Law: An empirical perspective (pp.11-42). New York: Guilford.

Rosenthal, R. & Jacobson, L. (1968). Pygmalion in the classroom: Teacher expectation and pupils' intellectual development. New York: Holt, Rinehart & Winston.

Schacter, D., Dawes, R., Jacoby, L. L., Kahneman,

D., Lempert, R., Roediger, H. L., & Rosenthal, R. (2008). Policy forum: Studying eyewitness investigations in the field. Law and Human Behavior, 32, 3-5.

Snyder, M. & Cantor, N. (1979). Testing hypotheses about other people: The use of historical knowledge. Journal of Experimental Social Psychology, 15, 330-342.

Snyder, M. & Klein, O. (2005). Construing and constructing others: On the reality and the generality of the behavioral confirmation scenario. Interaction Studies, 6, 53-67.

Snyder, M. & Swann, W. B. (1978). Hypothesis-testing processes in social interaction. Journal of Personality and Social Psychology, 36, 1202-1212.

Snyder, M., Tanke, E. D., & Berscheid, E. (1977). Social perception and interpersonal behavior: On the self-fulfilling nature of social stereotypes. Journal of Personality and Social Psychology, 35,656-666.

Snyder, M. & Uranowitz, S. W. (1978). Reconstructing the past: Some cognitive consequences of person perception. Journal of Personality and Social Psychology, 36, 941-950.

Spencer, S. J., Steele, C. M., & Quinn, D. M. (1999). Stereotype threat and women's math performance. Journal of Experimental Social Psychology, 35, 4-28.

Steele, C. M.& Aronson, J. (1995). Stereotype threat and the intellectual test performance of African Americans. Journal of Personality and Social Psychology, 69, 797-811.

Stukas, A. A.& Snyder, M. (2002). Targets'

awareness of expectations and behavioral confirmation in ongoing interactions. Journal of Experimental Social Psychology, 38, 31-40.

Wells, G. L. (2008). Field experiments on eyewitness identification: Towards a better understanding of pitfalls and prospects. Law and Human Behavior, 32, 6-10.

Wells, G. L., Small, M., Penrod, S., Malpass, R. S., Fulero, S. M., & Brimacombe, C. A. E. (1998). Eyewitness identification procedures: Recommendations for lineups and photo spreads. Law and Human Behavior, 22, 603-647.

Word, C. O., Zanna, M. P., & Cooper, J. (1974). The nonverbal mediation of self-fulfilling prophecies in interracial interaction. Journal of Experimental Social Psychology, 10, 109-120.

사법 제도 내에서 나타나는
편향적 가설 검증과 행동 확증

박 지 선

국립경찰대학

사람들이 사회 현상에 대해서 자신의 가설에 부합하는 정보만을 찾고 가설에 어긋나는 정보들을 배격할 때 나타나는 편향적 가설 검증의 과정은 타인과의 상호작용에 커다란 영향을 미친다. 그 결과, 상대방으로 하여금 본인의 가설에 부합하는 행동을 유발하도록 이끌어 초기 본인의 기대에 맞는 행동적 증거를 제공하도록 유도하는 행동적 확증 현상이 나타날 수 있다. 이러한 편향적 가설 검증과 행동 확증은 초기에 교육계에서 자성적 예언의 한 가지 유형으로 광범위하게 연구되다가, 점차 사회적 고정관념 등으로 광범위하게 연구 분야가 확산되었다. 본 논문에서는 사법 제도 내에서 나타날 수 있는 편향적 가설 검증과 행동 확증의 과정을 법적 의사 결정과 경찰의 피의자 심문, 목격자 진술의 세 가지 측면에서 살펴보았다. 덧붙여, 이러한 편향적 가설 검증과 행동 확증의 과정의 결과로 나타날 수 있는 문제들의 피해를 최소화하기 위한 방안들이 논의되었다.

주요어 : 편향적 가설 검증, 행동 확증, 법적 의사 결정, 경찰 심문, 목격자 진술